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VILLAGE OF RIVERSIDE-ALBERT RURAL PLAN BY-LAW

Under the

COMMUNITY PLANNING ACT

BY-LAW NO. RARP 1

PART A

RURAL PLAN - TITLE AND AREA DESIGNATION

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

1. This Rural Plan may be cited as the Village of Riverside Albert Rural Plan By-Law.
2. The area of land outlined on the Map shown as Schedule “A”, describing the municipal boundaries of the Village of Riverside Albert in Albert County, is designated for the purposes of the adoption of this Rural Plan and is the area to which this By-Law applies

READ FIRST TIME

READ SECOND TIME

READ THIRD TIME
AND ENACTED

VILLAGE CLERK

MAYOR

PART B

BACKGROUND

On January, 1997, the Village of Riverside Albert became an official member of the Greater Moncton Planning District Commission. Council requested that the Commission review the current planning documents relevant to the Village and advise Council on appropriate directions. This review has culminated in the creation of a new rural plan for the Village. Council appointed a five member steering committee that provided insight into matters related to the future direction the community wishes to pursue.

The following general objectives reflect Council's intention to pursue a healthy growth and development strategy while maintaining a sensitive balance on the community's identity, environment and general landscape. Council intends :

- to promote orderly development concentrated in readily accessible and easily serviced areas;
- to control and discourage polluting and nuisance developments;
- to protect water supply areas;
- to facilitate the development of appropriate recreational sites and facilities;
- to protect and enhance sites of historical and architectural integrity.

POLICIES AND PROPOSALS

This component of the Rural plan establishes appropriate policies and proposals, which Council considers necessary to sustain growth and development within the Village. Policies may be viewed as statements of general intent which are broad based by necessity but establishes adequate direction for zoning provisions and other implementing mechanisms which Council may consider. The Community Planning Act requires that a Rural plan contain policies with respect to residential, commercial, institutional and resource uses, recreational facilities and public open spaces, protection of water supplies, heritage buildings and sites of historical or archeological interest, conservation of the physical environment and such other matters that Council consider necessary. Proposals are specific statements that the municipality may undertake to implement or achieve the policy objectives. In many cases, proposals relate directly to the zoning provisions provided in Part C. The following policies and proposals are intended to achieve the objectives of Council.

RESIDENTIAL

The population of the Village has been steadily declining since 1971 whereas the County and Province have consistently increased in population. The young and adolescent population has declined in size relative to the total population. However, the Village supports a large senior population. Income levels within the Village are relatively low and Government

transfer payments provide significant amounts of income to the Village residents. Also, the Village has a high proportion of one-person households and female headship rates are relatively high. Council is acutely aware of this declining growth and changing demographics and has vigorously investigated ways to improve the sustainability of the Village.

Policy

It is Council's policy to encourage future development within the Municipality.

Proposal

Council proposes to maintain and enhance the existing residential character by establishing a Residential (R) zone as shown on the attached schedule A. Council also proposes to permit, within the Residential (R) zone, single and two unit residential uses where water and sewer services are provided. Furthermore, in the interest of achieving water and sewer economies, Council proposes to permit developments of 3 dwelling units or more to a maximum of 6, as developments subject to terms and conditions the commission may impose and subject to such special conditions that are contained in the Residential (R) zone.

Proposal

Furthermore, Council shall instruct the Commission when considering the imposition of terms and conditions to have regard for:

- (a) the location and access to off street parking and the design of the parking lot layout;
- (b) provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- (c) the design of the proposed development in terms of:
 - (i) building height;
 - (ii) setback;
 - (iii) roof type and pitch,
 - (iv) availability and adequacy of municipal services, and
 - (v) building separating distances.

Proposal

In the case where water and/or sewer services cannot or are not intended to be provided, Council proposes to make appropriate provisions and standards to permit development.

COMMERCIAL

Two areas are currently developed in a commercial fashion. Council is acutely aware that employment opportunities must be identified and, in certain circumstances, controlled by separating incompatible uses.

Policy

In respect of the established settlement pattern and to serve the needs of the local residents and travelling public, it is the policy of Council to direct the location of Commercial development to appropriate areas of the Village.

Proposal

Council proposes to establish a commercial (C) zone as shown on the attached Schedule A. Council also proposes that future commercial development may be considered through the rezoning process.

Proposal

In considering such amendments, Council proposes to have regard for:

- (a) the location and access to off street parking and the design of the parking lot layout;
- (b) provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- (c) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (d) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) roof type and pitch,
 - (iv) building separating distances; and
 - (v) the availability and adequacy of municipal services.

Income opportunities for current and future residents of the Village may be limited. Controlling all work place environments by zoning exclusiveness may be detrimental to economic development interest and job creation.

Proposal

Council proposes to allow in all single unit dwellings a personal service establishment, a daycare facility, and a bed and breakfast/tourist home. Council also proposes to allow as a secondary use in conjunction with a permitted main use, a home occupation use.

INSTITUTIONAL

The Village appears to be adequately served by institutional type uses, such as places of worship, fire, ambulance and medical services.

Policy

It is a policy of Council to protect existing institutional uses by establishing a Community Use (CU) zone as shown on schedule "A".

