

PART A. TITLE AND AREA DESIGNATION

SECTION 1. Village of Alma Rural Plan By-law

SECTION 2. By-law No. 93

The Council of the Village of Alma, under the authority vested in it by section 27.2 of the Community Planning Act adopts the following Rural Plan By-law:

1. The area of land lying within the territorial limits of the Village of Alma, as described by subsection 32(2) of Regulation 85-6 under the *Municipalities Act* and as outlined on the map attached as "Schedule A", entitled *Village of Alma Zoning Map*, is designated for the purpose of the adoption of this Rural Plan and is the area to which this By-law applies;
2. This Rural Plan By-law cited as the "Village of Alma Rural Plan" contained in this By-law is hereby adopted for the area of land as described in the preceding Section 1;
3. The "By-law No.6, Municipal Plan By-law" filed on October 23, 1974 at the County of Albert as No.4a, is hereby repealed;

READ FIRST TIME _____

READ SECOND TIME _____

READ THIRD TIME AND ENACTED _____

Village Clerk/Treasurer

Mayor

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PART B. OBJECTIVES OF THE RURAL PLAN

The need for a rural plan for the Village of Alma has become apparent due to a number of important issues such as a lack of designated commercial land and constraints to residential development. As well, Council believes that residents of the Village wish to take measures to enhance and conserve the rural character of the area, to promote tourist development and to ensure sound management of the environment.

The rural plan will guide development in an orderly fashion by providing a framework for achieving community objectives over a long-term period. The rural plan will also define policies for strengthening the Village's capability to overcome development constraints and to maintain a quality of life for its residents.

SECTION 1. STATEMENTS OF POLICY AND PROPOSALS

1.1 Residential Uses

The Village of Alma has a population of approximately 312. Since 1986, this population has seen very little change. A slower population growth usually indicates an aging population. In Alma, nearly a quarter of the population is over the age of 65 years. However, the slow population growth within the Village can also be attributed to the fact that both infrastructure and topographical constraints are stifling development.

Although the number of residential units has stayed fairly stable within the Village of Alma over the past ten years, the character of residential development has changed. The number of moveable dwellings has decreased while the number of single detached dwellings has increased. As well, other types of dwellings such as cottages and seasonal homes are becoming more popular.

The residents of Alma are fond of the rural character of the Village. The unique topography of the Village, while acting as a constraint to further residential development, has also resulted in a small-scale, tight-knit community.

Policy

P.1(1) It is the policy of the Village to conserve the residential character of the area and to have an optimum population density that fits with the Village's development constraints.

P.1(2) It is the policy of the Village to promote diverse residential uses within the community.

P.1(3) It is the policy of the Village to minimize land use conflicts between residential and other developments and to promote uses appropriate to a rural area.

Proposal

P.1(4) It is proposed that residential zones be created to encourage residential development within the Village. A Single-Unit Dwelling zone will accommodate single-unit dwellings. A Two-Unit Dwelling zone will accommodate both single- and two-unit dwellings. A Residential Tourism zone will accommodate residential uses,

tourism based accommodation and supportive retail, food service and similar uses. A Mini Home Residential zone will allow for the creation of new mini home parks.

P.1(5) It is proposed that dwelling units shall be permitted uses within residential zones, subject to all applicable statutes and regulations including those respecting building, health and subdivision.

P.1(6) It is proposed that home occupations shall be permitted within single-unit dwellings to allow a small business to operate from a residential property.

P.1(7) It is proposed that bed and breakfast operations shall be permitted within certain residential zones to allow the rental of rooms to tourists as a secondary use.

P.1(8) It is proposed that daycare operations shall be permitted within certain residential zones to accommodate the care of children as a secondary use.

1.2 Commercial Uses

As a gateway to Fundy National Park, the Village recognizes the importance of tourism and the opportunities that grow from that. Village residents feel there is a potential for new commercial uses, including year-round businesses, which would ensure an economic stability and provide conveniences to the community and its visitors.

Policy

P.2(1) It is the policy of the Village to control the type and location of development of commercial uses.

P.2(2) It is the policy of the Village to maintain existing and create new areas designated for commercial uses within the Village.

Proposal

P.2(3) It is proposed that a Tourism Commercial 1 zone be created incorporating the Village core. Within the Tourism Commercial 1 zone, uses will be focused on those that are suitable for a rural village. Appropriate standards for lot sizes and setbacks will be established incorporating existing development and maintaining a tight-knit community.

P.2(4) It is proposed that within the commercial zones where appropriate, certain uses will be subject to terms and conditions due to the fact that they carry with them concerns of environmental safety, traffic generation and compatibility.

P.2(5) It is proposed that secondary dwelling units will be permitted within commercial buildings in commercial zones to offer a residential alternative within the Village. As well, single-, two- and multiple-unit dwellings will be permitted within commercial zones.

1.3 Parks, Recreation and Institutional Uses

Open spaces and recreational opportunities help create the friendly type of community that people enjoy living in and visiting. Alma is fortunate that it can draw from recreational and open space opportunities that currently exist within Fundy National Park. Within the park there are trails for hiking and cross country skiing, a golf course, campground, beach and many other recreational uses.

It is also important to incorporate recreational and open space opportunities within the Village itself. One way the Village can do this is to utilize the dedication of land for public purposes or cash in lieu clause under the Subdivision By-Law. This enables the Village to obtain new or maintain and improve existing recreational and open space areas for the enjoyment of its citizens and visitors.

There are a number of institutional uses within the Village that serve the social, religious, educational and cultural needs of members of the community, such as the former school, rink and churches. New uses that the Village would like to see are a discovery centre and oceanographic institute.

Policy

P.3(1) It is the policy of the Village to facilitate the development of recreation areas and public open space for the enjoyment of the people living in and visiting the community.

P.3(2) It is the policy of the Village to take advantage of the dedication of land for public purposes or cash in lieu clause under the Subdivision By-Law.

P.3(3) It is the policy of the Village to control the type and location of institutional uses.

Proposal

P.3(4) It is proposed that recreational facilities and public open spaces be a permitted use everywhere in the Village where it is not in conflict with residential uses or conservation areas.

P.3(6) It is proposed that institutional uses be located close to the concentration of development in order to meet the needs of the local community.

1.4 Fishing, Agricultural and Rural Uses

Alma has long been known as a rural fishing village. It is estimated that fishing employed 78 persons in the Village in 2004. Traditional fishing industry activities have been taking place for many years. There are numerous fish and boat sheds located along the shores and within the Village. To a lesser extent, agricultural uses have also occurred within Village boundaries but there are many areas that may be used for agricultural purposes in the future. Fishing and agricultural uses play an important role in maintaining Alma's diverse rural character. These uses also add an economic benefit to the Village.

Much of the land within and outside the Village boundaries reflects traditional rural activity and its complimentary uses. These rural activity uses often require larger lot sizes to ensure that conflicts do not arise between uses and to maintain a rural character.

Policy

P.4(1) It is the policy of the Village to recognize the importance of maintaining Alma's fishing industry by permitting fishery uses in most of the Villages zones.

P.4(2) It is the policy of the Village to permit fishing and agricultural operations that are compatible with the natural environment systems and the built environment.

P.4(3) It is the policy of the Village to recognize the importance of maintaining a rural character within the community.

Proposal

P.4(4) It is proposed that the fishing industry and its supportive uses be accommodated within the rural plan.

P.4(5) It is proposed that a Rural Area zone be created. Within the Rural Area zone, uses will be focused on those that create a rural character. Permitted uses may include rural-based commercial uses that are compatible with rural residential uses.

P.4(6) It is proposed that the required lot size and frontage of lots within the Rural Area zone shall be sufficient to allow for separation between rural activity uses to create and retain a rural landscape.

1.5 Resource Uses

The Village feels that resource developments could provide economic benefits for the community, as long as they were carried out in a suitable manner to protect the Village and its residents. Within the Village boundaries, there is the potential for forestry and mineral operations.

Wayside pits and quarries, although meant to be temporary, can still have an effect on a community. Excavation permits will provide all necessary information about a resource development project and protect the Village.

Policy

P.5(1) It is the policy of the Village to permit resource developments within the community.

P.5(2) It is the policy of the Village to reduce conflicts between pit and quarry operations (including wayside pit and quarry operations) and other uses.

Proposal

P.5(3) It is proposed that resource uses be permitted within the Rural Area zone.

P.5(4) It is proposed that pit and quarry operations would be considered in accordance with the requirements of an excavation permit under this By-law.

P.5(5) It is proposed that when a request for an excavation permit has been received, the following elements shall be considered:

- (a) projected extraction plan and its impacts on the water table;
- (b) protection measures in order to protect people, adjacent properties and existing private and public infrastructure;
- (c) required inspection type and its frequency; and
- (d) site rehabilitation measures when the activity ceases.

P.5(6) It is proposed to ensure that pit and quarry sites in operation when this By-law is implemented comply with the Acts and Regulations prescribed by the Departments of Environment and Local Government, Advanced Education and Labour and Natural Resources and Energy.

