

# **TOWN OF RIVERVIEW**

## **ZONING BY-LAW NO. 300-5**



**CONSOLIDATED TO FEBRUARY 2010**

BY-LAW No. 300-5

TOWN OF RIVERVIEW ZONING BY-LAW

WHEREAS Section 72 of the Community Planning Act requires that a Municipal Development Plan and Zoning By-law be reviewed every five years,

AND WHEREAS measures have been undertaken to perform said review and a by-law amendment has been proposed,

THEREFORE BE IT ENACTED by the Council of the Town of Riverview under the authority vested in it by the Community Planning Act R.S.N.B. 1973 C-12, as follows:

1. A Zoning By-law to regulate the use and development of land in the municipality and implement the intent of the Municipal Development Plan is hereby adopted.
2. Sections 1 through and including 9 of the document, hereto attached, entitled "Town of Riverview Zoning By-law," as well as the attached "Town of Riverview Zoning Map," and dated August 10, 2006, constitutes the Zoning By-law mentioned in subsection (1).
3. By-law No. 55 (Town of Riverview Zoning By-law) enacted on April 24, 1995 and any amendments thereto, is hereby repealed, except for By-law No. 55-8, By-law No. 55-21, By-law No. 55-29A and By-law No. 55-30.

READ FIRST TIME: \_\_\_\_\_, 2006

READ SECOND TIME: \_\_\_\_\_, 2006

READ THIRD TIME  
AND ENACTED \_\_\_\_\_, 2006

\_\_\_\_\_  
TOWN CLERK—DAVID MUIR

\_\_\_\_\_  
MAYOR-CLARENCE SWEETLAND

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**SECTION 1: SCOPE AND INTERPRETATION**

**1.1 PURPOSE**

This By-Law:

- (1) divides the municipality into zones;
- (2) prescribes, subject to powers reserved in the Commission:
  - (i) the purpose for which land, buildings and structures in any zone may be used, and
  - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
- (3) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (2).

**1.2 CLASSIFICATION**

- (1) For the purposes of this By-law, the municipality is divided into zones as delineated on the plan attached as Schedule “A”, entitled “Town of Riverview Zoning Map” and dated August 10, 2006.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

<b>Table 2.1: Residential Zones</b>	
Single Unit Dwelling Zone	R1
Two Unit Dwelling Zone	R2
Residential Density II Zone	R1A
Mixed Use Zone	R2B
Residential Moderate Density Zone	R3
Townhouse Dwelling Zone	TD
Residential Mix Zone	RM
Rural Area Zone	RA
Mini Home Zone	MH

<b>Table 2.2: Commercial Zones</b>	
Central Commercial Zone	CC
Residential Business Service Zone	RBS
Highway Commercial Zone	HC
Neighbourhood Commercial Zone	NC
Suburban Commercial Zone	SC

<b>Table 2.3: Industrial Zones</b>	
Industrial Zone	I

<b>Table 2.4: Community Use Zones</b>	
Parks Recreation, Institutional Zone	PRI
Open Space Zone	OS
Tourism Support Zone	TS

<b>Table 2.5: Integrated Development Zone</b>	
Integrated Development Zone	ID

### 1.3 CONFORMITY

In any zone:

- (1) land may be used and developed, and buildings and structures or parts thereof may be placed, erected, altered or used, for a purpose mentioned in the part hereof pertaining to such zone, in conformity with the requirements thereof and as otherwise provided; and
- (2) no land may be used or developed, and no building or structure or part thereof may be placed, erected, altered or used for a purpose or in a manner other than permitted under clause (1).
- (3) Upon receipt of an application and fee in the amount of \$100.00, the Development Officer may issue a letter of confirmation regarding the zone applied to the property requested.
- (4) Upon receipt of an application with a current Building Location Survey Certificate and fee in the amount of \$100.00, the Development Officer may issue a letter of confirmation regarding conformity of the property with the Zoning By-Law.”

### 1.4 ZONING MAPS

- (1) Schedule A, attached hereto and dated August 10, 2006 may be cited as the “Town of Riverview Zoning Map” and is hereby declared to form part of this By-law
- (2) The extent and boundaries of all zones are shown on Schedule A and for all such zones the provisions of this By-law shall respectively apply.
- (3) The symbols used on Schedule A refer to the appropriate zones established by Section 1.2 (2) above.

### 1.5 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

- (1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- (2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in such bank.
- (3) Where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way or an easement line, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.
- (4) In the event that a dedicated street or road, as delineated on schedule A, hereby, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.
- (5) Where an 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; or
- (6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.

## **1.6 ZONES NOT ON MAPS**

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the Community Planning Act and must be in conformity with the policies of the Municipal Development Plan for the Town of Riverview.

## **1.7 USES PERMITTED**

Uses permitted within any zone shall be determined as follows:

- (a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone,
- (b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements,
- (c) Where a use permitted within any zone is defined in any definition, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.

**1.8 POWERS OF THE COUNCIL**

- (1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.
- (2) When, in the opinion of Council, a building or structure is dilapidated, dangerous, or unsightly, the Council may:
  - (a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
  - (b) acquire the parcel of land on which such building or structure is located.

**1.9 POWERS OF THE COMMISSION**

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) Upon receipt of an application and supporting information to the satisfaction of the Development Officer and a fee in the amount of \$250.00, the Commission may, subject to such terms and conditions as it considers fit:
  - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law, and
  - (b) require the termination or removal of a development authorized under 1.9(2)(a) at the end of the authorized period.

**1.10 AMENDMENTS**

- (1) A person who seeks to have this By-law amended:
  - (a) shall address a written and signed application, in duplicate, therefore to the Council;
  - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
    - (i) a statement as to the ownership thereof, and
    - (ii) the signature of at least one owner of each parcel of land therein; and
  - (c) shall pay a fee of \$2,000.00 to the municipality.
- (2) The Council may return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) Before giving its views to the Council with respect to an application under this section, the Commission may carry out such investigation as it deems necessary.

- (5) Pursuant to section 34 (3) (k) of the Community Planning Act, any advertising cost related to rezoning applications shall be paid by the applicant unless specifically exempt by Council.

**1.11 PLANNING COMMISSION APPLICATIONS AND FEES**

- 1.11.1 Where uses that are prescribed within any zone as being subject to terms and conditions as imposed by the Commission, no development of any such use shall commence unless an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$250.00, has been received and the application has been approved by the Commission and the appropriate permits issued.
- 1.11.2 Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$250.00 the Commission may permit, subject to terms and conditions as it sees fit:
- (a) as provided for by Subsection 35(a) of the Act, a proposed use of a land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted by the By-law for the zone in which the land or building is situated; or
  - (b) such reasonable variance from the requirements of this By-Law as provided for by Subsection 35(b) of the Act, as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is accordance with the general intent of the By-law and the Municipal Development Plan.
- 1.11.3 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$250.00, the Commission may, as provided for in Section 40 of the Act, permit:
- (a) the continuance of a non-conforming use, even though such non-conforming use was discontinued for a consecutive period of ten months, for such further period as the Commission sees fit;
  - (b) the repair or restoration or use of a non-conforming building or structure that has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
  - (c) the extension of a non-conforming use of a part of a building into a portion of the building that was constructed subsequent to the date of the passing of the By-law; or
  - (d) a non-conforming use to be changed to a similar non-conforming use.”

## SECTION 2: DEFINITIONS

In this By-law the word “shall” is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word “used” shall include “intended to be used”, “arranged” and “designed”. All other words shall carry their customary meaning except for those defined hereinafter:

**ABUT** means a lot line that has any point in common with another lot line.

**ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

**ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and dependent upon a main use of land or buildings and located on the same lot with such main use.

**ACT** means the Community Planning Act, Chapter C-12, R.S.N.B. 1973 and amendments thereto.

**ADULT ARCADE** means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or more persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

**ADULT CABARET** means a nightclub, bar, restaurant, or similar establishment that features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**ADULT ENTERTAINMENT** means any adult use including adult arcades, adult cabarets, adult motion picture theatres, adult retail outlets/bookstores, escort services and massage parlours.

**ADULT MOTION PICTURE THEATRE** means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT RETAIL OUTLET/BOOKSTORE** means an establishment with the principal purpose to offer for sale or rent, for any form of consideration, any of the following:

- (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (b) instruments, devices, or paraphernalia that are designed for use in connection with sexual activities.

**AGRICULTURAL USE** means the use of any land, building or structure for the production of food, fiber or flora or the breeding and handling of animals and includes a farm dwelling and accessory buildings, and retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel or cattery.

**ALTERATION** means any change in a structural component or any increase in the volume of a building or structure.

**AMENITY AREA** means an area of land or portion of a building in connection with a multiple dwelling, which is set aside for the purposes of visual improvement, recreation or relaxation and may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.

**ANIMAL SHELTER** means any facility owned, or operated by the Town, or on behalf of the Town, for the purpose of impounding or caring for animals, snakes and reptiles held under the authority of By-law 600-5, A By-law Relating to the Control, Keeping and Licensing of Animals, Snakes and Reptiles.

**ATTACHED BUILDING** means a building otherwise complete in itself, which shares one or more walls or part of a wall, above grade, in common with an adjacent building or buildings.

**AUTOMOTIVE REPAIR SHOP** means a building or part of a building on a lot used for minor or major repair of motor vehicles and includes auto body work, muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.

**AUTOMOTIVE SALES AND RENTAL ESTABLISHMENT** means a building and/or land used for the display and sale of new and/or second-hand motor vehicles and may include the servicing, repair, cleaning, polishing, painting and greasing of motor vehicles, the sale of auto accessories and related products and the leasing or renting of motor vehicles.

**BASEMENT** means that portion of a building between two floors which is partially underground and which has at least one-half of the distance from the finished floor to the finished ceiling above grade.

**BED & BREAKFAST/TOURIST HOME** means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists.

**BAKE SHOP** means a building or part of a building not exceeding 185 square metres in area where products of a bakery are sold for consumption on the premises or otherwise.

**BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board, for monetary gain to persons exclusive of the owner of the building.

**BUILDING** means any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, chattels or equipment and includes any vessel or container used for any of the foregoing purposes.

**CARPOR** means a building or structure which is designed for the parking and storage of motor vehicles and is opened on at least two ends in order to provide unobstructed access to the rear yard.

**CAR WASH** means a building or part of a building containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed and may operate on its own or in conjunction with an automobile service station.

**CEMETERY** means land primarily used for internment of human remains and where chapels, churches, funeral homes, crematoria and related facilities may be incorporated as accessory uses.

**COMMERCIAL VEHICLE** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.

**COMMERCIAL RECREATION USE** means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, horse or vehicle racing tracks, rifle ranges, marinas, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.

**COUNCIL** means the Council of the Town of Riverview.

**COMMISSION** means the Greater Moncton Planning District Commission.

**CONGREGATE CARE FACILITY** means a building or part of a building which is used or intended to be used to provide housing and care for three or more disabled persons who are provided living and sleeping facilities, meal preparation, personal care, supervision or assistance essential for sustaining the activities of daily living.

**CONVENIENCE STORE** means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines, videos and newspapers.

**CRITICAL ELEVATION**, with respect to 3.41, means the lowest point on a foundation wall where surface water would first enter, and more specifically means the lower of

- i) the lowest point of the top of the foundation wall;
- ii) the lowest point of any opening or depression in the foundation wall, including basement windows, doorways or other non-watertight openings, but excluding basement windows equipped with window wells in conformity with the National Building Code of Canada.