Schools, churches, senior facilities are generally appropriate land uses within most types and forms of development. Council is also aware of the potential these sometimes-larger buildings and developments may have on the environment and immediate neighborhood. The objective of this plan is to facilitate developments, which are deemed to be compatible and support the underlying vision of a clean aestically pleasing rural community. It is not Council's intention at this time to prezone all land for specific land uses. Council wishes to exercise its police powers through the rezoning process in certain instances or by the imposition of terms and conditions that the commission may impose.

Proposal:

Council proposes to allow future institutional uses in areas designated for municipal sewer services. Furthermore, Council proposes to permit institutional uses in any Residential or Commercial zone as uses subject to terms and conditions the Commission may impose. Council shall direct the commission, in establishing appropriate terms and conditions, to have regard for the following:

- adequacy of communal sewerage and water supply services;
- adequacy or proximity of schools, recreation or other community facilities;
- adequacy of the road network leading or adjacent to or within the development;
- the imposition of necessary controls to reduce potential conflict with any adjacent or nearby land uses by reason of:
 - type of use
 - height, bulk, lot coverage, yards of any proposed buildings
 - accesses to and from the site and parking
 - open storage
 - signage
 - site suitability in terms of steepness of grade, soils, proximity of watercourses, marshes or bogs.

RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE

It is generally recognized that the provision of open space and recreational facilities is rapidly becoming one of the major factors in attracting development. "Quality of Life" is increasingly defined in terms of leisure pursuits whereby quality active/passive recreational services enhance the community's ability to attract new residents. The community's visual image can be significantly improved and maintained by ensuring appropriate control measures are implemented. Riverside Albert is substantially furnished with both a built recreational facility and natural landscape. This unique endowment provided the impetus for Council to recently prepare a community improvement/economic plan and this rural plan so that the community's uniqueness and attributes can be preserved for future generations and visitors alike. Recreational trends throughout the Country indicate that the growing field of recreational activities are focused on low impact, passive, outdoor activities, such as bird

watching and hiking trails. Ordinary recreational activities, such as playgrounds and parks, generally do not meet the recreational demands of the more senior age categories. When planning for recreational needs, innovation, flexibility and adaptability is required.

Policy

It is Council's policy to protect and maintain existing recreational facilities.

Proposal

Council proposes to establish a special provision within all zones whereby the Commission, may consider the following uses:

- (a) places of worship
- (b) nursing/senior citizens homes
- (c) other health related facilities to meet the needs of the community and the elderly
- (d) other institutional uses; and
- (e) parks

subject to terms conditions, pursuant to Section 34(4)(c) of the *Community Planning Act*.

Proposal

Council proposes to direct the Commission, when considering the imposition of terms and conditions, to have regard for the following:

- (a) that the proposed sites are planned, landscaped and buffered in such a manner as to minimize the impacts of traffic and visual intrusion on residential neighbourhoods and other land uses;
- (b) the provision of adequate parking; and
- (c) the servicing to the site.

RESOURCE

The Community's land base supports some traditional land based activities such as forestry, agriculture and quarrying. This rural nature must be balanced with the residential and historic image that the community wishes to protect and promote. Consequently, resource developments that may negatively impact the image of the community should be considered on a case by case basis.

It is Council's policy to protect and maintain the historical village image of the community. Council proposes to establish a rural resource zone as shown on schedule A. Council

proposes to permit single, two and semi-detached dwellings and establish appropriate standards for serviced and unserviced developments.

Council proposes to establish a provision within the rural resource zone whereby the commission may consider, subject to terms and conditions, agricultural forestry related activities, resource based developments including extraction of sand, gravel, clay or any other deposit. Furthermore, Council shall direct the Commission in considering the imposition of terms and conditions to have regard for the following:

- (i) impacts on surrounding uses;
- (ii) the outside storage of material;
- (iii) hours of operation;
- (iv) the level of proposed excavation;
- (v) the environmental impacts of the proposed use;
- (vi) residual impacts;
- (vii) environmental monitoring during stages of operation;
- (viii) appropriate site reclamation measures.

PROTECTION OF WATER SUPPLIES

The Villages water supply is located just outside the Western limits of the Village boundary. The Arabian Vault Brook, a tributary of crooked creek, provides the Villages water by gravity flow. This supply area is protected by the Department of Environments Clean Water Act. The area was designated in 1990 and the regulation controls development within the watershed boundary and, specifically, within 30 meters of the stream. This protection is administered by the Provincial Department of Environment. The Village Council has little or no voice on potential activity within the watershed. It is generally accepted that municipal ownership of water supply areas is preferred.

It is Council's policy to continue to protect the water supply area for generations to come.

Council proposes to investigate the feasibility of acquiring and/or seeking control of land and development within the watershed supply area and extending the Village boundaries to include those areas.

HERITAGE BUILDINGS AND SITES OF HISTORICAL OR ARCHEOLOGICAL INTEREST

The quality of site and building development has a direct and substantial impact on the aesthetic character of the Village. The historic and cultural resources within a community contribute to the overall quality of a community and promote civic pride. Every community has unique historical and cultural resources created through various traditions of the past, which oftentimes sets it apart from other communities. Often, citizens do not appreciate or are not aware of the historical and cultural significance of area resources until they are threatened. Therefore, an inventory of these resources is required if the community decides to protect its historical/cultural assets.