1.6 Protection of Water Supplies and Conservation of the Physical Environment

Currently, most Village residents rely on on-site water sources for consumption and use. These on-site sources have a high probability of being contaminated or of running dry during summer months. A new public well and water distribution system is now complete. This system serves the core area of the Village. Some lands associated with the well are in the process of being protected under the Wellfield Protection Regulations of New Brunswick. The Village will be considering coordinating this rural plan with the provisions of this By-law and to that end has acquired the area land nearest the wellhead. A quality water source helps to maintain a sustainable community.

Water also plays another important role for the Village. Protection of the watercourses, bay, beach and shorefront helps to maintain the natural beauty, rural character, quality of life and environment of the community. Alma's unique character stems from this.

Some areas within the Village present natural constraints to development, such as steep or unstable slopes, floodplains and sensitive habitats. It would not be prudent for development to occur on these sites without careful consideration; to the risk of degradation of the environment. As well, the safety of residents and their developments could be in jeopardy. On the other hand steep slopes and other difficult sites offer opportunities for unique development solutions and building designs.

Policy

P.6(1) It is the policy of the Village to protect water quantity and quality for its residents. Furthermore, it shall be the intention of Council to coordinate the provisions of the Village zoning with those of the wellfield protection regulations when those Provincial Regulations are put in force.

P.6(2) It is the policy of the Village to ensure the quality of life of the residents, to control environment pollution, and to protect the aesthetic beauty of the natural environment.

P.6(3) It is the policy of the Village to encourage development to respect natural development constraints such as steep or unstable slopes, floodplains and sensitive habitats. While it is not the Village's intention to preclude development on steep slopes, such slopes will be shown on the zoning map in order to provide potential developers with an indication of which lands will require special care.

Proposal

P.6(4) It is proposed to permit development that will have minimal impacts on the water supplies and natural environment of the Village and where appropriate to require conformity of any development within the B, or C zones of the Protected Wellfield area to conform to the uses permitted in the appropriate Ministerial Regulation and to acquire the A zoned areas of the well field.

1.7 Sewage Collection and Treatment

The Village has recently completed the installation of a new sewage collection and treatment system serving residents of the core areas of the Village. This system was designed to accommodate sewage flows from the existing development in the core including the seasonal uses for which Alma is so famous, with provisions for future growth. The Village will recover the costs operating and some of the capital costs of this system through user charges. It will be important from the point of view of maintaining public health and from the point of view of efficiently utilizing the Villages resources to establish an area within which all development will be required to connect to the new system.

Policy

P.7(1) It is the policy of the Village to protect the public health and safety of its residents by maintaining and operating a sewage collection and treatment system.

P.7(2) It is the policy of the Village to ensure the quality of life of the residents, to control environment pollution, to do so in a manner that does not create an undue fiscal hardship.

P.7(3) It is the policy of the Village to encourage developments within the area intended to be served by the new central municipal sewage collection system to connect to the new systems including public sewage collection and where available water supply systems. In this regard the Village will establish a Service Development Boundary on the zoning map. Within the Service Development Boundary no new development of uses or any subdivision shall be permitted without providing for the

connection and/or extension of the Village water and sewer systems to the development or the subdivision except where existing conditions would preclude such a connection.

Proposal

P.7(4) It is proposed to permit development that will have minimal impacts on the water supplies and natural environment of the Village

P.7(5) It is proposed that an Environmental Constraint areas be created. The Environmental Constraint Zone will include areas such as floodplains and sensitive habitats. Uses within the Environmental Constraint Zone will be subject to development officer review intended to ensure that actual design and development will have a minimized impact. Areas of steep or unstable slopes (25%) will be shown on the zoning map as areas where the development officer and the developer will have to take significant care in the development of new uses.

1.8 Utilities

Federal communication authorities are in the process of deregulating the provision of local telephone services and the North American Free Trade Agreement is opening communities to competitive sources of electrical power supply. At the same time, a Trans-Maritime natural gas pipeline is now in the process of development. Alma has recently gained a treatment facility as well as a shared water source. As a result, additional and new utility developments can be expected.

Policy

P.8(1) It is the policy of the Village to recognize the importance of utility services to its residents.

P.8(2) It is the policy of the Village, in consultation with the utilities to develop guidelines for the general location and site development of utility uses and a process for public information.

P.8(3) It is the policy of the Village to seek to restrict the amount of clutter as new utility services develop, and in respect to natural gas distribution, to establish the Village's role, if any, in the maintenance of public safety.

Proposal

P.8(4) It is proposed that utility-related uses be permitted in all zones.

P.8(5) It is proposed that the Village seek cooperation of utility firms in establishing guidelines for the general location and site development of utility uses, as well as establish a public information process, in order to ensure that concerns are addressed by the utility firms prior to the commencement of construction.

P.8(6) It is proposed that the Village ensure that new utilities do not create clutter, and, in respect to natural gas distribution, that the cooperation of the Province is sought in establishing the responsibility and level of inspection required.

1.9 Infrastructure

Policy

P.9(1) It is the policy of the Village to recognize the need to establish a future road network system and maintenance program to assure adequate accessibility and a safe public road system in the Village.

Proposal

P.9(2) It is proposed that the Village of Alma seek the services of a professional engineering firm to study the existing road network system and determine the ownership and administrative tenure of the land currently used for access in the village.

p.9(3) It is proposed that, as part of this study, a management plan in terms of street network connectivity, maintenance and future land management be developed.

1.10 Signage

Signs can be a creative and personalized statement by the owner of a property to promote a business or service. Considering the location, dimensions, design elements, erection and maintenance of signs can promote a general consistency and compatibility of signage within the Village. As well, the physical appearance and character of the Village is enhanced and protected.

Policy

P.10(1) It is the policy of the Village to recognize the importance of consistent and compatible signage within the community.

Proposal

P.10(2) It is proposed that signs be considered in accordance with the requirements of a sign permit under this By-law.

P.10(3) It is proposed that when a request for a sign permit has been received, the following elements shall be considered:

- (a) dimensions of the sign and its supporting framework;
- (b) site plan of the location of the proposed sign;
- (c) details of sign font, color and material; and
- (d) any other information that may be required to determine compliance with this By-law.

1.11 Amendments and Conditional Uses

From time to time, it may be necessary to consider amendments to the Plan to accommodate changes within the Village. The Council will need to take every precaution to ensure that the amendment is in accordance with the intent of the Plan and that the Village and its residents are protected from unsuitable development.

In some cases, certain uses in the Plan shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with such terms and conditions cannot reasonably be expected.

Policy

P.11(1) It is the policy of the Village to recognize the need to consider amendments of the Plan and uses subject to terms and conditions.

Proposal

P.11(2) It is the proposal of the Village, in considering amendments to this By-law and/or the imposition of terms and conditions, to have appropriate regard for the following matters :

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Village to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water supply services and storm drainage measures;
 - (iii) the adequacy or proximity of school, recreation or other community facilities; and
 - (iv) the adequacy of road networks leading or adjacent to or within the development;
- (c) that controls are placed on the proposed development where necessary, so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the type of use;
 - (ii) the height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and from the site and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern;

- (d) that the proposed site is suitable in terms of steepness or grades, soil and geological conditions, location of watercourses, marshes or bogs and susceptibility of flooding as well as any other pertinent matter of environmental concern; and
- (e) that the proposal meets all necessary consideration in respect of public health and safety and that the site design meets all fire protection and access considerations.

P.11(3) In addition to P.11(2), it is the proposal of the Village, in considering the imposition of terms and conditions for more than one main building on a lot, to have appropriate regard for the following matters :

- (a) the provision of adequate separation distances between buildings;
- (b) the design, layout, location and number of driveways, aisles, fire lanes, pedestrian accesses and parking spaces;
- (c) provisions for landscaping both at the edges of the property and within the parking lot;
- (d) measures for the storage of snow and its subsequent spring drainage;
- (e) the provision of intra-lot vehicular access between adjacent sites occupied by similar uses in the case of commercial developments; and
- (f) the general conformity of the proposed development with any other pertinent policy of this By-law.

1.12 Heritage

Policy

P12(1) It is a policy of the Village to recognize and preserve, where possible, significant heritage resources.

Proposal

P12(2) It is proposed that buildings, structures and sites of archaeological interest be identified and documented on an on-going basis.

PART C. ZONING PROVISIONS**SECTION 1: ZONING MAP & INTERPRETATION**

The Zoning Map entitled "Village of Alma Zoning Map" is the zoning map designated for the Village of Alma Rural Plan.

In this By-law:

ACCESSORY BUILDING means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

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

ACCESSORY STRUCTURE means a structure located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

ACCESSORY USE means a use, other than human habitation, of land or a building or structure which is not the main building or structure of a lot which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure of the lot and which is not a secondary use.

ACT means the Community Planning Act.

AGRICULTURAL OR FARM USE means the use of land for production of plants and animals, including the breeding, raising or maintaining of livestock, fur farming, fruit growing, the keeping of bees, fish farming, greenhouse farming, hydroponics farming, vegetable growing, tree growing and sod farming, excluding piggeries, henneries and abattoirs.

