



STAFF REPORT

Planning and Development

Subject: *Proposed Amendments to the LUB for Special Uses Minimum Standards and Housekeeping Amendments*

To: Municipality of Argyle CAO and Planning Advisory Committee for January 30, 2024

Date Prepared: January 25, 2024

Related Motions: None

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Summary

The Planning and Development Department has initiated changes to the Land Use By-law (LUB) regulations as following adoption of new planning documents, adjustments are often needed to fix minor errors, omissions, or inconsistencies that are discovered once the documents are put into practice. In total, eleven (11) housekeeping amendments changes are proposed to the Land Use By-law (LUB) as part of this report.

The next step is for the Planning Advisory Committee (PAC) to make a recommendation to Council. Following the PAC's recommendation, the proposed LUB amendments would proceed to Council for first reading prior to public hearing.

Financial Impact Statement

There is no immediate financial impact aside from the typical public engagement process and staffing requirements resulting from the proposed LUB amendments.

Recommendation

That the Planning Advisory Committee recommend to Council to give first reading to the proposed amendments to the Land use By-law as contained in the planner's report dated January 25, 2024.

Recommended Motion

The Planning Advisory Committee recommend that Council:

- give first reading to consider approval of the proposed amendments to the Land Use By-law as contained in the planner's report dated January 25, 2024;
- proceed to first reading without a second meeting of Planning Advisory Committee unless substantial comments are received from the public; and
- upon first reading, authorize staff to schedule a public hearing.

Background

On June 23, 2020, Argyle Council approved the 2020 Municipal Planning Strategy (MPS) and Land Use By-law (LUB). These planning documents contain the Municipality's land use policies and accompanying regulations. The two documents work together alongside the provincial subdivision regulations to guide growth and development within the municipality.

Council, staff, developers, and the public have been working with the new policies and regulations for about three years. In using these documents, errors, omissions, and new issues have been identified and we can see what is working well and what needs to be adjusted. Housekeeping amendments to the MPS and LUB were presented to Council and approved on October 12, 2021, and December 13, 2022. Since then, additional housekeeping amendments to the LUB have been identified. This is typical in the use of these documents. These proposed changes are identified and discussed within this report.



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Discussion & Proposed Amendments

Proposed LUB Housekeeping Amendment: Part 2 - Administration

The *Municipal Government Act* permits Municipalities, via their Land Use By-laws, to enable Development Officers to grant variances for several considerations related to lots. Currently, The Land Use By-law permits variance to size or other requirements related to yards. Staff are proposing that this ability be prohibited for yards that directly abut an identified watercourse or the Atlantic Ocean. Staff propose to insert clarifying language into Part 2 of the Land Use By-law.

Staff also noted an error in the language provided to Part 2 of the Land Use By-law that was inconsistent with the Building Code. Therefore, staff propose to alter the language concerning these two from ground to floor to align and be consistent with language in the Building Code, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

2.13 Variances

- xii. Size or other requirements relating to yards; **except when the yard directly abuts an identified watercourse or ocean.**
- xvii. The **ground floor** area of an Accessory Dwelling Unit (**Garden Suite Only**)

Proposed LUB Housekeeping Amendment: Part 4 - General Provisions for All Zones

Staff noted a small grammatical error to Part 4 of the Land Use By-law where “minimum” was used instead of “maximum.” Therefore, staff propose to alter the language from minimum to maximum, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

4.23.3 Group Dwelling Development Architectural Requirements

- b) Each building will have a **minimum maximum** width-to-length ratio of 1:5.

Based on concerns pertaining to consistency, safety, and environmental protection, Staff are proposing that a minimum setback of twenty-five (25) feet, for a main or accessory dwelling from an identified watercourse and/or the oceanfront is added to the Land Use By-law as a general provision, through the following amendment with new text shown in green:

4.25 Minimum Yard Setback for Main and/or Accessory Dwellings When Abutting Identified Watercourses and/or the Oceanfront

Where, in the By-law, a front, rear, or side yard for a main or accessory dwelling is required, and property upon which the main or accessory dwelling is located abuts an identified watercourse and/or the oceanfront, the minimum required setback for a front, rear, or side yard, or a combination thereof, shall be no less than twenty-five (25) feet and shall not be permitted to be varied.