Policy

It is Councils policy to protect, maintain and enhance the communities historical/cultural assets.

Proposal

Council proposes to consider undertaking an inventory, assessment and review of the communities historical sites and facilities. Furthermore, it is Councils intention to consider enactment of appropriate controls/programs to achieve the aforementioned historical/cultural policy.

CONSERVATION OF THE PHYSICAL ENVIRONMENT

A fundamental responsibility of municipalities is the protection of public health and safety. Council has substantial authority to implement measures to achieve this objective. Essentially, the efficient and safe disposal of waste products partially fulfills this responsibility. Council is in the process of installing a public sewerage system and currently maintains a public water supply and distribution system. It is anticipated that this new sewerage initiative, coupled with the apparently provincial mandate to control development in the unincorporated areas of the province, should result in increased development activities in the Village. The sewerage lagoon system will provide services to all of the developed area of the Village and allow for closure of inadequate wastewater systems and several direct discharges into the Shepody River. The Village has acquired the land for the lagoon and completed an environmental impact assessment. The sewer system will be introduced in phases.

Policy

It shall be a policy of Council to attempt to prepare a five year capital works program. The community's natural landscape and scenic views are significant assets. Development along the Shepody River and marsh must be strictly controlled since alteration of these lands may reduce the attractiveness of the community. Furthermore, the various natural waterways should be protected and preserved to insure the systems ability to control and abate storm water flows.

It is Councils policy to preserve and protect the various rivers, lakes, streams and marshes within the Village.

Council proposes to establish an open space (OS) zone permitting passive recreational activities involving few structures. Also, Council proposes to permit agricultural activities involving crops and associated soil/drainage preparation.

PART C
ZONING PROVISIONS

SECTION 1: DEFINITIONS

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 to the main use of the land, building or structure.

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

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

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

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

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

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

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain to persons exclusive of the owner of the building. **BUILDING** means any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, chattels or equipment and includes any vessel or container used for any of the foregoing purposes.

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

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

COMMISSION means the Greater Moncton Planning District Commission.

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

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

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

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

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

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

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

DWELLING, 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.

ENTERTAINMENT USE means any activity carried on within a building or part of a building which involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, night club or other beverage room, an arcade or amusement centre and a pool or billiard hall.

ERECT means to build, construct, reconstruct, alter, locate or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

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

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

GARDEN SUITE means a portable detached dwelling unit intended for the sole occupancy of one or two adult persons. The dwelling unit is designed to be temporarily placed in the rear yard of an existing single unit dwelling lot and removed when it is no longer occupied by the party for which it was established.

GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level.

HEIGHT with reference to a building or structure means the vertical distance of a building or structure between the established grade and highest point of the structure or building roof surface for flat, hip, or gable roofs, and to the deck line for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean 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 between the finished ceiling of the uppermost floor and the highest point of the roof for any other roof type.

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

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

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

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

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

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

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

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

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

LOT, FLAG means a lot with less than the required frontage on a public street whereby the panhandle serves as an access corridor to property located behind lots with street frontages. no buildings or structures are to be located within the panhandle or access corridor.

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

LOT, THROUGH means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

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

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

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

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

- (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line

abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or

- (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

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

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

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

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

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

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

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

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

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

PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvring areas where no parking or storage of motor vehicles is permitted.

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

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

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

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

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

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

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

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

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

SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall

include waste paper, rags, used bicycles, vehicles, tires, metal or other scrap material or salvage.

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

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

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

SHOPPING CENTRE means a commercial development exceeding 1500 square metres in area consisting of more than one business establishment, which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing retail uses, banks and financial institutions, restaurants, food and grocery stores, and office uses and characterized by the sharing of common parking areas and driveways.

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

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

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

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

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

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

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

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

STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the Village of Riverside Albert

STREET LINE means the boundary line of a street.

STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structures.

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

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

WAREHOUSE means a building used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

WATERCOURSE means any lake, river, stream, ocean or other body of water.

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

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

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

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

rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

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

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

SECTION 2: SCOPE AND INTERPRETATION

2.1. PURPOSE

This By-Law:

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

2.2 CLASSIFICATION

- (1) For the purposes of this By-law, the municipality is divided into zones as delineated on the plan attached as Schedule “A”, entitled “Village of Riverside Albert Zoning Map” and dated July 15, 1998, which forms part of this by-law.

2.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

- (1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- (2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in such bank.
- (3) Where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way or an easement line, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.
- (4) In the event that a dedicated street or road, as delineated on schedule A, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former center line of the closed street.

- (5) Where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; or
- (6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.

2.4 ZONES NOT ON MAP

The zoning map of this By-law may be amended to utilise any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the Community Planning Act and must be in conformity with the policies and proposals of Part B.

2.5 POWERS OF THE COUNCIL

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

2.6 POWERS OF THE COMMISSION

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) 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 clause (a) at the end of the authorized period.

- (3) Where uses are listed as being subject to any terms and conditions that may be imposed by the Commission no development permit for such use shall be issued unless written application for such use has been submitted to the Commission and the Commission has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected.

