

**MUNICIPALITY OF ARGYLE
LAND USE BY-LAW**

**Effective Date: February 4, 2000
Office Consolidation – January 27, 2010**

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PART 1 - TITLE

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

PART 2 - ADMINISTRATION

1. Effective Date

This By-law takes effect on February 4, 2000.

2. Enforcement

This By-law shall be administered by the Development Officer.

3. Development Permit Required

- a) 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 pursuant to Section 2 of Parts 9 through 20 of this By-law and no development permit shall be issued unless all the provisions and requirements of this By-law are satisfied.
- b) 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 erect, build or construct any building or structure;
 - ii) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for;
 - iii) the location of every building or structure already erected on or partly on such a lot, and the location of every building or structure existing upon abutting lots;
 - iv) the proposed location and dimensions of parking spaces, loading spaces, driveways and landscaping areas; and
 - v) other such information as may be necessary to determine whether or not every building, development, reconstruction, or redevelopment conforms with the requirements of this By-law.

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

4. 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.

5. Expiration of Development Permit

Any development permit issued shall expire 12 months from the date of issue of such permit should no substantial development begin within the aforementioned time period and may be renewed upon application.

6. Licenses, Permits and Compliance with Other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other By-law in force within the Municipality or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Municipality or statute and regulation of the Province of Nova Scotia.

PART 3 - ZONES AND ZONING MAPS

1. Zones

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

Mixed Use	- MU
Light Industrial	- LI
Heavy Industrial	- HI
General Use	- GU
General Use Industrial	- GUI
Village	- V
Village Industrial	- VI
Rural Development	- RD
Marine Industrial	- MI
Business Park	- BP
Residential Park	- RP
Coastal Wetlands	- CW

2. Zoning Maps

Schedules “A” through “J” are the Zoning Maps which form part of this By-law.

Schedule “A”	-Municipality 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”	-General Use Industrial

PART 4 - INTERPRETATION

1. Symbols

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

2. Defined

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

3. Interpretation of Zoning Boundaries

Boundaries between zones shall be determined as follows:

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

4. Certain Words

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

5. Permitted Uses

In this By-law, any use not listed under permitted uses in a particular zone is prohibited.

PART 5 - GENERAL PROVISIONS FOR ALL ZONES

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

1. Accessory Buildings and Structures

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

- a) be used for human habitation except where a dwelling or tourist cabin is a permitted accessory use;
- b) except for seasonal roadside stands and school bus shelters, be built closer to the front, rear or side lot line than the minimum distance required by this By-law for any new main building unless otherwise provided by this By-law.
- c) except for seasonal roadside stands and school bus shelters, be built closer to the front, rear or side lot line than the existing main building is to the said lot lines in cases where the front, rear or side yard is non-conforming.
- d) be used for home occupations in the Residential Park (RP) Zone

Adopted
12/22/09

2. 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.

3. 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.

4. Building to be Moved

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

5. Corner Vision Triangle

On a corner lot in any zone, outdoor display or outdoor storage, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or established or permitted to grow to a height greater than 2 feet above grade of the roads that abut the lot within the triangular area included within the street lines for a distance of 20 feet from their point of intersection.

6. Existing Buildings or Structures with Non-Conforming Yards

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

- a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard that does not conform to this By-law; and
- b) all other applicable provisions of this By-law are satisfied.

7. Existing Lots

Effective
12/20/05

1. 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. The lot may also be rezoned subject to meeting all other applicable provisions of the Strategy and By-law. However, this provision shall not apply in the following cases:

Adopt
09/03/04

Adopt
04/04/06

- a) No lot shall be considered for rezoning to the LI or HI Zone unless the lot is a minimum of two (2) acres as required by the Strategy and Part 10 (4) or 10 (A)(4) respectively of this By-law.
- b) Light and heavy industrial home occupations unless the minimum yard requirements of Part 20 (1) (ee) for an accessory building used for said uses are satisfied.
- c) Light industrial uses in the General Use (GU) Zone unless the minimum yard requirements of Part 21, 5A are satisfied.
- d) Heavy industrial uses by development agreement in the General Use (GU) Zone Part 12(3) (b) unless the minimum yard requirements of Part 21, 5A are satisfied.

Adopt
09/03/04

2. 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. However, no lot shall be considered for rezoning to the LI or HI Zone unless the lot is a minimum of 2 acres as required by the Strategy and Part 10(4) or 10(A)(4) respectively of this By-law.

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

8. Existing Main Buildings

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:

- a) any one or all minimum yard requirements may be waived where they cannot otherwise be met; and
- b) the minimum lot frontage requirement may be waived where it cannot otherwise be met provided that the lot frontage shall not be less than 20 feet; or the lot is served by an existing right-of-way or where a new right-of-way is created, it shall have a minimum width of 20 feet; and
- c) 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
- d) 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 of 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
- e) provided all other applicable provisions and requirements of this By-law are satisfied.

9. Front Yard for a Through Lot

In the case of a through lot, the front yard shall be deemed to be any yard which abuts either of the two apposite roads.

10. Maximum Height Requirement Exemption

The maximum height requirement of this By-law shall not apply to church spires, water tanks and towers, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, drive-in theatre screens, ice plants, satellite dishes, communication towers and wind turbine generators (WTG) as a utility.

11. Minimum Front Lot Line

Except for existing lots, the minimum length of a front lot line in any zone shall be 20 feet.

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

13. Non-Conforming Uses

Non-conforming uses shall be subject to the **Act** unless otherwise provided for under the **Act**.

14. Public, Private or K Road, Right-of-Way or Driveway Requirement

1. Except as required in Parts 7, 9 and 11 of this By-law, 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, private or K road (K roads listed in Appendix A); and where this road frontage requirement cannot otherwise be met, it may be waived and a development permit may be issued for any use permitted in any area of the Municipality except as required in Parts 7, 9 and 11 of this By-law provided all other applicable requirements and provisions of this By-law are satisfied only where:
 - a) an existing lot is served by an existing right-of-way and where a new right-of-way is created it shall have a minimum width of 20 feet; or
 - b) a lot is created pursuant to the Subdivision By-law where the lot is served by an existing right-of-way and where a new right-of-way is created it shall have a minimum width of 20 feet; or
 - c) an existing developed lot is served by an existing driveway; or
 - d) an existing vacant lot or a lot created pursuant to the Subdivision By-law is landlocked by government property or the abandoned C.N.R. right-of-way and the lot is served by an existing or new driveway over such lands or right-of-way as provided in a licence or other arrangement. This waiver shall apply only to such property or right-of-way.
2. This waiver shall apply where lots identified in Section 1(a), (b), (c) and (d) remain landlocked after any addition or consolidation as a result of subdivision.

15. Reduction in Lot Area and Frontage

Notwithstanding the minimum lot area and frontage requirements of Part 21 (1) through (10) 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:

- a) 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
- b) 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
- c) provided that all other applicable provisions and requirements of this By-law are satisfied.

16. 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.

17. 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.

18. Side Yards on Corner Lot

Notwithstanding anything else in this By-law, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking road than 25 feet.

19. Special Occasion Uses Permitted

Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than 14 consecutive days. A development permit shall not be required for a special occasion use.

20. Temporary Uses Permitted

1. Nothing in this By-law shall prevent the temporary use of a building, structure or portable equipment incidental to a main construction project provided that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days following completion of the main construction project.
2. Nothing in this By-law shall prevent the temporary use of portable asphalt processing plants and any accessory buildings or structures thereof incidental to the seasonal construction and repair of roads. A development permit shall not be required for this temporary use.

21. Special Requirements for all new Fox and Mink Farms and Piggeries

Notwithstanding anything else in this by-law, in any zone that permits fox farms, mink farms, and piggery operations and excluding existing operations, the following additional requirements shall apply for all new proposed fox farms, mink farms and piggeries:

- a) at the time of the initial proposed development there be less than 28 residential buildings within 908m (2979 ft) radius of the centre of the proposed development, excluding any and all specialized farm residential dwellings.

PART 6 - PARKING AND LOADING SPACES

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, private road or "K" road shall be provided and maintained in conformity with the following Schedule:

- a) **Dwellings containing not more than 3 dwelling units:** 1 parking space per dwelling unit.
- b) **All other dwellings:** 1.5 parking spaces per dwelling unit.
- c) **Boarding homes, guest homes:** 1 parking space for each bed.
- d) **Auditoriums, theatres, arenas, halls, stadiums, private clubs and other places of assembly:** 1 parking space per 100 sq. ft. of gross floor area devoted to public use, excluding hallways, aisles, vestibules, washrooms and closets.
- e) **Outdoor tennis courts:** minimum of 10 parking spaces.
- f) **Ball fields, outdoor skating rinks:** minimum of 20 parking spaces.
- g) **Churches, church halls:** 1 parking space per 100 sq. ft. of gross floor area used for devotional purposes.
- h) **Historic villages:**
 - i) 1 parking space per 300 square feet of gross floor area used for offices and indoor displays;
 - ii) 1 parking space for each 300 square feet of commercial floor area used for commercial purposes in the visitor centre and any other stand alone commercial building;
 - iii) 3 parking spaces for each main historic building or reproduction of a main historic building plus 1 parking space per clause (ii) for any commercial use in such buildings;
 - iv) a minimum of 1 bus parking space.
- i) **Homes for Special Care:** 1 parking space for each 2 beds or each 400 sq. ft. of gross floor area, whichever is greater.

- j) **Hotels, staff houses, motels, tourist cabins, resorts:** 1 parking space per suite or rental unit plus 1 additional parking space for each 50 sq. ft. of floor area devoted to public use (including restaurants, dining rooms and auditoria) exclusive of lobbies and halls.
- k) **Restaurants, lounges, cabarets, taverns:** 1 parking space for each 75 sq. ft. of gross commercial floor area excluding vestibules, washrooms and closets.
- l) **Senior citizen apartments:** 1 parking space for every 2 dwelling units.
- m) **Offices:** 1 parking space per 300 sq. ft. of gross floor area.
- n) **Shopping centres:** parking area to be 3 times commercial floor area exclusive of common malls between stores.
- o) **Funeral homes:** 1 parking space per 5 seat capacity of the chapel with a minimum of 10 parking spaces.
- p) **Bowling lanes and curling rinks:** 1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet). In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this By-law for the use to which the other parts of the building may be used.
- q) **All other commercial uses:** 1 parking space per 300 sq. ft. of commercial floor area.
- r) **Elementary schools:** 1.5 parking spaces per teaching classroom.
- s) **High schools:** 6 parking spaces per teaching classroom.
- t) **Furniture stores:** 1 parking space per 500 sq. ft. of commercial floor area.
- u) **Industrial uses:** 1 parking space per 450 sq. ft. of gross floor area.

2. Parking Space and Area Standards

- a) A parking space shall be a minimum of 160 square feet in area measuring 8 feet by 20 feet exclusive of driveways or manoeuvring aisles.
- b) 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.

- c) Notwithstanding the requirement of Section 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 300 feet 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.

3. Loading Space Standards

- a) 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 30,000 square feet or fraction thereof of building floor area used for any such purpose to a maximum of 6 loading spaces.
- b) A loading space shall be a minimum of 480 square feet in area measuring 12 feet by 40 feet with a minimum of 14 feet in height clearance.
- c) 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.
- d) The provision of a loading space for any building with less than 1500 square feet shall be optional.
- e) No loading space shall be located within any required front yard of a lot.
- f) 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.
- g) Ingress and egress to and from a required loading space shall be provided by means of unobstructed driveways with a minimum width of 10 feet for one-way traffic and a minimum width of 20 feet for two-way traffic.

PART 7 - GENERAL PROVISIONS FOR COMMERCIAL USES

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

1. Access Requirements

The following access requirements shall apply to commercial uses:

- a) Access and egress shall be directly on to a public road.
- b) Notwithstanding section (a) where the lot abuts and fronts upon a public road and a private road, access and egress may be provided on to the private road provided that written consent for alternate access and egress on to the public road has been given by the authority having jurisdiction over the public road.
- c) A minimum of 2 one-way accesses each having a minimum width of 14 feet to a maximum of 20 feet or 1 two-way access to a maximum of 40 feet shall be provided where the street line is 160 feet or less and a minimum of 2 two-way accesses each having a minimum width of 28 feet to a maximum of 40 feet where the street line is greater than 160 feet.
- d) The following separation distances consisting of a curb, barrier or ditch designed to prevent vehicular access shall be maintained between accesses:
 - i) a minimum of 50 feet where 2 one-way accesses are provided;
 - ii) a minimum of 100 feet where 2 two-way accesses are provided;
 - iii) 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.

2. Automobile Service Stations

Where automobile service stations are permitted the following special provisions shall apply:

- a) minimum lot frontage shall be 150 feet;
- b) no portion of any pump island shall be located closer than 20 feet from any street line;
- c) the minimum distance between ramps or driveways shall not be less than 30 feet;
- d) the minimum distance from a ramp or driveway to a public road intersection shall be 50 feet;
- e) the minimum angle of intersection of a ramp to a public street line shall be 45 degrees;
- f) the width of a ramp shall be a minimum of 20 feet; and a maximum of 26 feet.

3. Illumination

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

4. 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 are satisfied.

5. Outdoor Display and Storage

- a) Outdoor display for commercial uses shall be at least 10 feet from the boundary line of a public or private road.
- b) Outdoor storage for commercial uses shall be at least 25 feet from the boundary line of a public or private road.

6. 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 road except where otherwise provided for in the By-law.

7. Yards 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:

- a) no open storage or outdoor display shall be permitted in the abutting commercial yard;
- b) no parking lot or loading space shall be permitted in the abutting commercial yard within 20 feet of a side or rear lot line.

PART 8 - GENERAL PROVISIONS FOR INDUSTRIAL USES

These general provisions shall apply to industrial uses permitted in the LI, HI, BP, GU, GUI, V, VI, RD and MI Zones.

1. **Abutting Yard Reduction**

Where industrial uses abut in any zone, the minimum yard requirement for the abutting yards may be reduced to 10 feet provided all provisions and requirements of this By-law are satisfied.

2. **Illumination**

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

3. **More Than One Main Building on a Lot**

More than one main industrial building may be erected on a lot provided all other provisions and requirements are satisfied.

4. **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 a combination of such method of screening so as not to be visible from abutting residential or institutional uses in any zone.

5. **Waiver of Lot Requirements**

Where an industrial use or an accessory building thereto is located on a wharf, the lot requirements may be waived provided that parking or loading spaces are located within 300 feet of the wharf.

6. **Yards Abutting Coastal Shoreline**

Where an industrial use abuts the coastal shoreline, the minimum required yard for the abutting yard, except as provided in Part 16 (4c), may be waived provided all other requirements and provisions of the By-law are satisfied.

7. Yards Abutting Residential and Institutional Uses

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

- a) no open storage shall be permitted in the abutting industrial yard;
- b) no parking lot or loading space shall be permitted in the abutting industrial yard within 20 feet of a side or rear lot line;
- c) no exhaust or freezer fan or any other outdoor machinery directly related to any fish or food processing, freezing, lobster tank shop, manufacturing, assembly or warehousing operation whether or not such machinery is attached to any building or structure shall be permitted in the abutting industrial yard.

PART 8A - SPECIAL PROVISIONS AND REQUIREMENTS FOR WIND TURBINE GENERATORS (WTG) AS A UTILITY

Adopt
29/10/02

Adopt
09/03/04

Notwithstanding the MU, LI, HI, BP, GU, GUI, V, VI, RD and MI Zones lists of permitted uses and the development permit requirements (Section 2) of these Zones, wind turbine generators (WTG) as a utility shall be permitted as-of-right in the aforementioned zones subject to the following special provisions, requirements and conditions and any other applicable provisions and requirements of this By-law.

1. Development Permit Required

A development permit shall be required for wind turbine generators (WTG) which shall satisfy the minimum requirements of Part 21(9) of this By-law.

2. Special Minimum Separation Distance Requirement Between WTG and Existing Dwellings in Any Zone.

Adopt
09/03/04

Notwithstanding anything else in this By-law, WTG shall be located not less than twice the total height of a horizontal axis rotor or a vertical axis rotor from existing dwellings in any zone.

3. Special Minimum Requirement for Rotor Blade Clearance from Grade

The minimum vertical blade clearance from grade shall be 25 feet where WTG employ a horizontal axis rotor.

4. Special Requirement for WTG Moving Parts

Adopt
11/03/03

No moving part of WTG shall be permitted to traverse above another lot except where a lot held in the same ownership contains other WTG. Where WTG abut such lot, the minimum yard requirement of Part 21(9) of this By-law may apply to the abutting yard and shall be measured from the base of the tower to the lot line; and, provided all other requirements and provisions of this By-law are required.

5. Special Condition for Removal of WTG

WTG shall be removed off-site within two (2) years of the date of decommissioning except where they are changed to a use permitted in the zone in which they are located.

6. Waiver of Public Road Frontage Requirement

Notwithstanding anything else in this By-law, the public road frontage requirement may be waived and a development permit may be issued for WTG provided all other requirements and provisions of this By-law are satisfied where:

- a) a lot abuts and fronts upon a private road; or
- b) a lot abuts and fronts upon a “K” road; or
- c) an existing lot is served by an existing right-of-way and where a new right-of-way is created, it shall have a minimum width of 20 feet; or
- d) a lot is created pursuant to Section 5.01 (a) of the Subdivision By-law provided that the lot is served by an existing right-of-way and where a new right-of-way is created, it shall have a minimum width of 20 feet.