**DAYCARE CENTRE** means an establishment for the provision of care and supervision to children, as regulated under the Child and Family Services Act.

**DISTRIBUTION CENTRE** means a building used for the storage, wholesaling and distribution of goods and materials.

**DRIVE - IN OR DRIVE - THRU BUSINESS** means an establishment which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in the vehicle.

**DWELLING** means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

**DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

**DWELLING, SINGLE UNIT** means a dwelling other than a mobile or mini home, travel trailer or motor home containing only one dwelling unit.

**DWELLING, MINI HOME** means any dwelling which is pre manufactured and designed to be transported to the lot as one integral unit, and for the purposes of this by-law shall include a mobile home.

**DWELLING, TWO UNIT** means a building containing two dwelling units.

**DWELLING, MULTIPLE UNIT** means a building containing three or more dwelling units.

**DWELLING, TOWNHOUSE/ROWHOUSE** means a building that is divided vertically into three or more dwelling units, each of which is located on a separate lot fronting on a public street and each of which has independent entrances to a front or rear yard immediately abutting the front or rear walls of the unit

**DWELLING, SEMI-DETACHED** means a dwelling unit attached to another dwelling unit by a common above grade wall with each dwelling located on a separate lot.

**DWELLING, ACCESSORY UNIT** means a dwelling unit which is secondary to the principle dwelling unit, either contained within or attached to the principle dwelling.

**ENGINEERED SOLUTION** with respect to 3.41, means a drainage plan, stamped by a professional engineer, providing for drainage and surface water management adequate to prevent surface water from entering any main building during any precipitation event up to and including a 100-year return period for a 24-hour duration and consistent with any subdivision agreement in effect for the property in question, and which furthermore will not negatively impact drainage on adjacent properties.

**ENTERTAINMENT USE** means any activity carried on within a building or part of a building which involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores, or massage parlours.

**ERECT** means to build, construct, reconstruct, alter, locate 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 and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**ESTABLISHED GRADE** means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures.

**EXISTING GRADE** means the elevation of the surface of the ground prior to any excavation or infilling.

**EXISTING** means in existence on the effective date of this By-law.

**FORESTRY USE** means commercial silviculture and the production of timber or pulp and any uses associated with a silvicultural use, including sawmills, related vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

**GAS BAR** means an establishment, other than an auto repair outlet, where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items.

**GOLF COURSE** means a public or private area operated for the purpose of playing golf and related activities including a club house, and administration buildings. Golf course uses, may include dwelling units as a secondary use.

**GROSS FLOOR AREA** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

**HABITABLE SPACE** means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.

**HEIGHT** with respect to main buildings, means the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, or to the deck line in the case of gambrel or mansard roof, or to the underside of the eaves of the main part of the building in the case of a gable roof.

**HOME BUSINESS** means a secondary use on a lot that contains a single unit dwelling, which use may entail an office in the dwelling and may include the storage of not more than a total of 3 commercially licensed vehicles or pieces of equipment for the purpose of performing work at other locations.

**HOME OCCUPATION** means a secondary use which is clearly incidental and secondary to the residential use of the property conducted in an accessory building or a portion of a dwelling unit by members of the occupants residing therein and may involve one person not an occupant residing therein. Secondary uses involving the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles are specifically excluded as permitted home occupation uses.

**HOUSEHOLD PET** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility and includes dogs, cats, rabbits, small birds and rodents but excludes cattle, sheep, horses, pigs, poultry, bees and animals customarily kept as farm animals.

**HOTEL/MOTEL** means a commercial building or buildings providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention room.

**INDUSTRIAL USE** means the use of land, buildings or structures for the manufacturing, processing, fabrication or assembly of raw materials or goods, warehousing, bulk storage of goods for sale and, without limiting the generality of the foregoing, includes a commercial or service or transportation establishment.

**INSTITUTIONAL USE** means the use of land, buildings, or structures for religious, educational, health, indoor recreational facilities, community centre, hospital, nursery home, seniors home, seniors congregate care facility, home for the aged or infirm or a residential care facility.

**KENNEL** means a building or structure where dogs and other domestic animals excluding livestock are bred and raised and are sold or kept for sale or boarded, with or without veterinary care.

**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 has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

**LOT** means a parcel of land used or proposed to be used as the site of a building or structure or appurtenance thereto.

**LOT, CORNER** means a lot situated at the intersection of, and abutting on, two or more streets.

**LOT, INTERIOR** means a lot other than a corner or through lot.

**LOT, THROUGH** means a lot bounded on two opposite sides by streets or highways provided, in this event the owner of the property decides which of the yard is the front and by default the opposite yard becomes the rear yard; however, if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT FRONTAGE** means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

**LOT LINE** means a common line between a lot and an abutting lot, lane, street, parcel of land or body of water.

**LOT LINE, FRONT** means the line dividing the lot from the street or other means of access, and

- (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
- (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

**LOT LINE, REAR** means the lot line farthest from or opposite to the front lot line.

**LOT LINE, SIDE** means a lot line other than a front, flankage or rear lot line.

**LOT LINE, FLANKAGE** means a side lot line which abuts the street on a corner lot.

**LOT COVERAGE** means that percentage of the lot area that is permitted to be covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

**MAIN BUILDING** means the building in which is carried on the principal purpose or purposes for which the building lot is used.

**MAIN WALL** means the exterior front, side or rear wall of a building.

**MASSAGE PARLOUR** means an establishment where, for any form of consideration, massage is administered to the human body for sexual pleasure; and which is characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

**MEDICAL AND HEALTH OFFICE** means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counseling services, chiropractic services and ancillary clinic counseling services, but does not include veterinary services.

**MINI-STORAGE WAREHOUSE** means self-contained rental units, with independent external entrances, for the storage of general household goods, vehicles and the like.

**MOTORIZED CAMPER** means a portable unit designed and constructed as an integral part of a self propelled vehicle.

**MUNICIPALITY** means the Town of Riverview.

**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.

**OPEN SPACE** means land which is inappropriate for urban development by reason of having inherent or natural hazards such as susceptibility to flood or erosion which, if developed, may cause property damage or loss of life.

**OUTDOOR DISPLAY COURT** means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motorized camper, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

**OUTDOOR STORAGE** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

**PARKING LOT** means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a

street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

**PARKING GARAGE** means a covered or enclosed establishment containing communal parking spaces for the parking of vehicles.

**PARKING SPACE** means an area of not less than 13.2 square metres, measuring 2.4 metres by 5.5 metres, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.

**PAVED** means the use of asphalt, asphaltic or portland cement, concrete or other similar substances such as brick or stone to create a smooth surface, including bituminous penetration, but not the use of gravel, clay, dirt or slag.

**PERSON** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**PERSONAL SERVICE SHOP** means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

**PET SERVICE USE** means care, other than veterinary care, provided to household pets; and includes, without limiting the generality of the foregoing, doggie daycares and pet grooming salons, but does not include a commercial kennel or the overnight accommodation of any animals.

**PICK-UP CAMPER** means a portable unit designed to be mounted or attached to an automobile chassis, whether or not so mounted.

**PUBLIC PARK** means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of New Brunswick.

**PUBLIC UTILITY** means any building, structure, plant or equipment essential to the provision and operation of services to the general public including, but not limited to, the provision of electricity, water, sewage disposal, communication services and infrastructure, pipelines, railway, roads and sidewalks, traffic management systems, vehicular and pedestrian bridges, gas distribution systems, bus stops, street furniture and engineered public recreation facilities.

**RECREATION USE** means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.

**RECREATION VEHICLE** means a vehicular, portable unit designed for travel, camping or recreational use including All Terrain Vehicles (ATV), Boat, Travel Trailer, Pick-Up or Motorized Camper.

**RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENTS** means land and/or buildings used for the display of recreational vehicles and includes the servicing, repairing, cleaning, painting, polishing and greasing of such vehicles and the sale of accessories and related products and the leasing or renting of such vehicles, but does not include an automobile sales and rental establishment as defined in this By-law.

**RECYCLING DEPOT** means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials which are to be delivered wholesale to other off site operations for further processing or salvage.

**RESIDENTIAL CARE FACILITY** means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the *Homes for Special Care Act*, the *Children's Services Act*, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

**RESOURCE EXTRACTION** means the removal of resources from the land and includes sod farming, the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

**RETAIL STORE** means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value and shall include minor food processing and packaging in connection with the sale of food products.

**SALVAGE YARD** means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, used bicycles, vehicles, tires, metal or other scrap material or salvage.

**SCREENING** means the use of landscaping, fences or berms to visually and/or audibly separate areas or uses.

**SERVICE INDUSTRY** means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a minor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

**SERVICE SHOP** means a building or part of a building used for the sale and repair of household articles and shall include glass replacement shops, radio, television and appliance repair shops but shall not include industrial uses or manufacturing or motor vehicle repair shops.

**SERVICE STATION** means a building or part of a building used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include vehicle washing establishments.

**SHOPPING CENTRE** means a commercial development exceeding 1500 square metres in area consisting of more than one business establishment, which is designed, developed,

operated or controlled by a single owner or tenant, or a group of owners or tenants containing retail uses, banks and financial institutions, restaurants, food and grocery stores, and office uses and characterized by the sharing of common parking areas and driveways.

**SIGN** means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "signs" which is affixed to the inside of a window or glass door.

**SIGN, BILLBOARD** means a large ground sign or fascia wall sign which is not related to any business or use located on the lot or premises.

**SIGN, FACIA** wall means a sign, other than a roof sign or projecting sign, which is attached to and supported by a wall of a building.

**SIGN, FREESTANDING** means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground.

**SIGN, ILLUMINATED** means a sign lighted by or exposed to artificial lighting by lights inside the sign.

**SIGN, PROJECTING** means a sign which is wholly or partially dependent upon a building for support and which projects more than 30 cm. beyond such building.

**SIGN, ROOF** means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

**SIGHT TRIANGLE** means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot a minimum of 4.6 metres along each such street line and adjoining such end points with a straight line.

**SPECIFIED ANATOMICAL AREAS** means any of the following:

- (i) less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or
- (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** means any lawful sexual activities including:

- (i) human genitals in a state of sexual stimulation or arousal;
- (ii) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**STREET OR ROAD** means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the Town of Riverview.

**STREET LINE** means the boundary line of a street.

**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 structures.

**SWIMMING POOL** means any accessory structure, construction, basin or tank above or below grade which is designed to hold water and having the capacity to contain water to a depth of 91 cm (36") or more at any point or any other structure designed to contain water and used for landscaping of property, but excluding existing natural bodies of water or streams and ponds used for agricultural purposes and stormwater drainage retention.

**TOWN** means the Town of Riverview

**TRAVEL TRAILER** means a vehicular portable unit, but does not include a mini or mobile home, built on a chassis whose overall length does not exceed 8.5 metres.

**UTILITY** means any component of a water, sewerage, storm water or solid waste disposal, cable television, electrical power or telecommunication system.

**VETERINARY CLINIC** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation, including an animal shelter, but does not include any outdoor facilities such as kennels, pen runs and enclosures.