2.7 AMENDMENTS

- (1) A person who seeks to have this By-law amended:
 - (a) shall address a written and signed application, in duplicate, therefore to the Council;
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
 - (i) a statement as to the ownership thereof, and
 - (ii) the signature of at least one owner of each parcel of land therein; and
 - (c) shall pay a fee of \$750.00 to the municipality.
- (2) The Council may return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) Before giving its views to the Council with respect to an application under this section, the Commission may carry out such investigation as it deems necessary.

SECTION 3: GENERAL PROVISIONS

3.1 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 to obtain 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.

3.2 SEWAGE DISPOSAL AND WATER SYSTEMS

Where municipal central sewerage and water services are available, no permit shall be issued except where the development is provided with such services.

3.3 FRONTAGE ON STREET

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

3.4 ONE MAIN BUILDING ON A LOT

- (1) Except where provided for in this by-law, no more than one main building may be placed or erected and no building or structure may be altered to become a second main building on a lot.
- (2) In any zone where uses are permitted as subject to any terms and conditions the Commission may impose and prohibit the use where compliance with the terms and conditions cannot reasonably be expected, the Commission may also consider uses proposing more than one main building on a lot.

3.5 EXISTING UNDERSIZED LOTS

Unless otherwise provided for in this By-law, a lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for a single unit dwelling permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

3.6 EXISTING BUILDINGS

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

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

3.7 ACCESSORY BUILDINGS

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

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

3.8 VEHICLE BODIES

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

3.9 HEIGHT REGULATIONS

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

3.10 DISTANCE FROM WATERCOURSES

No development shall be permitted within 30 metres of a watercourse or waterbody except subject to terms and conditions as the Commission shall determine and no building or structure except as otherwise permitted in this By-law shall be located within 10 metres of a watercourse or waterbody.

3.11 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of said side lines with the minimum front or flankage yard as required by the applicable provision of this bylaw.

3.12 SIGHT 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.

3.13 PERMITTED ENCROACHMENTS

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

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

3.14 PARKING REQUIREMENTS

(1) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

- (i) an off street parking space shall have an area of at least 13.2 square metres measuring 5.5 m in length and not less than 2.4 metres in width, exclusive of driveways thereto;
- (ii) shall be readily accessible from a public street;
- (iii) shall be located on the lot containing the use for which the spaces are provided.

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, Banks, financial institutions and offices -	2.0 spaces per 93 square metres of gross floor area;
Restaurants -	1 space per 5 seats;
Drive-in Restaurants -	1 space for each 6 square metres of gross floor area;
Licensed restaurants, lounges, taverns and beverage rooms -	the greater of 1 space per 3 seats or 1 space per 10 square metres of gross floor area;
Theatres -	1 space per 5 seats;

Institutional uses except as specified below -	the greater of 1 space per 4 seats where there are fixed seats, or 1 space per 10 square metres of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time;
Schools -	1 space per classroom;
Hospitals -	1 spaces per bed;
Homes for the aged and nursing homes -	2 spaces per 5 beds;
Day care facilities -	1.5 spaces per 38 square metres of gross floor area;
Medical clinics and offices of any health practitioner -	3 spaces per consulting room;
Funeral homes -	1 space per 4 fixed seats;
Warehouses, transport terminals and general industrial use -	the greater of 2 spaces per 93 square metres of gross floor area or 1 space per 4 employees;
Any use not specified above -	3.0 spaces per 93 square metres of gross floor area.

(2) *Reserved Spaces for the Mobility Disabled*

Notwithstanding Section 3.14 (1) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT
Medical Clinics and health offices -	1 reserved parking space for the mobility disabled per 5-15 parking spaces required, 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10;
Homes for the Aged/Nursing Homes -	1 reserved parking space per 20 beds to a maximum of 10;

Multiple Dwellings -	1 reserved parking space per 30 units to a maximum of 10;
Restaurants and Theatres -	1 reserved parking space per 50 seats to a maximum of 10;
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function -	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10;

(3) *Standards for Mobility Disabled Parking Spaces*

- i) Each reserved parking space shall contain an area of not less than 28 square metres measuring 4.6 metres by 6.1 metres.
- ii) Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 90 metres from the location which it is intended to serve.
- iii) Each reserved parking space shall be located as close as possible to the location it is intended to serve.
- iv) Each reserved parking space shall be clearly identified by a ground sign and a permanently affixed freestanding sign.

3.15 FENCES

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

- (1) No fence located within the sight triangle shall exceed 1 metre in height.
- (2) Subject to subsection (1), no fence may exceed in height:
 - (a) 2 metres in a Residential zone; or
 - (b) 2.5 metres in any other zone.
- (3) Except in the case where an “R” lot abuts an “RR” lot and along the abutting lot line, no fence in a “Residential” zone may be electrified or incorporate barbed wire or other dangerous material in its construction.

3.16 RESOURCE EXTRACTION AND/OR FILLING

- (1) Except where provided for within this by-law, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.

