

VILLAGE OF PETITCODIAC RURAL PLAN BY-LAW

Under the
COMMUNITY PLANNING ACT
BY-LAW NO. 50

April 14, 2005



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**VILLAGE OF PETITCODIAC RURAL PLAN BY-LAW
BY-LAW No. RARP-1**

**PART A:
RURAL PLAN – TITLE AND AREA DESIGNATION**

Under section 27.2(1) of the Community Planning Act, the Council of the Village of Petitcodiac makes the following regulations:

1. This by-law may be cited as the Village of Petitcodiac Rural Plan By-law
2. The area of land as shown on the map enclosed as Schedule A is designated for the purpose of the adoption of a rural plan and is the area to which this By-law applies.
3. The Village of Petitcodiac Rural Plan contained in this By-law is hereby adopted for the area described in Schedule A.
4. By-Law No. 25, a Municipal Plan By-Law, By-law No. 29, a Zoning By-Law and any amendments thereto are hereby repealed.

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

The Rural Plan contained in Part B and attached hereto may be cited as the Village of Petitcodiac Rural Plan.

The area of land within the territorial limits of the Village of Petitcodiac as described by subsection (2) of Section 85 of Regulation 85-6 under the Municipalities Act and as outlined on the map attached as Schedule "A", 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 – RURAL PLAN

SECTION 1 – BACKGROUND

The previous plan for the Village of Petitcodiac, the Village of Petitcodiac Municipal Plan, was prepared and adopted in 1977. As review and revision were long overdue, the Greater Moncton Planning District Commission determined to hire a consultant to undertake necessary work. The Commission and the Village selected Terrain Group for this purpose. Qualified planners with Terrain visited the community in September 2003 to update land use information, met with the Village Council, and identify individuals to be interviewed concerning various aspects of the growth and development in the community.

In subsequent months, the consulting planners meet with Council several more times to present a Background Report summarizing research into the community and to develop a Vision on which to base Policies and Proposals to be incorporated in this Rural Plan. The following Policies and Proposals reflect our discussions with Village Council, and have been prepared for presentation to the citizens of Petitcodiac prior to their adoption by Village Council.

It is the objective of Council to encourage the continued development of the Village of Petitcodiac as a distinct and balanced community, providing housing, employment, and a full range of amenities for residents of all ages. It is their intention that the village will continue to grow and increase its population. Development required to stimulate and accommodate growth will be managed to maximize efficiency and economy, while protecting the environment. To this end Council intends:

- To encourage residential development and provide a full range of housing types to accommodate current citizens and new residents;
- To encourage commercial development, particularly, in the downtown core and around the Route 1 Interchange;
- To encourage the growth of existing industries and zone lands for the development of new industry;
- To maintain and enhance institutional and recreational facilities, particularly, the concentration of institutional and recreation uses developed on the north side of Corey Avenue;
- To facilitate continued agricultural and forestry operations;
- To protect and enhance sites of historical and architectural value;
- To protect the Village's future water supply area;
- To protect and enhance environmental assets.

SECTION 2 – POLICIES AND PROPOSALS

This component of the Rural Plan establishes appropriate policies and proposals that Council considers necessary to sustain growth and development within the Village. Policies may be viewed as statements of general intent that are broad based by necessity but which establish adequate direction for zoning provisions and other implementing mechanisms that 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 archaeological interest;

conservation of the physical environment; and such other matters that Council may 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.

2.1 Residential

The Village of Petitcodiac has managed to increase its population slowly but steadily since the 1970s, although its population has become noticeably older over the period. Council wishes to continue to encourage population growth to sustain the community and its institutions and businesses. This will require provision of a range of housing types, including not only single-family homes but also small apartment structures and specialized buildings for senior citizens.

The capacity of current infrastructure and impacts on groundwater supplies must be considered before approval of residential developments. It is essential in this context that the Village address the limitations of the community's sewage lagoon. Until the sewage lagoon is satisfactorily enlarged and upgraded, additional development will be restricted in the village.

Policy 1

It is Council's policy to encourage residential development within the capacity of existing or planned municipal infrastructure.

Policy 2

It is Council's policy to ensure the provision of a broad range of housing types to address the needs of current and potential residents.

Proposal 1

Council proposes to maintain and enhance the existing residential character of Petitcodiac by establishing a Residential (R) Zone as shown on the attached Schedule "A".

Proposal 2

Council proposes to permit, within the Residential (R) Zone, single and two-unit residential uses where sewer services are provided or planned to be provided, and groundwater availability is adequate.

Proposal 3

In the interest of achieving economies in provision of municipal services, Council proposes to permit developments of three dwelling units or more, 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 4

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) building separation distances,
 - (v) the availability of adequate water supply, and
 - (vi) the availability and adequacy of municipal services.

Proposal 5

In locations where sewer services cannot, or are not intended to be provided, and where groundwater availability is adequate, Council proposes to make appropriate provisions and standards to permit development.

2.2 Commercial

The Village of Petitcodiac is fortunate to have a strong traditional downtown. The Downtown is defined as the Business Improvement Area (BIA), which encompasses Main Street and River Road from Old Post Road to Spring Street. The Downtown has been significantly upgraded under the auspices of the BIA, despite the challenges of two major fires within the past 20 years. The Downtown is an important feature of the community providing easily accessed goods and services, as well as employment for many village residents.

In addition to the Downtown core on Main Street, commercial development extends from Main Street along the Old Post Road to Fawcett's Lumber. Extension of the BIA should be pursued to increase its resources and role in enhancing the Village of Petitcodiac as a retail and service centre.