**WAREHOUSE** means a building used primarily for the storage of goods and materials.

**WATERCOURSE** means any lake, river, stream, ocean or other body of water, as also defined in the *Clean Water Act*.

**WHOLESALE ESTABLISHMENT** means a building in which commodities in quantity are offered for sale mainly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.

**YARD** means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

**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 "required front yard" or "minimum front yard" means the minimum required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

**YARD, REAR** means a yard extending across the full width of a lot between the rear lot line and nearest wall of any main building or structure on the lot; and "required rear yard" or "minimum rear yard" means the minimum required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

**YARD, SIDE** means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and "required side yard" or "minimum side yard" means the minimum distance required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

**YARD, FLANKAGE** means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or "minimum flankage yard" means the minimum side yard required by this By-law where such yard abuts a street.



**SECTION 3: GENERAL PROVISIONS**

**3.1 DEVELOPMENT PERMITS**

- (a) No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all provisions of this By Law.
- (b) Any development permit shall be in force for a period of one (1) year from the date of issue or until the project has been completed or is discontinued for a period of one year and any permit may be re-issued upon request, subject to review by the Development Officer.
- (c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.
- (d) Notwithstanding subsection (a), no development permit shall be required for the following:
  - (i) any accessory building or structure which has less than 6 square metres of gross floor area;
  - (ii) any sign, except signs permitted according to Section 9.1 of this By-law; and
  - (iii) any public utility.
- (e) No development permit may be issued under this By-Law unless a fee of twenty-five dollars (\$25) has been paid.

**3.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS**

- (a) 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 Town, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Town or statute and regulation of the Province of New Brunswick or Government of Canada.
- (b) Where the provisions in this By-law conflict with those of any other municipal, federal or provincial regulations, by-laws or codes, the higher or more stringent requirement shall prevail.

**3.3 SEWAGE DISPOSAL AND WATER SYSTEMS**

- (a) Where municipal central sewerage and water services are available, no development permit shall be issued except where the development is provided with such services.
- (b) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of

a septic tank, the regulations of the Department of Health and Community Services shall prevail.

**3.4 FRONTAGE ON STREET**

No development permit shall be issued except where the lot is intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road except where specifically provided for within this By law or that fronts upon such access deemed appropriate for the intended use by the Planning Commission.

**3.5 ONE MAIN BUILDING ON A LOT**

- (1) Except where provided for in this by-law, no more than one main building may be placed or erected and no building or structure may be altered to become a second main building on a lot.
- (2) In any zone, except for single-unit dwellings, the Commission may permit, subject to any terms and conditions, more than one main building on a lot and the Commission may prohibit the use where compliance with the terms and conditions cannot reasonably be expected.

**3.6 EXISTING UNDERSIZED LOTS**

- (a) Nothing in this by-law shall prevent the use of an existing undersized lot provided that the use of such lot is permitted in the zone in which the said lot is located; and that the lot requirements of the zone and any pertinent provincial regulations be satisfied.
- (b) Furthermore, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage or area required by this By-law. The remnant must meet the minimum frontage, or area requirements or, where insufficient lot frontage or area already exists, does not have these further reduced.

**3.7 EXISTING BUILDINGS**

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area or having less than the minimum frontage or flankage yard or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

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

**3.8 NON-CONFORMING USES**

Non-conforming uses, unless otherwise provided, shall be subject to Section 40-41 of the *Community Planning Act*.

**3.9 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 use accessory thereto.

**3.10 ACCESSORY BUILDINGS**

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

- (a) be used for a residential use except where a dwelling is a permitted accessory use;
- (b) be built closer to the front lot line than the minimum distance required for the main building or be built closer than 2.4 metres to any other lot line except that:
  - (i) in any Residential zone, buildings or structures which are accessory to residential uses and are not used for human habitation shall not be located closer to any side or rear lot line than 0.6 metres, nor be located in any required front and required flankage yard;
  - (ii) common semi-detached garages may be centered on the mutual side lot line;
  - (iii) boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and
  - (iv) accessory buildings and structures in a PRI, RA, CC, HC, or I Zone shall not be built closer to any side or rear lot line than 2.4 metres or one half (1/2) the height of such building or structure, whichever is the greater.
- (c) exceed 4.6 metres in height in any Residential zone;
- (d) exceed 84 square metres in any Residential zone; nor
- (e) be used for the keeping of animals other than household pets.

**3.11 TEMPORARY CONSTRUCTION USES AND SEASONAL VENDING FACILITIES**

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, provided that a development permit has been issued and the temporary use is discontinued and removed within 30 days following completion of construction.
- (b) Temporary vending facilities for the sale of seasonal products such as outdoor garden centers and ice cream vendors shall be permitted in commercial zones provided that:
  - (i) the vending facilities are readily moveable;

- (ii) the vendor has obtained the necessary approvals from the Department of Health, the Fire Department and other regulatory bodies;
- (iii) the vending facilities are designed to the satisfaction of the Development Officer;
- (iv) the vending facilities meet the required setback requirements for main buildings in the zone; and
- (v) the operator is responsible for the clean-up of associated litter and or waste within a 10 metre radius of the facility.

**3.12 VEHICLE BODIES**

No motor vehicle body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building, except as specifically permitted by other legislation.

**3.13 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.

**3.14 BUILDING TO BE MOVED**

No building, residential or otherwise, shall be located on a lot within the area covered by this By-law without obtaining a development and/or building permit.

**3.15 HEIGHT REGULATIONS**

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, chimneys, clock towers, windmills, monuments, lightening rods or solar collectors attached to the principle structures except where specifically regulated.

**3.16 DISTANCE FROM WATERCOURSES**

- (1) Notwithstanding any other provision in this By-law, no building or any part thereof shall be constructed, reconstructed, sited, moved, extended, or located within:
  - (i) 30 metres (98.4 ft) from the natural boundary of Mill Creek
  - (ii) 30 metres (98.4 ft) from the natural boundary of Turtle Creek
  - (iii) 10 metres (32.8 ft) from the natural boundary of any other watercourse and subject to the issuance of a Watercourse Alteration Permit.
- (2) Notwithstanding Section 3.16(iii), no development shall be permitted within 30 metres (98.4 ft.) of any watercourse or water body without the issuance of a Watercourse Alteration Permit.

**3.17 REDUCED FRONTAGE ON A CURVE**

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot

width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of said side lines with the minimum front or flankage yard as required by the applicable provision of this bylaw.

### **3.18 SIGHT TRIANGLES**

- (a) On a corner lot a fence, sign, hedge, shrub, bush or tree or any other structure or building shall not be erected or permitted to grow to a height more than 1 metre above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 metres from their point of intersection.
- (b) On both side of a driveway, a fence, sign, hedge, shrub, bush or tree or any other structure or building shall not be erected or permitted to grow to a height more than 1 metre above grade of the streets that abuts the lot within the triangular area included within the street lines for a distance of 3 metres from their point of intersection.

### **3.19 PERMITTED ENCROACHMENTS**

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- (i) Uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard to provide access to the first storey entrance;
- (ii) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 0.6 metres into any required yard;
- (iii) Window bays and solar collectors may be permitted to project not more than 0.9 metres from the main wall into a required front, rear or flankage yard;
- (iv) Exterior staircases, balconies, unenclosed porches, verandas and sundecks shall be permitted to project a maximum of 2 metres into any required front or flankage yard and 1 metre into any side or rear yard;
- (v) The provisions of this Section shall not restrict the location of ornamental planting, swimming pool enclosures or landscaping in any yard, with the exception of the sight triangle provision of this by-law, unless otherwise indicated in this By-law; and
- (vi) A public utility may be located in any yard.

### **3.20 ILLUMINATION**

(a) No person within a residential zone shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

(b) Where a property abuts a residential zone, outside illumination shall be directed away from such residential zone and no illumination shall exceed 0.5 footcandle at the common property line. Where the development officer suspects non-compliance with this requirement, the development officer may require a photometric plan from the property owner. Glare guards, lower wattage lights and other measures may be required by the development officer to rectify any light pollution infraction.

**3.21 PARKING REQUIREMENTS**

- (a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.
  - (i) an off street parking space shall have a minimum length of 5.5 metres and a minimum width of 2.7 metres;
  - (ii) shall be readily accessible from a public street;
  - (iii) shall be located on the lot containing the use for which the spaces are provided.

<b>USE</b>	<b>PARKING REQUIREMENT</b>
Any dwelling except as specified below -	1 space per dwelling unit;
Multiple unit dwellings -	1.25 spaces per dwelling unit;
Boarding and rooming houses -	1 space per bedroom;
Retail stores, service and personal service shops where the floor area:	
a) exceeds 464.5 square metres -	4.0 spaces per 93 square metres of gross floor area;
b) does not exceed 464.5 square metres -	3.0 spaces per 93 square metres of gross floor area;
Banks, financial institutions and offices -	3.0 spaces per 93 square metres of gross floor area;
Restaurants -	1 space per 5 seats;
Drive-in Restaurants -	1 space for each 6 square metres of gross floor area;
Licensed restaurants, lounges, taverns and beverage rooms -	the greater of 1 space per 3 seats or 1 space per 10 square metres of gross floor area;
Theatres -	1 space per 5 seats;
Institutional uses except as specified below -	the greater of 1 space per 4 seats where there are fixed seats, or 1 space per 10 square metres of gross floor area where there are no fixed seats, or 1 space per 4 persons

	which can be accommodated at any one time;
Schools -	1 space per classroom plus 1 space per 10 high school students;
Hospitals -	2 spaces per bed;
Homes for the aged and nursing homes -	2 spaces per 5 beds;
Day care facilities -	1.5 spaces per 38 square metres of gross floor area;
Medical clinics and offices of any health practitioner -	5 spaces per consulting room;
Funeral homes -	15 spaces;
Warehouses, transport terminals and general industrial use -	the greater of 2 spaces per 93 square metres of gross floor area or 1 space per 4 employees;
Any use not specified above -	3.0 spaces per 93 square metres of gross floor area.

(b) *Reserved Spaces for the Mobility Disabled*

Notwithstanding Section 3.21 (a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

<b>USE</b>	<b>PARKING REQUIREMENT</b>
Medical Clinics and offices of health practitioners -	1 reserved parking space for the mobility disabled per 15 required parking spaces to a maximum of 10;
Homes for the Aged/Nursing Homes -	1 reserved parking space per 20 beds to a maximum of 10;
Multiple Dwellings -	1 reserved parking space per 30 units to a maximum of 10;
Restaurants and Theatres -	1 reserved parking space per 50 seats to a maximum of 10;
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function -	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10;

- (c) *Standards for Mobility Disabled Parking Spaces*
  - i) Each reserved parking space shall contain an area of not less than 28 square metres, measuring at least 4.6 metres in width.
  - ii) Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 90 metres from the location which it is intended to serve.
  - iii) Each reserved parking space shall be located as close as possible to the location it is intended to serve.
  - iv) Each reserved parking space shall be clearly identified by a ground sign and a permanently affixed freestanding sign.