7. Special Minimum Yard Requirements Where WTG Abut the Coastal Shoreline or the Coastal Wetland (CW) Zone Boundary Line

Where WTG abut the coastal shoreline (actual high water level) in any zone or the Coastal Wetlands (CW) Zone boundary line, the minimum yard requirement for the abutting yard shall be one-half (1/2) the diameter of the rotor blades full arc plus the applicable minimum yard requirement of Part 21(9). Such distance shall be measured from the centre of the tower base to the coastal shoreline or the Coastal Wetlands (CW) Zone boundary line; and, provided all other requirements and provisions of the By-law are satisfied.

Adopt
08/04/03

PART 9 - MIXED USE (MU) ZONE

1. MU Zone Permitted Uses

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

-All agricultural uses excluding light and heavy industrial uses, fox and mink farms and piggeries;

Effective
12/20/05

-All commercial uses excluding motor vehicle race tracks and drag strips;

-All institutional uses;

-All recreational uses excluding outdoor rifle ranges;

-All residential uses excluding mobile home parks;

-Bakeries;

Adopt
30/08/00

-Dwelling units as an accessory use within any main commercial use permitted in the MU Zone;

-Fraternal centres;

-Historic villages;

-Private clubs excluding outdoor rifle ranges;

-Private storage buildings, haul outs and wharfs;

-Utility and communication buildings and structures.

2. MU Zone Development Permits and Minimum Requirements

A development permit shall be required for all uses permitted in the MU Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

3. One Main Building on a Lot

Effective
12/20/05

No person shall erect more than one main building on a lot except for group dwellings.

4. 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.

5. Public Road Requirement for Institutional Uses

A development permit shall be issued for institutional uses only where the lot or parcel of land intended to be used for such purposes abuts and fronts upon a public road.

6. Reduction of Side and Rear Yards for Buildings Accessory to Residential Uses

Adopt
30/08/00

Notwithstanding Part 5(1), the minimum side and rear yard requirements for buildings accessory to residential uses excluding those used for home occupations referred to in part 20 (1e) may be reduced to a minimum of 2 feet provided there are no windows or

openings on the side of the building which faces said lot line and; the minimum rear yard equipment may be reduced to a minimum of 10 feet where there are windows or openings on the side of the building which faces the rear lot line.

7. Side Yards for Residential Uses

Where any residential use abuts any commercial or industrial use in any zone, the minimum side yard for the abutting side yard shall be as follows:

- a) 20 feet where abutting any commercial use.
- b) 30 feet where abutting any industrial use.

8. Special Requirements for Historic Villages

- a) Access requirements for historic villages shall meet the access requirements for commercial uses of Part 7(1) of this By-law.
- b) Historic villages shall meet the public road requirements of Part 7(5) of this By-law.
- c) Notwithstanding Part 21(9) and (10), side yards for historic villages shall be a minimum of 30 feet.
- d) More than one main building or structure may be erected on a lot provided all other provisions and requirements are satisfied.
- e) Parking lots for historic villages shall be screened by natural land forms, existing or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential uses.

9. Special Variations for Non-Conforming Fox Farm

The following special variations pursuant to the **Act** shall apply to the fox farm located in West Pubnico identified by property code number 95-190480-000-000-000:

- a) The extension, enlargement or alteration to any existing building or structure or the addition of any new building or structure used in connection with the fox farm shall be permitted but restricted to the existing lot provided that the extension, enlargement or alteration to any existing building or structure or the addition of any new building or structure does not further reduce the front, side or rear yard that does not conform with the minimum requirements of Part 21(8) and provided that the requirements of Part 16 (8b) are satisfied.

- b) Any building or structure used in connection with the fox farm which is destroyed by fire or otherwise shall be permitted to be rebuilt provided that the provisions of clause (a) of this Section are satisfied.

10. Waiver for Semi-Detached Dwellings

Where a semi-detached dwelling is sited on two adjacent lots held in separate ownership, one of the side yard requirements shall be waived.

11. Commercial Yards Abutting Abandoned CNR Right-of-Way

Where commercial uses permitted in the MU Zone in the Rural Centre of Tusket abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

Adopt
06/01

PART 10 - LIGHT INDUSTRIAL (LI) ZONE

1. LI Zone Permitted Uses

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

- All light industrial uses;
- Adopt 09/03/04 -Any commercial use permitted in the MU Zone subject to Part 21(5), (7) and Part 8 of this By-law excluding 8(4);
- Business offices accessory to any main use permitted in the LI Zone;
- Commercial uses accessory to any main industrial uses permitted in the LI Zone;
- Dwelling units (1 only) as an accessory use within any main or accessory building permitted in the LI Zone excluding single detached dwellings;
- Indoor and outdoor aquaculture;
- Single detached dwellings (1 only) as main or accessory use subject to Part 21 (1) of this By-law;
- Service industries;
- Warehousing.

2. LI Zone Development Permits and Minimum Requirements

Adopt 09/03/04 A development permit shall be required for all uses permitted in the LI Zone which shall satisfy the minimum requirements of Part 21 of this By-law except as provided for in Section 4 of this Part.

3. Yards Abutting Abandoned CNR Right-Of-Way

Adopt 06/01 Where uses permitted in the LI Zone in the Rural Centre of Tusket abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

Adopt 09/03/04

4. Special Minimum Lot Area Requirement

Adopt 09/03/04 Notwithstanding Part 5 (7) and Part 21 (5) and (7) of this By-law, the LI Zone minimum lot area requirement shall be 2 acres where the lot contains an existing single detached dwelling or is intended to contain such new dwelling.

PART 10(A) - HEAVY INDUSTRIAL (HI) ZONE

1. (HI) Zone Permitted Uses

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

- All heavy industrial uses excluding fish reduction plants, fish composting operations, asphalt processing plants; landfill, food waste composting and demolition debris operations, scrap yards and salvage yards, sand, gravel, topsoil operations;
- All light industrial uses;
- Any commercial use permitted in the MU Zone subject to Part 21(5), (7) and Part 8 of this By-law excluding 8(4);
- Business offices accessory to any main use permitted in the (LI) Zone;
- Commercial uses accessory to any main industrial uses permitted in the (LI) Zone;
- Dwelling units (1 only) as an accessory use within any main or accessory building permitted in the (HI) Zone excluding single detached dwellings;
- Indoor and outdoor aquaculture;
- Single detached dwellings (1 only) as a main or accessory use subject to Part 21 (1) of this By-law;
- Service industries;
- Warehousing.

2. HI Zone Development Permits and Minimum Requirements

A development permit shall be required for all uses permitted in the HI Zone which shall satisfy the minimum requirements of Part 21 of this By-law except as provided for in Section 4 of this Part.

3. Yards Abutting Abandoned CNR Right-Of-Way

Where uses permitted in the HI Zone in the Rural Centre of Tusket abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

4. Special Minimum Lot Area Requirement

Notwithstanding Part 5 (7) and Part 21 (5) and (7) of this By-law, the HI Zone minimum lot area requirement shall be 2 acres where the lot contains an existing single detached dwelling or is intended to contain such new dwelling.

PART 11 - BUSINESS PARK (BP) ZONE

1. BP Zone Permitted Uses

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

- All commercial uses;
- All heavy industrial uses excluding fish reduction plants, fish composting operations, Asphalt processing plants, landfill, food waste composting (except in-vessel composting), construction and demolition debris operations;
- All light industrial uses;
- Business offices accessory to any main use permitted in the BP Zone;
- Commercial uses accessory to any main use permitted in the BP Zone;
- Community colleges;
- Emergency services;
- Government buildings;
- Utility and communication buildings and structures.

2. BP Zone Development Permit and Minimum Requirements

A development permit shall be required for all uses permitted in the BP Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

3. Public Road 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 11A – RESIDENTIAL PARK (RP) ZONE**1. RP Zone Permitted Uses**

Adopt
22/12/09

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

- All residential uses excluding mobile home parks
- All recreational uses excluding outdoor rifle ranges

2. RP Zone Development Permits and Minimum Requirements

A development permit shall be required for all uses permitted in the RP Zone which shall satisfy the minimum requirements of Part 21 of this By-Law.

3. Reduction of Side and Rear Yards for Buildings Accessory to Residential Uses

Notwithstanding Part 5 (1), (a), (b) and (c) the minimum side and rear yard requirements for buildings accessory to residential uses may be reduced to a minimum of 2 feet 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 10 feet where there are no windows or perforations on the side of the building which faces the rear lot line.

PART 12 - GENERAL USE (GU) ZONE

1. GU Zone Permitted Uses

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

- All agricultural and forestry uses excluding heavy industrial uses;
- All residential, institutional, recreational, light industrial and commercial uses excluding motor vehicle race tracks and drag strips;
- All heavy industrial uses locating on islands not connected to the mainland excluding fish reduction plants and fish composting operations;
- All institutional uses;
- Business offices accessory to any main industrial use permitted in the GU Zone;
- Commercial uses other than accessory uses on the same lot as industrial uses permitted in the GU Zone subject to Part 21(5) and Part 8 of this By-law excluding 8(4);
- Commercial uses accessory to any main industrial use permitted in the GU Zone
- Dwelling units as an accessory use within any main commercial or light industrial use permitted in the GU Zone;
- Fraternal centres and private clubs;
- Historic villages;
- Private storage buildings, haul outs and wharfs;
- Utility and communication buildings and structures.

Adopt
30/08/00

2. GU Zone Development Permits and Minimum Requirements

No development permit shall be required for GU Zone uses except for light industrial and commercial uses (excluding dwelling units as an accessory use within any main light industrial or commercial use permitted), historic villages, fox and mink farms and piggeries on the mainland and islands connected thereto which shall satisfy the minimum requirements of Part 21 of this By-law.

Adopt
30/08/00

3. Development Agreement Required

The Municipal Planning Strategy provides the following shall be dealt with by development agreement in the GU Zone:

- a) Motor vehicle race tracks and drag strips.
- b) All heavy industrial uses as of April 4, 2006.
- c) Commercial uses other than those accessory uses on the same lot as heavy industrial uses as of April 4, 2006.

4. Separation Distances for Fox and Mink Farms and Piggeries

Adopt
04/02

Buildings and structures to confine or feed animals, pelting sheds, slaughter houses, burial sites and incinerators for the disposal of dead animals and manure piles or structures for the containment of animal waste shall not locate within:

- a) 150 feet of the boundary line of a public or private road in any zone;
- b) 300 feet of any existing private water well in an abutting lot or any stream, river, lake or ocean in any zone;
- c) 2,000 feet of any MU Zone boundary.
- d) 1000 feet of any existing residential dwelling, excluding any and all specialized farm residential dwellings.

Adopt
09/10/07

5. Special Requirements for Historic Villages

- a) Access requirements for historic villages shall meet the access requirements for commercial uses of Part 7(1) of this By-law.
- b) Historic villages shall meet the public road requirement of Part 7(5) of this By-law.
- c) Notwithstanding Part 21(9) and (10), side yards for historic villages shall be a minimum of 30 feet.
- d) More than one main building or structure may be erected on a lot provided all other provisions and requirements are satisfied.
- e) Parking lots for historic villages shall be screened by natural land forms, existing or planted vegetation; an opaque fence or a combination of such method of screening so as not to be visible from abutting residential uses.

6. Special Yard Reduction for Abutting Fox and Mink Farms and Piggeries

Adopt
04/02

Notwithstanding the minimum front, side or rear yard requirement of Part 21 (8) of this By-law where any lot to be used for a fox or mink farm or piggery operation in the GU Zone meets any of the following separation distances, such distance to be measured at any point along the lot lines of said lot, the applicable yard or yards may be reduced accordingly provided all other applicable provisions and requirements of this By-law are satisfied.

a) **Abutting Yards:**

Where a fox or mink farm or piggery abuts its corresponding use in the GU or RD Zone, the minimum yard requirement for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

b) Lot Abutting and Fronting Upon a Public or Private Road:

- i) where the separation distances of the lot is greater than 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced to a minimum of 25 feet.
- ii) where the separation distances of the lot is between 10 feet and 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced by 3 feet for every 10 feet or portion thereof (rounded to the nearest tenth) of additional separation distance to a minimum of 50 feet.
- iii) where the separation distances of the lot from the nearest lot used for residential purposes are a combination of separation distances in (i) and (ii) the applicable provisions for each yard reduction may apply.

c) Lot Served by Right-of-way:

- i) where the lot is more than 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot used for residential purposes are the same in sub clause b (i), the front yard established pursuant to Definition #109 and all other yards may be reduced to a minimum of 25 feet.
- ii) where the lot is between 5 feet and 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot used for residential purposes are the same as in sub clause b(ii), the front yard established pursuant to Definition #109 may be reduced by 4 feet for every 5 feet or portion thereof (rounded to the nearest fifth) of additional separation distance to a minimum of 30 feet and the side or rear yards may be reduced in accordance with sub clause b(ii).
- iii) where the separation distances of the lot from the boundary line of the nearest public or private road and the nearest lot used for residential purposes are a combination of separation distances in sub clause c (i) and (ii), the applicable provisions for each yard reduction may apply.

d) Special Separation Distance

Notwithstanding the rear and side yard requirements of Part 21(8) or the provisions of clause (b) and (c) of this Section, a development permit may be issued for a building or structure used in connection with a fox or mink farm or piggery provided that a minimum separation distance of 1,000 feet is maintained between such buildings or structures and any existing dwelling or accessory building thereof and provided that a minimum side and rear yard of 25 feet is maintained. This separation distance requirement shall not apply between a dwelling and any of the said operations of the same lot.

7. Waiver of Public Road Requirement

Notwithstanding Part 7(6), a development permit shall be issued for commercial uses other than accessory uses on the same lot as industrial uses permitted in the GU Zone where the lot or parcel of land intended to be used or upon which the building or the structure is to be erected satisfies an alternative requirement of Part 5(14) of this By-law.

8. Commercial and Industrial Yards Abutting Abandoned CNR Right-of-Way

Adopt
06/01

Where commercial and industrial uses permitted in the GU Zone abut the abandoned CNR right-of-way, minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements provisions of this By-law are satisfied.

9. Special Variations For Nonconforming Issues Related to Light Industrial Uses in GU Zone.

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

- a) A nonconforming building or structure containing a light industrial use permitted in the GU Zone existing prior to April 4, 2006 is deemed conforming.
- b) Any alteration, enlargement or extension in the case of clause (a) 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 this by-law are satisfied.
- c) Where a nonconforming building or structure mentioned in clause (a) is destroyed by fire or otherwise to the extent or more than seventy-five percent (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 used for the same purpose or a use permitted in the GU Zone. This clause shall not apply where said building or structure is demolished.

PART 13 - GENERAL USE INDUSTRIAL (GUI) ZONE

1. GUI Zone Permitted Uses

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

- All heavy industrial uses excluding fish reduction plants and fish composting operations;
- Any commercial use permitted in the GU Zone subject to Part 21(5A) and Part 8 of this By-law excluding 8(4);
- Business offices accessory to any main use permitted in the GUI Zone;
- Commercial uses accessory to any main industrial use permitted in the GUI Zone;
- Dwelling units as an accessory use within any main use permitted in the GUI Zone;
- Existing dwellings on same lot as existing heavy industrial uses in GUI Zone identified in provision 3 of this part;
- Indoor and outdoor aquaculture;
- Light industrial uses.

2. GUI Zone Development Permits and Minimum Requirements

Except for existing dwellings on the same lot as existing heavy industrial uses and dwelling units as an accessory use within any main commercial or industrial user permitted, a development permit shall be required for all other uses permitted in the GUI Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

Adopt
30/08/00

3. Existing Dwellings on Same Lot as Existing Heavy Industrial Uses

Existing dwellings on the same lot as existing heavy industrial uses in the GUI Zone identified by property code number and general location are as follows:

	<u>Property Code</u>	<u>Schedule “J” Reference</u>	<u>Civic Address</u>
Adopt 30/08/00	95-170518-000-000-000	Map J3	3608, Highway 3, Lower Argyle
	95-170533- 000-000-000	Map J3	249, Argyle Sound Road, Argyle Sound
	95-200133- 000-000-000	Map J9	7696, Highway 3, Tusket
Adopt 04/06/00	95-220051- 000-000-000	Map J11	108, Chemin de la Pointe, Hubbards Point
	95-170276- 001-000-000	Map J13	5171 Highway 3, Central Argyle

4. Special Screening Requirements for Outdoor Heavy Industrial Uses

Outdoor heavy industrial uses including landfill, food waste composting, construction and demolition debris operations, scrap yards, salvage yards, sand, gravel, topsoil operations shall be screened 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, commercial or recreational uses in any zone or the travelling public.

Adopt
06/01

5. Yards Abutting Abandoned CNR Right-Of-Way

Adopt
06/01

Where uses permitted in the GUI Zone abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

6. Special Variations For Nonconforming in GUI Zone Uses.

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

- a) A nonconforming building or structure containing a use permitted in the GUI Zone existing prior to April 4, 2006 is deemed conforming.
- b) Any alteration, enlargement or extension in the case of clause (a) 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 this by-law are satisfied.
- c) Where a nonconforming building or structure mentioned in clause (a) is destroyed by fire or otherwise to the extent or more than seventy-five percent (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 used for the same purpose or a use permitted in the GUI Zone. This clause shall not apply where said building or structure is demolished.

