

Repeals and Replaces By-Law #20 & By-Law #21.
Section Amendment By-Law #20A-1 to go with By-Law.
Section Amendment By-Law #20A-2 to go with By-Law.

VILLAGE OF PLASTER ROCK

RURAL PLAN

BY-LAW NO. 20A

Prepared for the

VILLAGE OF PLASTER ROCK

by

Bernard Hoganson, M.Pl.
Fredericton, New Brunswick

VILLAGE OF PLASTER ROCK

RURAL PLAN

BY-LAW NO. 20A

A BY-LAW TO ADOPT THE VILLAGE OF PLASTER ROCK RURAL PLAN

Under the authority vested in it by section 27.2 of the Community Planning Act, the Municipal Council of the Village of Plaster Rock, duly convened, enacts as follows:

1. The rural plan of the Village of Plaster Rock, setting out policies and outlining proposals designed to guide, control and encourage the orderly economic, social and physical development of the municipality, is here by adopted.
2. The document entitled A Village of Plaster Rock Rural Plan attached constitutes the rural plan referred to in section 1.
3. The by-laws as listed under section 1.2.1 of the Village of Plaster Rock Rural Plan are hereby repealed.

First reading by title:	February 21, 2000
Second reading in its entirety	March 20, 2000
Third reading by title	March 20, 2000

Signed and sealed at the Village of Plaster Rock, in the County of Victoria and the Province of new Brunswick, this 20th day of March, 2000.

Gary Broad

Mayor, Gary Broad

Barbara Wishart

Clerk Administrator, Barbara Wishart

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BY-LAW NO. 20A

PART A: GENERAL

SECTION 1.0.0 - TITLE AND AREA DESIGNATION

1.1.0 Title

1.1.1 This by-law may be cited as the Village of Plaster Rock Rural Plan.

1.2.0 Area Designation

1.2.1 The area of land outlined on the map attached as Schedule B, titled "Zoning Map", lying within the territorial limits of the Village of Plaster Rock, is designated for the purposes of the adoption of this Rural Plan and is the area to which this by-law applies. The territorial limits of the Village of Plaster Rock are as described by section 86(2) of **Regulation 85-6**, consolidated to June 30, 1999, under the ***Municipalities Act***.

1.3.0 By-laws Repealed

1.3.1 The following by-laws are repealed:

- | | | |
|-----|----------------|--|
| (a) | By-law No. 20 | Municipal Plan By-law; |
| (b) | By-law No. 21 | Zoning By-law; |
| (c) | By-law No. 29A | A By-law to Amend By-law No. 21; |
| (d) | By-law No. 29C | A By-law to Amend By-law No. 21; and |
| (e) | By-law No. 34 | Village of Plaster Rock Central Area By-law. |

PART B: POLICIES AND PROPOSALS

SECTION 2.0.0 - INTRODUCTION

2.1.0 Rural Plan Background

2.1.1 The Commission on Land Use and the Rural Environment (CLURE) stated in its Final Report of 1993 that the purpose of rural planning is to "develop policies that encourage compatible development and environmental protection and respect the rights of rural residents and landowners to the reasonable use of their land". The **Community Planning Act** was amended the following year allowing villages, rural communities and unincorporated areas to adopt a rural plan.

2.1.2 CLURE understood that people should be able to live wherever they choose "provided they do so in such a manner that does not create negative impacts on their neighbours, on resource lands or on the environment and that they are willing to pay for services associated with their choice of location on a fair and equitable basis".

2.1.3 CLURE recognized that a rural plan is more likely to succeed if it proceeds towards its goals in increments that are "achievable, affordable and acceptable". Section 72 of the **Community Planning Act** requires a rural plan, or other planning or development documents, to be reviewed every 5 years. This allows a village council to then evaluate the impacts of its rural plan and to make any necessary changes to carry on the objectives of controlled development.

2.1.4 For a village, a rural plan is a combination of two traditional by-laws, namely, the municipal plan by-law and the zoning by-law. As one document, a rural plan contains statements of direction (policies and proposals) and control (zoning provisions) and is easier to adopt and amend.