Furthermore, opportunities are apparent at the Route 1 Interchange, where a gas station and other highway-oriented uses have recently been developed. Council wishes to expand on these opportunities as complements to the traditional business located in the Downtown and to serve the travelling public.

Policy 1

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

Policy 2

It is Council's policy to encourage the continued enhancement of the Downtown.

Policy 3

It is Council's policy to encourage the expansion of the Business Improvement Area to include commercial properties on the Old Post Road to King Street.

Proposal 1

Council proposes to establish a Central Commercial (CC) Zone as shown on attached Schedule "A". Council also proposes that future Central Commercial development may be considered through the rezoning process for lands within or abutting the Business Improvement Area.

Proposal 2

In considering rezoning to the Central Commercial (CC) Zone, Council proposes to have regard for:

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

Proposal 3

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.

Policy 4

It is Council's policy to encourage the development of highway commercial uses in the vicinity of the Route 1 Interchange.

Proposal 4

Council proposes to establish a Highway Commercial (HC) Zone as shown on attached Schedule "A". Council also proposes that future highway commercial development may be considered through the rezoning process on properties abutting the Route 1 Interchange and portions of roads providing immediate access to Route 1, including Rogers Road, Smith Street/Route 905, and Maple Street.

Proposal 5

In considering rezoning to the Highway Commercial (HC) Zone, Council proposes to have regard for:

- (a) impact on established residential areas;
- (b) proximity to existing commercial zones;
- (c) the location and access to off street parking and the design of the parking lot layout;
- (d) provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- (e) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (f) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) roof type and pitch,

- (iv) building separation distances,
- (v) the availability of adequate water supply, and
- (vi) the availability and adequacy of municipal services.

2.3 Industrial

Like most smaller communities, Petitcodiac has a limited industrial base. Fawcett's lumberyard, which is primarily a sawmill, is the largest employer in the community. Lands owned by Fawcett's are reasonably buffered from residential uses by King Street to the north, and the Fairgrounds and other recreation uses facing Corey Avenue to the south. A few residential properties on the south side of King Street are, however, surrounded by Fawcett's operations. In the long run, it seems likely that these homes will be incorporated in the Fawcett operation and the Plan should support this.

Elsewhere, Village Council would like the opportunity to attract new industrial uses. A facility to manufacture heat pumps is currently under construction on Plantation Road between Renfrew Street and the cul-de-sac adjacent to Route 1. Lands between Railway Avenue and Route 1 to the south of this new industrial site could also accommodate industrial uses, as could lands flanking Ranch Road off Route 905, south of Route 1. These areas are generally well separated from existing residential areas. The area between Railway Avenue and Route 1 to the north and east of the Route 1 Interchange has historically been zoned for Industrial development. Lands immediately opposite, abutting the south side of Route 1, have been zoned for Highway Commercial or Resource uses. This Rural Plan has retained these designations but has extended the industrial area to the northeast of the interchange to Plantation Road and has provided for additional industrial area around Ranch Road.

Policy 1

It is Council's policy to ensure the continued orderly development of industrial operations.

Policy 2

It is Council's policy to zone lands in appropriate locations for further industrial development.

Proposal 1

Council proposes to establish an Industrial (I) Zone as shown on the attached Schedule "A". Council also proposes that future industrial development may be considered through the rezoning process.

Proposal 2

In considering rezoning to the Industrial (I) Zone, Council proposes to have regard for:

- (vii) separation from established residential areas;
- (viii) access to arterial roadways and/or railway sidings;
- (ix) the location and access to off street parking and the design of the parking lot layout;
- (x) provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- (xi) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;

(xii) the design of the proposed development in terms of:

- (i) building height,
- (ii) setback,
- (iii) roof type and pitch,
- (iv) building separation distances,
- (v) the availability of adequate water supply, and
- (vi) the availability and adequacy of municipal services.

2.4 Institutional

Petitcodiac benefits from the presence of places of worship, a regional school, and fire, ambulance, and medical services. These institutions are important to the comfort and security of residents and an attraction to potential residents and businesses. Council intends to encourage the preservation, protection, and augmentation of institutional uses in Petitcodiac.

In so doing, Council recognizes that while institutional uses are a desirable complement to other land uses in the community, larger institutional buildings may have impacts on other nearby land uses. These impacts are similar to commercial uses and may include traffic and parking, aesthetics, and noise. Under some circumstances where food is prepared and/or served on site, institutional uses may raise odour and waste management issues similar to restaurants.

Policy 1

It is Council's policy to encourage the maintenance and enhancement of existing Institutional uses.

Proposal 1

Council proposes to establish a Community Use (CU) Zone as shown on the attached Schedule "A". Council also proposes that future institutional development may be considered subject to terms and conditions the Commission may impose.

Proposal 2

Council proposes to establish a special provision within all residential, commercial, and rural resource zones whereby the Commission, may consider the location of institutional uses subject to terms and conditions the Commission may impose.

Proposal 3

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

- (a) impact on established residential areas;
- (b) proximity to existing institutional and open space uses;
- (c) the location and access to off street parking and the design of the parking lot layout;
- (d) provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- (e) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (f) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,

- (iii) roof type and pitch,
- (iv) building separation distances,
- (v) the availability of adequate water supply, and
- (vi) the availability and adequacy of municipal services.

2.5 Recreational Facilities and Public Open Space

Recreation facilities and open spaces are a key asset of the Village of Petitcodiac. The community is fortunate to have not only an excellent array of recreation facilities but also to have major facilities concentrated together. Petitcodiac Regional School and its fields; the municipal ballpark, tennis courts, and outdoor swimming pool; the Petitcodiac Arena; and the Petitcodiac Boys and Girls Club all abut each other on the north side of Corey Avenue. Behind them are the Fairgrounds, which is the home of the annual Westmorland County Fair.