PART 14 - VILLAGE (V) ZONE

1. V Zone Permitted Uses

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

- Adopt
30/08/00
- All agricultural and forestry uses excluding heavy industrial uses;
 - All residential, institutional, recreational, commercial and light industrial uses;
 - Dwelling units as an accessory use within any main commercial and light industrial use permitted in the V Zone;
 - Fraternal centres and private clubs;
 - Historic villages;
 - Private storage buildings, haulouts and wharfs;
 - Utility and communication buildings and structures.

2. V Zone Development Permits and Minimum Requirements

Adopt
30/08/00

No development permit shall be required for V Zone uses except for light industrial uses (excluding dwelling units as an accessory use within any main light industrial use permitted), fox and mink farms and piggeries which shall satisfy the minimum requirements of Part 21 of this By-law.

3. Separation Distances For Fox and Mink Farms and Piggeries

Adopt
04/02

Buildings and structures to confine or feed animals, pelting sheds, slaughter houses, burial sites and incinerators for the disposal of dead animals and manure piles or structures for the containment of animal waste shall not locate within:

- a) 150 feet of the boundary line of a public or private road in any zone;
 - b) 300 feet of any existing private water well in an abutting lot or any stream, river, lake or ocean in any zone.
 - c) 1000 feet of any existing residential dwelling, excluding any and all specialized farm residential dwellings.
- Adopt
09/10/07

4. Special Yard Reductions for Fox and Mink Farms and Piggeries

Adopt
04/02

Notwithstanding the minimum front, side or rear yard requirement of Part 21 (8) of this By-law where any lot to be used for a fox or mink farm or piggery operation in the V Zone meets any of the following separation distances, such distance to be measured at any point along the lot lines of said lot, the applicable yard or yards may be reduced accordingly provided all other applicable provisions and requirements of this By-law are satisfied.

a) Abutting Yards:

Where a fox or mink farm or piggery abuts its corresponding use in the RD or V Zone, the minimum yard requirement for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

b) Lot Abutting and Fronting Upon a Public or Private Road:

- i) where the separation distances of the lot is greater than 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced to a minimum of 25 feet.
- ii) where the separation distances of the lot is between 10 feet and 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced by 3 feet for every 10 feet or portion thereof (rounded to the nearest tenth) of additional separation distance to a minimum of 50 feet.
- iii) where the separation distances of the lot from the nearest lot used for residential purposes are a combination of separation distances in (i) and (ii) the applicable provisions for each yard reduction may apply.

c) Lot Served by Right-of-way:

- i) where the lot is more than 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot used for residential purposes are the same in sub-clause b(i), the front yard established pursuant to Definition #109 and all other yards may be reduced to a minimum of 25 feet.
- ii) where the lot is between 5 feet and 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot used for residential purposes are the same as in sub-clause b(ii), the front yard established pursuant to Definition #109 may be reduced by 4 feet for every 5 feet or portion thereof (rounded to the nearest fifth) of additional separation distance to a minimum of 30 feet and the side or rear yards may be reduced in accordance with sub-clause b(ii).
- iii) where the separation distances of the lot from the boundary line of the nearest public or private road and the nearest lot used for residential purposes are a combination of separation distances in sub-clause c (i) and (ii), the applicable provisions for each yard reduction may apply.

d) Special Separation Distance

Adopt
09/10/07

Notwithstanding the rear and side yard requirements of Part 21(8) or the provisions of clause (b) and (c) of this Section, a development permit may be issued for a building or structure used in connection with a fox or mink farm or piggery provided that a minimum separation distance of 1,000 feet is maintained between such buildings or structures and any existing dwelling or accessory building thereof and provided that a minimum side and rear yard of 25 feet is maintained. This separation distance requirement shall not apply between a dwelling and any of the said operations of the same lot.

PART 15 - VILLAGE INDUSTRIAL (VI) ZONE

1. VI Zone Permitted Uses

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

- Business offices accessory to any main use permitted in the VI Zone;
- Commercial uses accessory to any main use permitted in the VI Zone;
- Planer mills;
- Sawmills.

2. VI Zone Development Permits and Minimum Requirements

A development permit shall be required for all uses permitted in the VI Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

PART 16 - RURAL DEVELOPMENT (RD) ZONE

1. RD Zone Permitted Uses

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

- All residential, institutional, recreational, historic villages, industrial, agricultural, forestry, and commercial uses excluding motor vehicle race tracks and drag strips;
- Dwelling units as an accessory use within any main commercial or industrial use permitted in the RD Zone;
- Fraternal centres and private clubs;
- Utility and communication buildings and structures.

Adopt
30/08/00

2. RD Zone Development Permits and Minimum Requirements

No development permit shall be required for RD Zone uses except for industrial uses (excluding dwelling units as an accessory use to any main industrial use permitted), fox and mink farms and piggeries which shall satisfy the minimum requirements of Part 21 of this By-law.

Adopt
30/08/00

3. Development Agreement Required

The Municipal Planning Strategy provides that motor vehicle race tracks and drag strips shall be dealt with by development agreement in the RD Zone.

4. Special Requirements for Fish Composting Operations

No development permit shall be issued for any fish composting operation unless the following special requirements are met:

- a) a minimum separation distance of ½ mile is maintained from any existing residential, institutional and recreational use in any zone; and
- b) compost windrows and leachate collection ponds shall be screened by natural landforms, existing or planted vegetation, an opaque fence or a combination of such method of screening so as not to be visible to the travelling public; and
- c) a minimum separation distance of 300 feet be maintained between compost windrows, open fish storage bins and leachate collection ponds and any private water well in abutting lots or any stream, river, lake or ocean in any zone.

5. Special Requirements for Fish Reduction Plants

No development permit shall be issued for any fish reduction plant unless the following special requirements are met:

- a) a minimum separation distance of 1 mile is maintained from any existing residential, institutional and recreational use in any zone; and
- b) the plant is wholly enclosed within a building.

6. Separation Distances for Fox and Mink Farms and Piggeries

Buildings and structures to confine or feed animals, pelting sheds, slaughter houses, burial sites and incinerators for the disposal of dead animals and manure piles or structures for the containment of animal waste shall not locate within:

- a) 150 feet of the boundary line of a public or private road in any zone;
- b) 300 feet of any existing private water well in an abutting lot or any stream, river, lake or ocean in any zone;
- c) 2,000 feet of any MU Zone boundary;
- d) 1,000 feet of any existing residential use within the GU Zone boundary.

Adopt
09/10/07

7. Special Screening Requirement for Outdoor Heavy Industrial Uses

Outdoor heavy industrial uses including landfill, food waste composting, construction and demolition debris operations, scrap yards, salvage yards, sand, gravel, topsoil operations shall be screened 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, commercial or recreational uses in any zone or the travelling public.

Adopt
06/01

8. Special Yard Reductions for Fox and Mink Farms and Piggeries

Notwithstanding the minimum front, side or rear yard requirement of Part 21 (8) of this By-law where any lot to be used for a fox or mink farm or piggery operation in the RD Zone meets any of the following separation distances, such distance to be measured at any point along the lot lines of said lot, the applicable yard or yards may be reduced accordingly provided all other applicable provisions and requirements of this By-law are satisfied.

a) **Abutting Yards:**

Where a fox or mink farm or piggery abuts its corresponding use in the RD, GU or V Zones, the minimum yard requirement for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

b) Lot Abutting and Fronting Upon a Public or Private Road:

- i) where the separation distances of the lot is greater than 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced to a minimum of 25 feet.
- ii) where the separation distances of the lot is between 10 feet and 500 feet from the nearest lot used for residential purposes, the side or rear yard may be reduced by 3 feet for every 10 feet or portion thereof (rounded to the nearest tenth) of additional separation distance to a minimum of 50 feet.
- iii) where the separation distances of the lot from the nearest lot used for residential purposes are a combination of separation distances in (I) and (ii) the applicable provisions for each yard reduction may apply.

c) Lot Served by Right-of-way:

- i) where the lot is more than 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot use for residential purposes are the same in sub-clause b(I), the front yard established pursuant to Definition #109 and all other yards may be reduced to a minimum of 25 feet.
- ii) where the lot is between 5 feet and 150 feet from the boundary line of the nearest public or private road and where the separation distances to the nearest lot used for residential purposes are the same as in sub-clause b(ii), the front yard established pursuant to Definition #109 may be reduced by 4 feet for every 5 feet or portion thereof (rounded to the nearest fifth) of additional separation distance to a minimum of 30 feet and the side or rear yards may be reduced in accordance with sub-clause b(ii).
- iii) where the separation distances of the lot from the boundary line of the nearest public or private road and the nearest lot used for residential purposes are a combination of separation distances in subclause c (I) and (ii), the applicable provisions for each yard reduction may apply.

d) Special Separation Distance

Notwithstanding the rear and side yard requirements of Part 21(8) or the provisions of clause (b) and © of this Section, a development permit may be issued for a building or structure used in connection with a fox or mink farm or piggery provided that a minimum separation distance of 1,000 feet is maintained between such buildings or structures and any existing dwelling or accessory building thereof and provided that a minimum side and rear yard of 25 feet is maintained. This separation distance requirement shall not apply between a dwelling and any of the said operations of the same lot.

9. Commercial and Industrial yards Abutting Abandoned CNR Right-of-Way

Adopt
06/01

Where commercial and industrial uses permitted in the RD Zone abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

PART 17 - MARINE INDUSTRIAL (MI) ZONE

1. MI Zone Permitted Uses

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

- Any fish processing, freezing, weighing and grading or warehousing operation excluding fish reduction plants and fish composting operations;
- Boat building and repair shops;
- Boat haulouts and wharfs;
- Boat tour operations;
- Bulk petroleum storage;
- Business offices accessory to any main use permitted in the MI Zone;
- Commercial uses accessory to any main use permitted in the MI Zone;
- Dwelling units as an accessory use within any main use permitted in the MI Zone;
- Existing dwelling property code number 95-19-0331-000-000-000 in Abbots Harbour MI Zone subject to MU Zone residential requirements;
- Fishery and marine related equipment storage buildings, museums and service industries;
- Fishers clubs;
- Federal and provincial government fisheries buildings and structures;
- Indoor and outdoor aquaculture;
- Lobster pounds;
- Marina;
- Marine railway facilities;
- Marine transportation facilities;
- Outdoor storage of fishing gear and equipment;
- Parking lots;
- Recreation boat sales, service and rentals;
- Restaurants;
- Retail and wholesale sport fishing equipment and supplies;
- Sea cucumber processing plants
- Sport fishing outfitters;
- Utility and communication buildings and structures.

Adopt
26/07/06

2. MI Zone Development Permits and Minimum Requirements

A development permit shall be required for all uses permitted in the MI Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

3. Special Provisions for Commercial Uses

Except for commercial uses accessory to any main use, all other commercial uses permitted in the MI Zone shall comply with Part 21(5), (7) and Part 8 of this By-law excluding 8(4).

4. Special Variation for Non-Conforming Fish Reduction Plant

Pursuant to the **Act**, any recommencement in the operation of the non-conforming fish reduction plant at East Pubnico shall be permitted provided that it's operation has not been discontinued for a period exceeding 12 consecutive months.

5. Yards Abutting Abandoned CNR Right-Of-Way

Where uses permitted in the M1 Zone abut the abandoned CNR right-of-way, the minimum required yard for the abutting yard may be reduced to 10 feet provided all other requirements and provisions of this By-law are satisfied.

Adopt
06/01

PART 18 - COASTAL WETLANDS (CW) ZONE

1. CW Zone Permitted Uses

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

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

2. CW Zone Development Permit and Minimum Requirements

A development permit shall be required for all uses permitted in the CW Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

PART 19 - SPECIAL USES IN THE MU, GU, V, MI, CW and RD ZONES

1. Special Uses Permitted

Notwithstanding the list of uses permitted in the MU, GU, V, MI, CW and RD Zones, the following special uses shall be permitted in the zones assigned an X in the table below:

Use	MU	GU	V	MI	CW	RD
Agriculture uses except fox and mink farms and piggery operations	X	X	X			X
Cenotaphs	X	X	X	X		X
Christmas tree and outdoor horticultural uses	X	X	X			X
Outdoor storage of fishing gear and equipment	X	X		X	X	
Outdoor storage of motor vehicles excluding derelict motor vehicles	X	X	X	X		X
Parking Lots			X			
Private storage buildings	X	X	X	X	X	X
Private haulouts and wharfs	X	X	X	X	X	X
Adopt 12/10/04 Fire holes and dry hydrants	X	X	X	X		X

2. Development Permits and Minimum Requirements

A development permit shall be required for all special uses permitted in the MU, MI, CW Zones and in the mainland GU Zone which shall satisfy the minimum requirements of Part 21 of this By-law.

3. Yards Abutting any Shoreline

Where any yard of a special use abuts any shoreline, the minimum required yard for the abutting yard may be waived provided all the provisions and requirements of this By-law are satisfied.

4. Special Requirement: Fencing of Fire Holes

Adopt
12/10/04

Fire holes where permitted shall be wholly enclosed within a chain linked fence and gate (locking) not less than six (6) feet in height above grade.

PART 20 - SPECIAL PROVISIONS AND REQUIREMENTS FOR HOME OCCUPATIONS

1. Home Occupations

Effective 12/20/05 Home occupations shall be permitted in any dwelling or accessory building thereof in the GU and MU Zones provided:

a) the dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the home occupation;

b) not more than 25% of the total floor area of the dwelling is devoted to the home occupation;

Effective 12/20/05 c) the combined total floor area of the dwelling and net commercial floor area of any accessory building used for a home occupation shall be 1,000 square feet where the lot size is 30,000 square feet or more in area and 500 square feet where the lot size is less than 30,000 square feet in area;

d) where the existing floor area of an existing home occupation exceeds that set out in clauses (b) and (c), nothing in this By-law shall prevent the continued use of the home occupation or a change in use to new home occupation utilizing the existing floor area, provided that the new home occupation meets the parking requirements of clause (h);

Adopt 09/10/01 e) notwithstanding the side and rear yards required by Part 5(1) (b),(c) and Part 9 (6) of this By-law, the minimum required side and rear yards for an accessory building used for a home occupation shall be as follows:

- tourist cabins as a home occupation shall meet the minimum required side and rear yards for single detached dwellings.

Effective 12/20/05 - 6 feet in the side yard and 10 feet in the rear yard for any other home occupation excluding light and heavy industrial uses listed in (f) of this Section.

ee) light and heavy industrial home occupations shall be limited to those uses listed below and; notwithstanding the yard provisions of Part 5 (1)(b)(c), 7 (1) and Part 9(6) of this By-law, the minimum yard requirements for an accessory building used for said industrial home occupations shall be as follows:

Effective 12/20/05

Light Industrial Uses Permitted

- Greenhouses;
- Landscaping operations;
- Nurseries.

Minimum Yard Requirements

- Front yard - 25 ft.
- Rear yard - 15 ft. where abutting vacant lot.
- 25 ft. where abutting residential lot.

- Auto & truck body and/or engine repair;
- Bait freezers;
- Bottled water operations;
- Carpentry shops;
- Fish coolers; freezers;
- Heating and/or refrigeration shops;
- Heavy equipment repair;
- Lobster holding tanks;
- Lobster wire trap operations;
- Plumbing and/or electrical shops;
- Net manufacturing and/or repair;
- Rubber products manufactured from used tires;
- Sheet metal shops;
- Small engine repair;
- Wood products such as furniture, cabinets vanities, windows, doors;
- Warehousing distribution and sales.

Side yards -15 ft. where abutting vacant lot.
 - 25 ft. where abutting residential lot.

Front yard -45 ft.
 Rear yard - 25 ft. where abutting vacant Lot
 - 45 ft. where abutting residential lot.
 Side yards-45 ft.

Heavy Industrial Uses Permitted

- Boat building and repair;
- Cheese manufacturing;
- Concrete products;
- Fish processing;
- Welding and/or machine shops.

Minimum Yard Requirements

Front yard - 75 ft.
 Rear yard - 50 ft. where abutting vacant lot.
 -100 ft. where abutting residential lot.
 Side yards - 100 ft.

- f) outdoor work areas shall not be permitted within 25 feet of any lot line;
- g) outdoor storage and work areas shall be screened by the dwelling, the accessory building, an opaque fence, natural landform, existing or planted vegetation or combination thereof so as not to be visible from abutting residential uses or from the nearest public or private road;
- h) outdoor display shall be screened by the dwelling, the accessory building, an opaque fence, natural landform, existing or planted vegetation or combination thereof so as not to be visible from abutting residential uses and shall not be permitted within 10 feet of the boundary line of a public or private road;
- i) off-street parking spaces, other than that required for the dwelling shall be provided for the home occupation according to use and the applicable requirements for the use

1A. Home occupations shall be permitted in any dwelling in the RP Zone provided:

Effective
22/12/09

- a) the dwelling is occupied as a residence and the external appearance of the dwelling is not changed by the home occupation;
- b) not more than 25% of the total floor area of the dwelling is devoted to the home occupation;
- c) off-street parking spaces, other than that required for the dwelling shall be provided for the home occupation according to use and the applicable requirements for the use in Part 6.