Proposed LUB Housekeeping Amendment: Part 6 - General Provisions for Commercial Uses and Residential Uses

Staff noted an error in the table within Section 6.4(iv) of the Land Use By-law where it was indicated under Garage Suite that 80% of the gross floor area of the main dwelling up to 95 m² was permitted. Therefore, staff propose to correct the permitted gross floor area noted, through the following amendments to the Land Use By-law by replacing



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text shown in red with text shown in green:

6.4 Accessory Dwelling Units

- iv. Where permitted in this By-law, accessory dwelling units must comply with the minimum zone requirements, as well as requirements shown in the table below:

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

Proposed LUB Housekeeping Amendment: Part 9 - Home Occupations

Staff noted an error in the language provided to Part 9 of the Land Use By-law that was inconsistent with the Building Code. Therefore, staff propose to alter the language in Section 9.1(i) & (ii) to align and consistent with the language in the Building Code, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

9.1 Home Occupation Size Requirements

- ii. The home occupation uses less ~~Not more~~ than 25% of the ~~total~~ floor area of the dwelling unit ~~is used for the home occupation~~.
- iii. The home occupation uses an ~~floor~~ aggregate floor area of less than 50 m².

Proposed LUB Amendment: Part 10 - Special Uses

Staff have encountered issues where they must refer back to the underlying zone due to the absence of minimum standards being provided for special uses and there are times that, as these uses are permitted on small lots, the underlying zone minimum standards do not work.

Therefore, Staff propose the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

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

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



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

10.1 Special Uses Minimum Standards

No development permit for a Special Use, where permitted, shall be issued except in conformity with the following requirements:

Minimum Front Yard	6 m (20 ft.)
Minimum Flanking Yard	6 m (20 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3.0 m (10 ft.) on both sides
Minimum Lot Frontage	6 m (20 ft.)
Maximum Height	10.7m (35 ft.)

Proposed LUB Housekeeping Amendment: Part 11 – Zones - Permitted Uses and Zone Provisions Table

Staff noted an error in the permitted uses table within Part 11 of the Land Use By-law where the first residential use was noted as “single-unit dwelling or single-unit dwellings with an accessory dwelling unit.” Staff are proposing to alter the language of the use to read as “single-unit dwelling” only as “dwelling units as accessory uses” is a separate defined use within the table. This language alteration will remove duplication within the permitted uses table.

Further, staff noted a second error within the permitted use table where “dwelling units as accessory uses” was permitted within the HI Zone. This has been corrected to remove this use from being permitted within the HI Zone.

Staff also noted that “welding and/or machine shops” was not included in the Marine Industrial (MI) Zone as a permitted use. This was a likely omission at the time the Land Use By-law was approved, staff are proposing to include this as a permitted use within the Marine Industrial Zone.

Based on the information presented above, Staff propose to correct the permitted uses table with Part 11 of the Land Use By-law, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

Residential	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP
Single-unit dwelling or single-unit dwellings with an accessory dwelling unit	•			•			•		•	•	•			•
Semi-detached dwelling	•			•			•		•		•			•
Duplex	•			•			•		•		•			•



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Townhouse dwelling	•			•			DA		•						•
Multi-unit dwelling (Three- to four- unit dwelling building)	•			•			•		•		•				•
Multi-unit dwelling (5 to 24 dwellings)	DA			DA			DA		DA		DA				
Group dwelling (See Group Dwelling Unit Requirements)	SP			SP			DA		SP		SP				SP
Home for Special Care	•						•		•		•				•
Mini Home Community	DA														
Dwelling units as accessory uses	•	•	•	•			•	•	•	•	•	•	•		•
Boarding homes	•			•			•		•	•	•				•
Mobile Home or Mini Home Dwelling	•			•			•		•	•	•				•
Industrial (Heavy)	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP	
	MU	LI	HI	RP	BP	WF	CC	CCI	V	FP	RD	MI	CW	WP	
Welding and/or machine shops			•		DA		DA	•			•	•			