3.17

- (1) Erected or altered so that it is closer to a street line than 6 metres unless otherwise provided for in this by law.
- (2) Notwithstanding subsection (1), a building may be placed, erected or altered so that it is as close to the street line as:
 - (a) where there is a building on both sides and within 30 metres thereof, the mean of the distance between the street line and the adjacent buildings;
 - (b) where there is a building within 30 metres of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.
- (3) Notwithstanding subsection (1), a structure may be placed, erected or altered so that it is as close to the street line as follows:
 - (a) where there is a building or structure on both sides within 30 metres thereof, the mean of the distance between the street line and the adjacent buildings or structures;
 - (b) where there is a building or structure within 30 metres of one side only thereof, the mean of the front or flankage yard distance and the distance between the adjacent building or structure and the street line.
- (4) Where a sign is permitted to line up with existing signs by the operation of subsection (3), the area of the sign being erected shall not be greater than that of the existing signs when the area of the existing signs exceed the by-law requirements; nor shall the height of the new sign exceed that of the highest sign being used in the averaging formula set out in subsection (3).

3.18 SATELLITE DISHES AND COMMUNICATION TOWERS

Satellite dishes and communication towers shall not be permitted between the building and the street line.

3.19 RESIDENTIAL DEVELOPMENT NEAR A LAGOON OR TREATMENT PLANT

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

3.20 PRIVATE GARAGES AND CARPORTS

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

3.21 ENCLOSURES FOR SWIMMING POOLS

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

- (1) Where a portion of a wall of a building forms part of an enclosure:
 - (a) No main or service entrance to the building may be located therein; and
 - (b) Any door, therein, other than a door to a dwelling or rooming unit, shall be self-enclosing and equipped with a self-latching device at least 1.5 metres above the bottom of the door.
- (2) An enclosure shall not have rail, bracing or other attachments on the outside thereof that would facilitate climbing.
- (3) Where a fence forms an enclosure or part thereof, the fence shall:
 - (a) be made of chain link construction, with galvanized vinyl or other materials in compliance with section (4);
 - (b) not be electrified or incorporate barbed wire or other sharp dangerous materials; and
 - (c) be located
 - (i) at least 1.2 metres from any condition that would facilitate its being climbed from the outside, and
 - (ii) at least 1.2 metres from the edge of the swimming pool; and
 - (iii) so that the bottom of the fence is elevated by no more than 10 centimeters above grade;

- (4) The design and construction of a fence under this section shall provide
- (a) In the case of a chain link construction:
 - (i) no greater than 38 mm diamond mesh;
 - (iii) steel wire not less than No.12 gauge, or a minimum No.14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire; and
 - (iv) at least 38 mm diameter steel post set below frost in an envelope of concrete and spaced not more than 3 metres apart, with a top horizontal rail of at least 32 mm diameter steel.
 - (b) In the case of wood construction:
 - (i) vertical boarding, not less than 19 mm by 89 mm finished dimensions, spaced not more than 30 mm apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
 - (ii) supporting wood posts at least 89 mm round with 89 mm diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm by 89 mm finished dimensions; and
 - (c) In the case of construction with materials, and in a manner other than described in this section, rigidity equal to that provided thereby;
- (5) Gates forming part of an enclosure shall:
- (a) be equivalent to the fence in content, manner of construction and height;
 - (b) be supported on substantial hinges;
 - (b) be self-closing and equipped with a self-latching device at least 1.5 metres above the bottom of the gate; and
 - (c) be located so that the bottom of the gate be elevated by no more than 10 centimeters above grade.

3.22 USES PROHIBITED IN CERTAIN YARDS

On a lot developed for 3 or more dwelling units, the required front or flankage yard shall not be used for the storage or display of any vehicle, boat or other chattel.

3.23 OTHER REQUIREMENTS: SECONDARY USE

(a) Daycare Centre

Where permitted, a Daycare Centre shall:

- (i) be designed to accommodate not more than 12 children at any one time;
- (ii) not be located on any corner lot;
- (iii) be located on a local street which permits on-street parking;
- (iv) no sign in connection with the use shall be illuminated nor shall any sign exceed 0.75 square metres in area nor exceed one in number; and
- (v) comply with all Provincial regulations as stated in the Family Services Act of New Brunswick;

(b) Home Occupation

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

- (i) the floor area of the dwelling unit and/or accessory building which is devoted to it does not exceed 35 percent of the gross floor area of the dwelling unit;
- (ii) no change which would indicate that a home occupation is being conducted therein, except for one(1) non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;
- (iii) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- (iv) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single dwelling unit;
- (v) there shall be no outside animal enclosures;
- (v) the home occupation shall not generate off-site electrical interference, dust, noise or smoke; and
- (vi) A residential beauty salon shall be permitted as a home occupation provided the single-unit dwelling is occupied as a residence by the operator of the residential beauty salon or barber shop, and the area devoted to the use shall accommodate no more than two fixed barbering chairs.

(c) Garden suite

A Garden suite shall comply with the following regulations:

- (i) it shall not be located closer than 1.2 metres of any side or rear lot line;
- (ii) it shall not exceed 4.6 metres in height;
- (iii) it shall be located in the rear yard;

- (iv) it shall be located on a lot which host a single detached dwelling as a main use; and
- (v) it shall not exceed 75 square metres of gross floor area.