2. Development Permit Required

A development permit shall be required for all home occupations permitted in the GU, RP and MU Zones.

3. Special Variations for Nonconforming Issues Related to Light and Heavy Industrial Home Occupations.

Effective
12/20/05

Pursuant to the **Act**, the following special variations apply:

- a) A nonconforming light and heavy industrial home occupation is deemed conforming; and
- b) A nonconforming building or structure containing said use in clause (a) or a use permitted in Section 1 (f) is deemed conforming.
- c) Any alteration, enlargement or extension in the case of clause (a) or (b) 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 this By-law are satisfied.
- d) Where a nonconforming building or structure mentioned in clause (b) is destroyed by fire or otherwise to the extent of more than seventy-five percent (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 used for the same purpose or a use permitted in clause 1 (f) of this Part. This clause shall not apply where said building or structure is demolished.

PART 21 - ZONE REQUIREMENTS

The following minimum lot area, lot frontage and yard requirements and the maximum height of main buildings shall apply only to those permitted uses requiring development permits in the various zones established in this By-law. The Department of the Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.

1. Residential uses permitted in the MU Zone where connecting to on-site sewage disposal systems:

a) Residential uses except semi-detached dwellings:

Lot Area	-29,063 sq. ft. -40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean
Lot Frontage	-121 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-6 ft. on one side and 10 ft. on the other side for residential uses containing not more than 2 dwelling units -15 ft. on both sides for residential uses containing 3 or more dwelling units.

Maximum height of main building is 35 feet.

b) Semi-detached dwellings:

Lot Area	-29,063 sq. ft. per dwelling unit -40,000 sq. ft. per dwelling unit where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean
Lot Frontage	-121 ft. per dwelling unit
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-6 ft. on one side and 10 ft. on the other side

Maximum height of main building is 35 feet.

2. Residential uses permitted in the MU Zone where connecting to central sanitary sewer service:

- a) Residential uses containing not more than two dwelling units except semi-detached dwellings:

Lot Area	-10,000 sq. ft.
Lot Frontage	-75 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-6 ft. on one side and 10 ft. on the other side

Maximum height of main building is 35 feet.

- b) Semi-detached dwellings:

Lot Area	-10,000 sq. ft. per dwelling unit
Lot Frontage	-75 ft. per dwelling unit
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-6 ft. on-site and 10 ft. on the other side

Maximum height of main building is 35 feet.

- c) Residential uses containing three or more dwelling units, homes for special care:

Lot Area	-10,000 sq. ft. for first 3 dwelling units plus 1,000 sq. ft. per additional unit.
Lot Frontage	-100 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-15 feet on both sides

Maximum height of main building is 35 feet.

2A Residential uses permitted in the RP Zone where connecting to on-site sewage disposal systems:

- a) Residential uses except semi-detached dwellings:

Lot area	- 29,063 sq.ft.
	- 40,000 sq.ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean
Lot Frontage	- 121 ft.
Front Yard	- 25 ft.

Rear Yard	- 25 ft.
Side Yards	- 6 ft. on one side and 10 ft. on the other side for residential uses containing not more than two dwelling units
	- 15 ft. on both sides for residential uses containing 3 or more dwelling units

Maximum height of main building is 35 feet.

2B Residential uses permitted in the RP Zone where connecting to central sanitary sewer service:

- a) Residential uses containing not more than two dwelling units except semi-detached dwellings:

Lot area	- 10,000 sq.ft.
Lot Frontage	- 75 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 6 ft. on one side and 10 ft. on the other side

Maximum height of main building is 35 feet.

- b) Semi-detached dwellings:

Lot area	- 10,000 sq.ft. per dwelling unit
Lot Frontage	- 75 ft. per dwelling unit
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 6 ft. on one side and 10 ft. on the other side

- c) Residential uses containing three or more dwelling units:

Lot area	- 10,000 sq.ft. for the first 3 dwelling units plus 1000 sq.ft. per additional unit
Lot Frontage	- 100 ft.
Front Yard	- 25 ft.
Rear Yard	- 25 ft.
Side Yards	- 15 ft. on one both sides

3. Commercial uses and bakeries permitted in the MU and GU Zones where connecting to on-site sewage disposal systems:

- Lot Area -29,063 sq. ft.
-40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean
- Lot Frontage -121 ft.
- Front Yard -25 ft.
- Rear Yard -25 ft.
- Side Yards -15 ft. on both sides

Maximum height of main building is 35 feet.

4. Commercial uses and bakeries permitted in the MU Zone where connecting to central sanitary sewer service:

- Lot Area -10,000 sq. ft.
- Lot Frontage -75 ft.
- Front Yard -25 ft.
- Rear Yard -25 ft.
- Side Yards -15 ft. on both sides

Maximum height of main building is 35 feet.

5. Except for fish reduction plants and fish composting operations, all other industrial uses permitted in the LI, HI, BP, V, VI, MI and RD Zones, commercial uses permitted in the LI, HI, BP, GUI and MI Zones where connecting to on-site sewage disposal systems:

Adopt
27/08/02

Adopt
09/03/04

- Lot Area -29,063 sq. ft.
-40,000 sq. ft. where the on-site sewage disposal system is located within 197 ft. of a lake, river, stream or ocean.
- Lot Frontage -121 ft.
- Front Yard -25 ft.
- Rear Yard -25 ft.
- Side Yards -20 ft. on both sides

Maximum height of main building is 45 feet.

5A. Except for fish reduction plants and fish composting operations, all other light and heavy industrial uses, accessory or unrelated commercial uses in the GU and GUI Zones where connecting to on-site sewage disposal system:

1. Light Industrial Excluding Separate Accessory Business Offices, Accessory or Unrelated Commercial Uses

Greenhouses, landscaping operations, nurseries

- Lot Area - 29,063 sq. ft.
 - 40,000 sq. ft. where on-site sewage disposal systems is located within 97 ft. of a lake, river, stream or ocean.
- Lot Frontage - 121 ft.
- Front Yard - 25 ft.
- Rear Yard - 15 ft. where abutting vacant lot.
 - 25 ft. where abutting residential lot.
- Side Yards - 15 ft. where abutting vacant lot.
 - 25 ft. where abutting residential lot.
- Maximum height of main building is 45 ft.

2. All Other Light Industrial Excluding Separate Accessory Business Offices, Accessory or Unrelated Commercial Uses

- Lot Area - 29,063 sq. ft.
 - 40,000 sq. ft. where on-site sewage disposal systems is located within 97 ft. of a lake, river, stream or ocean.
- Lot Frontage - 121 ft.
- Front Yard - 45 ft.
- Rear Yard - 25 ft. where abutting vacant lot.
 - 45 ft. where abutting residential lot.
- Side Yards - 45 ft. on both sides.
- Maximum height of main building is 45 ft.

3. Heavy Industrial Excluding Separate Accessory Business Offices, Accessory or Unrelated Commercial Uses

- Lot Area - 29,063 sq. ft.
 - 40,000 sq. ft. where on-site sewage disposal systems is located within 97 ft. of a lake, river, stream or ocean.
- Lot Frontage - 121 ft.
- Front yard - 75 ft.
- Rear yard - 50 ft. where abutting vacant lot.
 - 100 ft. where abutting residential lot.
- Side yards - 100 ft. on both sides
- Maximum height of main building is 45 ft.

4. Separate Accessory Business Offices, Accessory or Unrelated Commercial Uses

- Front Yard - 25 ft.
- Rear Yard - 25 ft.
- Side Yards - 20 ft. on both sides

Maximum height for these uses is 45 feet.

6. Fish reduction plants and fish composting operations in the RD Zone where connecting to on-site sewage disposal systems:

- Lot Area -40,000 sq. ft.
- Lot Frontage -121 ft.
- Front Yard -25 ft.
- Rear Yard -25 ft.
- Side Yards -10 ft. on both sides

Maximum height of main building is 45 feet.

7. Industrial uses and commercial uses permitted in the LI, HI and MI Zones where connecting to central sanitary sewer service:

Adopt
09/03/04

- Lot Area -10,000 sq. ft.
- Lot Frontage -100 ft.
- Front Yard -25 ft.
- Rear Yard -25 ft.
- Side Yards -20 ft. on both sides

Maximum height of main building is 45 feet.

8. Fox, Mink Farms and Piggery Operations permitted in the GU, V and RD Zones:

- Lot Area -No Requirement
- Lot Frontage -No Requirement
- Front Yard -150 ft.
- Rear Yard -200 ft.
- Side Yards -200 ft. on both sides

Maximum height of main building is 35 feet.

9. All other uses permitted in any zone where connecting to on-site sewage disposal systems:

Lot Area	-29,063 sq. ft.
	-40,000 sq ft where the on-site sewage disposal system is located within 97 ft.of a lake, river, stream or ocean.
Lot Frontage	-121 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-15 ft. on both sides

Maximum height of main building is 35 feet.

10. All other uses permitted in the MU Zone where connecting to central sanitary sewer service:

Lot Area	-10,000 sq. ft.
Lot Frontage	-100 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-15 ft. on both sides

Maximum height of main building is 35 feet.

11. Special uses permitted in the MU, MI, CW Zones and in the mainland GU Zone which are not to be connected to on-site sewage disposal systems or central sanitary sewer services and the lot is created pursuant to the Subdivision By-law or is an existing lot of 5,005 square feet or less in area:

Lot Frontage	-20 ft.
Water Frontage	-20 ft.
Front Yard	-25 ft.
Rear Yard	-25 ft.
Side Yards	-10 ft. on both sides

Maximum height of main building is 35 feet.

PART 22 - DEFINITIONS

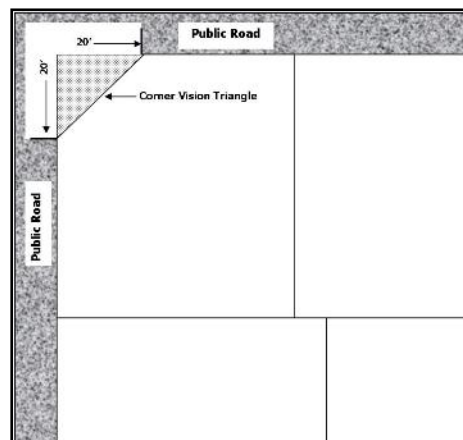
In this By-law, all carry their customary meaning except for those defined in this Part.

1. **Accessory Building** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
2. **Accessory Use** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or buildings and located on the same lot.
3. **Act** means the **Municipal Government Act**, Chapter 18 of the statutes of Nova Scotia, 1998 and amendments thereto.
4. **Agricultural Use** means any use, building or structure necessary for the cultivation of vegetation or the raising of animals or fowl for feeding, breeding or for production purposes including fur-bearing animal products for sale purposes but shall not include an abattoir.
5. **Alter** means any change in the structural component of a building, or any increase in the volume of a building or structure.
6. **Automobile Service Station** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile carwash or convenience store, or both.
7. **Basement or Cellar** means that portion of a building below the ground floor which is all or partly underground and which has at least $\frac{1}{2}$ its height from ground floor to the first floor joists above established grade.
8. **Boarding or Rooming House** means a dwelling in which the proprietor supplies either room or room and board for compensation for more than 2 but not more than 12 bedrooms exclusive of the lessee or owner and family and which is not open to the general public.
9. **Building** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment and includes any awning, bin, bunk, platform, vessel or vehicle used for any of the said purposes.
10. **Building Line** means any line regulating the position of a building or structure on a lot.
11. **Camp** means a land and building complex designed or used for group sport, recreational or cultural activities which may have facilities for sleeping and the preparation and serving of food, operated on a temporary or seasonal basis by a church, service club,

YMCA, youth club such as the Girl Guides and Scouts and organizations of a similar nature.

12. **Centre, Adult Commercial Day Care** means a building or part of a building where adults are cared for, without providing overnight accommodation, operated with a view toward financial profit and possibly employing persons; but does not include an adult day care centre.
13. **Centre, Adult Day Care** 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 adults, without overnight accommodations, but does not include an adult commercial day care centre.
14. **Clinic** means a building or part of a building used for the medical, dental, surgical or therapeutical 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.
15. **Commercial Building** means a building from which one or more businesses are carried on.
16. **Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection, the distance required by this By-law, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "corner vision triangle".

**Figure 1
Corner Vision Triangle**



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

17. **Council** means the Council of the Municipality of Argyle.
18. **Custom Workshop** means a building or part of a building used by a trade, craft, or guild for the manufacture in small quantities of made-to-measure clothes or articles and shall

include upholstering, repair, refinishing of antiques, and other art objects but shall not include metal spinning, woodworking or furniture manufacturing.

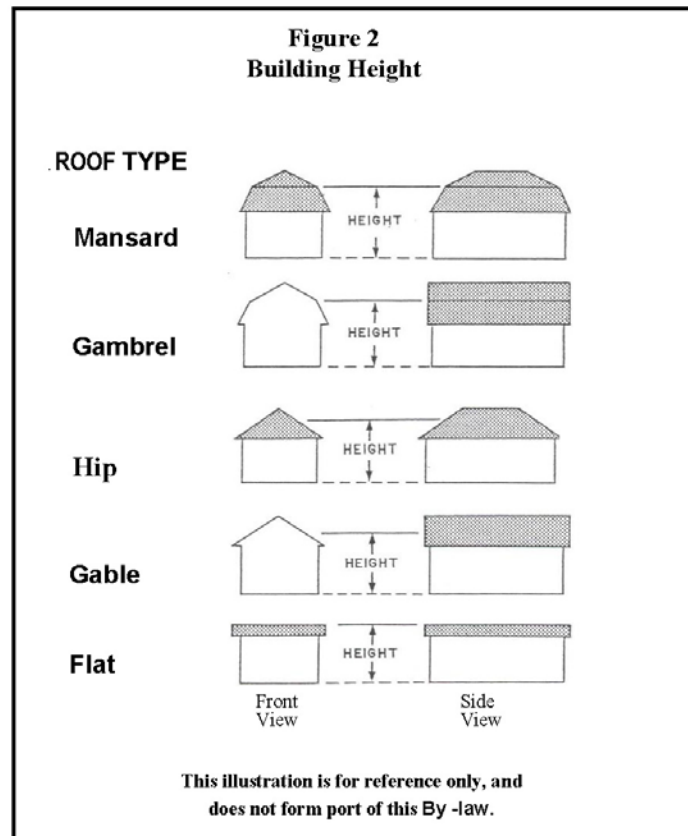
19. **Development** includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
20. **Development Agreement** means an agreement made pursuant to the provisions of the **Act**, the Argyle Municipal Planning Strategy and this By-law.
21. **Development Officer** means the development officer appointed by the Municipality in accordance with the **Act** and charged with the duty of administering the provisions of this By-law.
22. **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.
23. **Driveway** means a vehicular passageway having at least one end thereof connected to a public, private or K road, and providing ingress to and/or egress from a lot that abuts and fronts upon such roads or is landlocked.
24. **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.
25. **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 mobile home park.
26. **Dwelling, Mobile Home or Mini Home** means a vehicular portable single detached dwelling build in compliance to the Canadian Standards Association (CSA) Z240 set of standards and for the purpose of this By-law shall include any mobile home which was not built to the aforementioned standards but shall not include a travel trailer, recreational vehicle, school bus, motor home or trailer otherwise designed.
27. **Dwelling, Semi-Detached** means a building that is divided vertically into 2 dwelling units each of which has an independent entrance.
28. **Dwelling, Single Detached** means a completely detached dwelling unit and shall include a cabin, cottage or seasonal dwelling.
29. **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.

30. **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.
31. **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 such structures exclusive of any artificial embankment or entrenchment.
32. **Existing** means legally existing as of the effective date of this By-law.
33. **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.
34. **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.
35. **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.
36. **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.
37. **Floor Area, Dwelling Unit** where more than one 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.
- 37A. **Floor Area, Home Occupation** means the total floor area above or below grade within the outside walls of a dwelling and/or an accessory building used for said purpose.
38. **Fox or Mink Operation** means any operation where one or more males and females of either 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.

39. **Fraternal Centre** means a building or part of a building used as a meeting place for members of an organization and, without limiting the generality of the foregoing, may include the Legion, Lions Club, Kiwanis, Knights of Columbus, Independent Order of Odd Fellows, Women's Institute, Freemasons, Imperial Order Daughters of Empire, a labour union hall and fishers clubs.
- 39A. **Garden Centre** means a business engaged primarily in the retail sale of trees, shrubs, flowers and other plants, gardening products, equipment and accessories, which may include a nursery or greenhouse not exceeding 1,000 square feet in floor area.
40. **Guest Home or Bed and Breakfast Establishment** means a dwelling in where the proprietor supplies either room or room and board for compensation on a temporary basis and which is open to the travelling public.
41. **Height** means the vertical distance of a building between the established grade and
- the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
 - the decline of a mansard roof; or
 - 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.