ALTER means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only.

AWNING means a movable or immovable roof like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies for a fee sleeping accommodation with board, with or without meals, for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.

BUILDING means a roofed erection, with solid exterior walls which is permanently affixed to the site and which is used or intended as a shelter for persons, animals or chattels.

COMMISSION means the Greater Moncton Planning District Commission or its successor.

CONVENIENCE STORE means an establishment where food, tobacco, drugs, periodicals or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood.

COTTAGE means a building within a cottage establishment to accommodate one or more guests, which provides facilities with separate culinary and sanitary facilities for temporary occupancy.

DIRECTOR means the Provincial Planning Director appointed under section 4 of the Act.

DOG KENNEL means a service commercial establishment for the keeping, breeding, boarding or training of four or more mature male or female dogs.

DWELLING means a main building, or a portion of it, containing one or more dwelling units.

DWELLING, MULTIPLE-UNIT means a dwelling containing more than two and not more than twelve dwelling units.

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

DWELLING, TWO-UNIT means a dwelling containing two dwelling units.

DWELLING UNIT means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family.

ERECT means to construct, build, assemble or relocate a building or structure and any physical operations preparatory to the construction, building, assembly or relocation of the building or structure.

FISHERY SUPPORT USE means a use of land, wharves and buildings which is intended to provide for the inshore fisherman and his/her assistants in the harvesting, processing, storage and sale of their catch as well as the construction, maintenance and storage of boats, traps, nets and equipment necessary to sustain the traditional fishing activity.

FLOOR AREA means the total usable floor area contained within a building.

FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line and 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.

GARDEN SUITE means a small, independent building, physically separate from the main dwelling unit with which it is associated, which is used as a dwelling unit.

HEIGHT means the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, or one-quarter the height with respect to main buildings between the finished ceiling of the uppermost floor and the highest point of the roof for any other roof type.

HOBBY FARM means a farm use conducted on the property which is clearly secondary to the main use, does not change the character or use of the main use, does not significantly alter the appearance of the main use and, does not create or become a public nuisance, particularly in respect to smell, noise, traffic or parking.

HOME OCCUPATION means a secondary use conducted for gain and within a dwelling or within a building where the use is secondary and without limiting the generality of the foregoing, may include such occupations as doctor, dentist, architect, engineer, accountant, lawyer, designer, caterer, small appliance repair, beauty salon, barber shop and teacher of arts.

INSTITUTIONAL USE means the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, cemeteries, indoor recreation facilities, community centres, public hospitals and government buildings.

LIGHT INDUSTRIAL USE means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses and which in its operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference.

LOT means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance to the building or structure.

LOT LINE means a common line between a lot and an abutting lot, lane or street.

MAIN BUILDING means a building in which is conducted the main or principal use of the lot on which the building is located.

MINI HOME means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres throughout its entire length, exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration.

MINISTER means the Minister of Environment and Local Government.

MOBILE HOME means a trailer containing a water closet and a bath or shower.

NATURAL MATERIALS means materials that are natural to the environment, namely wood, stone and metal.

PARK OR PLAYGROUND means any park or playground requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other development that disturbs the natural environment as little as possible.

PERSONAL SERVICE SHOP means a shop 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 parlours, automatic laundry shops, shoe repair shops and tailoring shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

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, police and fire stations, cell phone systems, street furniture and engineered public recreation facilities.

RECREATIONAL USE means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, golf courses, boat clubs, picnic areas, 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.

RESIDENTIAL ESTABLISHMENT FOR ADULTS means a community residence, a special care home or a transition house providing services to persons with reduced mental, social and/or physical capacities as approved by the Department of Health and Community Services.

RESOURCE USE means the use of land, buildings or structures for the management, development and cultivation of forestry and mineral resources.

SECONDARY USE means a use, other than a main or accessory use, occupying less floor area than the main use.

SERVICE SHOP means a building used for the sale or repair of household articles and shall include the repair or servicing of communication parts and accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair and other similar uses.

SERVICE STATION means premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and for the sale of fuel, oils and accessories for motor vehicles and may also include vehicle washing establishments.

SHARED PARKING means a common area of parking of eight or more off-street vehicular parking spaces.

SIGN means any display of public advertisement in the form of a placard, boarding, bill board or other form or means or device whatsoever of public advertisement whether erected, pasted or painted, and includes any form, means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose.

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

SIGN, CANOPY means a sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building or is a self-supporting structure, and canopy signs shall include marquees and gas bar canopies.

SIGN, DIRECTORY means a sign with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo.

SIGN, FACIA means a sign erected against or parallel to the face of a building above a door and/or window.

SIGN, FREESTANDING means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground by one or two wooden or metal poles or posts.

SIGN, ILLUMINATED means a sign that provides artificial light directly or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

SIGN, PORTABLE means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and without limiting the generality of the foregoing, includes signs commonly know as a "sandwich sign" or "mobile sign" and an inflatable device tethered to any building, structure, vehicle or other device.

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 a sign which is mounted on the roof of a building or which is wholly dependent on a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the declline of a building with a mansard roof.

SIGN, SANDWICH means a two-sided A-frame style self-supporting sign which is not permanently affixed to the ground and designed to be moveable.

SIGN, THIRD-PARTY means a sign which indicates the distance or direction, or both, to a place of business or other premises indicated on the sign.

SIGN, WINDOW means a sign painted or otherwise affixed on display windows or door windows, the content of which is limited to identifying the business's name, the proprietor's name, contact information and hours of operation.

SIGHT TRIANGLE means the triangular-shaped area of land, free of buildings or structures, formed by measuring from the point of intersection of street lines on a corner lot, the distance as required by this By-law.

SINGLE-UNIT DWELLING means a dwelling, not including a mini or mobile home, containing only one dwelling unit.

STREET LINE means the common line between a street and a lot.

STRUCTURE means an erection other than a building or a power or telephone pole or lines.

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 61 cm 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 storm drainage retention.

TOURIST ESTABLISHMENT means any premises operated to provide sleeping accommodation for the traveling public and includes the services and facilities in connection with which sleeping accommodation is provided.

TRAILER means any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked up or its running gear removed.

USE means the purpose for which land or a building or structure or any combination of land, building or structure is designed, arranged, erected, intended, occupied or maintained.

WAYSIDE PIT OR QUARRY means a temporary pit or quarry opened and used by a public or private road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

WIDTH means, in relation to a lot

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of and perpendicular to the line to which it is parallel.

YARD, FRONT means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a front lot line.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or main 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.

SECTION 2. PURPOSE, ADMINISTRATION, CLASSIFICATION & CONFORMITY**2.1 The purpose of Part C**

- (a) to divide the area referred to in Part A, paragraph 1 into zones,
- (b) to prescribe, subject to powers reserved to 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
- (c) to prohibit
 - (i) land use, and
 - (ii) use, placement, erection or alteration of buildings or structures,

Other than in conformity with the purposes and standards mentioned in paragraph (b).

2.2 Powers of the Planning District Commission

- 2.2.1 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.
- 2.2.2 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 2.2.2(a) at the end of the authorized period.

2.3 Powers of the Council

- 2.3.1 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.
- 2.3.2 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.

2.4 Amendments

2.4.1 A person who seeks to have this By-law amended shall

- (a) address a written and signed application to the Village of Alma, and
- (b) shall pay a fee of \$1,000 dollars to the municipality.

2.4.2 The Village of Alma may return to the applicant all or any part of a fee mentioned in paragraph (1)(b).

2.4.3 An application under this section shall include such information as may be required by the Council or the Planning Commission for the purpose of adequately assessing the desirability of the proposal.

2.5 Permitted Use

In all zones created by this By-law, the use of land for the purposes of the supply of

- (a) electric power or communication towers;
- (b) natural gas and oil;
- (c) water supply and storage;
- (d) sanitary sewage disposal and treatment;
- (e) drainage, including storm sewers;
- (f) streets; or
- (g) all public services,

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a use permitted in any zone.

2.6 Development Permits

2.6.1 No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.

2.6.2 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 6 (six) months and any permit may be reissued upon request, subject to review by the development officer.

2.6.3 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.

2.6.4 Notwithstanding 2.6.1, no development permit shall be required for the following:

- (a) any accessory building or structure which has less than 28 square metres (301.4 sq. ft.) of gross floor area; and
- (b) any portable sign or any sign permitted according to 3.1 of this By-law.

2.6.5 No development permit may be issued under this By-Law unless a fee of twenty-five dollars (\$25) has been paid.

2.7 Temporary Construction Uses Permitted

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 that the temporary building or structure be removed within 14 days of completion of work.

2.8 Existing Undersized Lots

Nothing in this By-law shall prevent the use of an undersized lot in existence on the effective date of this By-law provided that the use of such lot is permitted in the zone in which said lot is located.