This concentration of facilities encourages integrated use of these properties, and efficiency in operations and maintenance. Continued development of the area is an important priority for Village Council. It is the objective of Council to encourage additional recreation uses to be developed in the area, including structures required for the fair.

At the same time, Village Council is conscious of the need to provide small park areas throughout the community, particularly for passive use. The BIA is currently developing a Memorial Park on Main Street for this purpose. As new residential areas are developed, it is important to provide for additional small parks as a component of new subdivisions.

Policy 1

It is Council's policy to provide for the continued expansion and augmentation of community and recreation facilities on the north side of Corey Avenue.

Proposal 1

Council proposes to establish a special provision within all residential, commercial, and rural resource zones whereby the Commission, may consider the location of parks subject to terms and conditions the Commission may impose.

Proposal 2

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;
- (c) the availability, if required, of adequate water, and
- (d) provision, as necessary, of municipal services to the site.

Policy

It is Council's policy to require the dedication of land for parks development as part of the subdivision approval process.

Policy

It is Council's policy to prepare a trails development plan prior to developing a trail network.

2.6 Resource

Large portions of the land area of the Village of Petitcodiac are used for agriculture or forestry. These activities are recognized as contributing to the character and economy of the community. Council wishes to continue to encourage agriculture and forestry, as well as other resource uses with appropriate restrictions to reduce conflict with residential uses and minimize environmental impacts.

Policy 1

It is Council's policy to facilitate continued agricultural activity.

Policy 2

It is Council's policy to facilitate continued forestry activity.

Proposal 1

Council proposes to establish a Rural Resource (RR) Zone as shown on the attached Schedule "A", in which agricultural and forestry operations shall be permitted subject to such regulations as may be imposed by the Province of New Brunswick and the Government of Canada.

2.7 Protection of Water Supplies

All homes in the Village of Petitcodiac rely on water obtained from wells on their property. Most residents have acceptable quantity and quality of water, although some occasionally encounter problems with impurities. For the foreseeable future individual wells will be the primary source of water and development should be pursued only where adequate water supply is available and only at a scale that will not jeopardize the adequate supply of water to other properties.

In 1991 the Village purchased 136 acres around Holmes Brook southwest of Route 1 for development of a municipal water supply. A study has been done concerning the feasibility of developing a municipal water system; however, no design work has been completed and the aquifer from which water will be drawn has not been delineated.

Although there is no imminent requirement to proceed with development of a municipal well field, the land should be protected for this purpose. In the short-term, the Village will manage the land it holds as a protected area. As protected land, the area can also be used for passive recreation uses, including limited trails development. The Village should at the earliest opportunity, however, arrange for a hydrogeological study to determine the extent of the aquifer so as to determine whether or not any more extensive restriction is required. At such time as the Village proceeds to develop the area as a municipal wellfield, it should be prepared to designate and zone all lands influencing the prospective water supply consistent with the New Brunswick Wellfield Protected Area Order.

Policy 1

It is Council's policy to manage lands owned by the Village around Holmes Brook as a potential water supply area for its future use as a community wellfield.

Policy 2

It is Council's policy to engage a qualified professional to prepare a study of the prospective wellfield area as a basis for determining the need for any further land use restrictions.

2.8 Heritage Buildings and Sites of Historical or Archaeological Interest

Although the depredations of repeated fires have reduced the number of historic structures in the Downtown, some key structures remain. A greater proportion of older homes and churches have survived on blocks surrounding the Downtown core, most notably on Church Street. However, no inventory of heritage resources has been compiled for Petitcodiac. As a first step toward developing and adopting measures to preserve historic buildings, it is essential to prepare such an inventory.

Policy 1

It is Council's policy to prepare an inventory of historic buildings and archaeological resources.

2.9 Conservation of the Physical Environment

Several watercourses flow within the Village of Petitcodiac, including the North River, the Anagance River, Holmes Brook, O'Blenis Brook, and the Petitcodiac River. The Petitcodiac, into which the other four watercourses feed, drains most of Southeastern New Brunswick. Although water quality is generally good within Petitcodiac village, the river has been severely affected by the construction of the Petitcodiac River Causeway in Moncton. The Causeway has altered the flow of water, changing the course of the river and the habitat it provides. Salmon and other anadromous fish species that spawn in freshwater and grow in saltwater no longer inhabit the river.

The Village of Petitcodiac has a strong interest in the restoration of the Petitcodiac River and is supportive of the current Environmental Impact Assessment process being managed by the New Brunswick Department of Environment and Local Government and Fisheries and Oceans Canada. The Village is obliged, at the same time, to minimize its impact on the river through avoidable release of pollutants or sediments. The Village is currently seeking to upgrade its sewage treatment lagoon, which is at capacity. Expansion must be done so as not to endanger the river in overflow conditions and to ensure that all sewage is satisfactorily treated before discharge to the watercourse.

The Village should also restrict construction in the presumed floodplains of the Petitcodiac and other watercourses. To date the community is fortunate to have avoided significant construction close to the banks of any of the watercourses referenced above. In the interest of ensuring that construction does not alter the floodplain and to help protect the river from siltation and/or contamination from other pollutants, notably petroleum products, Village Council intends to designate watercourse setbacks for buildings in which no construction, cutting, or other activity that would interfere with the natural growth of vegetation shall be allowed. In addition to reducing runoff of soil sediment, nutrients, and pesticides, watercourse buffers will also help lower water temperatures, increase dissolved oxygen, and provide additional habitat for fish and wildlife. These buffers should be provided on the banks of each river or brook within the Village boundaries.