### 3.22 STANDARDS FOR PARKING LOTS

Where a parking lot for more than four (4) vehicles is required or proposed the following provisions apply:

- (a) Except in the case of a home business operation, the parking lot shall be maintained with a stable surface that is paved;
- (b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 metres in height and not more than 5 square metres in area may be erected on the lot for the use of attendants;
- (d) the parking lot shall be located on the same lot as the main use;
- (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) approaches or driveways to the lot shall be defined by a curb or concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than 15.2 metres from the limits of the right-of-way at a street intersection;
- (g) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of 7.6 metres at the street line and edge of pavement;
- (h) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres for one-way traffic and a minimum width of 6.1 metres for two-way traffic, and the maximum width of a driveway shall be 7.6 metres;
- (i) notwithstanding 3.22 (g) , the Commission may consider the creation of more than two access ramps when the lot has more than 100 metres of frontage along public streets, subject to terms and conditions; and

- (j) a drainage plan must be prepared and stamped by a professional engineer, licensed to practice in the province of New Brunswick, to ensure that the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto abutting lots.
- (k) the parking lot shall have a 1.5 metre wide buffer strip along any public Right-of-Way which shall be planted with a minimum of 1 tree per 3 linear meter of buffer strip.

### **3.23 LOADING SPACE REQUIREMENTS**

The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or the distribution of material or merchandise shall provide and maintain on lands appurtenant to such buildings, structures or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses:
  - (i) not less than 1 space if the gross floor area thereof is 500 square metres or less; or
  - (ii) not less than two spaces if the gross floor area thereof is in excess of 500 square metres but less than 2,323 square metres; and
  - (iii) an additional space for each 2,323 square metres, or fraction thereof, of gross floor area in excess of the first 2,323 square metres; and
- (b) for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises:
  - (i) not less than 1 space; and
  - (ii) an additional space for each 3,250 square metres, or fraction thereof, of gross floor area in excess of 2,790 square metres; and
- (c) a loading and unloading space mentioned in subsection (a) shall:
  - (i) be not less than 9 metres in length and not less than 3 metres in width, with 4.5 metres overhead clearance;
  - (ii) be so located that merchandise or materials are loaded or unloaded on the premises being served;
  - (iii) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
  - (iv) be a paved surface.

### **3.24 QUEUING SPACE**

Queuing spaces shall be provided for Drive-Thru Business (including Drive-Thru Restaurant and Car wash), Gasoline Bar, Automotive Service Station, and Drive-In Business, as follows:

- (a) for drive-thru Business, including Drive-Thru Restaurant, Banks and Car washes:
  - (i) 6 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window;

- (ii) 1 outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- (b) for drive-in Business, automotive, gas bar and automotive repair outlets:
  - (i) 5 in-bound spaces shall be provided; and
  - (ii) 1 out-bound space shall be provided.
- (c) All queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide. Queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

### **3.25 FENCES**

Notwithstanding any other provision of this By-law, and subject to this section, a fence may be placed or located in a yard and;

- (1) Except for a security fence of chain link construction, in an Industrial zone, no fence located within the sight triangle shall exceed 1 metre in height.
- (2) Except for chain link construction, no fence located within the required front or flankage yard shall exceed 1 metre in height.
- (3) Subject to subsections (1) and (2), no fence may exceed in height:
  - (a) 2 metres in a Residential zone; or
  - (b) 2.5 metres in any other zone.
- (4) Except for an RA zone, no fence in a “Residential” zone may be electrified or incorporate barbed wire or other dangerous material in its construction.

### **3.26 RESOURCE EXTRACTION AND/OR FILLING**

- (1) Except where provided for within this by-law, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.
- (3) Except within an RA zone, no development permit shall be issued for any development or use involving the extraction of soil or other material except for extraction or filling directly related to the construction of permitted buildings or structures, or the making of land by cutting or filling to a depth in excess of 1 metre except subject to a conditional rezoning pursuant to section 39 of the Community Planning Act.

### **3.27 FRONT OR FLANKAGE YARD**

- (1) Subject to section 3.19, no building or structure may be placed, erected or altered so that it is closer to a street line than 6 metres unless otherwise provided for in this by law.

- (2) Notwithstanding subsection (1), a building may be placed, erected or altered so that it is as close to the street line as:
- (a) where there is a building on both sides and within 30 metres thereof, the mean of the distance between the street line and the adjacent buildings;
  - (b) where there is a building within 30 metres of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.

### **3.28 SATELLITE DISHES AND COMMUNICATION TOWERS**

Satellite dishes with a diameter of 1.5 metres and greater and communication towers shall not be permitted between the building and the street line.

### **3.29 MULTIPLE USES**

In any zone, where any land or building is used for more than one use, all provisions of the By-law relating to each use shall be satisfied, except as otherwise provided.

### **3.30 RESIDENTIAL DEVELOPMENT NEAR A LAGOON OR TREATMENT PLANT**

Notwithstanding any other provision of this By-Law, no dwelling, mobile home or mini home may be located within 90 metres of a sewage lagoon or treatment plant.

### **3.31 PRIVATE GARAGES AND CARPORTS**

Where a private garage or carport is attached to or incorporated in a dwelling, it becomes part of the building for purposes of determining the required yards of this by-law.

### **3.32 ENCLOSURES FOR SWIMMING POOLS**

No land may be used for the purposes of a swimming pool unless the pool is completely enclosed by a fence, or by the wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres in height, and provided that the swimming pool and enclosure is not located within the front or flankage yard. Such an enclosure is to be constructed in conformity with the following:

- (1) Where a portion of a wall of a building forms part of an enclosure:
  - (a) No main or service entrance to the building may be located therein; and
  - (b) Any door, therein, other than a door to a dwelling or rooming unit, shall be self-enclosing and equipped with a self-latching device at least 1.3 metres above the bottom of the door
- (2) An enclosure shall not have rail, bracing or other attachments on the outside thereof that would facilitate climbing.
- (3) Where a fence forms an enclosure or part thereof, the fence shall:

- (a) be made of chain link construction, with galvanized vinyl or other materials in compliance with section (4);
  - (b) not be electrified or incorporate barbed wire or other sharp dangerous materials; and
  - (c) be located
    - (i) at least 1.2 metres from any condition that would facilitate its being climbed from the outside, and
    - (ii) at least 1.2 metres from the edge of the swimming pool; and
    - (iii) so that the bottom of the fence is elevated by no more than 10 centimetres above grade;
- (4) The design and construction of a fence under this section shall provide
- (a) In the case of a chain link construction:
    - (i) no greater than 38 mm diamond mesh;
    - (ii) steel wire not less than No.12 gauge, or a minimum No.14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire; and
    - (iii) at least 38 mm diameter steel post set below frost in an envelope of concrete and spaced not more than 3 metres apart, with a top horizontal rail of at least 32 mm diameter steel.
  - (b) In the case of wood construction:
    - (i) vertical boarding, not less than 19 mm by 89 mm finished dimensions, spaced not more than 30 mm apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
    - (ii) supporting wood posts at least 89 mm round with 89 mm diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm by 89 mm finished dimensions; and
  - (c) In the case of construction other than described in subparagraphs (a) and (b), such enclosures shall:
    - (i) provide rigidity and height equal to that provided in paragraph (a) and (b);
    - (ii) be assembled so as not to permit the passage of a 100 mm (4in.) sphere through or under it;
    - (iii) not have horizontal rails or other features that would facilitate climbing; nor
    - (iv) have any horizontal rails spaced closer than 1.2 metres (3.93 ft.) when the vertical pickets spacing is greater than 50mm.
- (5) Gates forming part of an enclosure shall:
- (a) be equivalent to the fence in content, manner of construction and height;
  - (b) be supported on substantial hinges;

- (c) be self-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the gate; and
  - (d) be located so that the bottom of the gate be elevated by no more than 10 centimetres above grade.
- (6) Enclosures shall:
- (a) not exceed 2.75 metres in height;
  - (b) not be located in the required front and/or flankage yards;
  - (c) be set-back 1.0 metre from a side or rear yard line when the enclosure is higher than 2.0 metres in height.

### **3.33 USES PROHIBITED IN CERTAIN YARDS**

On a lot developed for more than 4 dwelling units, the required front or flankage yard shall not be used for the storage or display of any vehicle, boat or other chattel.

### **3.34 OTHER REQUIREMENTS: SECONDARY USE**

#### **(a) Daycare Centre**

Where permitted, a Daycare Centre shall:

- (i) be designed to accommodate not more than 15 children at any one time;
- (ii) not be located on any corner lot;
- (iii) be located on a local street which permits on-street parking;
- (iv) no sign in connection with the use shall be illuminated nor shall any sign exceed 0.75 square metres in area nor exceed one in number; and
- (v) comply with all Provincial regulations as stated in the Family Services Act of New Brunswick;

#### **(b) Accessory Dwelling Unit**

An accessory dwelling unit shall comply with the following requirements:

- (i) the gross floor area of the unit shall not exceed 35% of the gross floor area of the main building;
- (ii) the unit shall be completely self contained, including provision for cooking, sleeping and bathing.

#### **(c) Home Occupation**

Where a home occupation is permitted under this By-Law, a home occupation is subject to the following requirements:

- (i) the floor area of the dwelling unit and/or accessory building which is devoted to it does not exceed 35 percent of the gross floor area of the dwelling unit to a maximum allowed floor area of 40 square metres;
- (ii) no change which would indicate that a home occupation is being conducted therein, except for one(1) non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;

- (iii) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- (iv) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single dwelling unit;
- (v) there shall be no outside animal enclosures;
- (vi) the home occupation shall not generate off-site electrical interference, dust, noise or smoke; and
- (vii) two off-street parking spaces are provided, in addition to the parking space requirements of the zone.
- (viii) A residential beauty salon shall be permitted as a home occupation provided the single-unit dwelling is occupied as a residence by the operator of the residential beauty salon or barber shop, and the area devoted to the use shall accommodate no more than two fixed barbering chairs.

**(d) Bed and Breakfast / Tourist Home**

Where permitted in Residential Zones, bed and breakfast/ tourist homes shall conform to the following requirements:

- (i) the use shall be conducted within the principal single unit residence;
- (ii) the number of bedrooms devoted to the use shall not exceed 5 in number;
- (iii) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- (iv) no sign in connection with the use shall exceed .75 square metres in area nor exceed one in number.
- (v) parking is provided at the side and/or rear of the lot, but not within the required yard;

**3.35 LANDSCAPING REQUIREMENTS**

- (a) In any zone, the owner of a lot developed for residential purposes shall landscape:
  - (i) the front yard of the main building;
  - (ii) the required yards that abut a street;
  - (iii) all of the rear yard within 4.5 metres of any main building thereon; and
- (b) the landscaping mentioned in subsection (a):
  - (i) shall include sodding or at least 80 mm of top soil and the seeding thereof;
  - (ii) may included partial devotion to paths, patios, walkways, ornamental shrubbery or trees; and
- (c) a yard mentioned in subsection (a) may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot; and
- (d) the landscaping under this section shall be completed not later than one year from the date of the granting of the development permit for the main building located thereon.

**3.36 COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES**

- (1) Subject to subsection (2), in a Residential zone, other than a Rural Area zone, no land may be used for the parking or storage of any vehicle, other than a recreation vehicle, having a gross mass of 4500 kg. or over, nor any vehicle licensed under an “L” or “M” plate designation, nor shall any land be used for the parking or storage of construction equipment including bulldozers, backhoes, high hoes and payloaders.
- (2) Notwithstanding subsection (1), commercial vehicles are permitted to park on a residential lot when providing a service to the lot, including but not limited to merchandise delivery and pick-ups, property or chattel repairs and maintenance.