2.9 Existing Buildings

Where a building or structure has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that the enlargement, reconstruction, repair or renovation does not further reduce the required front, side, flankage or rear yard that does not conform to this By-law.

2.10 Serviceable Area Boundary

2.10.1 Where any land is located within the Serviceable Area Boundary as shown on Schedule "A", no development of habitable buildings shall be permitted without connection of the development to the Village's public sanitary sewer system and the water supply system, except where the lot on which the development is proposed was existing prior to the effective date of this By-law.

2.10.2 No development beyond the Serviceable Area Boundary shall be permitted to connect to either the Village's public sanitary sewer system nor the water supply system except where:

- (a) the development may be connected to the central municipal sanitary sewer system so as to be drained by gravity flow; and

- (b) the development is no more than 100 metres (328 ft) from the Serviceable Area Boundary.

2.10.3 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.

2.11 Classification

2.11.1 For the purposes of the By-law, the area is divided into zones as delineated on the map attached, entitled "Village of Alma Zoning Map"

2.11.2 The zones mentioned in subsection (1) are classified and referred to as follows:

(a) Residential Zones

- (i) Single-Unit Residential Zone - R1 Zone;
- (ii) Single- and Two-Unit Residential Zone – R2 Zone; and
- (iii) Mini Home Residential Zone – MH Zone;
- (iv) Residential Tourist Zone – RT Zone

(b) Commercial Zones

- (i) Tourism Commercial 1 Zone – TC1 Zone; and

(c) Parks, Recreation, Institutional Zone – PRI Zone

(d) Rural Area Zone – RA Zone

(e) Environmental Constraint Zone – EC Zone

2.12 Conformity

In any zone:

- (a) 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 specific zone in conformity with the requirements of that zone and any other provisions of this By-law;
- (b) 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 in this By-law;
- (c) No building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part hereof continues to contravene the provisions of this By-law;
- (d) 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; and
- (e) 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 regarding conformity of the property with the Zoning By-law.

2.13 Planning Commission applications and fees for same

- 2.13.1 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.
- 2.13.2 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 in accordance with the general intent of the By-law and the Municipal Development Plan.
- 2.13.3 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, or 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) non-conforming use of a part of a building to be extended 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 3. RESIDENTIAL ZONES

3.1 R1 Zone – Single-Unit Residential Zone

3.1.1 Permitted Uses:

In any R1 zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one of the following main uses:
 - (i) single-unit dwelling;
 - (ii) mini home; or
 - (iii) park or playground; and
 - (b) one of the following secondary uses:
 - (i) home occupation (except auto repair shop) in accordance with sections 8.7 and 8.8;
 - (ii) garden suite in accordance with section 8.9;
 - (iii) accessory dwelling unit in accordance with section 8.10; or
 - (c) one of the following secondary uses:
 - (i) bed and breakfast in accordance with section 8.11; or
 - (ii) daycare centre in accordance with section 8.12,
- which shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with such terms and conditions imposed cannot reasonably be expected; and
- (d) any building, structure or use accessory to an authorized main or secondary use.

3.1.2 Zone Requirements:

In any R-1 Zone no main building or structure shall be placed, erected or altered to become a main building on a lot, other than a park or playground, unless the lot conforms to the following requirements;

- (a) minimum lot area is:
 - (i) where a lot is serviced with Public Sewer only, the minimum lot area shall be 1858 square meters for a single-unit dwelling;

- (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot area shall be 4000 square meters for a single unit dwelling or as determined by the Department of Health;
 - (iii) Where a lot is serviced with Public Sewer and Water, the minimum lot area shall be 690 square meters for a single-unit dwelling.
- (b) minimum lot frontage:
 - (i) where a lot is serviced with Public Sewer only, the minimum lot frontage shall be 30.48 meters;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot frontage shall be 54 meters or as determined by the Department of Health;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum lot frontage shall be 23 meters for a single-unit dwelling.
- (c) minimum front or flankage yard:
 - (i) where a lot is serviced with Public Sewer only, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit dwelling;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit dwelling;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum front or flankage yard shall be a minimum of 6 meters for a single-unit dwelling.
- (d) minimum side yard:
 - (i) where a lot is serviced with Public Sewer only, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side
 - (iii) where a lot is serviced with Public Sewer and water, the minimum side yards shall be 2.5 meters on one side and 1.2 meters on the opposite side.
- (e) the minimum rear yard shall be 6 metres
- (f) the maximum height of main building or structure shall be 9 metres
- (g) the total gross ground floor area of all buildings and structures on a lot shall not exceed 50% of the lot area.

3.2 R2 Zone – Single- and Two-Unit Residential Zone

3.2.1 Permitted Uses:

In an R2 zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one of the following main uses:
 - (i) single-unit dwelling, two unit dwelling or semi-detached dwelling;
 - (ii) mini home;
 - (iii) a fisheries support use or hobby farm; or
 - (iv) a public school, park or playground; and
- (b) one of the following secondary uses, in conjunction with a single-unit dwelling:
 - (i) home occupation (except auto repair shop) in accordance with sections 8.7 and 8.8; and
 - (ii) garden suite in accordance with section 8.9;
 - (iii) boarding or rooming house;
 - (iv) accessory dwelling unit in accordance with section 8.10; or
 - (v) bed and breakfast in accordance with section 8.11; or
 - (vi) daycare centre in accordance with section 8.12; and
- (c) the following secondary use:
 - (i) dog kennel

which shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with such terms and conditions imposed cannot reasonably be expected; and
- (d) any building, structure or use accessory to an authorized main or secondary use

3.2.2 Zone Requirements

In any R-2 Zone no main building or structure shall be placed, erected or altered to become a main building on a lot unless the lot conforms to the following requirements;

- (a) the minimum lot area:

- (i) where a lot is serviced with Public Sewer only, the minimum lot area shall be 1858 square meters for a single-unit dwelling and 2471 square meters for a two-unit dwelling and 1235 square meters per dwelling unit where each dwelling unit of a two-unit dwelling is located on separate lots;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot area shall be 4000 square meters for a single unit dwelling and 5350 square meters for a two-unit dwelling or as determined by the Department of Health;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum lot area shall be 690 square meters for a single-unit dwelling and 1395 square meters for a two-unit dwelling and 697 square meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots.
- (b) minimum lot frontage:
- (i) where a lot is serviced with Public Sewer only, the minimum lot frontage shall be 30.48 meters for a single unit and 40 meters for a two-unit dwelling, and 22 meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot frontage shall be 54 meters for a single-unit dwelling, 59 meters for a two-unit dwelling, or subject to department of Health approval;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum lot frontage shall be 23 meters for a single-unit dwelling and 36 meters for a two-unit dwelling and 18 meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots.
- (c) minimum front or flankage yard:
- (i) where a lot is serviced with Public Sewer only, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit or two-unit dwelling;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit dwelling or two-unit dwelling;
 - (iii) where a lot is serviced with public Sewer and Water, the minimum front or flankage yard shall be a minimum of 6 meters for a single-unit dwelling or two-unit dwelling.
- (d) minimum side yard:
- (i) where a lot is serviced with Public Sewer only, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side except in the case of a semi-detached dwelling, the lots shall have a

- minimum side yard of 4.6 meters other than the common wall at 0.0 meters;
- (ii) where a lot is not serviced with Public Sewer and Water, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side, except in the case of a semi-detached dwelling, the lots shall have a minimum side yard of 4.6 meters other than the common wall at 0.0 meters;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum side yards shall be 2.5 meters on one side and 1.2 meters on the opposite side, except in the case of a semi-detached dwelling, the lots shall have a minimum side yard of 2.5 meters other than the common wall at 0.0 meters.
- (e) the lot has a minimum rear yard of 6 metres
 - (f) the height of any main building or structure shall not exceed a maximum of 11 metres
 - (g) the total gross ground floor area of all buildings and structures on a lot shall not exceed 50% of the lot area.

3.2.3 Common Walls

No two unit or semi-detached 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.

3.3 MH Zone – Mini Home Residential Zone

3.3.1 Permitted Uses

In an MH zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one of the following main uses:
 - (i) a mini home park containing a minimum of 25 sites;
 - (ii) a single unit dwelling; or
 - (iii) a public park or playground; and
- (b) any building, structure or use accessory to an authorized main use.

In an MH zone, no development shall be permitted except where a public sewer system and water system services all lots or pads.

3.3.2 Zone Requirements

In any MH Zone no main building or structure shall be placed, erected or altered to become a main building on a lot unless the lot conforms to the following requirements;

- (a) the minimum lot area is 666 square metres
- (b) the minimum lot frontage is 18 metres
- (c) the minimum front yard is 7.5 metres
- (d) the minimum side or rear yard is 1.5 metres
- (e) maximum height of main building or structure does not exceed 6 metres.