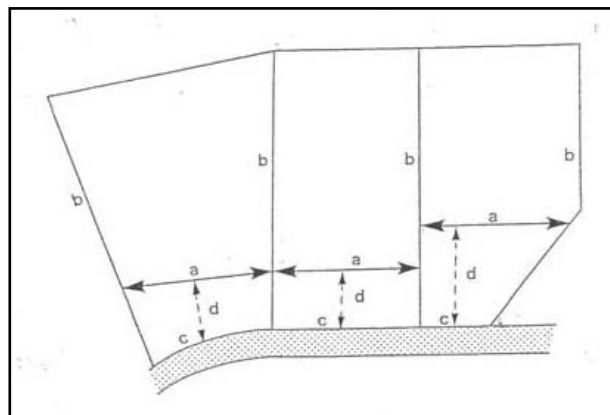
Adopt
10/29/02



42. **Historic Village** means the use of lands, buildings and structures arranged and developed as a village setting for the purpose of promoting, preserving and displaying culture and heritage and may include a visitor centre; historic buildings and structures or their reproductions; commercial uses; historic agricultural and fishery uses and activities; places of indoor or outdoor entertainment, recreation and assembly, arts and crafts production and demonstration, walkways; guided tours; and uses and activities of a similar nature which is open to the general public and which is owned and operated by a society registered pursuant to the Society's Act of Nova Scotia.
43. **Homes for Special Care** means a building or part of a building wherein care, supervision and programs are provided to persons who are physically, mentally or socially handicapped and without limiting the generality of the foregoing, shall include homes for the aged, licensed nursing homes, residential care facilities, regional rehabilitation centres, adult residential centres, community based residential facilities or facilities of a similar nature as may be defined by the Nova Scotia Homes for Special Care Act.
44. **Home Occupation** means an accessory use of a dwelling or an accessory building thereof for gainful employment and shall include either any commercial use, business or professional offices, domestic and household arts or those light and heavy industrial uses listed in Part 20 of this By-law.
- Effective
12/20/05
45. **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.
46. **Industry, Heavy** means a use engaged in the basic process and manufacture of material or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and includes but not necessarily limited to abattoirs; aggregate related industries; agricultural related industries; asphalt processing plants; bulk chemical storage; bulk fuel storage; concrete component manufacturing; fertilizer production, mixing and blending; fishing and marine related industries such as fish processing plants, fish reduction plants, fish composting operations, marine plant processing operations, boat building and repair shops; sawmills, planer mills, scrap yards, salvage yards; landfill, food waste composting, construction and demolition debris operations; welding and/or machine shops; and uses similar to the foregoing.
- Adopt
04/04/06
47. **Industry, Light** means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products and includes but not necessarily limited to building and construction contractors; building supplies and equipment sales; cold storage facilities, bait freezers; commercial greenhouses, heavy equipment storage and maintenance; recycling depots; service industries; transportation and trucking; warehousing; wholesale distribution and sales; lobster pounds; fish farms; marine plant farms; and uses similar to the foregoing but does not include a welding and/or machine shop.
- Adopt
04/04/06

48. **Institutional Use** means a building or part of a building used as an auditorium, church and other religious institution including cemeteries; public art galleries, community centres, government buildings (federal, provincial and municipal excluding provincial liquor stores), hospitals, libraries, museums, homes for special care, schools, sports complex, post offices, emergency services and uses of a similar nature.
49. **K Road** means a public road owned but not maintained by the Province listed in Appendix A of this By-law.
50. **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:
- 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;
 - does not include any portion of a public or private road right-of-way;
 - 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.
51. **Lot** means a parcel of land described in a deed or as shown in a registered plan of subdivision.
52. **Lot Area** means the total horizontal area within the lot lines of a lot.
53. **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.

Figure 3
Lot Frontage



54. **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 side lot lines, 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.

55. **Lot, Corner** means a lot situated at the intersection of and abutting on two or more public roads, private roads, K roads or any combination thereof. The shorter lot line shall be deemed the front lot line of the said lot.

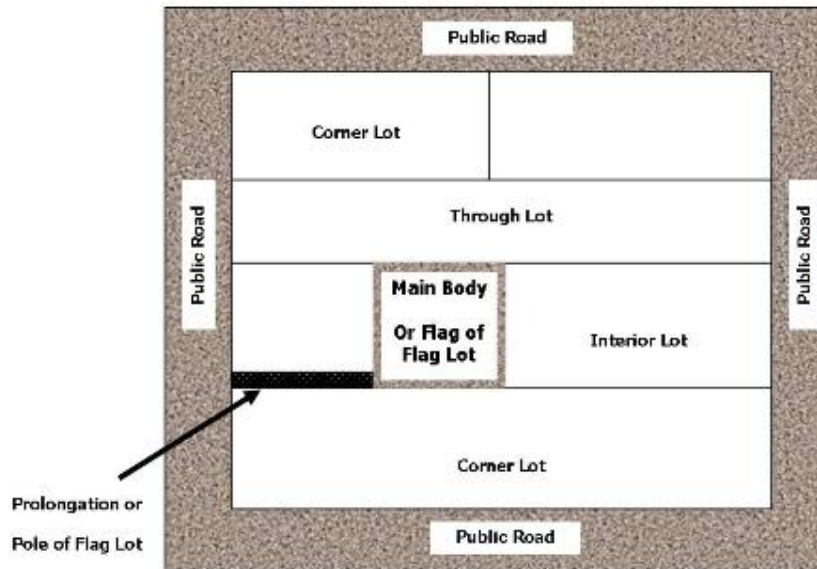
56. **Lot, Flag** means a lot which generally resembles a flag on a pole where the pole, a narrow prolongation to serve as an access corridor extending from a public road, private road or K road to the flag or main body of the lot which is generally located at the rear of another lot.

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

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

59. **Lot, Through** means a lot bounded on two opposite sides by a public road, private road or K road provided, however, that if any lot qualifies as being both corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

**Figure 4
Lot Type**



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

60. **Lot Line** means a boundary line of a lot.
61. **Lot Line, Flanking** means a side lot line which abuts the public road, private road or K road on a corner lot.
62. **Lot Line, Front** means the line dividing the lot from a public road, private road or K 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. (Refer to Definition #109).
- a) in the case of a corner lot, the shorter boundary line abutting a public road, private road or K 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 or K road shall be deemed the front lot line.
63. **Lot Line, Rear** means the lot line furthest from the front lot line.
64. **Lot Line, Side** means a lot line other than a front or rear lot line.

65. **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
66. **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.
67. **Mobile Home Park** means a lot or area of land on which spaces are provided for 2 or more mobile homes and includes any service building and service uses as part of the equipment of the mobile home parks but does not include a travel trailer park, campground or group dwellings.
68. **Motor Home** means a recreational vehicle, having its own motive power, and designed to be driven on public streets and highways and which may be placed on a site for a temporary period.
69. **Municipality** shall mean the Municipality of Argyle.
70. **Nursery, Commercial Day** means a building or part of a building, where preschool-aged children are cared for, without providing overnight accommodation, operated with a view toward financial profit and possibly employing persons; but does not include a day nursery.
71. **Nursery, Day** means that portion of a residence wherein the owner or occupier of the residence or an institutional use such as a church, church hall or community hall provides accommodation to 3 or more preschool-aged children, without providing overnight accommodation, but does not include a commercial day nursery.
72. **Office** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
73. **Outdoor Commercial Display** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.
74. **Parking Lot** means an open area of land other than a street or an area within a structure for the parking of motor vehicle.
75. **Parking Space** means an area of land for the temporary parking of motor vehicles exclusive of driveways, aisles or manoeuvring areas.
- 75A. **Pelting Operation** means the use of a building or part of a building where fox and/or mink 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 fox or mink farm.

76. **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.
77. **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.
78. **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.
79. **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 approved by the Department of Transportation and shown on an approved plan of subdivision prior to the first day of August, 1987 and filed in the Registry of Deeds;
80. **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.
81. **Public Garage** means a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop which does not include any automatic car washing establishment, a motor vehicle sales establishment or an automobile service station.
82. **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 excluding designated controlled access highways pursuant to Section 20 of the **Public Highways Act**.

83. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and similar uses but does not include a track for the racing of animals, a motor vehicle race track or drag strip.
84. **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.
85. **Restaurant** means a building or part thereof where food and/or drink is served to the public for consumption entirely within the building.
86. **Restaurant, Drive-In** means a building where food and drink is served to the public for consumption in parking areas appurtenant to the building whether or not facilities are provided for consumption within the building.
87. **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.
88. **Right-of-way** means an easement for access extending to and having access to a public, private or K road or waterfrontage but does not include a driveway outside a right-of-way.
89. **Salvage Yard** means an area of land or lot including any building or structure used for the receipt, storage, sale, resale and processing of waste or surplus automobiles, transportation vehicles or industrial equipment, including any parts or pieces that have been removed but does not include a scrap yard or recycling depot.
- 89A **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.
Adopt
06/01
90. **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.
- 90A. **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 cooking and/or drying of their skins; the preparation for the freezing of their raws 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.
Adopt
26/07/06

91. **Service Industries** includes the processing of milk and dairy products, a bakery, a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar uses.
92. **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.
93. **Shopping Centre** means a development used or intended to be used primarily for the purpose of retail trade and resulting or intended to result in a total of 50,000 square feet or more of:
- a) new retail floor space, or
 - b) new and existing related floor space where the new floor space exceeds 10,000 square feet, including common areas and related office and warehouse space, but excluding parking areas.
- 93A.** **Specialized Farm Residential Dwelling** means any dwelling directly related to the management and/or operation of a fox farm, mink farm and/or piggery operation and/or designated to accommodate the farm owner and family or any employees of the farm owner and their families.
- Adopt
09/10/07
94. **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.
95. **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.
96. **Strategy** means the Municipal Planning Strategy of the Municipality of Argyle.
97. **Street Line** means the boundary line of a public road , private road or K road.
98. **Strip Mall or Plaza** means a group of commercial uses which have been designed and developed as a continuous unit, and characterized by shared parking and by the absence of a common interior walkway.
99. **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.
100. **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.

101. **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.
102. **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.
103. **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.
104. **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.
105. **Warehouse** means a building used for the storage, wholesaling and distribution of goods and materials but shall not include a retail store.
106. **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.

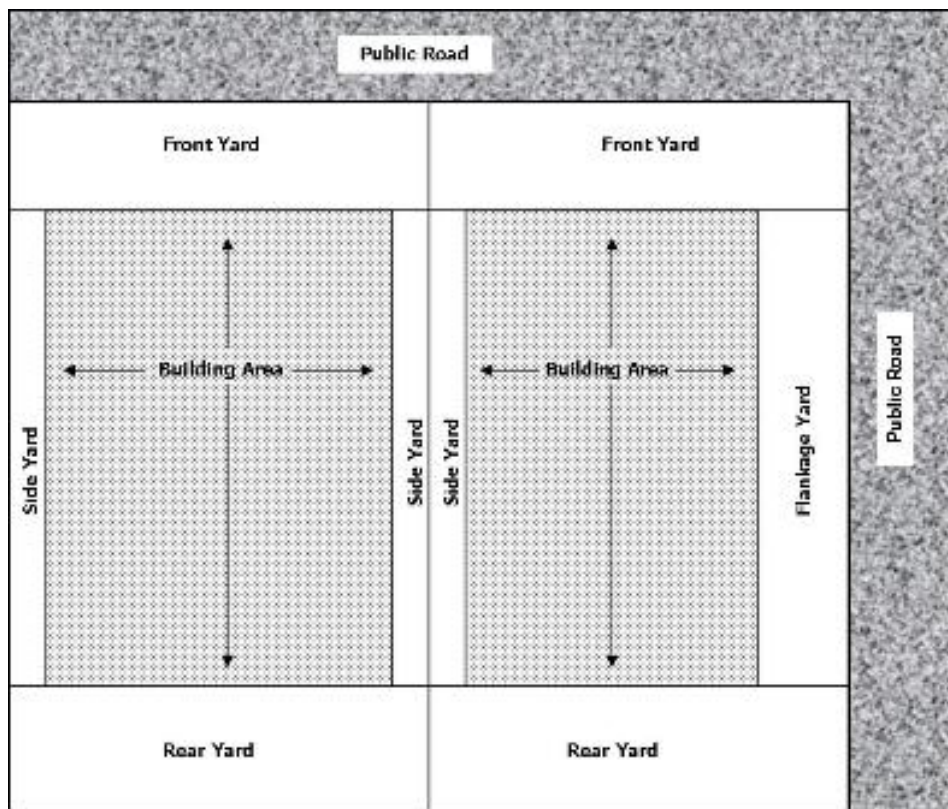
106A. **The following definitions shall apply to wind turbine generators (WTG):**

Adopt
29/10/02

- a) **Blade** means an element of a WTG rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.
- b) **Blade Clearance** means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
- c) **Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.
- d) **Rotor's Arc** means the largest circumferential path travelled by a WTG blade.
- e) **Total Height** means the height from grade to the highest vertical extension of a WTG. In the case of a WTG with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.
- f) **Tower** means the structure which supports the rotor above grade.
- g) **Vertical Axis Rotor** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.
- h) **Wind Farm or Wind Park** means more than one WTG located on a lot.

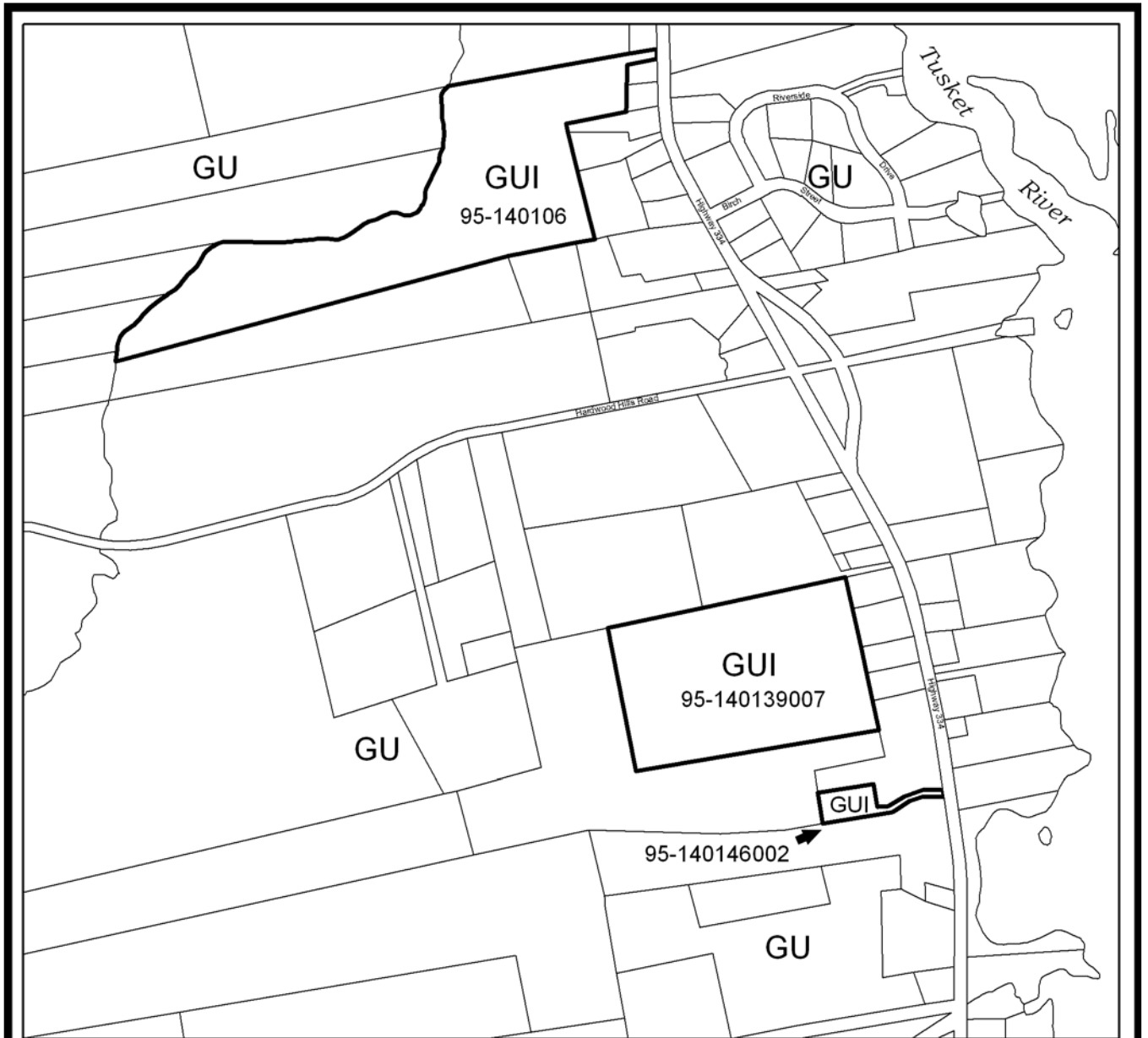
- i) **Wind Turbine Generator (WTG)** means a structure designed to convert wind energy into mechanical or electrical energy as a utility.
107. **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law.
108. **Yard, Flankage** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any main building or structure.
109. **Yard, Front** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and "minimum" front yard means the minimum depth or such greater depth required by this By-law of a front yard on a lot at which the minimum lot frontage requirement is met between the front lot line and the nearest main wall of any main building or structure on the lot. Any one boundary line of a lot which is landlocked and served by a right-of-way or driveway may serve as a front lot line for the purpose of calculating the minimum front yard and other applicable yard requirements (Refer to Figures 3 and 4 Definitions #54 and #62).
110. **Yard, Rear** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and "minimum" rear yard means the minimum depth required by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
111. **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.
112. **Zone** means a designated area of land shown on the Schedules of this By-law.