Proposed LUB Housekeeping Amendments: Pubnico Point Wind Farm (WF) Zone

Staff noted an incorrect conversion within Table 17.1, requirements for Pubnico Point Wind Farm Zone where 4.5m was converted to 10 ft. instead of 15ft. Staff propose to correct the conversion of 4.5m to 15 feet, for the Minimum Side Yard under the table within Section 17.1 of the Land Use By-law, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

17.1 Pubnico Point Wind Farm (WF) Zone Standards

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

Minimum Front Yard	7.6 m (25 ft.)
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	4.5 m (10-15 15 ft.) on both sides
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Minimum Lot Frontage	6 m (20 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)



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Parking	See Part 5.1
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Proposed LUB Housekeeping Amendment: Part 18 – Coastal Community (CC) Zone

Staff noted an incorrect conversion within Part 18 - Coastal Community (CC) Zone requirements table where 4.5m was converted to 10 ft. instead of 15ft. Staff propose to correct the conversion of 4.5m to 15 feet, for the Minimum Side Yard requirement for All other Permitted Uses under the table within Part 18 of the Land Use By-law, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

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

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

Proposed LUB Housekeeping Amendment: Part 24 – Coastal Wetlands (CW) Zone

Staff noted an incorrect conversion within Part 24 - Coastal Wetland (CW) Zone requirements table where 4.5m was converted to 10 ft. instead of 15ft. Staff propose to correct the conversion of 4.5m to 15 feet, for the Minimum Side Yard requirement for All other Permitted Uses under the table within Part 18 of the Land Use By-law, through the following amendments to the Land Use By-law by replacing text shown in red with text shown in green:

24.1 Coastal Wetlands (CW) Zone Standards

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



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	All Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.)
Min. Rear Yard	7.6 m (25 ft.)
Min. Side Yard	4.5 m (4.0 15 ft.) on both sides
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

Proposed LUB Housekeeping Amendment: Part 26 – Definitions

Staff noted an onerous restriction on operating hours contained within the definition of “Restaurant” and “Restaurant, Evening Patio” and propose to replace the definitions of “Restaurant” and “Restaurant, Evening Patio” to be reasonably consistent with the definition found in the *Nova Scotia Food Safety Regulations*. The definitions will be altered through the following amendments to the Land Use By-law by replacing text shown in **red** with text shown in **green**:

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

Restaurant means a food establishment within an entire building or part thereof, including accessory premises, that for all or part of the year operates in a fixed location and is engaged in providing food services to patrons who order and are served while seated and pay after eating or pay prior to eating on the premises, after ordering items at a counter, food bar, or a cafeteria line. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

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

Restaurant, Evening Patio mean the accessory use of a food establishment within an entire building or part thereof, that for all or part of the year operates in a fixed location and is engaged in providing food services to patrons who order and are served while seated and pay after eating or pay prior to eating on the premises, after ordering items at a counter, food bar, or a cafeteria line, and shall be permitted to operate between 9:00AM and 9:00PM or as dictated by Provincial regulations. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

Staff also noted that the definition of automotive service station did not include the use of charging stations for electric vehicles as the use of electric vehicles (EV) was not as prevalent when the Land Use By-law was originally drafted in 2020. Given the growth in EV sales and use, along with charging stations becoming an increasingly ubiquitous feature at these forms of business, staff recommend that the definition be altered through the following amendment to the Land Use By-law by adding the text shown in **green**:

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, **electricity for the purpose of**



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charging and operating vehicles, and the servicing and minor repairing of motor vehicles and may include an automobile carwash or convenience store, or both.

Public Participation

Staff will comply with Public Participation Policies of the Municipal Planning Strategy (MPS) when processing these amendments. Figure 1 outlines the general process for amendments to the LUB.

Since the proposed amendments are general and housekeeping in nature, a Public Participation Meeting is not required. Provided the Planning Advisory Committee recommends the proposed housekeeping amendments to Council for first reading and, upon first reading, Council elects to schedule a public hearing, said public hearing will be advertised and held in accordance with Section 206 of the *Municipal Government Act* to hear input from the community. Two weeks prior to the public hearing, an advertisement outlining the proposed amendments and providing the location and time of the public hearing will be placed in the *VanGuard*.