3.4 RT (Residential Tourism) Zone

3.4.1 Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within any RT Zone for any purpose other than:

- (a) one of the following main uses:
 - (i) a multiple unit dwelling to a maximum of 8 dwelling units;
 - (ii) senior citizen's housing
 - (iii) a single-unit dwelling;
 - (iv) a two-unit dwelling;
 - (v) a semi-detached dwelling;
 - (vi) an art gallery, craft or gift store;
 - (vii) a park or playground; or
 - (viii) a school, fire station, church hall, institutional use, cemetery or church;
 - (ix) a bed and breakfast/tourist establishment; and
- (b) subject to the relevant provisions of section 8, one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) an accessory dwelling unit;
 - (ii) a garden suite;
 - (iii) a retail use or restaurant;
 - (iv) a daycare centre;
 - (v) a home occupation, or
 - (vi) the keeping of boarders or roomers; and
- (c) the following uses:
 - (i) a cottage or cottage establishment;
 - (ii) a motel, inn or motor inn; and

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

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

3.4.2 RT Zone Requirements

In any RT Zone no main building or structure shall be placed, erected or altered to become a main building on a lot unless the lot conforms to the following requirements;

- (a) the minimum lot area:
 - (i) where a lot is serviced with Public Sewer only, the minimum lot area shall be 1858 square meters for a single-unit dwelling and 2471 square meters for a two-unit dwelling and 1235 square meters per dwelling unit where each dwelling unit of a two-unit dwelling is located on separate lots;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot area shall be 4000 square meters for a single unit dwelling and 5350 square meters for a two-unit dwelling or as determined by the Department of Health;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum lot area shall be 690 square meters for a single-unit dwelling and 1395 square meters for a two-unit dwelling and 697 square meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots.
- (b) minimum lot frontage:
 - (i) where a lot is serviced with Public Sewer only, the minimum lot frontage shall be 30.48 meters for a single unit and 40 meters for a two-unit dwelling, and 22 meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum lot frontage shall be 54 meters for a single-unit dwelling, 59 meters for a two-unit dwelling, or subject to Department of Health approval;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum lot frontage shall be 23 meters for a single-unit dwelling and 36 meters for a two-unit dwelling and 18 meters per unit where each dwelling unit of a two-unit dwelling is located on separate lots.
- (c) minimum front or flankage yard:
 - (i) where a lot is serviced with Public Sewer only, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit or two-unit dwelling;

- (ii) where a lot is not serviced with Public Sewer and Water, the minimum front or flankage yard shall be a minimum of 10 meters for a single-unit dwelling or two-unit dwelling;
 - (iii) where a lot is serviced with public Sewer and Water, the minimum front or flankage yard shall be a minimum of 6 meters for a single-unit dwelling or two-unit dwelling.
- (d) minimum side yard:
- (i) where a lot is serviced with Public Sewer only, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side except in the case of a semi-detached dwelling, the lots shall have a minimum side yard of 4.6 meters other than the common wall at 0.0 meters;
 - (ii) where a lot is not serviced with Public Sewer and Water, the minimum side yards shall be 4.6 meters on one side and 1.5 meters on the opposite side, except in the case of a semi-detached dwelling, the lots shall have a minimum side yard of 4.6 meters other than the common wall at 0.0 meters;
 - (iii) where a lot is serviced with Public Sewer and Water, the minimum side yards shall be 2.5 meters on one side and 1.2 meters on the opposite side, except in the case of a semi-detached dwelling, the lots shall have a minimum side yard of 2.5 meters other than the common wall at 0.0 meters.
- (e) the lot has a minimum rear yard of 6 metres;
- (f) the height of any main building or structure shall not exceed a maximum of 11 metres;
- (g) the total gross ground floor area of all buildings and structures on a lot shall not exceed 50% of the lot area; and
- (h) lot requirements for single, two-unit and semi-detached dwellings shall be in accordance with the requirements of Sections 3.1.2 and 3.2.2 of the R-1 and R-2 zones respectively.

3.4.3 RT Additional Zone Requirements for a Motel, Inn or Motor Inn

- (a) Any parking lot for the use of a motel, inn or motor inn and containing more than four (4) vehicles shall be screened from residential uses and zones and from a public or private street in accordance with the following requirements:
 - (i) screening shall be in the form of a 1.5 metre wide planting strip of landscaped open space, and so located as not to conflict with any sight triangle requirements;
 - (ii) screening shall consist of plant materials, placed at a rate of at least 1 per every 3 metres (9.8 ft) of lot fronting the public or future street,

characterized by dense growth which will form an effective year-round screen such as a row of coniferous trees or shrubs and shall be perpetually maintained;

- (iii) no portion of any required front yard shall be used for parking.
- (b) No motel, inn or motor inn shall be permitted except where the facade of the first floor is sheathed in a natural wood finish or masonry product.
- (c) no motel, inn or motor inn shall be located or constructed so that any part thereof is closer to a side lot line than 6 metres.

SECTION 4. COMMERCIAL ZONES

4.1 TC-1 Zone – Tourism Commercial 1 Zone

4.1.1 Permitted Uses

In a TC-1 zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one or more of the following main uses:
 - (i) medical and health office;
 - (ii) daycare centre;
 - (iii) commercial recreation use;
 - (iv) restaurant;
 - (v) educational establishment;
 - (vi) bank and financial institution;
 - (vii) cultural establishment including library or museum
 - (viii) funeral home;
 - (ix) garden centre;
 - (x) grocery store;
 - (xi) hotel, motel, inn or cottages;
 - (xii) office use;
 - (xiii) outdoor market;
 - (xiv) personal service shop;
 - (xv) communication use;
 - (xvi) bake shop;
 - (xvii) retail store;
 - (xviii) a single- (including a mini home), two- or multiple-unit dwelling as well as senior citizen's housing;
 - (xix) boarding or rooming house;
 - (xx) fisheries support uses;

- (xxi) public park, playground or recreation
- (xxii) public or private school;
- (xxiii) church or church hall and cemeteries;
- (xxiv) fire and/or police station;
- (b) secondary dwelling units in a commercial building;
- (c) home occupation, in conjunction with a single-unit dwelling and in accordance with sections 8.7 and 8.8; and
- (d) any building, structure or use accessory to an authorized main or secondary use.

4.1.2 Secondary Dwelling Units – Permitted Provided:

- (a) they are contained within the main building constituting the commercial use; and
- (b) they are located above, behind or below the permitted commercial use.

4.1.3 The use of any land, building or structure for:

- (a) one of the following purposes:
 - (i) service shop;
 - (ii) automobile repair outlet or automobile sales lot;
 - (iii) commercial parking lot and/or parking garage;
 - (iv) gas bar or service station, including recycling depot; or
 - (v) building supply store and associated storage yard;
 - (vi) any other institutional use not specifically listed.

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

4.2 Zone Requirements

4.2.1 In any TC-1 Zone no main building or structure shall be placed, erected or altered to become a main building on a lot unless the lot conforms to the following requirements;

- (a) the minimum lot area is 540 square metres
- (b) the minimum lot frontage is 18 metres

- (c) the front or flankage yard does not exceed 4.5 metres
 - (d) the minimum front or flankage yard is 1.5 metres
 - (e) the minimum side or rear yard is 1.5 metres
 - (f) the maximum height of main building or structure does not exceed 15 metres
- 4.2.2 Notwithstanding 4.2.1) in any TC-1 Zone no main building or structure shall be placed, erected or altered to become a main building on a lot for the purposes of being used as a multiple unit dwelling, unless the lot conforms to the following requirements;
- (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 or flankage yard not exceeding 4.5 metres; and
 - (d) the height of the main building is not greater than 15 metres.
- 4.2.3 The provisions of 4.2.1 and 4.2.2 referring to lot area and frontage are applicable to serviced lots only. For unserviced lots, the minimum lot size required will be determined by the regulations of the New Brunswick Department of Health.
- 4.2.4 Where any TC1 zone abuts a Residential zone or use, 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.
- 4.2.5 Where any permitted main use includes outdoor storage, except for an automobile 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.

SECTION 5. PARKS, RECREATION, INSTITUTIONAL ZONE**5.1 PRI Zone – Parks, Recreation, Institutional Zone****5.1.1 Permitted Uses**

In a PRI zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one or more of the following main uses:
 - (i) public parks or open space;
 - (ii) a public recreational use;
 - (iii) an institutional use;
 - (iv) a cultural establishment;
 - (v) a public sport field;
 - (vi) a single unit dwelling;
 - (vii) any form of senior citizens' housing
 - (viii) a residential establishment for adults; and
- (b) the following secondary use:
 - (i) campground;

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

- (c) any building, structure or use accessory to an authorized main use.

5.1.2 Zone Requirements

Any permitted use in a PRI zone must comply with the following requirements:

- (a) minimum lot area: 810 square metres
- (b) minimum lot frontage: 27 metres
- (c) minimum front or flankage yard: 6 metres
- (d) minimum rear yard: 6 metres

- (e) minimum side yard: 3 metres or one half the height of the main building to a maximum of 6 metres
- (f) maximum height of main building or structure: 15 metres
- (g) maximum lot coverage: 50%

The provisions of 5.2 referring to lot area and frontage are applicable to serviced lots only. For unserviced lots, the minimum lot size required will be determined by the district medical health officer.