**3.37 COMMERCIAL/INDUSTRIAL/INSTITUTIONAL/MULTIPLE UNIT RESIDENTIAL USE**

Except for that part of the lot devoted to buildings and structures, a lot shall not be developed for a commercial, industrial or multiple unit residential purpose unless;

- (a) in the case of driveways and off-street parking areas, the area is paved;
- (b) in the case of that part of the lot not subject to the operation of subsection (a), is landscaped, and
- (c) the required landscaped area under subsection (b) shall be grassed and trees and/or shrubs shall be planted at a minimum rate of 1 tree or shrub for each 14 square metres of the minimum landscaped area. When possible, existing trees and shrubs shall be maintained.

**3.38 SCREENING OF COMMERCIAL, INDUSTRIAL, INSTITUTIONAL AND MULTIPLE RESIDENTIAL USES**

Where a lot in a commercial, industrial or multiple unit residential zone abuts an R-1 or R-2 zone, or use, such lot shall not be developed for commercial, industrial, or multiple unit residential use unless a screening facility, such as an earth berm, hedge or fence or a combination thereof, is provided and maintained along the abutting property lines.

**3.39 SALVAGE YARD OR RECYCLING DEPOT**

Where land is used for the storage of scrap, recycling or automotive materials, the following standards shall apply:

- (a) the whole of the operation shall be surrounded by a solid fence, not less than 3 metres and not greater than 5 metres in height, unpierced except for gates necessary for access.
- (b) the fence shall be located at least 6.1 metres from the front lot line and 1.5 metres from the side or rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be landscaped; and
- (c) no material shall be piled higher than the height of the surrounding fence.

**3.40 COMMON WALLS**

No two-unit, semi-detached, townhouse or rowhouse dwelling shall be developed except where the units are joined by a common wall both above and below grade and where the common wall constitutes at least 60% of the vertical and horizontal axis between the two units.

**3.41 FOUNDATION ELEVATIONS**

3.41.1 Foundation Elevations

Where any habitable building is proposed to be constructed within 30 metres (98.4 feet) of a public street, no development shall be permitted unless:

- a) the foundation wall meets the following requirements:
  - i) the foundation wall has a critical elevation of at least 0.5m (1.6 feet) above the point at which the centerline of the driveway would meet the finished grade of the centreline of the road to which it gains access; and
  - ii) the top of the foundation wall is not higher than 2m above the point specified in i), above;  
or
- b) an engineered solution is provided with the permit application, unless waived by the Director of Engineering and Works or their designate.

3.41.2 Attached Garage Slab Elevations

Where any building containing habitable space and having an attached garage is to be constructed within 30 metres (98.4 feet) of a public street, no development shall be permitted unless:

- a) the lowest point of the edge of the garage's foundation slab is at least 35cm (1.2 feet) above the point at which the centerline of the driveway would meet the finished grade of the centreline of the road to which it gains access; or
- b) an engineered solution is provided with the permit application, unless waived by the Director of Engineering and Works or their designate.

3.41.3 Maximum Driveway Slope

Where any building containing habitable space is to be constructed within 30 metres (98.4 feet) of a public street, no development shall be permitted unless

- a) the driveway slope is below 10% from the property line to the attached garage slab, or to the foundation wall where there is no attached garage; or
- b) an engineered solution is provided with the permit application, unless waived by the Director of Engineering and Works or their designate .

**SECTION 4: RESIDENTIAL ZONES**

**4.1 R1 (SINGLE UNIT DWELLING) ZONE**

**R1 Zone Permitted Uses**

**4.1.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an R1 zone for any purpose other than:

- (a) a single unit dwelling as a main use; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a home occupation;
  - (iv) a bed and breakfast/tourist home;
  - (v) the keeping of boarders or roomers; or
  - (vi) a congregate care facility to a maximum of 6 beds; and
- (c) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**R1 Zone Developments Subject to Terms and Conditions**

**4.1.2** Notwithstanding section 4.1.1(a), (b) and 4.1.3, the use of any land, building or structure for one or more of the following purposes:

- (i) a public park, playground or recreation use;
- (ii) a public or private school;
- (iii) a church or church hall;
- (iv) a fire and/or police station; or
- (v) any other institutional uses;

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

**R1 Zone Requirements**

**4.1.3** Within any R1 Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 464 square metres;
- (b) the lot has a frontage of at least 15 metres;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 2.5 m on one side and 1.2 m on the opposite side, except in the case where there is vehicular access provided through a

carport or garage, the larger side yard requirement of 2.5 m may be reduced to 1.2 m.

- (f) the lot coverage is not greater 50% of the area of the lot; and
- (g) the height of the main building is not greater than 11 metres.

## **4.2 R2 (TWO UNIT DWELLING) ZONE**

### **R2 Zone Permitted Uses**

**4.2.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an R2 zone for any purpose other than,

- (a) one of the following main uses:
  - (i) a single unit dwelling;
  - (ii) a two unit dwelling; or
  - (iii) a semi-detached dwelling; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
  - (i) a home occupation;
  - (ii) the keeping of boarders or roomers; or
  - (iii) a congregate care facility to a maximum of 6 beds; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

### **R2 Zone Developments Subject to Terms and Conditions**

**4.2.2** Notwithstanding section 4.2.1(a), (b), (c) and 4.2.3, the use of any land, building or structure for one or more of the following purposes:

- (i) a public park, playground or recreation use,
- (ii) a public or private school,
- (iii) a church or church hall,
- (iv) a fire and/or police station, or
- (v) any other institutional uses,

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

**R-2 Zone Requirements**

**4.2.3** Within any R2 Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 464 square metres for a single unit dwelling and 540 square metres for two unit dwelling, or 270 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
- (b) the lot has a frontage of at least 15 metres for a single unit dwelling and 18 metres for two-unit dwelling or 9 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 1.2 metres or 0.0 metres from the side being common with another dwelling;
- (f) the lot coverage is not greater than 50% of the area of the lot; and
- (g) the height of the main building is not greater than 11 metres.

**4.3 R1A (RESIDENTIAL DENSITY II) ZONE**

**R1A Zone Permitted Uses**

**4.3.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an R1A zone for any purpose other than,

- (a) one of the following main uses:
  - (i) a single unit dwelling;
  - (ii) a two unit dwelling; or
  - (iii) a semi-detached dwelling; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
  - (i) a home occupation;
  - (ii) the keeping of boarders or roomers; or
  - (iii) a congregate care facility to a maximum of 6 beds; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**R1A Zone Developments Subject to Terms and Conditions**

**4.3.2** Notwithstanding section 4.3.1(a), (b), (c) and 4.3.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) a multiple unit residential use to a maximum of 4 units,

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

**R1A Zone Requirements**

**4.3.3** Within any R1A Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 450 square metres for a single unit or two-unit dwelling, or 225 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot; or the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;
- (b) the lot has a frontage of at least 15 metres for a single or two unit dwelling or 7.5 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot; or the lot has a frontage of at least 21 metres for three units or 24 metres for four units;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 1.2 metres or 0.0 metres from the side being common with another dwelling;
- (f) the lot coverage is not greater than 50% of the area of the lot; and
- (g) the height of the main building is not greater than 11 metres.

**4.4 R2B (MIXED USE) ZONE**

**R2B Zone Permitted Uses**

**4.4.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an R2B zone for any purpose other than,

- (a) one of the following main uses:
  - (i) a single unit dwelling;

- (ii) a two unit dwelling; or
  - (iii) a semi-detached dwelling; or
  - (iv) a multiple dwelling to a maximum of 8 units; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
- (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
- (i) a home occupation;
  - (ii) the keeping of boarders or roomers; or
  - (ix) a congregate care facility to a maximum of 6 beds; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

#### **R2B Zone Developments Subject to Terms and Conditions**

**4.4.2** Notwithstanding section 4.4.1(a), (b), (c) and 4.4.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) one of the following purposes:
  - (i) retail commercial use on the ground floor in conjunction with a multiple dwelling;
  - (ii) multiple unit residential, with or without retail/office use on the first floor, to a maximum of 16 units; or
  - (iii) motel/motor Inn to a maximum of 24 units;

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

#### **R2B Zone Requirements:**

- 4.4.3** (1) Within any R2B Zone, no development shall be permitted and no main building or structure may be used on a lot as a single or two unit Residential use unless:
- (a) the lot has an area of at least 540 square metres for a single unit or two unit dwelling or 270 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;

- (b) the lot has a frontage of at least 18 metres for a single unit or two-unit dwelling or 9 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
  - (c) the lot has a front and flankage yard of at least 6 metres;
  - (d) the lot has a rear yard of at least 6 metres;
  - (e) the lot has a side yard of at least 1.2 metres or 0.0 metres from the side being common with another dwelling;
  - (f) the lot coverage is not greater than 50% of the area of the lot; and
  - (g) the height of the main building is not greater than 11 metres.
- (2) Within any R2B Zone, no development shall be permitted and no main building or structure may be used on a lot as a multiple unit Residential use unless:
- (a) the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;
  - (b) the lot has a frontage of at least 21 metres for three units; 24 metres for four units and 27 metres for five or more units;
  - (c) the lot has a front and flankage yard of at least 6 metres;
  - (d) the lot has a rear yard of at least 6 metres;
  - (e) the lot has a side yard of at least 3 metres or 1/2 the height of the main building to a maximum of 6 metres;
  - (f) the lot coverage is not greater than 50% of the area of the lot; and
  - (g) the height of the main building is not greater than 11 metres.

#### **4.5 R3 (RESIDENTIAL MODERATE DENSITY) ZONE**

##### **R3 ZONE Permitted Uses**

- 4.5.1**
- (a) No development shall be permitted nor shall any land, building or structure be used on a lot within an R-3 zone for any purpose other than a multiple unit dwelling as a main use; and
  - (b) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

##### **R3 ZONE Requirements:**

- 4.5.2** Within any R3 Zone, no development shall be permitted and no main building or structure may be used on a lot as a multiple unit Residential use unless:
- (a) the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;

- (b) the lot has a frontage of at least 21 metres for three units; 24 metres for four units and 27 metres for five or more units;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 3 metres or 1/2 the height of the main building to a maximum of 6 metres;
- (f) the lot coverage is not greater than 50% of the area of the lot; and
- (g) the height of the main building is not greater than 15 metres.