Policy 1

It is Council's policy to make necessary improvements to the Village sewage lagoon to ensure effluent meets all standards set by the Province of New Brunswick.

Policy 2

It is Council's policy to protect all watercourses by providing for watercourse buffers along all watercourses within the Village.

Proposal 1

Council proposes to establish a General Provision to prohibit all development except public works required for flood control, water extraction, or in relation to disposal of treated sewage, and such other land uses as will not unduly affect the growth of natural vegetation and its capacity to protect the watercourse on lands abutting a permanent watercourse for a distance of 30 m from such watercourse.

Proposal 2

Notwithstanding foregoing Proposal 1, Council proposes to permit other development permitted within the applicable zone to a distance within 10 m from the applicable watercourse subject to terms and conditions pursuant to section 34(4) of the *Community Planning Act*.

Proposal 3

Council proposes to direct the Commission, when considering the imposition of terms and conditions to have regard for the impact of any such development on the quality of water in any such watercourse and on any increased risk of flooding of the subject development or any nearby property.

PART C – ZONING PROVISIONS

SECTION 1: DEFINITIONS

In this By-Law

ACCESSORY BUILDING means a detached, subordinate building, not used as a residence, 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.

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

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

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

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

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

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

AGRICULTURAL USE means the use of any land, building, or structure for the production of food, 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 that 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 that 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 that is pre-manufactured and designed to be transported to the lot as one integral unit.

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, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours.

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

ESCORT SERVICE means an establishment where, for any form of consideration, escorts are provided for sexual pleasure; and which is characterized by an emphasis on specified sexual activities.

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.

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 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 that 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 the occupants residing therein and may also involve one person not an occupant residing therein. Secondary uses involving the repair, detailing, or washing 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 that 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 that 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 that is occupied by a building or portion thereof that 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 that is located within said zone.

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

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

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

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.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials, or equipment, or other items that 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 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, asphalt, portland cement concrete, or other similar substances such as brick, or stone to create a smooth surface, including bituminous penetration, but does not include 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 motorized vehicles, or any animals.

RECYCLING DEPOT means a building that is used for the deposit, collection and handling of waste metal, paper, rags, tires, bottles, or other materials that 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 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, trees, or berms 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, and electronic and appliance repair shops but shall not include industrial uses or manufacturing, or motor vehicle or heavy equipment repair shops.

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

SHOPPING CENTRE means a commercial development exceeding 1500 square metres in area consisting of more than one business establishment, which is designed, developed, operated, or controlled by a single owner or tenant, or a group of owners or tenants containing such uses as retail stores, banks, and financial institutions, restaurants, food and grocery stores, or 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 that is used to identify, advertise, or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which displays or includes 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" that are affixed to the inside of a window or glass door.

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

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 securely 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 that 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 Petitcodiac.

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 construction 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, electric power, natural gas, 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 the full width and length, including the bed, banks, sides, and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not.

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 between such building and 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 distance required by this By-law 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 distance required by this By-law 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 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

Purpose

2.1 This By-Law:

divides the municipality into zones;

- (a) 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
- (b) prohibits the use, placement, erection, or alteration of land, buildings, or structures other than in conformity with the purposes and standards mentioned in paragraph 2.1 (b).

Classification

2.2 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 Petitcodiac Zoning Map" and dated March 2004, which forms part of this By-law.

Residential (R)
Central Commercial (CC)
Highway Commercial (HC)
Community Use (CU)
Industrial (I)
Open Space (OS)
Rural Resource (RR)

Interpretation of Zoning Boundaries

2.3 Boundaries between zones shall be determined as follows:

- (a) a zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- (b) 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.
- (c) 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 construed as the boundaries of such streets, alleys, right-of-ways, or easements.
- (d) 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 centerline of the closed street.
- (e) 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 shall be considered the boundary between zones unless specifically indicated otherwise; or

- (f) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

Zones Not on Map

- 2.4 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.

Powers of the Council

- 2.5 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.
- 2.6 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.

Powers of the Commission

- 2.7 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.
- 2.8 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 paragraph (a) clause at the end of the authorized period.
- 2.9 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.

Amendments

- 2.10 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
- (iii) shall pay a fee of \$750 to the municipality.

- 2.11 The Council may return all or any part of the fee mentioned in sub-section 2.10 (b) (iii)
- 2.12 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.
- 2.13 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.

Existing Undersized Lots

- 2.14 Nothing in this By-law shall prevent the use of a lot in existence on the effective date of this By-law nor prevent the change of use providing the new use is permitted in the zone where the lot is located and the zone standards other than those pertaining to lot size are complied with providing that the use of such lot is permitted in the zone in which said lot is located.

SECTION 3: GENERAL PROVISIONS

Licenses, Permits and Compliance With Other By-Laws

- 3.1 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.

Sewage Disposal and Water Systems

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

Frontage on Street

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

One Main Building on a Lot

- 3.4 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.
- 3.5 Notwithstanding 3.4, where a proposed use is to consist of more than one building on the lot, such use shall be subject to such terms and conditions as the Commission may impose and the Commission may prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

Existing Buildings

- 3.6 Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or having less than the minimum frontage or flankage yard or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:
- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side, flankage, or rear yard that does not conform to this By-law; and
 - (b) all other applicable provisions of this By-law are satisfied.