SECTION 6. RURAL AREA ZONE

6.1 RA Zone – Rural Area Zone

6.1.1 Permitted Uses

In an RA zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) one of the following main uses:
 - (i) agricultural use
 - (ii) forestry use
 - (iii) single-unit dwelling;
 - (iv) mini home;
 - (v) two-unit dwelling;
 - (vi) park or playground;
 - (vii) a church, church hall, school or cemetery;
 - (viii) campground, a motel, inn or motor inn;
 - (ix) boarding or rooming house;
 - (x) fishery support use or hunting and fishing lodge or provisioner;
 - (xi) residential establishment for adults and special care facilities;
 - (xii) a premises licensed for the sale and consumption of alcohol;
 - (xiii) resource use; and
- (b) one of the following secondary uses, in conjunction with a single-unit dwelling:
 - (i) home occupation in accordance with sections 8.7 and 8.8;
 - (ii) garden suite in accordance with section 8.9;
 - (iii) accessory dwelling unit in accordance with section 8.10;
 - (iv) bed and breakfast in accordance with section 8.11;
 - (v) daycare centre in accordance with section 8.12;
 - (vi) hobby farm in accordance with section 8.13; and

- (c) any building, structure or use accessory to an authorized main use.
- (d) the use of any land, buildings or structures for one or more of the following purposes:
 - (i) a commercial recreation use;
 - (ii) light industrial use; or
 - (iii) an institutional use not otherwise permitted;

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

6.1.2 Zone Requirements

Any permitted use in an RA zone must comply with the following requirements:

- (a) minimum lot area: 4000 square metres for a residential, park or playground, or fishery support use, 20,000 square metres for any other use
- (b) minimum lot frontage: 54 metres for a residential, park or playground, or fishery support use, 150 metres for any other use
- (c) minimum front or flankage yard: 7.5 metres for a residential, park or playground, or fishery support use, 15 metres for any other use
- (d) minimum side yard: 6 metres
- (e) minimum rear yard: 6 metres
- (f) maximum height of main building or structure: 11 metres for a residential use, 26 metres for any other use.

SECTION 7. ENVIRONMENTAL CONSTRAINT ZONE

7.1 EC Zone – Environmental Constraint Zone

7.1.1 Permitted Uses

In an EC zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- (a) passive recreational uses;
- (b) park or open space;
- (c) flood control;
- (d) natural drainage corridors;
- (e) boat launches, wharves and marinas with associated fishery support uses;
- (f) passive agricultural uses.

SECTION 8. GENERAL PROVISIONS

8.1 Licenses, Permits and Compliance with Other By-Laws

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-Law or any other by-law in force within the Village, or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Village or statute and regulation of the Province of New Brunswick or Government of Canada.

8.2 Site Triangle

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.

8.3 Multiple Uses

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

8.4 Off-street Vehicular Parking

- 8.4.1 No building or structure shall be placed, erected, altered or used unless off-street vehicular parking spaces are provided in accordance with the requirements of this section.

- 8.4.2 An off-street parking space shall have an area of at least 13.2 square metres measuring not less than 5.5 metres in length and not less than 2.4 metres in width, exclusive of driveways thereto.
- 8.4.3 An off-street mobility disabled parking space shall have an area of at least 28 square metres measuring not less than 6.1 metres in length and not less than 4.6 metres in width, exclusive of driveways thereto.
- 8.4.4 An off-street parking space:
- (a) be readily accessible from the nearest public street; and
 - (b) shall be located on the lot containing the use for which the spaces are provided.
- 8.4.5 An off-street mobility disabled parking space:
- (a) where the limits of the parking lot are defined by a curb, 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 be further than 90 metres from the location which it is intended to serve;
 - (b) shall be located as close as possible to the location it is intended to serve; and
 - (c) shall be clearly identified by a ground sign and a permanently affixed freestanding sign.
- 8.4.6 The total required spaces by use are in the following charts. Where the total required spaces for any use is not a whole number, the total spaces required shall be the next largest whole number.

Use	Parking Requirement
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings	1.25 spaces per dwelling unit
Senior citizen apartments	1 space 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 spaces per 93 square metres gross floor area
(b) does not exceed 464.5 square metres	3 spaces per 93 square metres gross floor area
Banks, financial institutions and offices	3 spaces per 93 square metres gross floor area
Restaurants	1 space per 5 seats
Licensed restaurants, lounges, taverns	Greater of 1 space per 3 seats or 1 space per 10 square metres gross floor area
Theatres	1 space per 5 seats
Institutional uses except as specified below	Greater of 1 space per 4 fixed seats or 1 space per 10 square metres gross floor area
Schools	1 space per classroom plus 1 space per 10 highschool students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
Daycare facilities	1.5 spaces per 38 square metres gross floor area
Medical clinics and health practitioner office	5 spaces per consulting room
Funeral homes	15 spaces
Warehouses, transport terminals, general industrial	Greater of 2 spaces per 93 square metres gross floor area or 1 space per 4 employees
Any use not specified above	3 spaces per 93 square metres gross floor area

Use	Parking Requirement (Mobility Disabled)
Medical clinics, offices of health practitioners	1 space per 5-15 spaces required, 1 additional space for each additional 15 required spaces to a maximum of 10
Homes for the aged, nursing homes	1 space per 20 beds to a maximum of 10
Multiple unit dwellings	1 space per 30 units to a maximum of 10
Restaurants and theatres	1 space per 50 seats to a maximum of 10
All other uses excluding fire stations, boarding houses and any industrial use which does have a retail function	1 space per 15-100 spaces required, 1 additional space for each additional 100 required to a maximum of 10

8.4.7 Where a parking lot for more than four vehicles is required or proposed, the following standards shall apply:

- (a) except in the case of a home occupation, the parking lot shall be maintained with a stable surface;
- (b) lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) the parking lot shall be located on the same lot as the main use;
- (d) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (e) approaches or driveways to the parking 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;
- (f) the location of approaches or driveways to the parking lot shall be no closer than 15.2 metres from the limits of the right-of-way at a street intersection;
- (g) entrance and exit ramps to the parking lot shall not exceed two in number and each ramp shall be a width of 7.6 metres at the street line and edge of pavement; notwithstanding, the Commission may consider the creation of more than two access ramps, subject to terms and conditions;
- (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; the maximum width of a driveway shall be 7.6 metres; and
- (i) 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 and no parking area shall be permitted within 1 metre of of any property line.

8.4.8 Within the Downtown Business Area, off-street parking is not required.

8.5 Accessory Buildings and Accessory Structures

No accessory building or accessory structure shall:

- (a) exceed 6 metres in height;
- (b) be placed, erected or altered so that it is,
 - (i) in the front or flankage yard of the main building or structure, or
 - (ii) closer than one metre to a side or rear lot line;
- (c) except for agricultural purposes or hobby farm permitted under this By-law, be used for agricultural purposes or for the keeping of animals other than household pets; or

- (d) occupy more than 10% of the area of a lot.

8.6 Number of Main Buildings and Structures on a Lot

- 8.6.1 No more than one main building or structure shall be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot except in accordance with this section.
- 8.6.2 Where more than one main building is proposed on any lot, the Commission shall consider such a proposal subject to the imposition of such terms and conditions as it deems advisable.

8.7 Home Occupation in the Main Dwelling

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

- (a) it is confined to the dwelling unit referred to in paragraph (a) and no part of the occupation is carried on in an accessory building or accessory structure;
- (b) the floor area of the dwelling unit which is devoted to the home occupation does not exceed 35%;
- (c) no change shall be made to the dwelling unit which would indicate that a home occupation is being conducted therein, except for one non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;
- (d) no equipment or material used in the home occupation is stored in any other place than in the dwelling unit referred to in paragraph (a);
- (e) no sound, noise, glare, vibration, smoke, odors, heat produced as a result of the occupation which would exceed that which is normally produced by a single residence is permitted;
- (f) at least two additional parking spaces are required on the premises, other than those under section 8.4 of this By-law; and
- (g) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.

8.8 Home Occupation in a Building Where the Use is Secondary

- 8.8.1 A home occupation in a building where the use is secondary is subject to the following requirements:
 - (a) no change shall be made to the dwelling unit which would indicate that a home occupation is being conducted therein, except for one non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;
 - (b) 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-family dwelling;

- (c) no sound, noise, glare, vibration, smoke, odors, heat produced as a result of the occupation which would exceed that which is normally produced by a single residence is permitted;
- (d) at least two additional parking spaces are required on the premises, other than those under section 8.4 of this By-law; and
- (e) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.

8.8.2 The following home occupations are permitted in a building as a secondary use:

- (a) a carpentry workshop,
- (b) a cabinet-making workshop,
- (c) a craft or domestic arts workshop,
- (d) a pottery workshop,
- (e) a painting, craft or artist's workshop,
- (f) a re-upholstering workshop,
- (g) an autobody repair shop,
- (h) an office use,
- (i) a personal service shop, or
- (j) a general repair shop.