3.24 LANDSCAPING REQUIREMENTS

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

3.25 COMMERCIAL/INDUSTRIAL/MULTIPLE UNIT RESIDENTIAL USE

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

- (a) in the case of driveways and off-street parking areas, the area is gravelled or paved;
- (b) in the case of that part of the lot not subject to the operation of subsection (a), is landscaped.

3.26 SALVAGE YARD OR RECYCLING DEPOT

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

- (a) the whole of the operation shall be surrounded by a solid fence, not less than 3 metres and not greater than 5 metres in height, unpierced except for gates necessary for access.

- (b) the fence shall be located at least 6 metres from the front lot line and 1.5 metres from the side or rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be landscaped; and
- (c) no material shall be piled higher than the height of the surrounding fence.

SECTION 4: ZONES

4.1 R (Residential) Zone

R Zone Permitted Uses

- 4.1 No development shall be permitted nor shall any land, building or structure be used on a lot within an R zone for any purpose other than,
- (a) one of the following main:
 - (i) a single unit dwelling;
 - (ii) a two unit dwelling;
 - (iii) a semi-detached dwelling; and
 - (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.23:
 - (i) a daycare centre;
 - (ii) a garden suite;
 - (iii) a bed and breakfast/tourist home; or
 - (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.23:
 - (i) a home occupation;
 - (ii) the keeping of boarders or roomers; and
 - (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.7.

R Zone Developments Subject to Terms and Conditions

- 4.1.2 Notwithstanding section 4.1.1(a), (b), (c) and 4.1.3, the use of any land, building or structure for:
- (a) one or more of the following purposes:
 - (i) a public park, playground or recreation use;
 - (ii) a public or private school;
 - (iii) a church or church hall;
 - (iv) a fire and/or police station;
 - (v) any other institutional uses; or

- (b)
 - (i) a multiple unit residential use to a maximum of 6 units, or
 - (ii) a mini-home

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

R Zone Requirements

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

- (1) in the case of a lot serviced by a water and sewer system for public use no main use is permitted on a lot unless:
 - (a) the lot has an area of at least 450 square metres for a single unit or two unit dwelling, or 225 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
 - (b) the lot has a frontage of at least 15 metres for a single or two unit dwelling or 7.5 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
 - (c) the lot has a front or flankage yard of at least 6 metres;
 - (d) the lot has a rear yard of at least 6 metres, except in the case of a corner lot, the rear yard is at least 1.2 metres;
 - (e) the lot has a side yard of at least 2.4 metres and 1.2 metres on the opposite side, except in the case of a semi-detached dwelling each lot has a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;
 - (f) the lot coverage is not greater than 50% of the area of the lot;
 - (g) the height of the main building is not greater than 11 metres; and
- (2) in the case of a lot not serviced by a sewer system for public use no single unit dwelling may be used on a lot unless:
 - (a) the lot has an area of at least 0.4 hectare,
 - (b) the lot has a frontage of at least 54 metres,
 - (c) the lot has a front or flankage yard of at least 7.5 metres,

- (d) the lot has a rear yard of at least 6 metres,
 - (e) the lot has a side yard of at least 2.4 metres, and
 - (f) the lot coverage is not greater than 50 percent of the area of the lot; and
- (3) Where there is vehicular access to the rear yard through a car port or garage, the larger side yard required by 4.1.3 (1) (e) may be reduced to 1.2 metres.
- (4) No main building shall exceed 11 metres in height.

4.2. (C) Commercial Zone

C Zone Permitted Uses

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

- (a) one or more of the following main uses:
 - (i) a single unit dwelling;
 - (ii) a two-unit dwelling,
 - (iii) a semi-detached dwelling,
 - (iv) a bakery shop,
 - (v) an office,
 - (vi) a retail store or service,
 - (vii) a delicatessen or restaurant including a drive thru or take out,
 - (viii) a service shop or a personal service shop,
 - (ix) a bank or financial institution,
 - (x) a hotel or motel,
 - (xi) an automobile sales room or sales lot,
 - (xii) a cultural establishment including a library or museum,
 - (xiii) a country market,
 - (xiv) a place of entertainment, recreation and assembly wholly enclosed within a building,
 - (xv) a printing establishment,
 - (xvi) a food processing operation or laundry, and
 - (xvii) a multiple unit dwelling not exceeding 6 units, and
- (b) one of the following secondary uses in conjunction with a single-unit dwelling, subject to the relevant provisions of 3.23:
 - (i) a bed and breakfast/tourist home,
 - (ii) a daycare centre,
 - (iii) a garden suite, or
- (c) one of the following secondary use in conjunction with a single and two-dwelling or a semi-detached dwelling, subject to the relevant provisions of 3.23:
 - (i) a home occupation, or
 - (ii) the keeping of roomers or boarders; and.
- (d) any accessory building, structure or use, incidental to any permitted main use of the land, building, or structure, subject to section 3.7.