Accessory Buildings

- 3.7 Accessory uses, buildings and structures shall be permitted in any zone but shall not:
- (a) be used for a residential use;
 - (b) be built closer to the front lot line than the minimum distance required for the

main building, or be built closer than 2.5 metres to any other lot line except that:

- (i) in any Residential zone, buildings, or structures that are accessory to residential uses 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) subject to subsection 4.26 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;

(c) no accessory building or structure in any residential zone shall:

- (i) exceed 7.32 metres (24 feet) in height from the established grade to the highest point of the structure or roof, in the case of a gable or hip roof;
- (ii) exceed 4.6 metres (15 feet) in height from the established grade to the highest point of the structure or roof, in the case of a flat roof;
- (iii) exceed 4.5 metres (15 feet) in height from the established grade to the deckline in the case of a building with a gambrel or mansard roof ;
- (iv) exceed 6 metres (20 feet) in height from the established grade to the top of the structure or roof of the building for any other roof type;
- (v) exceed 3 metres (10 feet) in height from the established grade to the underside of the eaves in the case of a building with a gable or hip roof; or
- (vi) exceed 84 square metres in area .

Vehicle Bodies

3.8 A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure in any residential zone.

Height Regulations

3.9 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, lightning rods, or solar collectors attached to the principle structures except where specifically regulated.

Distance From Watercourses

3.10 No development shall be permitted within 30 metres of a watercourse or waterbody unless a watercourse alteration permit has been issued by the Department of Environment and Local Government and no building or structure except as otherwise permitted in this By-law shall be located within 10 metres of a watercourse or waterbody.

Reduced Frontage on a Curve

- 3.11 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 that 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 sub-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 By-law.

Sight Triangle

- 3.12 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.

Permitted Encroachments

- 3.13 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:
- (a) Uncovered patios, walkways, wheelchair ramps, lifting devices, or steps may be located in any yard to provide access to the first storey entrance;
 - (b) 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;
 - (c) 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;
 - (d) 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
 - (e) 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.

Parking Requirements

- 3.14 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.

- 3.15 Where the total required spaces for any use is not a whole number, the total spaces required by this sub-section, or by other specific sections, shall be the next largest whole number.
- 3.16 Each off-street parking space shall:
- (a) 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;
 - (b) shall be readily accessible from a public street;
 - (c) shall be located on the lot containing the use for which the spaces are provided.

Schedule of Parking Requirements

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	1 space per 50 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;
Schools	1 space per classroom;
Hospitals	0.5 space per bed;
Homes for the aged and nursing homes	1 space per 3 beds;
Day care facilities	1 space per 25 square metres of gross floor area;
Medical clinics and offices of any health	3 spaces per consulting room;

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Funeral homes

the greater of 15 spaces per viewing room or, where a chapel is provided, 1 space per 4 fixed seats;

Warehouses, transport terminals and general industrial use

the greater of 1 space per 50 square metres of gross floor area, or 1 space per 4 employees;

Any use not specified above

1 space per 30 square metres of gross floor area.

Reserved Spaces for the Mobility Disabled

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

Schedule of Mobility Disabled Parking Requirements

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 that does not have a retail function to serve.

1 reserved parking space for the mobility disabled per 15-100 parking spaces required; and 1 additional space for each additional 100 required spaces, or part thereof, to a maximum of 10

Standards for Mobility Disabled Parking Spaces

3.18 Each reserved parking space shall:

- (a) contain an area of not less than 28 square metres measuring 4.6 metres by 6.1 metres.
- (b) 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 that it is intended to serve and in no case shall it be further than 90 metres from the location that it is intended to serve.

- (c) Each reserved parking space shall be located as close as possible to the location it is intended to serve.
- (d) Each reserved parking space shall be clearly identified by a ground sign and a permanently affixed freestanding sign.

Fences

- 3.19 Notwithstanding any other provision of this By-law, and subject to this section, a fence may be placed, or located in a yard and;
 - (a) no fence located within the sight triangle shall exceed 1 metre in height;
 - (b) subject to subsentence (a), no fence may exceed in height:
 - (i) 2 metres in a Residential zone; or
 - (ii) 2.5 metres in any other zone.
- 3.20 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.

Resource Extraction and/or Filling

- 3.21 Subject to sentence 3.22, except where provided for within this By-law, no person may strip, excavate, or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- 3.22 Where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.

Setbacks

- 3.23 No building shall be erected or altered so that it is closer to a street line than 6 metres unless otherwise provided for in this By-law.
- 3.24 Notwithstanding subsection 3.23, 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.
- 3.25 Notwithstanding subsection 3.23, 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.

3.26 Where a sign is permitted to line up with existing signs by the operation of subsection 3.25, 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 3.25.

Satellite Dishes and Communication Towers

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

Residential Development Near a Lagoon or Treatment Plant

3.28 Notwithstanding any other provision of this By-Law, no dwelling or mini home may be located within 100 metres of a sewage lagoon or treatment plant.

Private Garages and Carports

3.29 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 on the lot.

Enclosures for Swimming Pools

3.30 No land may be used for the purpose of a swimming pool capable of containing in excess of 0.914 metres of water, 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.

3.31 Where a portion of a wall of a building forms part of a swimming pool 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.

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

3.33 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 subsection 3.34
- (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.

3.34 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 paragraphs 4.1.10.1(2), (3) and (4) of the 1995 edition of the National Building Code, and spaced not more than 2.5 metres (8.2 ft) apart, with a top horizontal rail of at least 50 mm (2.0 in) 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 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 x 139 mm finished dimensions; and

(c) in the case of construction other than described in clauses (a) and (b), such enclosure shall:

- (I) provide rigidity and height equal to that provided in clauses (a) and
- (II) be assembled so as not to permit the passage of a 100 mm (4 in.) 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.

3.35 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 is elevated by no more than 10 centimetres above grade.