8.9 Garden Suites

A garden suite shall comply with the following requirements:

- (a) it shall not be located closer than 1.2 metres of any side or rear lot line;
- (b) it shall not exceed 4.6 metres in height;
- (c) it shall be located in the rear yard;
- (d) it shall be located on a lot which hosts a single-family dwelling as a main use; and
- (e) it shall not exceed 75 square metres gross floor area.

8.10 Accessory Dwelling Units

An accessory dwelling unit shall comply with the following requirements:

- (a) it shall not exceed 35% of the gross floor area of the principal dwelling unit; and
- (b) it shall be completely self-contained, including provisions for cooking, sleeping and bathing.

8.11 Bed and Breakfasts

A bed and breakfast shall comply with the following requirements:

- (a) it shall be conducted within the principal single-unit dwelling;
- (b) the number of bedrooms devoted to the use shall not exceed five in number;
- (c) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- (d) no sign in connection with the use shall exceed 0.75 square metres in area nor exceed one in number; and
- (e) parking shall be provided at the side and/or rear of the lot, but not within the required yards.

8.12 Daycare Centre

A daycare centre shall comply with the following requirements:

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

8.13 Hobby Farm

A hobby farm shall comply with the following requirements:

- (a) it shall be used for the keeping of hooved animals for non-commercial purposes;
- (b) if it includes an enclosed structure to shelter the animal(s), the shelter shall be on the same lot as the residential use;
- (c) the enclosed structure shall not be located in the front yard and must be set back 6 metres from rear and side lot lines;

- (d) the enclosed structure shall not cover any more than 50% of the available rear yard; and
- (e) a minimum lot area of 8000 square metres shall be required for the first animal and 4000 square metres for each additional animal.

8.14 Landscaping Requirements

8.14.1 In any zone, the owner of a lot developed for residential purposes (except multiple unit dwellings) shall landscape:

- (a) the front yard of the main building;
- (b) the required yards that abut a street; and
- (c) all of the rear yard within 4.5 metres of any main building thereon.

8.14.2 Landscaping mentioned in section (1) shall:

- (a) include sodding or at least 80 millimetres of top soil and the seeding thereof; and
- (b) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.

8.14.3 In any zone, the owner of a lot developed for commercial, institutional or multiple-family dwelling purposes shall comply with the following requirements:

- (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), the area 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. Where possible, existing trees and shrubs shall be maintained.

8.14.4 Residential Landscaping Requirements

8.14.4.1 Except for in a RA (Rural Area) Zone, the owner of a lot developed for residential purposes shall landscape:

- (a) the front yard of the main building;
- (b) any required yard that abuts a street;
- (c) subject to section 2.15.1, any side yard; and
- (d) any part of the rear yard within 4.5 metres (14.76 ft) of any main building thereon.

- 8.14.4.2 The landscaping mentioned above in 8.14.4.1:
- (a) shall include sodding or at least 80 mm (3.2 in) of top soil and the seeding thereof;
 - (b) may included partial devotion to paths, patios, walkways, ornamental shrubbery or trees.
- 8.14.4.3 Notwithstanding any other landscaping provision in this section, any yard may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other uses on the lot.
- 8.14.4.4 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.

8.14.5 Commercial Landscaping Requirements in the RT Zone

- 8.14.5.1 A lot shall not be developed for a commercial purposes unless the total area of the lot, except for that part devoted to buildings and structures:
- (a) is paved, in the case of driveways and off-street parking areas;
 - (b) is landscaped, in the case of that part of the lot other than driveways and off-street parking areas, except in the case of lots having significantly surplus area.
- 8.14.5.2 The required landscaped area shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of 1 tree or shrub for each 93 square metres of the minimum landscaped area.
- 8.14.5.3 Where a RT use or zone abuts a Residential zone or use, such lot shall not be developed for commercial use unless a minimum of a one metre wide screening facility, such as a hedge or fence or a combination thereof, is provided and maintained along the common property lines.
- 8.14.5.4 Where landscaping is required in any specific commercial zone such landscaping shall consist of;
- (a) at least 80 millimeters (3 inches) of topsoil and the seeding or sodding thereof;
 - (b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 20 square meters (215.3 sq. ft) of required landscape area; and
 - (c) subject to subsection (b), may include partial devotion to driveways and walkways.
- 8.14.5.5 No signs, accessory buildings, driveway nor parking areas shall be located in any required landscaping area abutting a residential, park or institutional zone.

- 8.14.5.6 Where specific landscaping provisions are contained in any particular zone which are inconsistent with the standards contained in this section, the zone standards shall apply;
- 8.14.5.7 Landscaping under this section 8.14 shall be completed not later than one year from the date of the granting of a building permit for the main building located thereon.

8.15 Signs

8.15.1 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.

8.15.2 A sign permit application along with a \$15.00 fee shall be submitted for each sign for which a permit is required under the provisions of this By-law. The sign permit application shall include the following information:

- (a) dimensions of the sign and its supporting framework;
- (b) site plan of the location of the proposed sign in relation to property lines, street lines and/or buildings;
- (c) sketch of the proposed sign showing details of sign font, color and material; and
- (d) any other information that may be required to determine compliance with this By-law.

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

- (a) any sign which has an area of not more than 0.75 square metres and which identifies the name and address of a resident;
- (b) any sign which has an area not more than 0.45 square metres and which regulates the use of a property, as do "no trespassing" signs;
- (c) any real estate sign (non-illuminated) which has an area of not more than 0.75 square metres in any residential area or 2.2 square metres in any other zone;
- (d) any sign which has an area of not 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 not 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; and
- (i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

8.15.4 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 body 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, country fairs and public festivals, or used as temporary holiday decorations for a period not exceeding 30 calendar days;
- (g) no sign may be painted on a tree, stone, cliff or other natural object; and
- (h) any sign which no longer advertises a bonafide business conducted or 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 60 days of the date of discontinuance of the business or product sold.

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

- (a) exceed a maximum height of 5 metres;
- (b) exceed a maximum size of 6 square metres in gross surface area for a single-business property and 9 square metres in gross surface area for a multiple-business property;
- (c) if sectional, exceed a maximum size of 12 square metres in gross surface area for a single-business property and 18 square metres for a multiple-business property;

- (d) extend beyond the street right-of-way line at the outermost point; and
- (e) be located lower than 60 centimetres above the ground.

8.15.6 Projecting signs are permitted in all zones except Residential zones, provided that no sign shall:

- (a) exceed a maximum of 6 square metres in gross surface area;
- (b) if sectional, exceed a maximum of 12 square metres in gross surface area;
- (c) project more than 1 metre from the building wall; and
- (d) project more than 30 centimetres above the roof of a building.

8.15.7 Awnings shall be permitted in all Commercial zones, provided that:

- (a) an awning may extend over a public sidewalk if the lowest part is not less than 2.5 metres above the sidewalk, the supporting structure does not rest on the sidewalk or street right-of-way and it does not project more than one half the width of the sidewalk;
- (b) lettering shall be confined to the front facing portion of the awning; and
- (c) valances on an awning shall not be more than 30 centimetres wide.

8.15.8 Facia signs shall be permitted in all zones, provided that:

- (a) in Residential and Rural Area zones, facia signs shall not exceed 0.75 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 or to announce a secondary use;
- (b) no sign shall be painted upon or cover a fence or roof;
- (c) signs be limited to a height not exceeding 1 metre;
- (d) signs shall not exceed the length of the wall of the building upon which the sign is displayed; and
- (e) signs shall not project more than 23 centimetres from the wall on which the sign is located.

8.15.9 Portable signs shall be permitted in all Commercial zones provided that:

- (a) such signs will not exceed one in number for each business; and
- (b) such signs shall not be placed on any part of the sidewalk or street right-of-way.

8.15.10 Third-party signs shall be permitted in all zones provided that:

- (a) such signs shall not be erected without the written consent of the owner, or an agent acting on behalf of the owner, of the lot on which it is erected;
 - (b) such signs shall not exceed one in number for each business.
- 8.15.11 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.
- 8.15.12 Except for awnings, which may be made of dyed or painted canvas, a sign shall be constructed of natural materials and may be painted, routed and painted, or consist of cut-out wooden letters affixed to a board and may include a symmetrical ornamental border or framing piece around the perimeter.
- 8.15.13 No sign shall include more than three sizes or typefaces of lettering or use more than three colors in addition to black and white. Not more than 75% of the area of a sign shall consist of any picture, illustration or corporate logo.
- 8.15.14 A sign may be illuminated by shielded lights positioned to shine directly on the sign.
- 8.15.15 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 provision of this By-law. The provision of this section shall not exempt the owner of a non-conforming sign from the obligations for proper maintenance of such sign.
- 8.15.16 No person being the owner or 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.
- 8.15.17 Every sign and its 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 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.

8.16 Screening of Commercial, Multiple-unit Uses

Notwithstanding any other provision of this rural plan, where a lot in a commercial or multiple-unit dwelling zone abuts an R1 or R2 zone, such lot shall not be developed for commercial, or multiple-unit dwelling use unless a screening facility, such as an

earth berm, hedge or fence or a combination thereof, is provided and maintained along abutting property lines.