**Figure 5
Required Yards**



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

PART 23 - SCHEDULE J - GENERAL USE INDUSTRIAL ZONING MAPS



Municipality of Argyle

Zoning Map J1

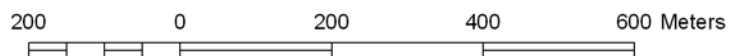
Plymouth



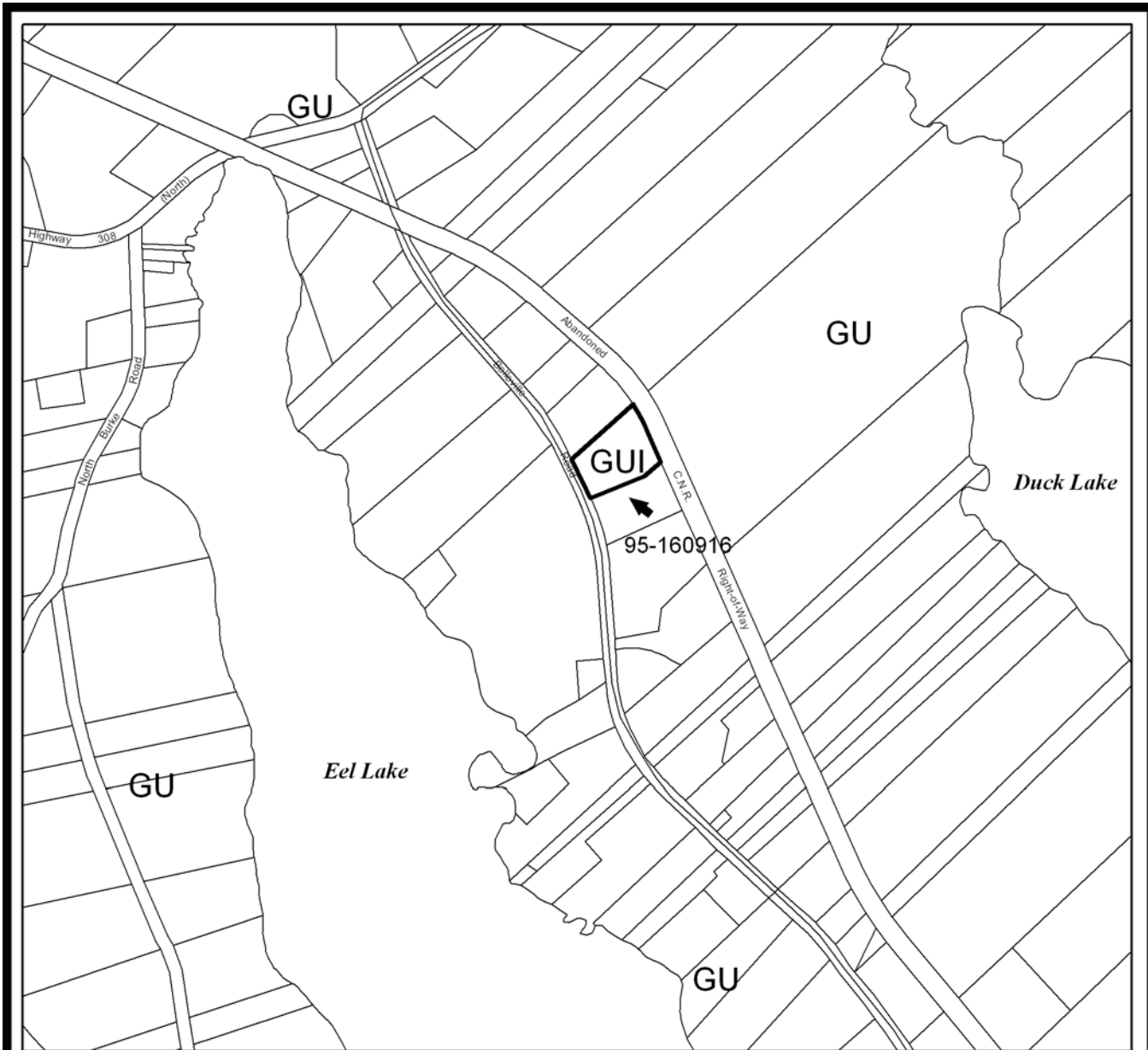
General Use Zone



General Use Industrial



November 1999



Municipality of Argyle

Zoning Map J2

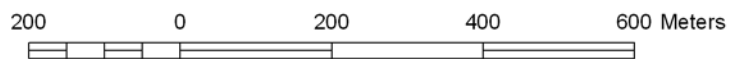
Belleville



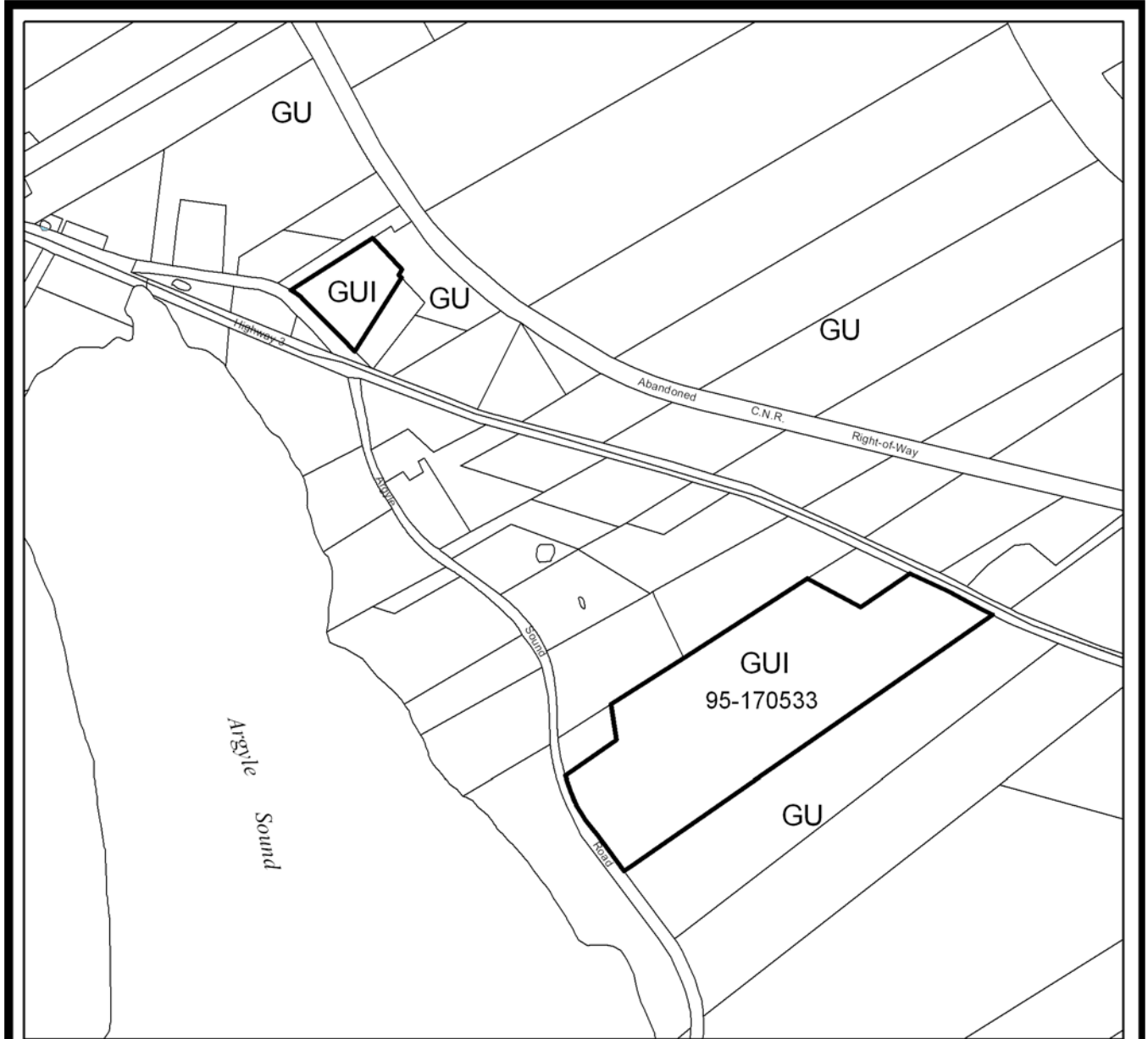
General Use Zone



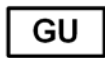
General Use Industrial



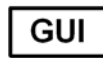
November 1999



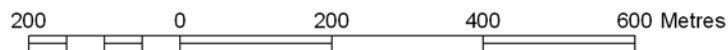
Municipality of Argyle
Zoning Map J3
Argyle Sound