The public is encouraged to request additional information or clarification from Staff leading up to the public hearing if they have any questions.

No mailout to surrounding property owners or posted sign is required as the amendments under consideration are not site-specific. However, the hearing will be advertised on the website of the Municipality.

Conclusion

This report outlines several amendments to the Land Use By-law. The proposed amendments are required to address housekeeping edits and propose a new minimum standards table to Part 10: Special Uses which implement changes to the Land Use By-law to better align with the Municipal Planning Strategy or address development interests within the community. Staff will continue to review the amendments following the Planning Advisory Committee Meeting and a summary of the public's comments will be included within the final staff report.

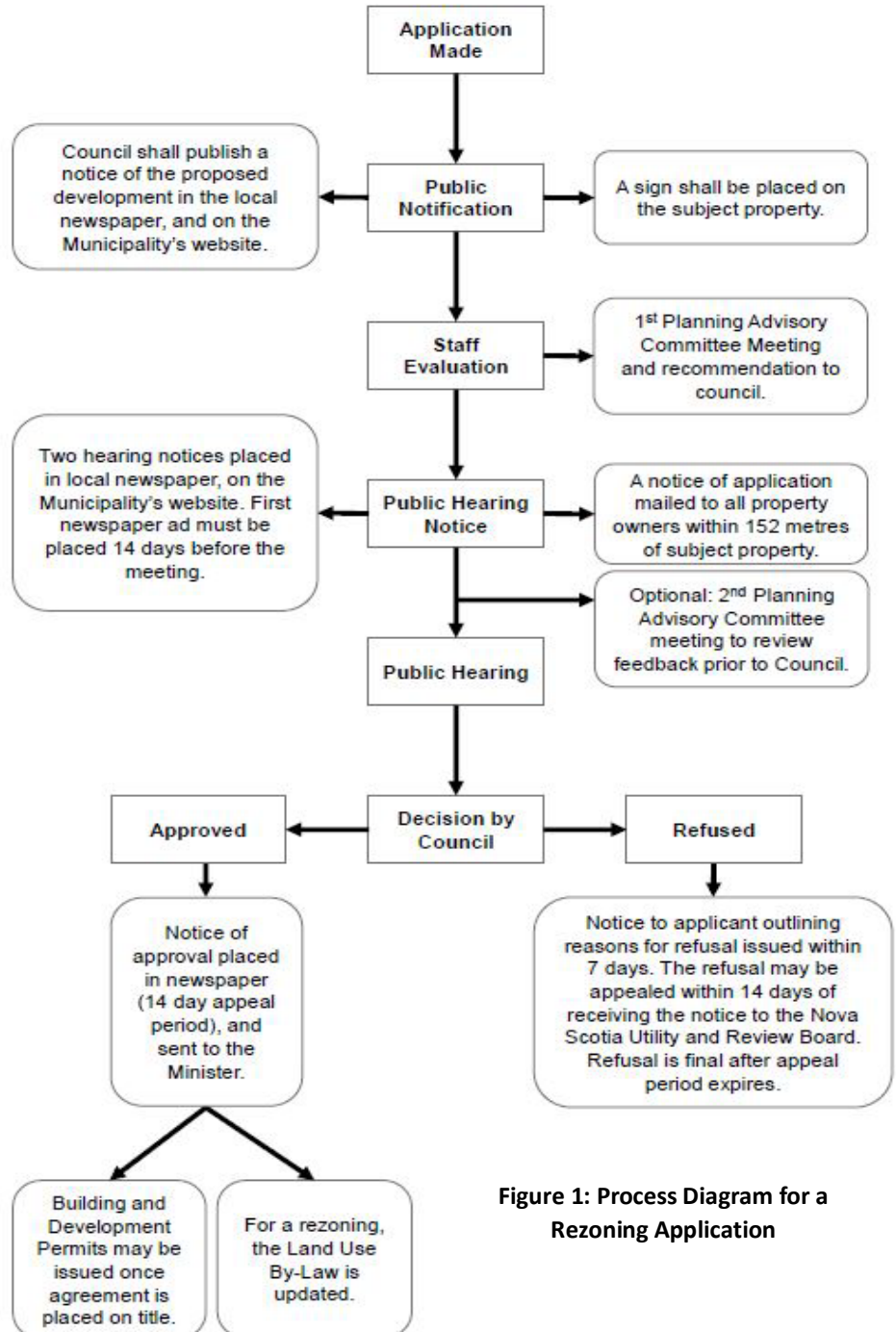


Figure 1: Process Diagram for a Rezoning Application



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Appendices

Appendix A – Draft Resolution for Proposed Amendments to the LUB



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Appendix A: Draft Proposed Amendments to the Land Use By-law

BE IT ENACTED by Council of the Municipality of the District of Argyle that the Land Use By-law is hereby further amended as follows which includes all amendments thereto which have been adopted and are in effect as of the [insert date of 'appeal date'] is hereby further amended by:

1. Amending Part 2: Administration as shown below to add the text shown in green, and to remove the text shown in red:

2.13 Variances

- xii. Size or other requirements relating to yards; **except when the yard directly abuts an identified watercourse or ocean.**
- xvii. The **ground floor** area of an Accessory Dwelling Unit **(Garden Suite Only)**

2. Amending Part 4: General Provisions for All Zones as shown below to add the text shown in green, and to remove the text shown in red:

4.23.3 Group Dwelling Development Architectural Requirements

- b) Each building will have a **minimum maximum** width-to-length ratio of 1:5.

3. Add Part 4: General Provisions for All Zones as shown below to add the text shown in green:

4.25 Minimum Yard Setback for Main and/or Accessory Dwellings When Abutting Identified Watercourses and/or the Oceanfront

Where, in the By-law, a front, rear, or side yard for a main or accessory dwelling is required, and property upon which the main or accessory dwelling is located abuts an identified watercourse and/or the oceanfront, the minimum required setback for a front, rear, or side yard, or a combination there of, shall be no less than twenty-five (25) feet and shall not be permitted to be varied.