2.1.5 In addition, paragraph 10, subsection 27.2 of the **Community Planning Act** states "The adoption of a rural plan does not commit the village ... to undertake any proposal in the rural plan." Nevertheless, a village is prevented from undertaking developments that are contrary to the policies of its rural plan.

2.2.0 Purpose

2.2.1 Land use planning helps a village decide in what way it should be kept as is and in what way it ought to be altered. The resulting rural plan contains a policy for each land use within the village and, under the umbrella of each policy, one or more proposals. Policies are statements of overall development intents. Proposals are outlines of ways to realize these intents. In other words, policy distinguishes what are the right things to do, while proposals explain how to do these right things.

2.3.0 General Objectives

2.3.1 The following general objectives serve to balance development pressures, environmental character and community identity within the Village of Plaster Rock:

- (a) to encourage existing land uses to develop in a compact and orderly fashion with an appropriate range of uses and facilities to serve residents;
- (b) to support growth and development that is orderly, efficient, financially viable and consistent with community values;
- (c) to use and develop land in a manner that protects the environment in the long term and maintains a high quality of life for present and future generations;
- (d) to separate incompatible land uses so as to minimize potential negative impacts;
- (e) to protect surface water and groundwater resources and preserve water oriented habitats;
- (f) to utilize economic opportunities from within the community and the surrounding region;
- (g) to direct development away from areas that pose a risk to public health and safety, or where property may be damaged;
- (h) to encourage the provision of areas for parks and playgrounds; and
- (i) to manage development so as to maintain a safe and efficient road system.

2.4.0 Population Projection

2.4.1 Over the past 25 years, Plaster Rock's population has remained fairly consistent, although showing a slight decline during that time period. In 1971, the population stood at 1,331, rising to a high of 1,368 in 1976 and receding to a low of 1,122 in 1981. The population rose slightly to 1,232 in 1986, and has remained fairly steady since then, being 1,246 in 1991 and 1,220 in 1996. Projected ahead to the year 2004, Plaster Rock's population should be within the range of 1,025 to 1,300 people.

2.5.0 Definition of Terms Used within APolicies and Proposals@

2.5.1 Vacant Lands

The term Avacant lands@ herein consists of lots not having buildings or structures upon them nor any other form of development or intensive use and are as shown on Schedule A, titled ALand Use Map@. Presently, vacant lands comprise 97.8 hectares (242 acres) or 31% of all lands within the Village.

2.5.2 Vacant Land Tracts

Of the total amount of vacant lands, 43.0 hectares (106 acres), or 14% of the Village=s area, are herein referred to as Avacant land tracts@. Vacant land tracts are situated east of Route 108 and west of Centennial Street and the southern portion of Main Street. Schedule B, titled AZoning Map@, shows the vacant land tracts as lying within the Mixed Development Zone.

2.5.3 Vacant Land Sectors

The remaining 54.8 hectares (136 acres) of vacant lands, or 17% of the Village=s area, are referred to as Avacant land sectors@. These are lots, or portions of lots, disbursed throughout the Village and lie outside the vacant tracts of land. Vacant land sectors are lands intended for

- (a) infill development similar or compatible with adjacent lot uses;
- (b) consolidation with adjacent lots; or
- (c) reservation from uses within environmentally sensitive or hazardous areas.

2.5.4 Central Area

Plaster Rock=s Central Area is as shown on Schedule B, titled AZoning Map@, having an area of 14.0 hectares (35 acres).

2.5.5 Schedule C, titled AData Table for the Zoning of Vacant Lands@

The table of Schedule C shows how the vacant lands of Schedule A have been zoned on Schedule B.

SECTION 3.0.0 - RESIDENTIAL USES

3.1.0 Policy

3.1.1 It is the policy of the Village

- (a) to promote orderly, compact and diverse residential use;
- (b) to encourage mixed development of residential and commercial uses upon the vacant land tracts; and
- (c) to maximize the use of existing roadways and utilities by residential development.