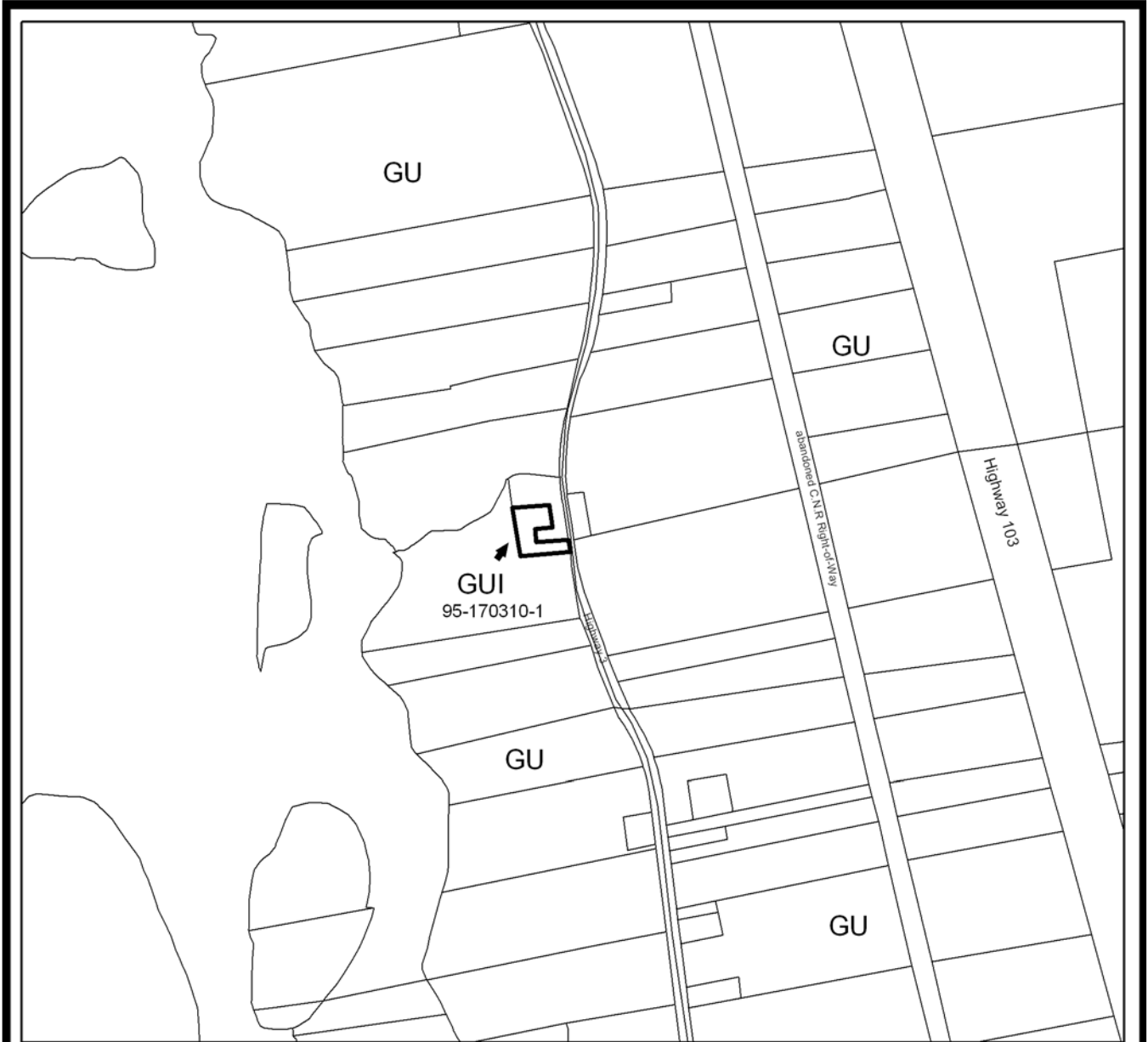
General Use Zone



General Use Industrial



Sept 30/08



Municipality of Argyle

Zoning Map J4

Central Argyle

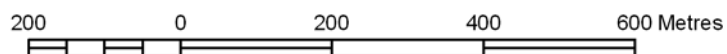


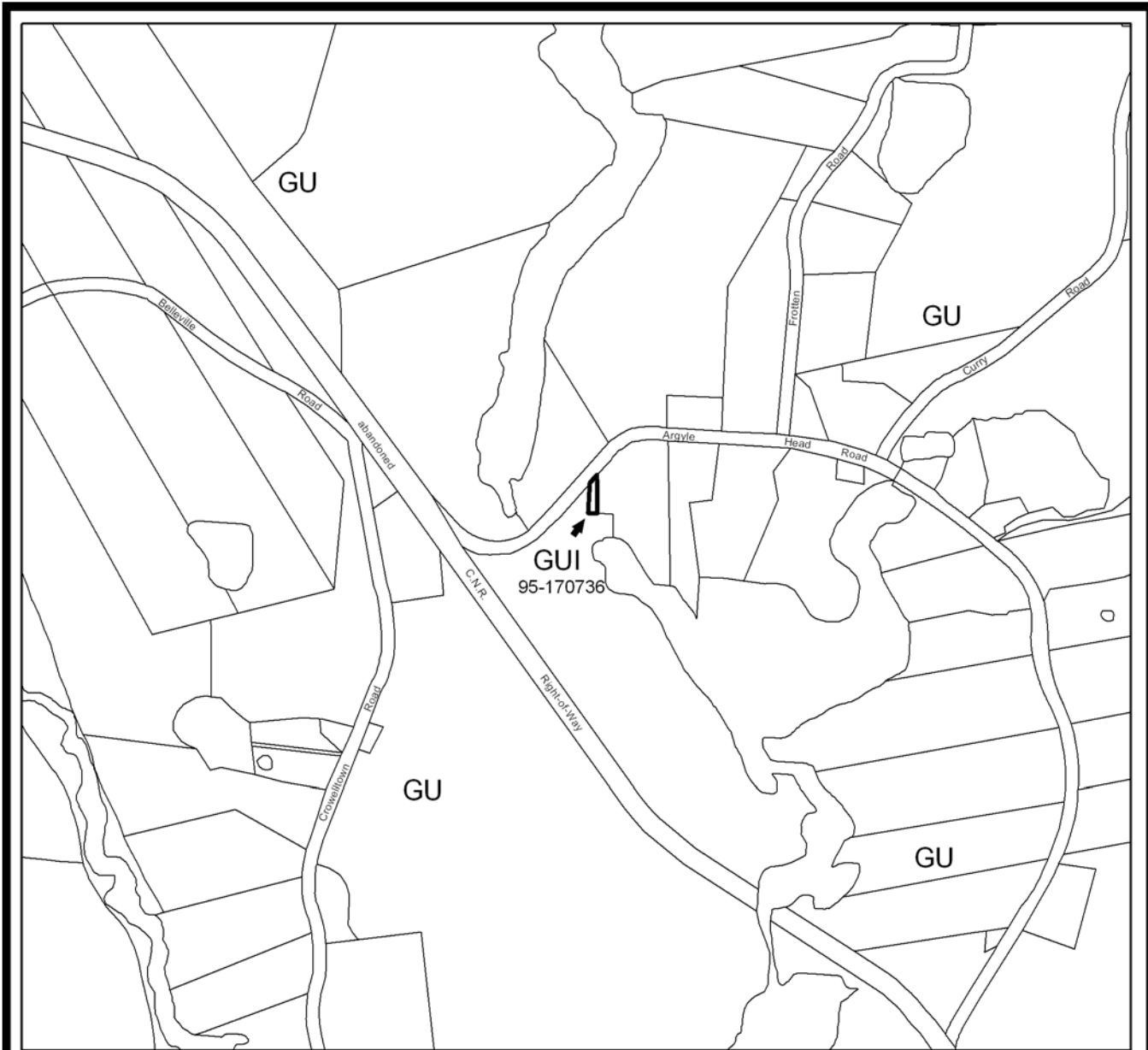
GU

General Use Zone

GUI

General Use Industrial





Municipality of Argyle

Zoning Map J5

Argyle Head

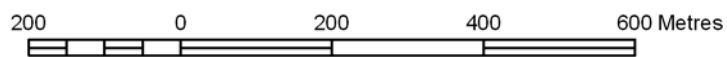


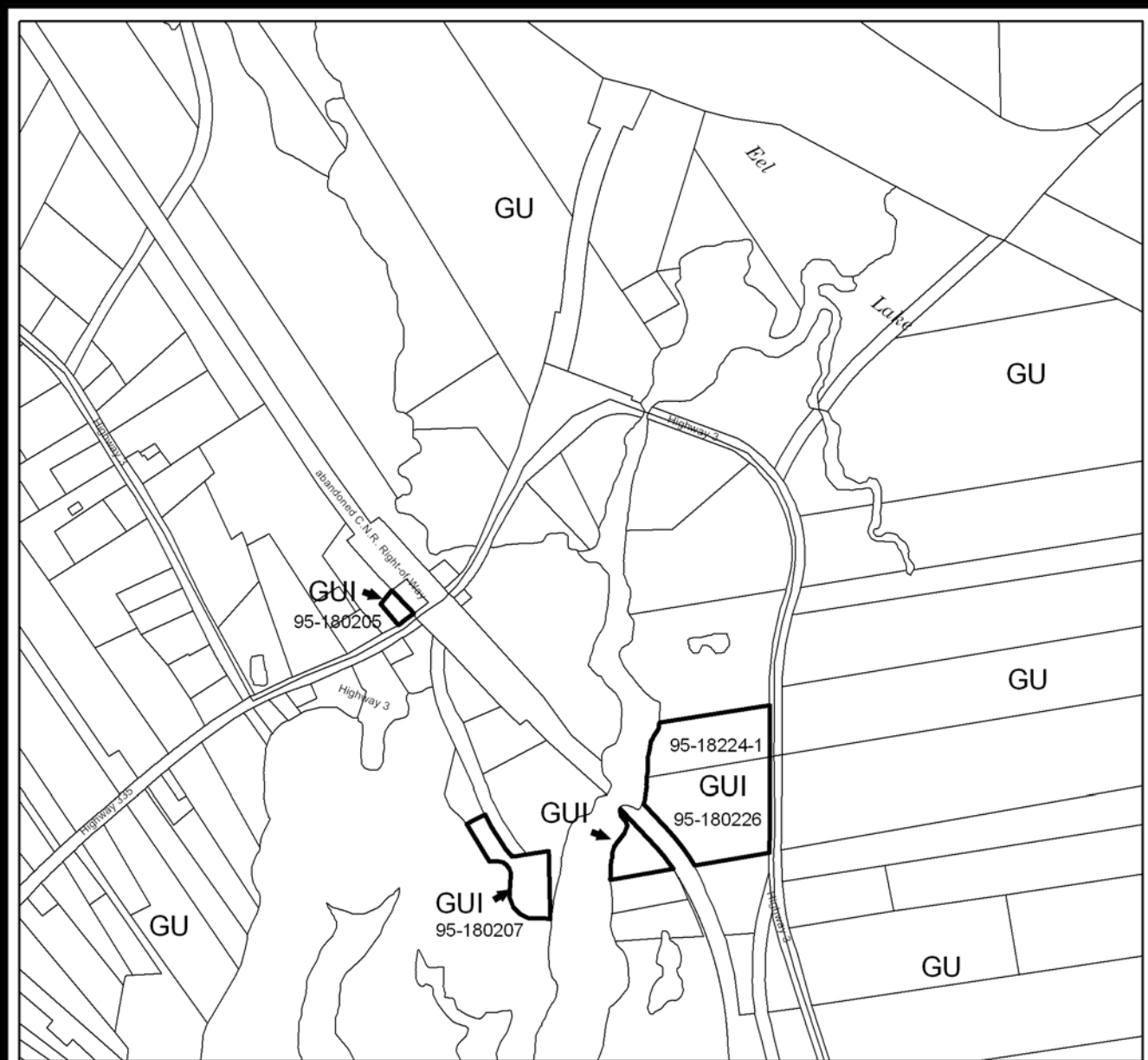
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General Use Zone

GUI

General Use Industrial





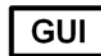
Municipality of Argyle

Zoning Map J6

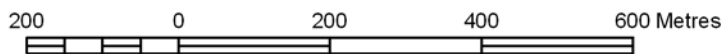
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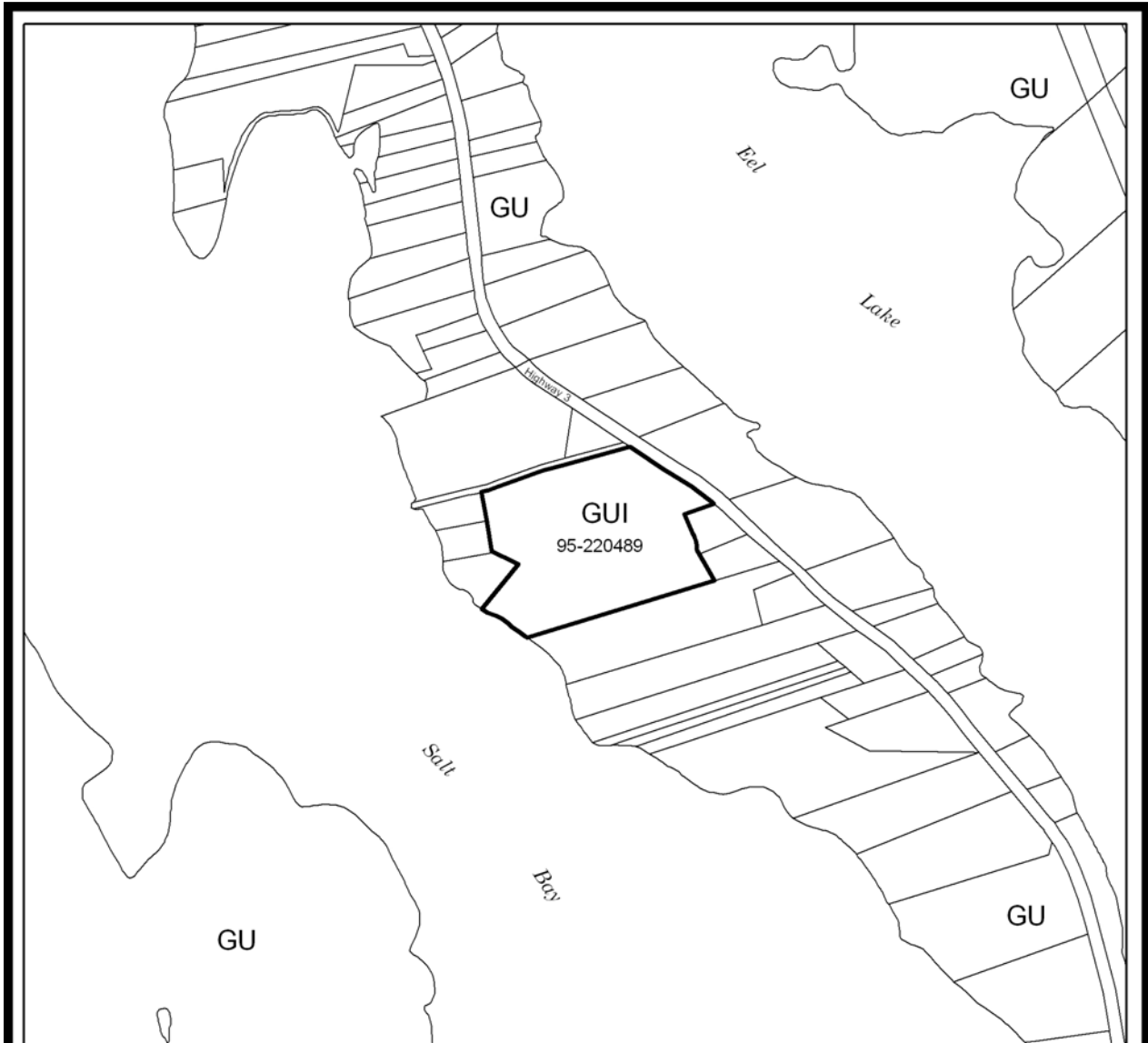
General Use Zone



General Use Industrial



Zoning Map J7 Deleted – Adopted 30/08/00



Municipality of Argyle

Zoning Map J8

Eel Brook

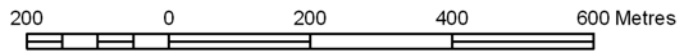


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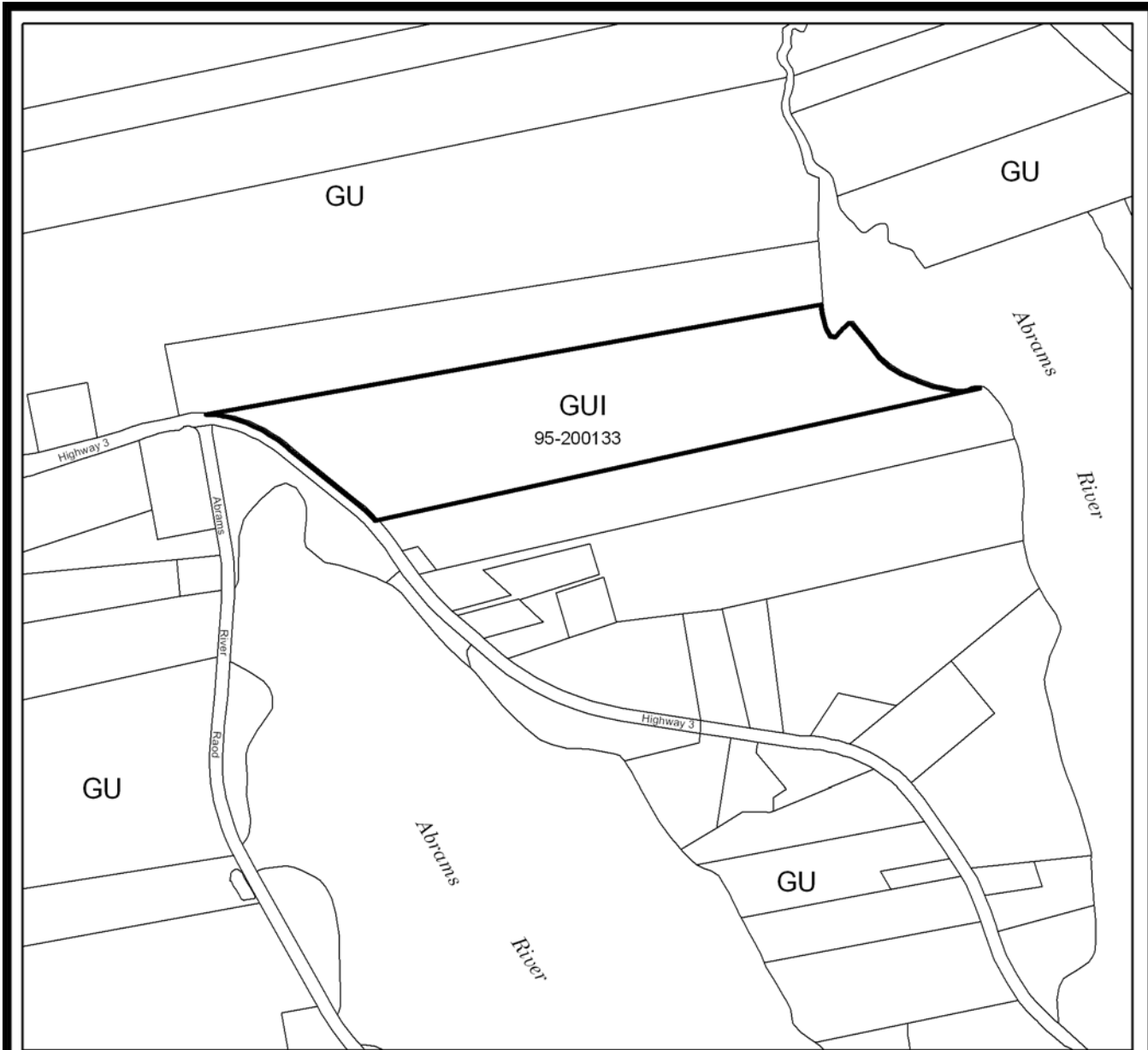
General Use Zone

GUI

General Use Industrial



November 1999



Municipality of Argyle

Zoning Map J9

Ste. Anne du Ruiseau

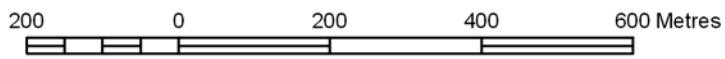


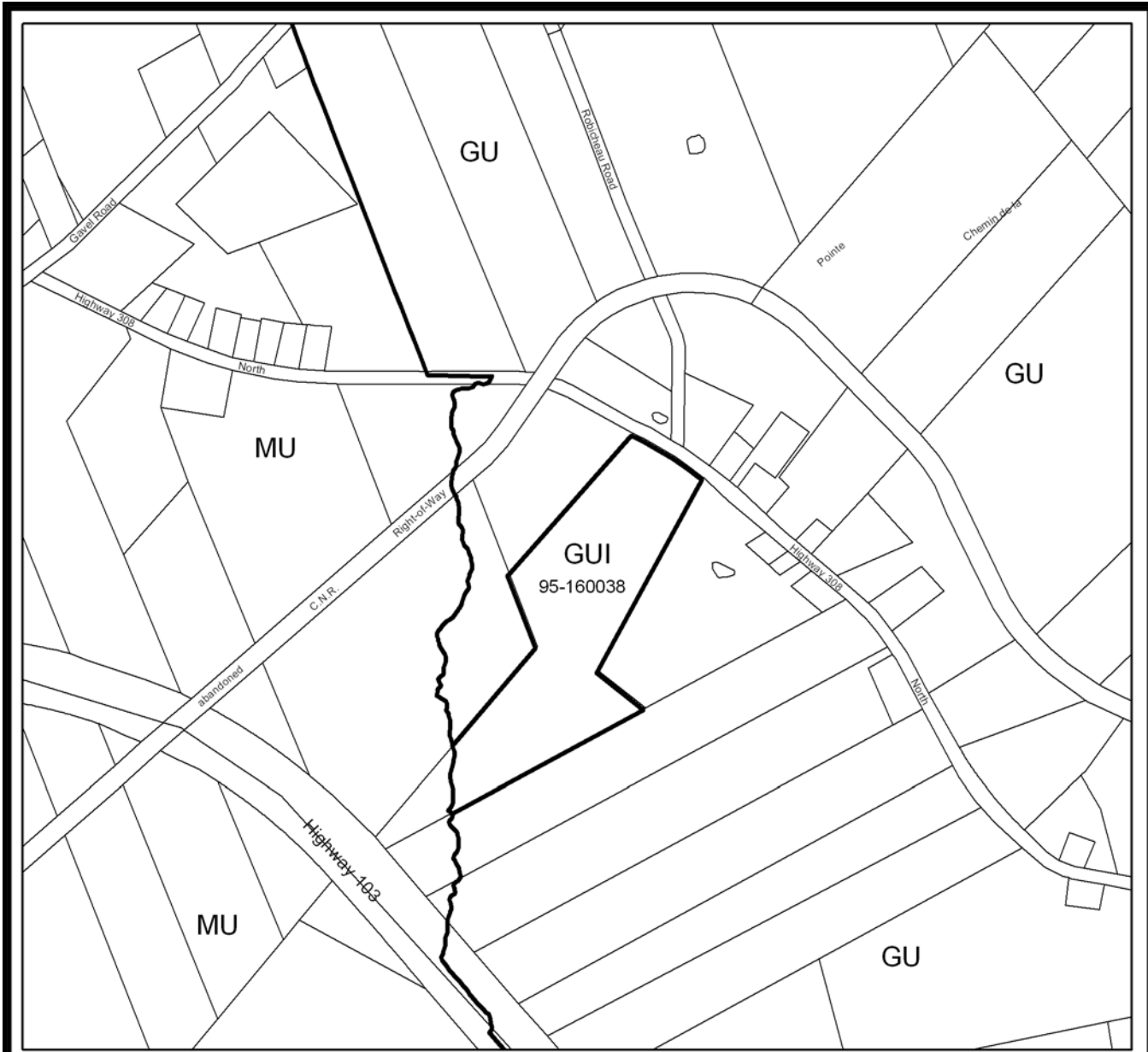
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General Use Zone