4. Amending Part 6: General Provisions for Commercial Uses and Residential Uses, as shown below to replace the text shown in red with the shown in green:

6.4 Accessory Dwelling Units

- iv. Where permitted in this By-law, accessory dwelling units must comply with the minimum zone requirements, as well as requirements shown in the table below:

	Type of Accessory Dwelling Unit		
	Secondary Suite	Garage Suite	Garden Suite
Maximum accessory dwelling unit floor area including a habitable basement	80% of the gross floor area of the main dwelling up to 80 m ²	80% of the gross floor area of the main dwelling up to 95 80 m ²	80% of the gross floor area of the main dwelling up to 95m ²
Maximum Building Height	As per zone requirements	Equal to the height of the main dwelling up to 9 m	Equal to the height of the main dwelling up to 6.5 m
Minimum Setback from other Buildings	2 m from non-habitable structures on the same lot		
	3 m from all other structures		



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Design Requirements		
Accessory Dwelling Unit Exterior	Must match the main dwelling in building material type, cladding colour, roof type, and roof pitch. This requirement is waived when permit drawings are received by a professional architect.	
Accessory Dwelling Unit Entrance, Main Windows, and Entry	Must be designed to integrate into the main dwelling.	Must be oriented towards the main dwelling, flankage yard, or front yard.

5. Amending Part 9.1: Home Occupation Size Requirements, as shown below to replace the text shown in red with the shown in green:
 - iv. The home occupation uses less ~~Not more~~ than 25% of the ~~total~~ floor area of the dwelling ~~unit is used for the home occupation~~.
 - v. The home occupation uses an ~~floor~~ aggregate floor area of less than 50 m².
6. Add the following regulations to Part 10: Special Uses of the Land Use By-law by adding the text shown in green below:

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

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

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

10.1 Special Uses Minimum Standards

No development permit for a Special Use, where permitted, shall be issued except in conformity with the following requirements:

Minimum Front Yard	6 m (20 ft.)
Minimum Flanking Yard	6 m (20 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3.0 m (10 ft.) on both sides
Minimum Lot Frontage	6 m (20 ft.)
Maximum Height	10.7m (35 ft.)