C Zone Uses subject to Terms and Conditions

4.2.2 Notwithstanding section 4.2.1 and 4.2.3, the use of land, building or structure for any of the following purposes:

- (a) a retail commercial use involving outside storage and activities,
- (b) a special care housing development;
- (c) a public park, playground or recreation use;
- (d) a private or public school;
- (e) a church or church hall;
- (f) a fire and/or police station;
- (g) an institutional use;
- (h) a welding shop, and
- (i) a mini-home;

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

C Zone Requirements

4.2.3 Within any C zone, no development shall be permitted and no main building or structure may be located on a lot unless:

- (1) in the case of a lot serviced by a water and sewer system for public use no main use is permitted on a lot unless:
 - (a) the lot has an area of at least 450 square metres;
 - (b) the lot has a frontage of at least 15 metres
 - (c) the lot has a front or flankage yard of at least 5 metres;
 - (d) the lot has a rear yard of at least 6 metres, except in the case of a corner lot, the rear yard is at least 1.2 metres;

- (e) the lot has a side yard of at least 2.4 metres and 1.2 metres on the opposite side except in the case of a semi-detached dwelling each lot has a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;
 - (f) the lot coverage is not greater than 50% of the area of the lot;
 - (g) the height of the main building is not greater than 15 metres;
- (2) in the case of a lot not serviced by a sewer system for public use no main use is permitted on a lot unless:
- (a) the lot has an area of at least 0.4 hectare,
 - (b) the lot has a frontage of at least 54 metres,
 - (c) the lot has a front or flankage yard of at least 7.5 metres,
 - (d) the lot has a rear yard of at least 6 metres,
 - (e) the lot has a side yard of at least 2.4 metres, and
 - (f) the lot coverage is not greater than 50 percent of the area of the lot.

C Zone Other Requirements

4.2.4 Except for a single unit, two-unit or semi-detached dwelling, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot except in conformity with the following:

- (a) no portion of any parking area shall be located within 2 metres of any street line;
- (b) no parking space shall be located closer than 3 metres from a lot line of any property occupied by a single unit or two unit dwelling, except where a fence or other physical barrier is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property;
- (c) where a lot located within a Commercial Zone abuts a lot in a R or CU Zone, the minimum side yard within the Commercial Zone from the abutting lot line shall be 2.5 metres; and

- (d) a permitted residential use shall not occur on the same lot as a permitted commercial use unless access thereto is:
 - (i) from inside the building at ground floor level when the dwelling unit above ground floor, and
 - (ii) separate from the main access to the main use.

Storage and Screening of Refuse Containers

- 4.2.5** Except for a single unit, two-unit or semi-detached dwelling, no portion of any lot in a Commercial Zone shall be used for the collection or storage of refuse unless the refuse is stored in a refuse container and the refuse container is screened by an opaque fence or similar structure.

4.3 CU (Community Use) Zone

CU Zone Permitted Uses

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

- (a) one or more of the following main uses:
 - (i) a community centre,
 - (ii) a public golf course or driving range,
 - (iii) a public park, playground or recreational uses,
 - (iv) a cultural establishment including a library and museum,
 - (v) a government building,
 - (vi) a religious institution, including cemetery and crematoria,
 - (vii) an educational facility,
 - (viii) a government building,
 - (ix) a municipal servicing facility,
 - (x) a health service building,
 - (xi) an institutional use, and
- (b) subject to 3.7, any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

4.3.2 Notwithstanding section 4.3.1 and 4.3.3, the use of land, building or structure for any of the following purposes:

- (a) agricultural uses that do not include permanent buildings or structures; and
- (b) low intensity private recreational/tourism uses that do not include permanent buildings or structures

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

CU Zone Requirements

4.3.3 Within any CU Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

- (1) in the case of a lot serviced by a water and sewer system for public use no main building is permitted on a lot unless:
 - (a) the lot has an area of at least 670 square metres;
 - (b) the lot has a frontage of at least 21 metres;

- (c) the lot has a flankage or front yard of at least 5 metres;
 - (d) the lot has a rear yard of at least 6 metres;
 - (e) the lot has a side yard of at least 2.4 metres on one side and 1.2 metres on the opposite side; and
 - (f) the lot coverage is not greater than 50 percent of the area of the lot.
- (2) No main building shall exceed 11 metres in height.
- (3) in the case of a lot not serviced by a sewer system for public use no single unit dwelling may be used on a lot unless:
- (a) the lot has an area of at least 0.4 hectare,
 - (b) the lot has a frontage of at least 54 metres,
 - (c) the lot has a front or flankage yard of at least 7.5 metres,
 - (d) the lot has a rear yard of at least 6 metres,
 - (e) the lot has a side yard of at least 2.4 metres,
 - (f) the lot coverage is not greater than 50 percent of the area of the lot; and
- (4) No main building shall exceed 11 metres in height.

4.4 OS (Open Space) Zone

OS Zone Permitted Uses

4.4.1 No development shall be permitted nor shall any land be used on a lot, within an OS zone for any purpose other than one or more of the following uses:

- (a) parks or open space for natural, aesthetic or scientific interest, including interpretative uses or displays,
- (b) passive recreational uses,
- (c) Agricultural uses that do not include permanent buildings or structures,
- (d) trails,
- (e) Public works associated with flood control or sewerage treatment or other similar uses,
- (f) Boat launching areas,
- (g) construct and/or operate intake structures and conveyance works associated with a commercial aquaculture facility and for the purposes of this By-Law includes a hatchery.