Uses Prohibited in Certain Yards

3.36 On a lot developed for three 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.

Other Requirements: Secondary Use

Daycare Centre

3.37 Where permitted, a Daycare Centre shall:

- (a) be designed to accommodate not more than 15 children at any one time;
- (b) not be located on any corner lot;
- (c) be located on a local street that permits on-street parking; and
- (d) 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.

Home Occupation

3.38 Where a home occupation is permitted under this By-Law, a home occupation includes the following types of uses:

- (a) a business office or home office;
- (b) a home personal service shop;
- (c) a home instructional service, which may include, without limiting the generality of the foregoing, the teaching of music, arts and crafts or dance;
- (d) a home domestic and household art workshop, which may include, without limiting the generality of the foregoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys;
- (e) a home trades business, which may include, without limiting the generality of the foregoing, plumber, electrician, painter or other similar uses; and
- (f) a home repair shop, which may include, without limiting the generality of the foregoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, auto body shop; and

3.39 A home occupation is subject to the following requirements:

- (a) the floor area of the dwelling unit and/or accessory building that is devoted to the home occupation does not exceed 35 percent of the gross floor area of the dwelling unit;
- (b) no change to the property that would indicate that a home occupation is being conducted therein, except for one (1) non-illuminated sign that shall not exceed 0.75 square metres in gross surface area;
- (c) no goods or services other than those directly pertaining to the home occupation are supplied or sold from the property;
- (d) 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;
- (e) there shall be no outside animal enclosures;
- (f) the home occupation shall not generate off-site electrical interference, dust, noise, or smoke; and
- (g) a residential beauty salon or barber shop shall be permitted as a home occupation provided the single-unit dwelling is occupied as a residence by

the operator, and the area devoted to the use is designed to accommodate no more than 2 customers at a time.

Landscaping Requirements

- 3.40 In any zone, the owner of a lot developed for residential purposes shall landscape:
- (a) the front yard of the main building;
 - (b) all of the rear yard within 4.5 metres of any main building thereon; and
- 3.41 The landscaping mentioned in subsection 3.40:
- (a) shall include sodding or at least 80 mm of top soil and the seeding thereof;
 - (b) may included partial devotion to paths, patios, walkways, ornamental shrubbery, or trees;
- 3.42 A yard mentioned in subsection 3.40 may be used to a reasonable degree for the purposes of walks and driveways for access to the main building;
- 3.43 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.

Commercial/Industrial/Multiple Unit Residential Use

- 3.44 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; and
 - (b) in the case of that part of the lot not subject to the operation of paragraph (a), the area is landscaped.

Utility Uses

- 3.45 Any public utility use shall be a development permitted in any zone.

Salvage Yard or Recycling Depot

- 3.46 Where land is used for the exterior storage of scrap, recycling, or automotive materials, the following standards shall apply:
- (a) the whole of the storage area 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

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 a R 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) subject to the relevant provisions of sub-section 3.38, and 3.89 one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) a daycare centre;
 - (ii) a bed and breakfast/tourist home; or
 - (c) subject to the relevant provisions of sub-section 3.37, one of the following secondary uses in conjunction with a permitted main use:
 - (i) a home occupation;
 - (ii) the keeping of boarders or roomers; and
 - (d) subject to sub-section 3.7, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

R Zone Developments Subject to Terms and Conditions

- 4.2 Notwithstanding paragraph 4.1(a), (b), and (c), the use of any land, building, or structure for:
- (a) one or more of the following purposes:
 - (i) a public park, playground, or recreation use;
 - (ii) a public or private school;
 - (iii) a church or church hall;
 - (iv) a fire and/or police station;
 - (v) any other institutional uses;
 - (vi) a multiple unit residential use; or
 - (vii) 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

- 4.3 Within any R Zone, no development shall be permitted and no main building or structure may be used on a lot unless:
- (a) in the case of a lot serviced by a sewer system for public use:
 - (i) the lot has an area of at least 675 square metres for a single unit or two unit dwelling, or 337.5 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
 - (ii) the lot has a frontage of at least 22.5 metres for a single or two unit dwelling, or 11.25 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
 - (iii) the lot has a front or flankage yard of at least 7.5 metres;
 - (iv) the lot has a rear yard of at least 7.5 metres, except in the case of a corner lot, the rear yard is at least 1.5 metres;
 - (v) 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 where each lot has a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot;
 - (vii) the height of the main building is not greater than 11 metres; and
 - (b) 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:
 - (i) the lot has an area of at least 0.4 hectare,
 - (ii) the lot has a frontage of at least 54 metres,
 - (iii) the lot has a front or flankage yard of at least 7.5 metres,
 - (iv) the lot has a rear yard of at least 6 metres,
 - (v) the lot has a side yard of at least 2.4 metres,
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot; and
 - (vii) the height of the main building is not greater than 11 metres, and

- (c) where there is vehicular access to the rear yard through a carport or garage, the larger side yard required by paragraph 4.3 (b) may be reduced to 1.2 metres.

CC (Central Commercial) Zone

CC Zone Permitted Uses

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

(a) one or more of the following main uses:

- (i) 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) a cultural establishment, including a library or museum,
- (xii) a country market,
- (xiii) a place of entertainment, recreation and assembly wholly enclosed within a building,
- (xiv) a Municipal Building,
- (xv) a printing establishment,
- (xvi) a food processing operation or laundry, and
- (xvii) a multiple unit residential use, and

(b) one of the following secondary uses in conjunction with a single-unit dwelling, subject to the relevant provisions of sub-section 3.37:

- (i) a bed and breakfast/tourist home,
- (ii) a daycare centre, or

- (c) one of the following secondary use in conjunction with a single or two unit, or a semi-detached dwelling, subject to the relevant provisions of sub-sections 3.38 and 3.39:
 - (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 sub-section 3.7.