7. Revising Part 11: Zones - Permitted Uses and Zone Provisions table of the Land Use By-law by removing the text shown in red below and adding the text shown in green below:

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

8. Amending Part 17.1: Pubnico Point Wind Farm (WF) Zone Standards of the Land Use By-law by removing the text shown in red below and adding text shown in green below:

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

Minimum Front Yard	7.6 m (25 ft.)
Minimum Rear Yard	7.6 m (25 ft.)
Minimum Side Yard	4.5 m (10-15 ft.) on both sides
Minimum Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment



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Minimum Lot Frontage	6 m (20 ft.)
Minimum Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

9. Amending Part 18.1: Coastal Community (CC) Zone Standards of the Land Use By-law by removing the text shown in **red** below and adding text shown in **green** below:

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

	All Residential Uses	Commercial Uses and Industrial Uses	All Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios	7.6 m (25 ft.); except 3.0 m (9.8 ft.) for unenclosed patios
Min. Rear Yard	7.6 m (25 ft.) abutting vacant lot	7.6 m (25 ft.)	7.6 m (25 ft.)
Min. Side Yard	Single Detached and Duplex uses: 1.8 m (6 ft.) on one side and 3 m (9.8 ft.) on the other Multi-unit, townhouse and semi-detached uses: 3 m (9.8 ft.) on both sides; except 0 m where subdivided along a common wall	For Commercial Uses: 4.5 m (15 ft.) on both sides; except 0 m where subdivided along a common wall For Light Industrial Uses: 6 m (20 ft.) on both sides; except 0 m along a common wall	4.5 m (4.0 15 ft.) on both sides; except 0 m where subdivided along a common wall
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)	23 m (75 ft.)	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
Parking	See Part 5.1	See Part 5.1	See Part 5.1

10. Amending Part 24.1 Coastal Wetlands (CW) Zone of the Land Use By-law by removing the text shown in **red** below and adding text shown in **green** below:

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

	All Other Permitted Uses
Min. Front Yard	7.6 m (25 ft.)



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Min. Rear Yard	7.6 m (25 ft.)
Min. Side Yard	4.5 m (4.0 15 ft.) on both sides
Min. Lot Area	Using Central Sewer: 929 m ² (10,000 sq. ft.) Using On-Site Septic: 3,717 m ² (40,000 sq. ft.) or as Determined by NS Dept. of Environment
Min. Lot Frontage	6 m (20 ft.)
Min. Flanking Yard	7.6 m (25 ft.)
Parking	See Part 5.1

11. Amending Part 26 - Definitions of the Land Use By-law by removing the text shown in red below and adding text shown in green below:

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

Restaurant means a food establishment within an entire building or part thereof, including accessory premises, that for all or part of the year operates in a fixed location and is engaged in providing food services to patrons who order and are served while seated and pay after eating or pay prior to eating on the premises, after ordering items at a counter, food bar, or a cafeteria line. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

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

Restaurant, Evening Patio mean the accessory use of a food establishment within an entire building or part thereof, that for all or part of the year operates in a fixed location and is engaged in providing food services to patrons who order and are served while seated and pay after eating or pay prior to eating on the premises, after ordering items at a counter, food bar, or a cafeteria line, and shall be permitted to operate between 9:00AM and 9:00PM or as dictated by Provincial regulations. This includes establishments licensed by the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia.

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, **electricity for the purpose of charging and operating vehicles**, and the servicing and minor repairing of motor vehicles and may include an automobile carwash or convenience store, or both.



STAFF REPORT

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HEREBY CERTIFY that the amendments to the Municipality of Argyle Land Use By-law, as set out above, were duly passed by a majority vote of the Council of the Municipality of Argyle at a meeting held on the ___ day of _____, 20__.

GIVEN under the hand of the Clerk and the Corporate Seal of the Municipality of Argyle this

___ day of _____, 20__.

Municipal Clerk