OS Zone Requirements

4.4.2. No substantial habitable buildings, development or structure shall be permitted in any OS Zone.

4.5 Rural Resource (RR) Zone

RR Zone permitted uses

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

- (a) one of the following main uses:
 - (i) a single unit dwelling;
 - (ii) a two unit dwelling;
 - (iii) a semi-detached dwelling; and
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.23:
 - (i) a daycare centre;
 - (ii) a garden suite;
 - (iii) a bed and breakfast/tourist home; or
- (c) one of the following secondary uses in conjunction with a permitted main use; subject to the relevant provisions of section 3.23:
 - (i) a home occupation;
 - (ii) the keeping of boarders or roomers; and
- (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.7.

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

- (a) one or more of the following purposes:
 - (i) a public park, playground or recreation use;
 - (ii) a public or private school;
 - (iii) a church or church hall;
 - (iv) a fire and/or police station; and
 - (v) any other institutional uses; or
- (b) one of the following purposes:
 - (i) a forestry activity;
 - (ii) an agricultural use;
 - (iii) a veterinary clinic;
 - (iv) a livestock operation;

- (v) a resource extraction activity;
- (vi) a kennel

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

RR Zone Requirements

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

- (1) in the case of a lot serviced by a water and sewer system for public use no main use is permitted on a lot unless:
 - (a) the lot has an area of at least 450 square metres for a single unit or two-unit dwelling, or 225 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
 - (b) the lot has a frontage of at least 15 metres for a single or two unit dwelling or 7.5 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
 - (c) the lot has a front or flankage yard of at least 6 metres;
 - (d) the lot has a rear yard of at least 6 metres;
 - (e) the lot has a side yard of at least 2.4 metres and 1.2 metres on the opposite side except in the case of a semi-detached dwelling each lot has a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;
 - (f) the lot coverage is not greater than 50% of the area of the lot;
 - (g) the height of the main building is not greater than 11 metres; and
- (2) in the case of a lot not serviced by a sewer system for public use no main use may be used on a lot unless:
 - (a) the lot has an area of at least 0.4 hectare,
 - (b) the lot has a frontage of at least 54 metres,
 - (c) the lot has a front or flankage yard of at least 7.5 metres,
 - (d) the lot has a rear yard of at least 6 metres,

- (e) the lot has a side yard of at least 2.4 metres, except in the case of a semi-detached dwelling each lot has a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;
 - (f) the lot coverage is not greater than 50 percent of the area of the lot; and
- (3) Where there is vehicular access to the rear yard through a car port or garage, the larger side yard required by 4.5.3 (1) (e) may be reduced to 1.2 metres.
- (5) No main building shall exceed 11 metres in height.

4.6 Integrated Development (ID) Zone

ID Zone permitted uses

- 4.6.1** No development shall be permitted nor shall any land, building or structure be used on a lot within an ID (Integrated Development) zone except where Council has approved the development of a specific proposal pursuant to Sections 38 and 34(4)(b) of the *Community Planning Act*.

SECTION 5: SIGNS

- 5.1** Other than a traffic control device as defined in the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale in the store, the location, dimensions, standards of construction and purposes of public advertisement in the form of a sign is permitted only upon compliance with the requirements of this section.
- 5.1.1** No person may use land, a building or structure for the display of public advertisement in the form of a sign without obtaining a permit.
- 5.1.2** Notwithstanding subsection (2), a person may place, erect or display a non-illuminated sign on any land, building or structure without obtaining a permit for the sign if the sign
- (a) advertise the sale, rental or lease of the land, building or structure and does not exceed 0.85 square metres in gross surface area;
 - (b) identifies by name the property or the residents of the property and does not exceed 0.45 square metres in gross surface area;
 - (c) indicates a home occupation and does not exceed 0.45 square metres in gross surface area;
 - (d) warns against trespass and does not exceed 0.45 square metres in gross surface area;
 - (e) is a private traffic directional sign not exceeding 0.24 square metres in gross surface area;
 - (f) identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building or structure, but such sign shall be removed from the site within fourteen days after the beginning of the intended use of the building or structure;
 - (g) announces a candidate for public office in a municipal, provincial or federal election, but such sign shall be removed from the site within fourteen days after the election; or
 - (h) identifies the name of a subdivision and does not exceed three square metres in gross surface area.
- 5.1.3** A sign, other than one referred to in subsection (3), may be placed, erected or displayed if the gross surface area of the sign does not exceed the product of the lineal width of the lot on which the building is located, multiplied by one metre to a maximum area of ten square metres in the case of a fascia sign and fourteen square metres in area in the case of a free standing sign.

5.1.4 A free standing sign, other than a free standing private traffic directional sign not exceeding 0.24 square metres, shall have a minimum setback and maximum height in relation to its gross surface area as determined from the table provided in Schedule C.

5.1.5 A free standing private traffic directional sign not exceeding 0.24 square metres may be located closer to the street line than two metres, but no part of it shall extend beyond the street line.

5.1.6 No sign may

- (a) be an imitation of a traffic control device or contain the words “stop”, “go”, “caution”, “danger”, “warning,” or similar words arranged in such manner as to be construed as a traffic control device;
- (b) have a size, location, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or;
- (c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located or which is conducted at another location.