### **R3 Zone Developments Subject to Terms and Conditions**

**4.5.3** Notwithstanding section 4.5.1(a) and 4.5.2 the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) one of the following purposes:
  - (i) an office building with or without a multiple unit dwelling;
  - (ii) a funeral home; or
  - (iii) commercial use on the first floor in conjunction with a multiple unit dwelling;

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

### **4.5A TD (TOWNHOUSE DWELLING) ZONE**

#### **TD USES PERMITTED**

**4.5A.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a TD zone for any purpose other than:

- (a) subject to subsection 3.5, one or more of the following main uses:
  - (i) subject to the standards provided in subsection 4.4, a single or two unit dwelling;
  - (ii) a townhouse dwelling;
  - (iii) subject to the standards provided in subsection 4.5, a multiple unit dwelling; and
  - (iv) a park or open space use;
- (b) one or more of the following secondary uses in conjunction with a detached single unit dwelling:

- (i) a home occupation;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
  - (iv) the keeping of boarders or roomers; and
- (c) one of the following secondary uses in conjunction with a dwelling unit:
- (i) an office use or computer based business not exceeding 25 percent of the floor area of the dwelling unit;
  - (ii) a telephone based business not exceeding 25 percent of the floor area of the dwelling unit; and
  - (iii) a neighborhood daycare, subject to section 3.34.
- (d) subject to section 3.10, any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

**TD ZONE REQUIREMENTS: TOWNHOUSE USES**

**4.5A.2** Within any TD zone, no development of a townhouse shall be undertaken nor shall any land, building or structure be used for any townhouse use unless:

- (a) the lot has an area of at least 185 square metres (1991.4 sq. ft.) for each dwelling unit;
- (b) the lot has a front and flankage yard of at least 6 metres (19.7 ft.);
- (c) the lot has a frontage of at least 6.0 metres (19.7 ft.);
- (d) the lot has a rear yard of at least 3 metres (9.84 ft.);
- (e) the lot has a side yard of at least 3 metres (9.84 ft.) or 0.0 metres (0.0 ft.) from the side being common with another dwelling unit;
- (f) the area of the lot which is occupied by buildings shall not exceed 35 percent of the total lot area;
- (g) the height of any main building does not exceed 10 metres (32.8 ft.).

**TD Zone Special Conditions or Standards**

**4.5A.3** Within any TD zone, a townhouse dwelling is subject to the following conditions:

- (i) no townhouse dwelling shall contain more than six (6) dwelling units;
- (ii) a townhouse shall be designed so that the setback of adjacent units are varied by at least .6 metres (2 ft.) from each other along the front of the lot;
- (iii) no townhouse unit shall have direct vehicular access from Coverdale Road, Hillsborough Road, Pine Glen Road, Trites Road, or White Pine Road nor any other arterial or collector street;
- (iv) no individual townhouse unit shall undergo any alteration which would not be in keeping with the design and character of the overall building;

- (v) in the case of dwelling units at either end of the building, no required parking space shall be permitted in the required front yard;
- (vi) driveways for interior dwelling units shall be located adjacent to the common lot line.

#### **4.6 RM (RESIDENTIAL MIX) ZONE**

##### **RM Zone Permitted Uses**

#### **4.6.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an RM zone for any purpose other than;

- (a) one of the following main uses:
  - (i) a single unit dwelling;
  - (ii) a two unit dwelling; or
  - (iii) a semi-detached dwelling; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
  - (i) a home occupation;
  - (ii) the keeping of boarders or roomers; or
  - (iii) a congregate care facility to a maximum of 6 beds; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

##### **RM Zone Developments Subject to Terms and Conditions**

#### **4.6.2** Notwithstanding section 4.6.1(a), (b), (c) and 4.6.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) other forms of residential development upon the receipt of a generalized area development plan (maximum of 10 units/acre);

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

## **RM Zone Requirements**

**4.6.3** Within any RM Zone, no development shall be permitted and no main building or structure may be used on a lot as a single or two unit Residential use unless:

- (a) the lot has an area of at least 450 square metres for a single unit or two unit dwelling or 225 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
- (b) the lot has a frontage of at least 15 metres for a single unit or two unit dwelling or 7.5 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
- (c) the lot has a front or flankage yard of at least 4.5 metres;
- (d) the lot has a rear yard of at least 4.5 metres;
- (e) the lot has a side yard of at least 1.2 metres or 0.0 metres from the side being common with another dwelling;
- (f) the lot coverage is not greater than 50% of the area of the lot; and
- (g) the height of the main building is not greater than 11 metres.

## **4.7 RA ( RURAL AREA ) ZONE**

### **RA Zone Permitted Uses**

**4.7.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an RA zone for any purpose other than:

- (a) one or more of the following main uses:
  - (i) a single unit dwelling;
  - (ii) an Agriculture Use;
  - (iii) a Forestry Use;
  - (iv) a kennel or veterinary facility;
  - (v) a stable;
  - (vi) a roadside stand for the sale of agricultural produce.
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
  - (i) a home occupation;
  - (ii) the keeping of boarders or roomers;
  - (iii) a home business; or
  - (iv) a congregate care facility to a maximum of 6 beds; and

- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**RA Zone Developments Subject to Terms and Conditions**

**4.7.2** Notwithstanding sections 4.7.1(a), (b), (c), 4.7.3 and 4.7.4 the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses, or
- (b) one of the following purposes:
  - (i) a resource extraction use, pursuant to Policy 6.2.2 of the Municipal Plan;

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

**RA Zone Requirements**

**4.7.3** Within any RA Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 2 hectares;
- (b) the lot has a frontage of at least 150 metres;
- (c) the lot has a front and flankage yard of at least 7.5 metres in the case of a single unit dwelling, otherwise 15 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 6 metres;
- (f) the height of the main building is not greater than 11 metres in the case of a single unit dwelling, otherwise 26 metres

**Special Exemptions**

**4.7.4** Notwithstanding section 4.7.1 ((a)(ii)(iii)(iv)(v)(vi)) and 4.7.3, where a lot within any RA zone exist on the effective date of this by law, the following standards shall apply for any permitted residential use provided the lot is an approved building lot by the Department of Health and/or the Department of Environment and;

- (a) the minimum front and flankage yard is 7.5 metres
- (b) the minimum rear yard is 6 metres.
- (c) the minimum side yard is 3 metres.

- (d) the maximum height of the main building is 11 metres.

#### **4.8 MH (MINI HOME) ZONE**

##### **MH Zone Permitted Uses**

**4.8.1** No development shall be permitted nor shall any land, building or structure be used on a lot within any MH zone for any purpose other than,

- (a) one of the following main uses:
  - (i) a mini home;
  - (ii) a mini home park;
  - (iii) a mini home subdivision; or
  - (iv) a single unit dwelling
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a bed and breakfast/tourist home; or
  - (v) a congregate care facility to a maximum of 6 beds; and
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.34:
  - (i) a home occupation;
  - (ii) the keeping of boarders or roomers;
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

##### **MH Zone Developments Subject to Terms and Conditions**

**4.8.2** Notwithstanding section 4.8.1(a), (b) and (c), the use of any land, building or structure for the purposes of a mini home display court or sales lot, provided the use does not exceed 1 hectare in land area, shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

##### **MH Zone Requirements**

**4.8.3** Within any MH Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 450 square metres;
- (b) the lot has a frontage of at least 15 metres;
- (c) the lot has a front and flankage yard of at least 4.5 metres;
- (d) the lot has a rear yard of at least 4.5 metres;

- (e) the lot has a side yard of at least 2.5 m on one side and 1.2 m on the opposite side, except in the case where there is vehicular access provided through a carport or garage, the larger sideyard requirement of 2.5m may be reduced to 1.2m;
- (f) the lot coverage is not greater 50% of the area of the lot; and
- (g) the height of the main building is not greater than 11 metres.
- (h) in the case of a mini home, the dwelling meets the Canadian Standards Association standards for factory built construction.

#### **Mini Home Park**

- 4.8.4** Notwithstanding section 4.8.1 and section 4.8.3, where a mini home park is a permitted use in any MH (Mini Home) zone, no development shall be permitted and no main building or structure may be used on a lot unless the use conforms to the requirements of a by law pursuant to section 188 of the Municipalities Act.

## **SECTION 5: COMMERCIAL ZONES**

### **5.1 CC (CENTRAL COMMERCIAL) ZONE**

#### **CC Zone Permitted Uses**

- 5.1.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a CC zone for any purpose other than,

- (a) one or more of the following main uses:
  - (i) medical and health office;
  - (ii) daycare centre;
  - (iii) commercial recreation use;
  - (iv) cultural establishment including library and museum;
  - (v) restaurants including drive thru when located in the rear yard or side yard;
  - (vi) entertainment uses, other than adult entertainment;
  - (vii) educational establishment;
  - (viii) banks and financial institutions, including drive thru when located in the rear yard or side yard;

- (ix) funeral home;
  - (x) garden centre;
  - (xi) grocery store;
  - (xii) hotel/motel;
  - (xiii) liquor store;
  - (xiv) office uses;
  - (xv) outdoor market;
  - (xvi) personal service shop;
  - (xvii) a communication use, including but not limited to radio or T.V. stations and printing establishments;
  - (xviii) bake shop;
  - (xix) retail stores or unit;
  - (xx) a multiple dwelling.
- (b) one or more of the following secondary uses:
- (i) a dwelling unit.
- (c) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

#### **5.1.2 CC Zone Developments subject to Terms and Conditions**

Notwithstanding section 5.1.1 (a) and 5.1.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
- (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) one of the following purposes:
- (i) service shop;
  - (ii) commercial parking lot and/or parking garage;
  - (iii) wholesale/retail shopping centres in excess of 1500 square metres, or

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

#### **5.1.3 CC Zone Requirements**

- (a) Within any CC Zone, no development shall be permitted and no main building or structure may be used on a lot as a commercial use unless:
- (i) the lot has a frontage of 15 metres;
  - (ii) the lot has a front and flankage yard of at least 3 metres and a maximum of 20 metres;
  - (ii) the height of the main building is not greater than 15 metres;
- (b) Within any CC Zone, no development shall be permitted and no main building or structure may be used on a lot as a multiple unit Residential use unless:

- (i) the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;
- (ii) the lot has a frontage of 27 metres;
- (iii) the lot has a front or flankage yard of at least 4.5 metres; and
- (iv) the height of the main building is not greater than 15 metres;

#### **5.1.4 CC Zone Other Requirements**

Within any CC Zone, no development shall be permitted and no main building or structure may be used on a lot except in conformity with the following:

- (a) In the case of a multiple unit dwelling, no portion of any parking area shall be located between the front and/or side of the building and/or street line;
- (b) Where any CC zone abuts a Residential zone, no portion of any parking space shall be located within 1 metre of the side or rear lot line.

#### **5.1.6 Outdoor Storage**

Where any permitted main use includes outdoor storage, the land used for such storage shall be screened from the street and abutting property by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.

#### **5.1A RBS (RESIDENTIAL BUSINESS SERVICE) ZONE**

##### **RBS ZONE PERMITTED USES**

**5.1A.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an RBS zone for any purpose other than:

- (a) one or more of the following main uses:
  - (i) a multiple unit dwelling;
  - (ii) a general office use;
  - (iii) a communications and communication arts use including call centers, radio, internet and television studios;
  - (iv) secondary and post secondary educational uses;
  - (v) banks and financial institutions;
  - (vi) general storage, but not including a mini-storage warehouse, data storage and data processing facilities;
  - (vii) electronic and electrical design and manufacturing facilities inside a building;
  - (viii) a church or church hall;
  - (ix) a funeral home;
  - (x) commercial use, including indoor storage on the first floor; or
  - (xi) a public park; and
- (b) subject to section 3.10, any accessory building, structure or use incidental to the permitted main use of the land building or structure.

##### **RBS ZONE REQUIREMENTS**

**5.1A.2** Within any RBS Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 590 square metres;
- (b) the lot has a frontage of at least 21 metres;
- (c) the lot has a front or flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of 3 metres or 1/2 the height of the main building to a maximum of 6 metres whichever is greater;
- (f) the lot coverage is not greater than 50% of the area of the lot; and
- (g) the height of the main building is not greater than 15 metres.