CC Zone Uses Subject to Terms and Conditions

4.5 Notwithstanding sentence 4.4, the use of land, building, or structure for any of the following purposes:

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

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.

CC Zone Requirements

4.6 Development shall be permitted and no main building or structure may be located on a lot unless the lot is serviced by a sewer system for public use and has:

- (a) an area of at least 675 square metres;
- (b) a frontage of at least 22.5 metres
- (c) a front or flankage yard of at least 7.5 metres;
- (d) a rear yard of at least 7.5 metres, except in the case of a corner lot, the rear yard is at least 1.2 metres;
- (e) 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 where each lot shall

have a side yard of at least 2.4 metres and 0.0 metres from the side being common with another dwelling;

- (f) a lot coverage not greater than 50 percent of the area of the lot; and
- (g) the height of the main building shall not exceed 15 metres.

CC Zone Other Requirements

- 4.7 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 CC Zone abuts a lot in a R or CU Zone, the minimum side yard within the CC 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 is above the ground floor, and
 - (ii) separate from the main access to the main use.
- 4.8 Except for a single unit, two-unit, or semi-detached dwelling, no portion of any lot in a CC 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.

HC (Highway Commercial) Zone

HC Zone Permitted Uses

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

(a) one or more of the following main uses:

- (i) a retail or wholesale store, or retail service use,
- (ii) an automobile, truck, recreation vehicle, general transportation, or heavy equipment sales room, sales lot, or repair facility,
- (iii) an automobile service station, gas bar, refuelling facility, and automobile rental outlet,
- (iv) a boat, trailer, and snowmobile sales and rental offices,
- (v) a building supply store,
- (vi) a display court,
- (vii) a farm market,
- (viii) a food and grocery store or convenience store,
- (ix) a funeral monument sales and display outlet,
- (x) a nursery or greenhouse operation,
- (xi) a gift and souvenir store,
- (xii) a hotel, motel, or tourist cabins,
- (xiii) a moving and storage company,
- (xiv) a restaurant, including a drive-in or take-out restaurant,
- (xv) a medical clinic,
- (xvi) a veterinary clinic,
- (xvii) a contractor's office and yard,
- (xviii) a service shop or a personal service shop, or
- (xix) subject to the applicable standards in section 4, a single unit dwelling and

- (b) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 3.7.

HC Zone Uses Subject to Terms and Conditions

- 4.10 Notwithstanding sub-section 4.9 and the use of land, building, or structure for any of the following purposes:

- (a) a special care housing development;
- (b) a multiple unit residential use;
- (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; and
- (g) an institutional use

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.

HC Zone Requirements

- 4.11 Within any HC Zone, no development shall be permitted and no main building or structure may be located on a lot unless:

- (a) in the case of a lot serviced by a sewer system for public use:
 - (i) the lot has an area of at least 675 square metres;
 - (ii) the lot has a frontage of at least 22.5 metres;
 - (iii) the lot has a front or flankage yard of at least 7.5 metres;
 - (iv) the lot has a rear yard of at least 7.5 metres, except in the case of a corner lot, the rear yard is at least 1.2 metres;
 - (v) the lot has a side yard of at least 2.4 metres and 1.2 metres on the opposite side;
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot;
 - (vii) the height of the main building is not greater than 15 metres; and
- (b) in the case of a lot not serviced by a sewer system for public use no main use is permitted on a lot unless:
 - (i) the lot has an area of at least 0.4 hectare,
 - (ii) the lot has a frontage of at least 54 metres,
 - (iii) the lot has a front or flankage yard of at least 7.5 metres,
 - (iv) the lot has a rear yard of at least 7.5 metres,
 - (v) the lot has a side yard of at least 2.4 metres, and
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot.

HC Zone Other Requirements

- 4.12 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 HC Zone abuts a lot in a R or CU Zone, the minimum side yard within the HC Zone from the abutting lot line shall be 2.5 metres.

Storage and Screening of Refuse Containers

- 4.13 No portion of any lot in a HC 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.

I (Industrial) Zone

I Zone Permitted Uses

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

(a) one or more of the following main uses:

- (i) an automobile sales room, sales lot or auto or truck repair facility,
- (ii) an automobile or truck service station, gas bar, refuelling facility, and automobile rental outlet,
- (iii) a manufacturing, fabricating, assembling, or processing plant,
- (iv) a recycling depot,
- (v) a trucking or railway depot, or distribution centre,
- (vi) a wholesale or retail establishment or warehouse,
- (vii) a contractor's office and/or yard,
- (viii) an outdoor storage facility,
- (ix) a single unit dwelling,
- (x) a two unit dwelling
- (xi) a semi-detached dwelling; and

(b) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 3.7.

I Zone Requirements

4.15 Within any I Zone, no development shall be permitted and no main building or structure may be located on a lot unless:

(a) in the case of a lot serviced by a sewer system for public use:

- (i) the lot has an area of at least 675 square metres;
- (ii) the lot has a frontage of at least 22.5 metres;
- (iii) the lot has a front or flankage yard of at least 7.5 metres;
- (iv) the lot has a rear yard of at least 7.5 metres, except in the case of corner lot, the rear yard is at least 1.2 metres;

- (v) the lot has a side yard of at least 2.4 metres and 1.2 metres on the opposite side;
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot;
 - (vii) the height of the main building is not greater than 15 metres;
- (b) in the case of a lot not serviced by a sewer system for public use:
- (i) the lot has an area of at least 0.4 hectare,
 - (ii) the lot has a frontage of at least 70 metres,
 - (iii) the lot has a front or flankage yard of at least 7.5 metres,
 - (iv) the lot has a rear yard of at least 7.5 metres,
 - (v) the lot has a side yard of at least 2.4 metres, and
 - (vi) the lot coverage is not greater than 50 percent of the area of lot.