8.17 Fences and Walls

8.17.1 A fence or wall in a front yard shall not exceed eighty centimetres in height unless it is a security fence of chain link construction.

8.17.2 No fence or wall shall exceed in height:

- (a) 2 metres in an R1 or R2 zone and be made from material likely to harm people, such as barb wires, or
- (b) 2.5 metres in any other zone.

8.18 Enclosures For Swimming Pools

8.18.1 No land may be used for the purpose of a swimming pool unless the pool is 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.

8.18.2 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-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the door.

8.18.3 An enclosure should not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

8.18.4 Where a fence forms an enclosure or part thereof, the fence shall:

- (a) be made of chain link construction or other materials in compliance with section 8.18.5
- (b) not be electrified or incorporate barbed wire or other sharp dangerous material; and
- (c) be located
 - (i) at least 1.2 metres from the edge of the swimming pool,
 - (ii) at least 1.2 metres from anything that would facilitate its being climbed from the outside, and
 - (iii) so that the bottom of the fence be elevated by no more than 10 centimetres above grade.

8.18.5 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 galvanized treatment or other approved coating forming a total thickness equivalent to No. 12 gauge wire, and,
 - (iii) at least 38 mm diameter steel posts, set below frost and designed to comply with sentences 4.1.10.1(2), (3) and (4) of the 1995 edition of the National Building Code 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 x 89 mm finished dimensions spaced not more than 38 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 square or round with 89 mm diametres, 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 x 89 mm finished dimensions; and
- (c) in the case of construction other than described in paragraphs (a) and (b), such enclosure shall
- (i) provide rigidity and height equal to that provided in paragraphs (a) and (b);
 - (ii) be assembled so as not to permit the passage of a 100 mm 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 when the vertical picket spacing is greater than 50 mm;

8.18.6 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 that 10 centimetres above grade

8.18.7 Enclosures shall:

- (a) not exceed 2.75 metres in height
- (b) be set-back 1.0 metres from a side or rear yard line when the enclosure is higher than 2.0 metres.

8.19 Excavation of Sand, Gravel or Rock

8.19.1 No person shall undertake or continue the excavation of sand, gravel or rock unless an excavation permit has been issued for the excavation by the Building Inspector under this section.

8.19.2 A person seeking to obtain an excavation permit under this section shall make application in writing to the Building Inspector on a form provided by the inspector.

8.19.3 An application referred to in subsection (2) shall:

- (a) state the name and address of the applicant and the location of the proposed excavation,
- (b) be accompanied by a plan drawn to a scale not less than one to one thousand indicating the boundaries of the land involved in the proposed excavation and the boundaries of that part proposed to be excavated,
- (c) indicate the lowest level of the proposed excavation,
- (d) set out the methods to be employed by the person named in the proposed permit to maintain accesses to the excavation and public streets over which excavated material is transported in a dust-free condition by means of paving, sweeping, calcium chloride or the use of water,
- (e) indicate the estimated date of commencement of the work involved in the excavation, and
- (f) include a proposal for rehabilitation of the site of the excavation as provided for in this By-law and the proposed time limit for the rehabilitation.

8.19.4 Subject to subsection (7), the Building Inspector shall issue an excavation permit if

- (a) an application under subsection (2) has been received;
- (b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements of this By-law;
- (c) the fee set out in subsection (14) has been paid; and
- (d) the applicant has deposited the sum of money or the surety bond mentioned under subsection (11) to the account of the Planning Commission.

8.19.5 An excavation permit is valid until the thirty-first day of December of the year of issue.

8.19.6 An excavation permit shall:

- (a) be on a form provided by the Building Inspector,
- (b) set out the details of the proposal set out in the application for the permit, and
- (c) be signed by both the Building Inspector and the applicant.

8.19.7 A Building Inspector shall not issue an excavation permit if the inspector is of the opinion that

- (a) the proposed work would be apt to
 - (i) create a hazard to human life,
 - (ii) cause injury to a person,
 - (iii) damage adjoining property, or
 - (iv) adversely affect a public water main, a sewer, a watercourse or a street,
- (b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability of hazard, or
- (c) the Building Inspector and the applicant have not agreed on
 - (i) the level referred to in paragraph (3)(c), or
 - (ii) a time limit referred to in paragraph (3)(f).

8.19.8 An excavation permit is subject to the following terms and conditions:

- (a) that no excavation take place below the lowest level agreed to between the Building Inspector and the applicant;
- (b) that accesses to the excavation and public streets over which excavated material is transported are maintained by the holder of the permit in a dust-free condition by means of paving, sweeping calcium chloride or the use of water;
- (c) that the excavation and any related work is carried on only between the hours of 7:00 a.m. and 10:00 p.m. and only on days others than Sundays and other holidays as defined by the Interpretation Act;
- (d) that no operation relating to the excavation is conducted so as
 - (i) to be apt to create a hazard to human life, to cause injury to person or to damage adjoining property,

- (ii) to permit ponding of water in excess of 60 centimetres in depth,
- (iii) to lower the water table on adjoining properties, or
- (iv) to prejudice proposed or required rehabilitation of the land;
- (e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
- (f) that neither the top or base of the slope of the excavation, or any building, structure or site of any intended repair or storage, is within 15 metres of an abutting property line;
- (g) that when operations cease annually at the end of the summer, the slope of the excavation is not steeper than 1 1/2 horizontal to 1 vertical for the full depth of the slope; and
- (h) that the land of the site of the excavation is rehabilitated as provided for in this section.

8.19.9 The owner of the site of the excavation for which an excavation permit has been issued shall rehabilitate the land of the site within the time limit specified in the permit upon:

- (a) depletion of the shale, sand, gravel or rock from the site to the extent that further operation would no longer be viable,
- (b) the expiration or revocation of the permit, or
- (c) cessation of operations for a period of at least one year.

8.19.10 Rehabilitation referred to in subsection (9) shall include the following:

- (a) where an excavation is over 6 metres deep, a terrace shall be provided not less than 6 metres in width at each 6 metre interval of the depth;
- (b) except for terraces provided for under paragraph (a), slopes of the excavation shall not be steeper than 1 1/2 horizontal to 1 vertical;
- (c) all plants, equipment, buildings or structures placed or erected on the site for purposes of the excavation shall be removed;
- (d) all stock piles, shale or other excavated material shall be removed from the site, back-filled into the excavation where feasible or brought to a common grade with the rest of the land; and
- (e) the site shall be cleared of debris and, except for areas under water or on exposed rock, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 15 centimetres, seeded with grass or other ground cover to prevent erosion and replanted with the species and quantity of trees originally found on the land.

- 8.19.11 No permit may be issued under this section until the applicant has deposited a sum of money, or a surety bond in lieu therefor, issued by an insurance company licensed to carry on business in the Province of New Brunswick, in an amount determined by the Commission, and payable to the Commission, to be adequate to insure the excavation project will be completed and to cover the estimated cost of rehabilitation required under section (13).
- 8.19.12 If the holder of an excavation permit violates any of the terms and conditions referred to in subsection (8), or any provision of this section, the building inspector may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.
- 8.19.13 If an owner referred to in subsection (9) fails to meet the requirements of that subsection, the Minister may cause the required rehabilitation to be done and may recover from the owner all costs connected with the rehabilitation.
- 8.19.14 The fee for the issue or renewal of an excavation permit is \$500 for commercial use or \$25 for non-commercial use.

8.20 Landfill

8.20.1 No person shall use any of the following materials as landfill:

- (a) toxic or radioactive materials;
- (b) waste;
- (c) scrap iron;
- (d) construction leavings; or
- (e) material likely to harm a watercourse or the water table.

8.20.2 No landfill shall be placed within 30.00 metres of the banks or shores of any watercourse, lake or marsh of more than 1 hectare in area without proof of prior approval from the appropriate Provincial authority responsible for environmental regulation.

8.21 Heritage and Archeological Value

- 8.21.1 For any development, construction, or demolition that will have a foreseeable impact on a building or site designated under the *Historic Sites Protection Act*, the developer must contact the Heritage Planner, Heritage Branch of the Department of Environment and Local Government for approval of the proposed development or project.
- 8.21.2 For any development or project such as sewage/wastewater, treatment facility, park small craft launching facility or uses having direct access to the shore or any major body of water, i.e. lake, pond, or marsh of more than 2 hectares, the developer must contact the Resource Management Officer, Archeological Services Branch, Department Environment and Local Government, for approval of the proposed development or project.

8.22 Setback from Watercourses

8.22.1 In all zones, no development shall be permitted within 30 metres (98.4 ft) of a watercourse or water body without the issuance of a Watercourse Alteration Permit.

8.23 Wellhead Protection Areas

8.23.1 Subject to Proposal P.6(4), any development within Zones A, B, or C of the wellhead protection area shall comply with Department of Environment Wellhead Protection Regulation.