GUI

General Use Industrial

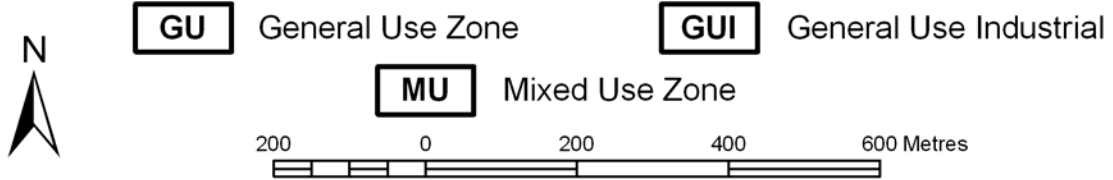


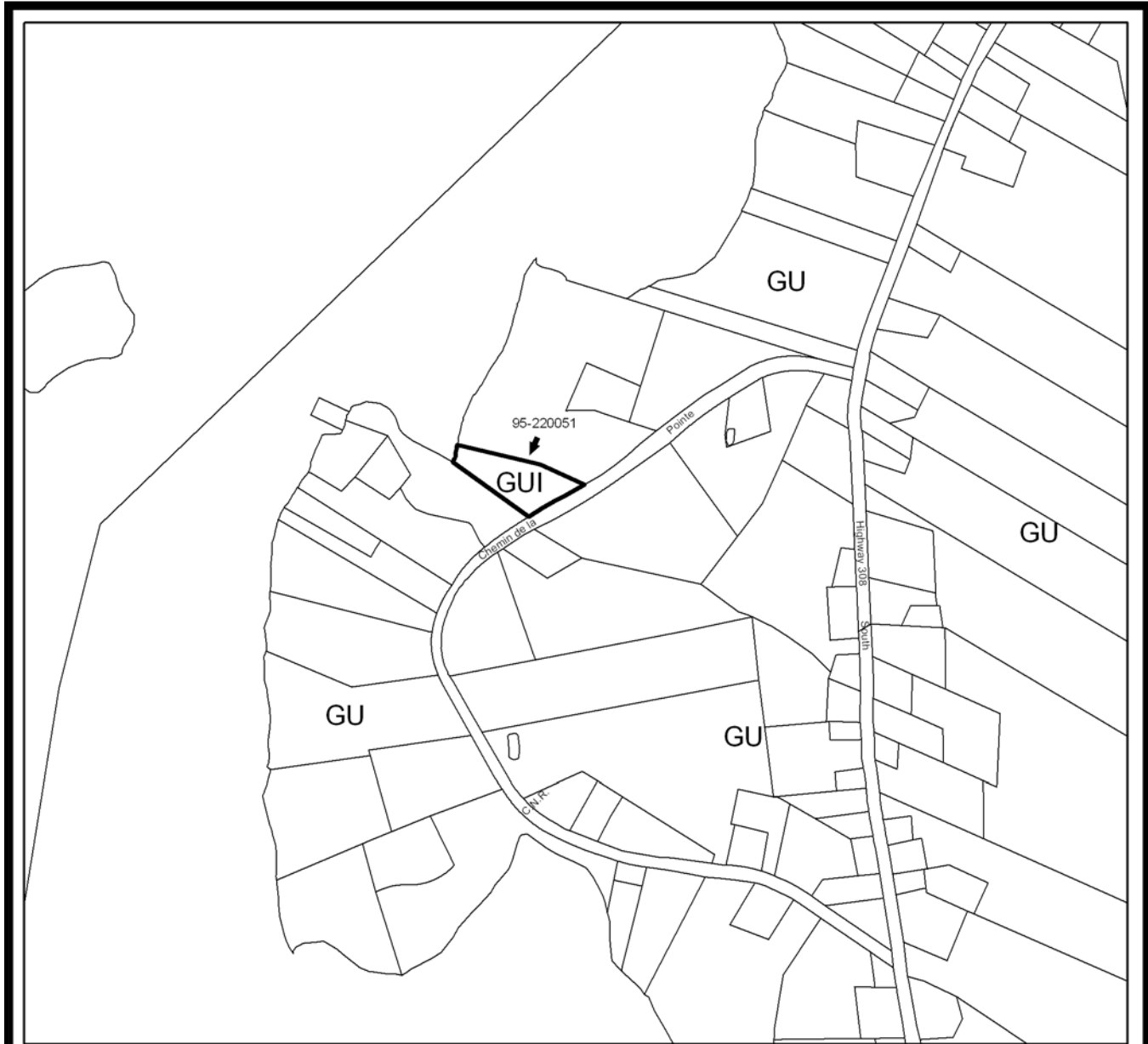


Municipality of Argyle

Zoning Map J10

Belleville





Municipality of Argyle

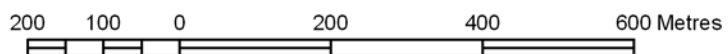
Zoning Map J11

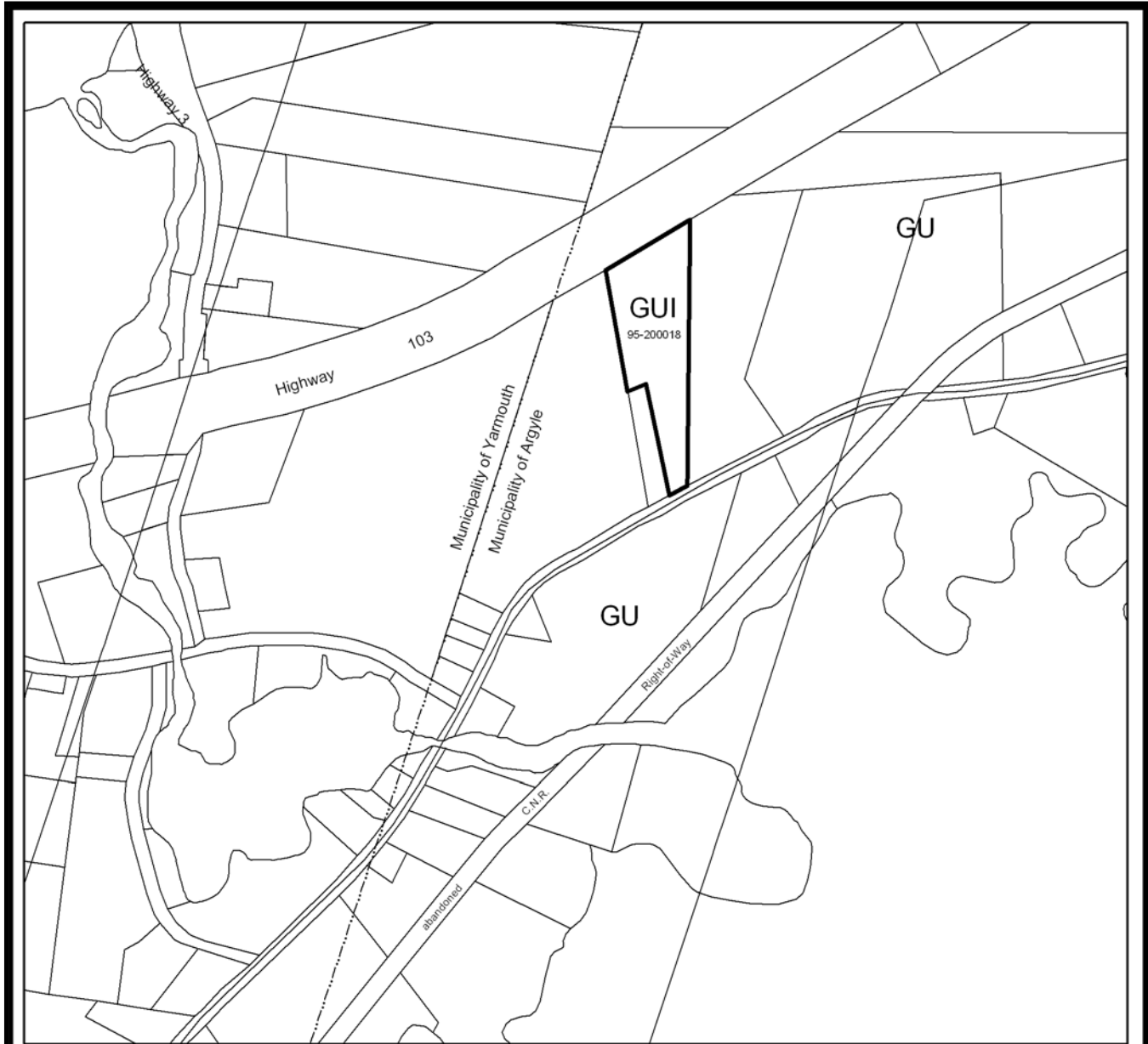
Hubbards Point



GU General Use Zone

GUI General Use Industrial





Municipality of Argyle

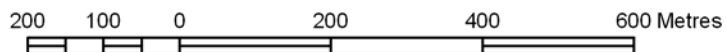
Zoning Map J12

Pleasant Lake



GU General Use Zone

GUI General Use Industrial

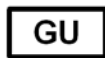




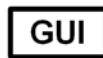
Municipality of Argyle

Zoning Map J13

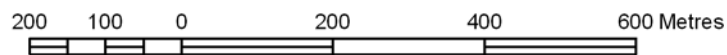
Central Argyle

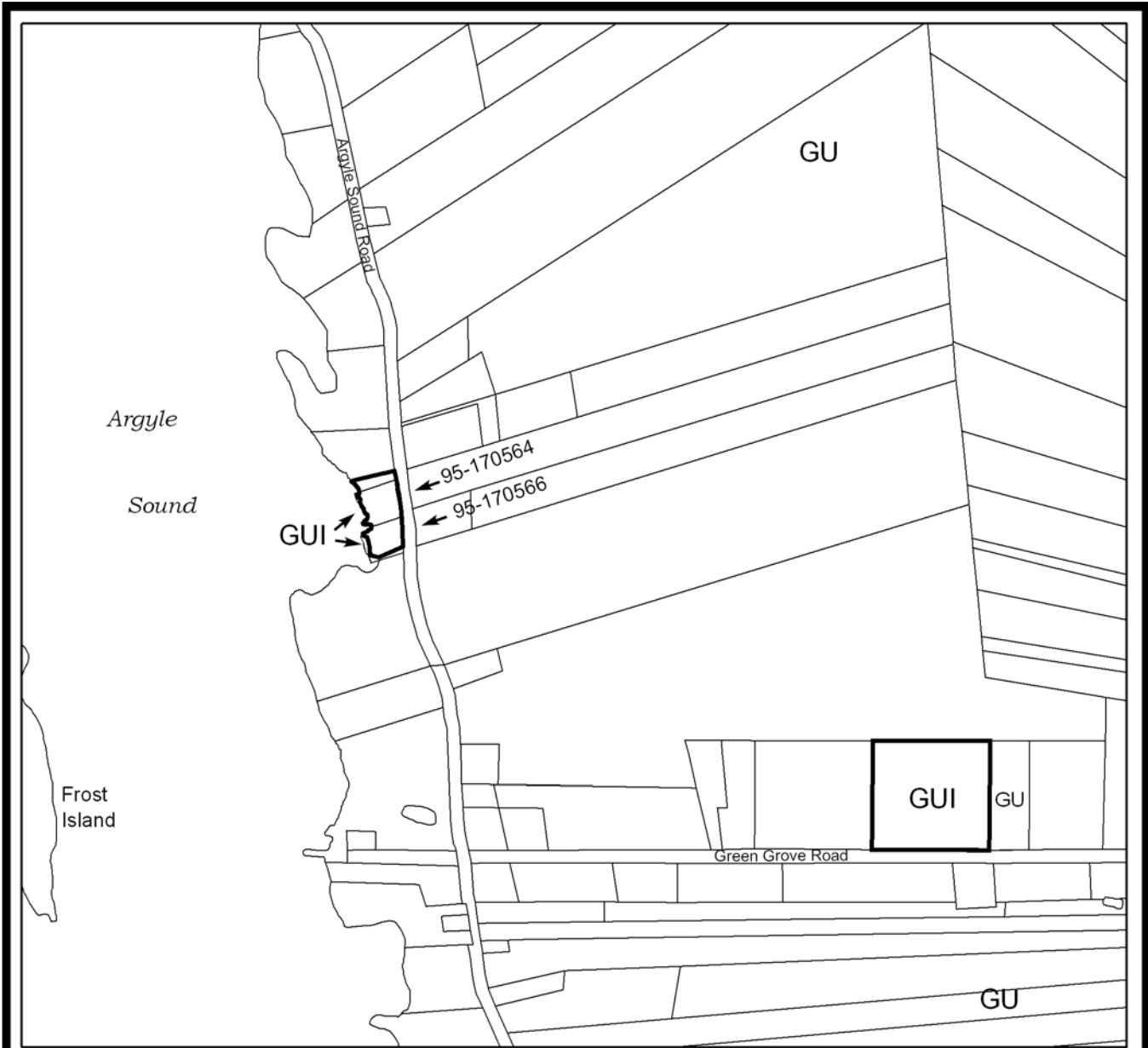


General Use Zone



General Use Industrial





Municipality of Argyle

Zoning Map J14

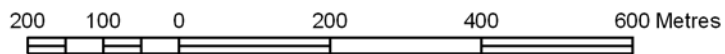
Argyle Sound



General Use Zone



General Use Industrial



Adopt 04/02
Adopt 03/04
Adopt 05/05

PART 24 - LIST OF K ROADS

This list of K roads in the Municipality of Argyle was compiled from the Nova Scotia Department of Transportation and Public Works Yarmouth County Road List of December 5, 1995.

Road Name (Number)	Area	Length (km)	Description
Highway 3 (3)	Abrams River	0.2	Loop across from Abrams River Road
Highway 3 (3)	Abrams River	0.2	Loop 300m west of Abrams River Road
Highway 3 (3)	East Pubnico	0.4	Loop near stone arch bridge
Highway 3 (3)	Tusket (RC)	0.3	Loop 300 m from Hwy 308
Highway 3 (3)	Tusket (RC)	0.2	Loop Hwy 3 from Tusket bridge
Wedgeport (540)	Wedgeport	0.2	Loop of old road southeast
Hay (543)	Comeau's Hill	2.4	Comeau's Hill Road westerly to island
William Robbins (552)	Tusket	0.3	From gate to end towards lake
Frank Doucette (554)	Tusket	0.3	
Chemin des Gasson (557)	Amiraults Hill	0.5	From last house to end of road
Chemin des Bouleaux (561)	Sluice Point	0.1	From Hwy 308 to main section
Chemin des Ben (563)	Sluice Point	0.1	From Hwy 308 to north end of road
Abrams River (564)	Abrams River	0.6.	From end of pavement to end of road
Chemin des Bourques (573)	Ste. Ann du Ruisseau	1.7	From end of pavement north to Hwy 103

Road Name (Number)	Area	Length (km)	Description
Armstrong (578)	Bellneck	0.9	From end of "T" section to Tusket River
Trefry (579)	Springhaven	0.4	From Trefry bridge to Caleb Trefry home
Salem (582)	Springhaven	1.1	From end of upgrade to end of road at brook
Mispough (584)	Quinan	4.2	From social club to end of road
Eli Doucette (585)	Quinan	0.4	From last house to end of road
Indian Falls (587)	Quinan	1.5	From Hwy 308 west to Indian Falls
Boyd (593)	Argyle Head	0.3	From Meadow Bridge to Boyd homestead
Ardnamurchan (601)	Central Argyle	0.7	From gate west to Club
Station (605)	East Pubnico	0.2	From Railway R.O.W. south to shore
Emerald (608)	Lower East Pubnico	5.9	From end of sand seal to French Lake
Pope (609)	Lower East Pubnico	0.5	From last house to county line
West Pubnico (613)	Lower West Pubnico	0.2	End of pavement Hwy 335, east to old wharf
Old Abbots Harbour Road (614)	West Pubnico	2.1	From end of pavement to Abbot's Harbour Road
Franks (615)	Upper West Pubnico	1.8	Argyle Sound Road to shore
Miniques Hill Road (616)	Middle West Pubnico	0.5	From end of pavement to Chemin de l'Eglise
Chemin de l'Eglise (617)	Middle West Pubnico	1.5	From Post Office towards shore
Chemin du Rocher (618)	Middle West Pubnico	0.2	From wharf along shore
Pond (621)	Lower West Pubnico	0.6	Main branch south to shore

Road Name (Number)	Area	Length (km)	Description
Chemin a Cornu (624)	Lower West Pubnico	0.5	End of pavement to shore
New Meadow (632)	East Kemptville	2.7	From end of "I" section to end of road
Hurlburt (634)	North Kemptville	0.8	North Kempt Rd. To William Randall
Wharf (639)	Lower Argyle	0.5	From end of "I" section to shore
Greenwood (645)	Pubnico	0.1	From end of sand seal across 103 to main branch
Great Pubnico Lake (647)	Pubnico	0.6	From Hwy 3 across Hwy 103 to main branch
New (649)	East Pubnico	0.4	From Hwy 3 west to last house
Lake (650)	East Pubnico	2.4	From Hwy 3 east across 103 to Miller's Hill
Cape Wharf (661)	Wedgeport	0.2	Balance of road easterly along shore
Boudreau (662)	Wedgeport	0.7	From last house to shore
Black Pond (663)	Wedgeport	0.5	Loop 1.27 km east of Comeau's Hill Road
Cross (664)	Pubnico	0.6	From Hwy 3 southerly to Hwy 335
Islet (665)	Wedgeport	0.5	Hwy 334 easterly to marsh
Forman (667)	Wedgeport	0.8	Hwy 334 westerly to Henry's Road
Henry's (668)	Wedgeport	0.8	Formans Road south to Chemin de l'Aboiteau
Chemin de l'Aboiteau (669)	Wedgeport	1.6	End of pavement to Goose Bay bridge at Henry's Road
Chebeck (671)	Wedgeport	1.4	From main branch to shore

Road Name (Number)	Area	Length (km)	Description
Chemin des Cottreau (672)	Wedgeport	0.2	From end of pavement to shore
Ditcher (674)	Wedgeport	0.2	From end of pavement to end of road
Surette (675)	Wedgeport	0.8	From Surette Cross Road to shore
Frautten Point (678)	Wedgeport	0.2	From "I" section to end of road
Richards (681)	Wedgeport	0.7	From end of pavement to end of road
Sam (715)	West Pubnico	0.1	From last house to shore
West Hill (774)	Comeau's Hill	0.8	From last house to shore
East Hill (775)	Comeau's Hill	0.3	From last house to shore
Robicheau (778)	North Belleville	0.3	From Wayne Robicheaus west boundary to gavel Road
Chemin d'la Tete d'la Pre (781)	Abrams River	0.4	From last house to end of road