I Zone Other Requirements

- 4.16 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; and
 - (c) where a lot located within an I Zone abuts a lot in a R or CU Zone, the minimum side yard within the I Zone from the abutting lot line shall be 2.5 metres.

Storage and Screening of Refuse Containers

- 4.17 Except for a single unit, two-unit, or semi-detached dwelling, no portion of any lot in an I 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.

CU (Community Use) Zone

CU Zone Permitted Uses

4.18 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 or place of assembly,
- (ii) a public golf course or driving range,
- (iii) a public park, playground, fairground, or recreational use,
- (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 municipal servicing facility,
- (ix) a health service building,
- (x) a fraternal, service, or similar organization,
- (xi) an institutional use,
- (xii) a funeral home; and
- (xiii) subject to subsection 3.7, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

4.19 Notwithstanding sentence 4.18, 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

- 4.20 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:
- (a) in the case of a lot serviced by a sewer system for public use:
 - (i) the lot has an area of at least 675 square metres;
 - (ii) the lot has a frontage of at least 22.5 metres;
 - (iii) the lot has a flankage or front yard of at least 7.5 metres;
 - (iv) the lot has a rear yard of at least 7.5 metres;
 - (v) the lot has a side yard of at least 2.4 metres on one side and 1.2 metres on the opposite side; and
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot and
 - (vii) the height of the main building does exceed 11 metres and
 - (b) 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:
 - (i) the lot has an area of at least 0.4 hectare,
 - (ii) the lot has a frontage of at least 54 metres,
 - (iii) the lot has a front or flankage yard of at least 7.5 metres,
 - (iv) the lot has a rear yard of at least 7.5 metres,
 - (v) the lot has a side yard of at least 2.4 metres,
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot; and
 - (vii) the height of the main building does not exceed 11 metres.

OS (Open Space) Zone

OS Zone Permitted Uses

- 4.21 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 sewage treatment, or other similar uses,
 - (f) boat launching areas, and
 - (g) a fish hatchery or aquaculture facility.

OS Zone Requirements

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

RR (Rural Resource) Zone

RR Zone permitted uses

4.23 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) subject to the relevant provisions of subsection 3.37, one of the following secondary uses in conjunction with a permitted single unit dwelling:

- (i) a daycare centre;
- (ii) a bed and breakfast/tourist home; or

(c) subject to the relevant provisions of subsections 3.38 and 3.39, one of the following secondary uses in conjunction with any permitted main use:

- (i) a home occupation; and
- (ii) the keeping of boarders or roomers

(d) subject to sub-section 3.7, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

4.24 Notwithstanding paragraph 4.23(a), (b), and (c), 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;
- (vi) a forestry activity;
- (vii) subject to the *Livestock Operations Act* and related regulations, an agricultural use;

- (viii) a veterinary clinic;
- (ix) a resource extraction activity; and
- (x) 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

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

- (a) in the case of a lot serviced by a sewer system for public use no main use is permitted on a lot unless:
 - (i) the lot has an area of at least 675 square metres for a single unit or two-unit dwelling, or 337.5 square metres per dwelling unit where each dwelling unit of a two unit dwelling is located on a separate lot;
 - (ii) the lot has a frontage of at least 22.5 metres for a single or two unit dwelling, or 11.25 metres per dwelling unit where each unit of a two unit dwelling is located on a separate lot;
 - (iii) the lot has a front or flankage yard of at least 7.5 metres;
 - (iv) the lot has a rear yard of at least 7.5 metres;
 - (v) the lot has a side yard of at least 2.4 metres;
 - (vi) the lot coverage is not greater than 50 percent of the area of the lot;
 - (vii) the height of the main building is not greater than 11 metres; and
- (b) 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:
 - (i) the lot has an area of at least 0.4 hectare,
 - (ii) the lot has a frontage of at least 54 metres,
 - (iii) the lot has a front or flankage yard of at least 7.5 metres,
 - (iv) the lot has a rear yard of at least 7.5 metres,
 - (v) the lot has a side yard of at least 2.4 metres, except in the case of a semidetached 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;

(vi) the lot coverage is not greater than 50 percent of the area of the lot;
and

(c) Where there is vehicular access to the rear yard through a carport or garage, the larger side yard required by 4.25 (v) may be reduced to 1.2 metres and

(d) the height of a main building does not 11 metres in height.

4.26 Notwithstanding sub-paragraph 4.24 (a) (vii), a private stable or other structure intended for the keeping of animals may be used on a lot unless the structure is located:

(a) at least 30 metres from a street line,

(b) at 15 metres from any other lot line,

(c) 30 metres from any dwelling not located on the same lot, and

(d) 30 meters from any watercourse or wellhead.

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.
- 5.2 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 and paying a fee of \$10 to the Greater Moncton Planning District Commission.
- 5.3 Notwithstanding sub-section 5.2, 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) advertises 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 0.25 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 3 square metres in gross surface area.
- 5.4 Subject to sub-section 5.7, a sign, other than one referred to in sub-section 5.3, 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.

- 5.5 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".
- 5.6 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.
- 5.7 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 advertise an activity, business, product, or service that is not conducted on the premises on which the sign is located or which is conducted at another location, with the exception of a billboard sign or directory sign.