**RBS Zone Special Conditions or Standards**

**5.1A.3** Within any RBS zone no building or structure shall be permitted nor any land, building or structure used except in compliance with the following terms and conditions:

- (a) the facade of any building facing any public street or any residential zone shall be sheathed in a material other than, metal or plain faced concrete block finishes and the exterior design of buildings having a facade in excess of 100 sq. m. (1,076 sq. ft.) shall incorporate architectural detailing such as windows, dormers, glass panels, signage, material or color variations, moldings, architectural reveals or other detailing, as well as landscaping to create a pleasing appearance that is compatible with the other buildings common to the neighborhood;
- (b) any roof structure in excess of 12 metres in span shall have a pitch of at least one metre of rise for each two metres of run;
- (c) no sign shall be located on any side of the building facing a property line in common with a residential zone;
- (d) any portion of the lot within 2 metres of a property line abutting any R-1, R-2 or Townhouse zone shall not be used as a parking area but shall be landscaped at the rate of one tree or shrub for each linear metre of the length of the common property line;
- (e) a solid opaque wooden fence of at least 2 metres in height shall be constructed within 2 metres of a property line abutting any R-1, R-2 or Townhouse zone;
- (f) Notwithstanding 5.1A.3 (e), when a multi-family development is proposed abutting any R-1, R-2 or Townhouse zone, a 6 metre wide vegetative buffer can be used to replace the fence, such buffer shall include and maintain trees and shrubs in sufficient number to provide adequate visual screening of the two conflicting uses;
- (g) notwithstanding section 9, no more than one back-lit freestanding sign, not exceeding 6 metres in height, shall be erected or displayed and no part of such sign, other than supporting square or round posts not exceeding 16 cm square or in diameter, shall be closer to the finished grade than 3 metres; and
- (h) except for a parking lot, no use permitted under this section shall maintain any outside storage area or compound.

**5.2 HC (HIGHWAY COMMERCIAL) ZONE**

**HC Zone Permitted Uses**

**5.2.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a HC zone for any purpose other than,

- (a) one or more of the following main uses:
  - (i) medical and health office;
  - (ii) daycare centre;
  - (iii) commercial recreation use;
  - (v) restaurants including drive thru and take out;
  - (vii) educational establishment;
  - (viii) banks and financial institutions;
  - (ix) funeral home;
  - (x) garden centre;
  - (xi) grocery store;
  - (xii) hotel/motel;
  - (xiii) liquor store or entertainment uses, other than adult entertainment;
  - (xiv) office uses;
  - (xv) outdoor market;
  - (xvi) personal service shop;
  - (xvii) a pet service use;
  - (xvii) a communication use, including but not limited to radio and T.V.stations and printing establishments;
  - (xviii) bake shop;
  - (xix) retail stores;
  - (xx) a multiple unit dwelling;
  - (xxi) veterinary clinic.
- (b) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**HC Zone Developments subject to Terms and Conditions**

**5.2.2** Notwithstanding section 5.2.1 (a) and 5.2.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses; or
- (b) one of the following purposes:
  - (ii) service shop;
  - (iii) automobile repair outlet / automobile sales operation;
  - (iv) commercial parking lot and/or parking garage; and
  - (v) gas bar or service station, including a recycling depot;
  - (vi) a building supply store and associated storage yard;
  - (vii) car wash;

- (viii) recreational vehicles sales and service establishments, provided the lot has an area of at least 5 acres and a frontage of at least 91 metres (300 ft.)
- (ix) storage and warehouse business, including a mini-storage warehouse.

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

### **HC Zone Requirements**

- 5.2.3**
- (a) Within any HC Zone, where main uses are permitted other than a multiple unit dwelling, no development shall be permitted and no main building or structure may be used on a lot unless:
    - (i) the lot has an area of at least 540 square metres;
    - (ii) the lot has a frontage of at least 18 metres;
    - (iii) the lot has a front and flankage yard of at least 6 metres;
    - (iv) the lot has a rear yard of at least 6 metres;
    - (v) the lot has a side yard of at least 2.5 m on one side and 1.2 m on the opposite side,
    - (vi) the lot coverage is not greater 50% of the area of the lot; and
    - (vii) the height of the main building is not greater than 15 metres.
  - (b) Within any HC Zone, where main uses are permitted as a multiple unit dwelling, no development shall be permitted and no main building or structure may be used on a lot unless:
    - (i) the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;
    - (ii) the lot has a frontage of at least 21 metres for three units; 24 metres for four units and 27 metres for five or more units;
    - (iii) the lot has a front and flankage yard of at least 6 metres;
    - (iv) the lot has a rear yard of at least 6 metres;
    - (v) the lot has a side yard of at least 3 metres or 1/2 the height of the main building to a maximum of 6 metres;
    - (vi) the lot coverage is not greater than 50% of the area of the lot; and
    - (vii) the height of the main building is not greater than 15 metres;

### **HC Zone Other Requirements**

- 5.2.4** Within any HC Zone, no development shall be permitted and no main building or structure may be used on a lot except in conformity with the following:
- (a) In the case of a multiple unit dwelling, no portion of any parking area shall be located between the front and/or side of the building and/or street line;
  - (b) Where any HC zone abuts a Residential zone in section 4 of this by-law, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1 metre of the side or rear lot line nor shall any above grade parking area exceed 24 spaces.

**Outdoor Storage**

- 5.2.6** Where any permitted main use includes outdoor storage, except for an automobile / vehicle sales operation, the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.

**5.3 NC (NEIGHBORHOOD COMMERCIAL) ZONE**

**NC Zone Permitted Uses**

- 5.3.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an NC zone for any purpose other than,

- (a) one or more of the following main uses:
  - (i) a bank or other financial institution;
  - (ii) an office use;
  - (iii) a daycare centre;
  - (iv) a convenience store;
  - (v) a florist or gift shop;
  - (vi) a food store;
  - (vii) a personal service shop;
  - (viii) a restaurant (excluding drive-thru or drive-in);
  - (ix) a video rental shop;
  - (x) a local convenience centre subject to the provisions of subsection 5.3.4;
  - (xi) a single or two unit dwelling; and
- (b) one of the following secondary uses in conjunction with a permitted single or two unit dwelling; subject to the relevant provisions of section 3.34:
  - (i) a daycare centre;
  - (ii) an accessory dwelling unit;
  - (iii) a home occupation;
  - (iv) a bed and breakfast/tourist home;
  - (v) the keeping of boarders or roomers;
  - (vi) a congregate care facility to a maximum of 6 beds; or
- (c) a residential use to a maximum of 4 units as a secondary use in conjunction with a permitted main use other than a single or two unit dwelling, provided that the living accommodation is not located on the ground floor frontage; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**NC Zone Developments subject to Terms and Conditions**

- 5.3.2** Notwithstanding section 5.3.1(a), (b), (c) and 5.3.3, the use of any land, building or structure for one or more of the following purposes:

- (i) a public park, playground or recreation use;
- (ii) a public or private school;
- (iii) a church or church hall;
- (iv) a fire and/or police station; and

- (v) any other institutional uses,

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

**NC Zone Requirements**

**5.3.3** Within any NC Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 540 square metres;
- (b) the lot has a frontage of at least 18 metres;
- (c) the lot has a front and flankage yard of at least 7.6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 2.5 metres;
- (f) the lot coverage is not greater 50% of the area of the lot; and
- (g) the height of the main building is not greater than 13 metres.

**Special Requirements for a Local Convenience Centre in a NC Zone**

**5.3.4** Notwithstanding subsection 5.3.1 and 5.3.3, within a NC Zone more than one use may be permitted on a lot in a Local Convenience Centre containing a maximum of 500 m<sup>2</sup> of gross floor area and up to five stores or services provided:

- (a) the lot has an area of at least 1100 square metres;
- (b) the lot has a frontage of at least 18 metres;
- (c) the lot has a front and flankage yard of at least 7.6 metres;
- (d) the lot has a minimum rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 2 metres; and
- (g) the lot coverage is not greater than 45 %.

**5.3.5** Within any NC Zone, no development shall be permitted and no main building or structure may be used on a lot except in conformity with the following:

- (a) In the case of a multiple unit dwelling, no portion of any parking area shall be located between the front and/or side of the building and/or street line;
- (b) Where any NC zone abuts a Residential zone in section 4 of this by-law, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.2 metre of the side or rear lot line nor shall any above grade parking area exceed 24 spaces.

#### **5.4 SC (SUBURBAN COMMERCIAL) ZONE**

##### **SC Zone Permitted Uses**

**5.4.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a SC zone for any purpose other than,

- (a) one or more of the following main uses:
  - (i) medical and health office;
  - (ii) daycare centre;
  - (iii) commercial recreation use;
  - (iv) cultural establishment including library and museum;
  - (v) restaurants including drive thru and take out;
  - (vi) entertainment uses, other than adult entertainment;
  - (vii) educational establishment;
  - (viii) banks and financial institutions, including drive thru;
  - (ix) funeral home;
  - (x) garden centre;
  - (xi) grocery store;
  - (xii) hotel/motel;
  - (xiii) liquor store;
  - (xiv) office uses;
  - (xv) outdoor market;
  - (xviii) personal service shop;
  - (xix) a pet service use;
  - (xvii) a communication use, including but not limited to radio or T.V. stations and printing establishments;
  - (xviii) bake shop;
  - (xx) retail stores;
  - (xxi) veterinary clinic
- (b) one or more of the following secondary uses:
  - (i) a dwelling unit.
- (c) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

##### **5.4.2 SC Zone Developments subject to Terms and Conditions**

Notwithstanding section 5.4.1 (a) and 5.4.3, the use of any land, building or structure for:

- (a) one or more of the following purposes:
  - (i) a public park, playground or recreation use;
  - (ii) a public or private school;
  - (iii) a church or church hall;
  - (iv) a fire and/or police station;
  - (v) any other institutional uses;
  - (vi) a multiple unit dwelling; or
- (b) one of the following purposes:
  - (i) service shop;
  - (ii) commercial parking lot and/or parking garage;
  - (iii) wholesale/retail shopping centres in excess of 1500 square metres,

- (iv) car wash; or
- (v) automobile sales lot and service facility.

shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

#### **5.4.3 SC Zone Requirements**

- (a) Within any SC Zone, no development shall be permitted and no main building or structure may be used on a lot as a commercial use unless:
  - (i) the lot has an area of 1300 square metres;
  - (ii) the lot has a frontage of 30 metres;
  - (iii) the lot has a front and flankage yard of at least 4.5 metres;
  - (iv) the lot has a side yard of 1.5 metres;
  - (v) the lot has a rear yard of 3 metres; and the height of the main building is not greater than 15 metres;
- (b) Within any SC Zone, no development shall be permitted and no main building or structure may be used on a lot as a multiple unit Residential use unless:
  - (i) the lot has an area of at least 590 square metres plus an additional 50 square metres for each unit in excess of three;
  - (ii) the lot has a frontage of 27 metres;
  - (iii) the lot has a front or flankage yard of at least 4.5 metres; and
  - (iv) the height of the main building is not greater than 15 metres;

#### **5.4.4 SC Zone Other Requirements**

Within any SC Zone, no development shall be permitted and no main building or structure may be used on a lot except in conformity with the following:

- (a) In the case of a multiple unit dwelling, no portion of any parking area shall be located between the front and/or side of the building and/or street line;
- (b) Where any SC zone abuts a Residential zone, no portion of any parking space shall be located within 1 metre of the side or rear lot line.

#### **5.4.5 Outdoor Storage**

Where any permitted main use includes outdoor storage, the land used for such storage shall be screened from the street and abutting property by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.

### **SECTION 6: INDUSTRIAL ZONES**

#### **6.1 I (INDUSTRIAL) ZONE**

##### **I Zone Permitted Uses**

**6.1.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an I zone for any purpose other than:

- (a) one of the following main uses:
  - (i) an industrial use;
  - (ii) a car wash;
  - (iii) transportation terminal;
  - (iv) veterinarian services;
  - (v) automobile repair or paint shop;
  - (vi) heavy equipment repair;
  - (vii) service industry;
  - (viii) warehouse and/or distribution centre, including a mini-storage warehouse;
  - (ix) wholesale establishment;
  - (x) an office building; or
  - (xi) an single unit dwelling;
  - (xii) recreational vehicle sales and service establishments;
- (b) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**I Zone Requirements**

**6.1.2** (a) Notwithstanding section 6.1.1((a)(xi)), no development shall be permitted and no main building or structure may be used on a lot unless:

- (i) the lot has an area of at least 540 square metres;
- (ii) the lot has a frontage of at least 18 metres;
- (iii) the lot has a front and flankage yard of at least 7.5 metres;
- (iv) the lot has a rear yard of at least 6 metres;
- (v) the lot has a side yard of at least 3 metres or 1/2 the height of the main building to a maximum of 6 metres;
- (vi) the lot coverage is not greater 50% of the area of the lot; and
- (vii) the height of the main building is not greater than 11 metres.

(b) In the case of a use permitted under section 6.1.1((a)(xi)), no development shall be permitted and no main building or structure may be used on a lot unless:

- (i) the lot has a front or flankage yard of at least 6 metres;
- (ii) the lot has a rear yard of at least 6 metres;
- (iii) the lot has a side yard of at least 1.2 metres on one side and 2.5 metres on the opposite, except in the case where there is vehicular access provided through a carport or garage, the larger side yard requirement of 2.5m may be reduced to 1.2m.

**I Zone Other Requirements:**

**6.1.3** Within any I Zone, no development shall be permitted and no main building or structure may be used on a lot, except as an existing single unit dwelling or permitted secondary use, unless:

- (a) Where any I Zone abuts a Residential zone, no portion of any parking space or storage yard shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space or storage yard shall be located within 1.2 metres of the side or rear lot line nor shall any above grade parking area exceed 12 spaces.
- (b) Outside storage shall be permitted and shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be stacked higher than the height of the surrounding fence. Where feasible, existing trees shall be preserved.

**SECTION 7: COMMUNITY USE ZONES**

**7.1 PRI (PARKS, RECREATION, INSTITUTIONAL) ZONE**

**PRI Zone permitted uses**

**7.1.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a PRI zone for any purpose other than:

- (a) one or more of the following main uses:
  - (i) a university or community college and associated buildings and facilities including fraternities, dormitories and residences necessary for the operation of, and designed primarily for the use of the students and staff;
  - (ii) cultural establishments including libraries and museums;
  - (iii) government building;
  - (iv) municipal servicing facility;
  - (v) park or open space;
  - (vi) sport fields;
  - (vii) arenas;
  - (viii) religion institution, including a cemetery;
  - (ix) public or private golf club;
  - (x) day care facility;
  - (xi) an institutional residence including a residential care facility;
  - (xii) a health services building;
  - (xiii) a T.V. or radio tower;
  - (xiv) a recreation use;
  - (xv) an air traffic control centre; and
- (b) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**PRI Zone Requirements**

**7.1.2** Within any PRI Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 810 square metres;
- (b) the lot has a frontage of at least 27 metres;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;
- (e) the lot has a side yard of at least 3 metres or one half the height of the main building to a maximum of 6 metres;
- (f) the lot coverage is not greater 50% of the area of the lot; and
- (g) the height of the main building is not greater than 15 metres.

**7.2 OS (OPEN SPACE) ZONE**

**OS Zone Permitted Uses**

**7.2.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an OS zone for any purpose other than:

- (a) one or more of the following main uses:
  - (i) areas of natural, aesthetic or scientific interest;
  - (ii) cemetery excepting crematoria or funeral home;
  - (iii) park or open space;
  - (iv) natural drainage corridors;
  - (v) natural or man made water bodies;
  - (vi) marina.

**OS Zone Requirements**

**7.2.2** No substantial development, structure or habitable building shall be permitted in any OS Zone.

**7.3 TS (TOURISM SUPPORT) ZONE**

**TS Zone permitted uses**

**7.3.1** No development shall be permitted nor shall any land, building or structure be used on a lot within a TS zone for any purpose other than:

- (a) one or more of the following main uses:
  - (i) a tourism information center
  - (ii) cultural establishments including museums and interpretation centers;
  - (iii) park or open space;
  - (iv) a restaurant with no drive-thru;
  - (v) a recreation use;
  - (vi) a public market or farmers market;
  - (vii) a campground; and
  - (viii) a tourism related commercial use or service use
- (b) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.10.

**TS Zone Requirements**

**7.1.2** Within any TS Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 810 square metres;
- (b) the lot has a frontage of at least 27 metres;
- (c) the lot has a front and flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least 6 metres;

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- (e) the lot has a side yard of at least 3 metres or one half the height of the main building to a maximum of 6 metres;
- (f) the lot coverage is not greater 50% of the area of the lot; and
- (g) the height of the main building is not greater than 15 metres.

**SECTION 8: ID (INTEGRATED DEVELOPMENT) ZONE**

**8.1 ID (INTEGRATED DEVELOPMENT) ZONE**

**ID Zone Permitted Uses**

- 8.1.1** No development shall be permitted nor shall any land, building or structure be used on a lot within any ID Zone unless council has approved a specific proposal pursuant to Section 38 of the Community Planning Act.

**ID Zone Requirements**

- 8.1.2** Standards or requirements for development in an ID Zone shall not be subject to the provisions of this by-law, but shall be limited by the proposal which is approved by Council pursuant to Section 39 of the Community Planning Act.

## SECTION 9: SIGN REGULATIONS

### 9.1 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones and no development permit shall be required for their erection:

- (a) any sign which has an area of no more than 0.75 square metres and which identifies the name and address of a resident.
- (b) any sign which has an area of no more than 0.45 square metres and which regulates the use of property, as do “no trespassing” signs.
- (c) one real estate sign (non-illuminated), on the property which is for sale, which has an area of no more than 0.75 square metres in any residentially designated area or 2.2 square metres in any other zone.
- (d) any sign which has an area of no more than 0.75 square metres and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) any sign which has an area of no more than 4.6 square metres and which is incidental to construction.
- (f) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) any memorial sign, plaque or tablet.
- (i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

### 9.2 SIGNS PROHIBITED IN ALL ZONES

All signs shall comply with the following:

- (a) no sign may create a hazard to public safety or health,
- (b) no sign may, for any reason, obstruct the vision of drivers leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets,
- (c) no sign shall obstruct free ingress to or egress from a fire escape door, window or other required exit,
- (d) no sign shall be located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body,

- (e) no sign other than a traffic control sign erected by a government may use words such as “STOP”, “LOOK”, “DANGER”, “ONE WAY” or “YIELD” or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road,
- (f) no sign may incorporate a searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations for a period not to exceed thirty (30) calendar days,
- (g) no sign may be painted on a tree, stone, cliff or other natural object,
- (h) any billboard sign which no longer advertises a bonafide business conducted or a product sold shall be deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product sold,
- (i) no sign, except for a sandwich sign to a maximum of 1 square metre, shall be placed or erected on a property unless the sign is permanently set into the ground or permanently affixed to a building.

### **9.3 SIGN PERMIT REQUIRED**

Subject to section 9.1, no person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this By-law.

### **9.4 SIGN PERMIT FEE**

A \$ 25.00 permit fee shall be submitted for each sign for which a permit is required under the provisions of this By-law.

### **9.5 FREESTANDING SIGNS**

Freestanding signs are permitted in all Commercial, Industrial, Open Space, Rural Area and Parks, Recreation, Institutional zones, provided that no sign shall:

- (a) exceed a maximum height of 10 metres;
- (b) exceed a maximum size of 9.0 square metres in gross surface area;
- (c) exceed a maximum of one in number for every 30 metres of frontage and 1 additional sign for each additional 30 metres of frontage;
- (d) be located closer to any street line than 2 metres within the CC zone, otherwise 4.5 metres; and
- (e) in the case of a corner lot, be located closer to the street line of intersection or intersecting streets than 4.5 metres.

### **9.6 PROJECTING SIGNS**

Projecting signs are permitted in all zones except Residential zones, provided that the sign shall:

- (a) not exceed a maximum of 6.0 square metres in area per sign face;
- (b) not project more than 2.5 metres from the building wall and be at least 3.0 metres from the ground;
- (c) not project over property lines;
- (d) not exceed one in number per business carried on therein; and
- (e) not project more than 30 cm. above the roof of a building.

#### **9.7 BILLBOARD SIGNS**

A billboard sign shall only be permitted in an Industrial and Rural Area zones provided that no sign shall:

- (a) exceed a maximum height of 10 metres;
- (b) exceed 18 square metres in gross surface area;
- (c) exceed a maximum of one sign for every 100 metres of frontage and 1 additional sign for each 100 metres of frontage; and
- (d) be located so that it is closer to any street line than 7.5 metres.

#### **9.8 FACIA WALL SIGNS**

- (a) Subject to subsection (b) and (c), facia wall signs are permitted in all zones.
- (b) In R1,R2,R1A,RM zones, facia signs shall not exceed .75 square metres in area nor shall any sign be illuminated or be used for any purpose other than to identify the residents therein, to warn against trespassing, to announce a secondary use.
- (c) In all zones, except Residential zones, facia signs are permitted provided that no sign shall:
  - (i) be painted upon or cover a fence or roof;
  - (ii) be limited to a height not exceeding 1.5 metres;
  - (iii) exceed the length of the wall of the building upon which the sign is displayed;
  - (iv) project more than 23 centimetre from the wall on which the sign is located.

#### **9.9 SIGNS IN SPECIFIC ZONES**

In a Rural Area zone, the following freestanding signs may be placed, erected or displayed:

- (a) one sign not exceeding 9 square metres in area indicating the name of a farm; and

- (b) one sign identifying a business carried on therein or a sign located on a farm advertising the sale of products produced thereon provided such sign does not exceed 1.5 square metres in area.

**9.10 NON-CONFORMING SIGNS**

The provisions of this By-law with respect to existing signs which do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect, except that relocation, alteration, or removal of any such non-conforming signs shall render such signs subject to the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming sign from the obligations for proper maintenance of such sign.

**9.11 ABANDONED AND UNLAWFUL SIGNS**

- (a) No person being the owner lessee of property upon which a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical systems or anchorage to become unsightly, dilapidated or unsafe.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with any Building By-law requirements and relevant fire and electrical codes. A sign, which in the in the opinion of the Development Officer, has become unsightly, or is in such a state of disrepair as to constitute a hazard, may be required to be removed.
- (c) Any sign which no longer advertises a bonafide business or service on the premises shall be removed within sixty (60) days of the termination of such business or service.