3.2.0 Proposals

3.2.1 It is proposed that the vacant land tracts be zoned for mixed development primarily consisting of residential development.

3.2.2 It is proposed that residential development be discouraged within environmentally sensitive or hazardous areas, such as steep slopes, flood plains, marshlands or other wetlands.

3.2.3 It is proposed that the subdivision approval process, subject to the provisions the **Subdivision By-law**, consider for development upon the vacant land tracts the reservation of sufficient lands to create a buffer strip for public use along the eastern limit of Route 108 so as to form a continuous strip of land having a maximum width of 20 metres (65'7").

3.2.4 It is proposed that vacant land sectors, comprising of lots lying between or abutting existing residential uses, be infilled by residential development.

3.2.5 It is proposed that vacant land sectors, comprising of lots too small upon which to exclusively erect a dwelling, be consolidated to form a lot suitable for residential development or be merged with adjacent residential land uses.

3.2.6 It is proposed that residential needs be met through the use of orderly, compact and diverse housing developments, such as duplex, semi-detached and multi-unit dwellings, that are appropriately serviced by commercial and recreational land uses and utilities.

3.2.7 It is proposed that the residential needs of children, disabled persons, seniors and those of low-income be met through the approved use of special care homes, special care facilities, garden suites and other forms of dwellings.

SECTION 4.0.0 - COMMERCIAL USES

4.1.0 Policy

4.1.1 It is the policy of the Village

- (a) to control the type and location of commercial development; and
- (b) to encourage commercial development that is compatible with the surrounding land uses and environment.

4.2.0 Proposals

4.2.1 It is proposed that the development of smaller commercial uses be encouraged upon lands located within the Central Area and of larger commercial uses upon lands lying east of the Tobique River near the municipal boundary.

4.2.2 It is proposed that commercial uses of a home occupation nature be permitted.

4.2.3 It is proposed that any negative impacts of a commercial use be minimized upon lands within the appropriate zone or abutting zones by considering

(a) the on-site effects of service volume, frequency use, loading and parking spaces and vehicle manoeuvring;

(b) the off-site effects on present roadway and utilities capabilities; and

(c) the minimization of odour, smoke, dust, noise, vibration, visual disturbance and water contamination by the use of buffer strips, fences or tree lines.

4.2.4 It is proposed that various forms of entertainment be accepted as commercial uses only if the principal feature or characteristic is not the nudity or partial nudity of any person, as in an adult entertainment place.

4.2.5 It is proposed that vacant land sectors, comprising of lots too small upon which to exclusively operate commercial uses, be consolidated to form a lot suitable for commercial development or be merged with adjacent commercial land uses.

SECTION 5.0.0 - INSTITUTIONAL USES

Generally, institutional land uses are of two types: human development (education and religion) and public service (health and protection).

5.1.0 Policy

5.1.1 It is the policy of the Village to control the type and location of institutional land uses.

5.2.0 Proposals

5.2.1 It is proposed that any negative impacts of an institutional use be minimized upon lands within the appropriate zone or abutting zones by considering

- (a) the on-site effects of service volume, frequency use, loading and parking spaces and vehicle manoeuvring;
- (b) the off-site effects on present roadway and utilities capabilities; and
- (c) the minimization of odour, smoke, dust, noise, water contamination by the use of buffer strips, fences or tree lines.

5.2.2 It is proposed that the location of institutional uses be encouraged within the Central Area and in accordance with the conditions of re-zoning as specified by section 13.11.0.

SECTION 6.0.0 - RECREATIONAL FACILITIES AND PUBLIC OPEN SPACES

6.1.0 Policy

6.1.1 It is the policy of the Village to provide recreational facilities and public open spaces so as to

- (a) serve residents and visitors; and
- (b) conserve the aesthetic value of the community and its natural environment.

6.2.0 Proposals

6.2.1 It is proposed that recreational facilities and public open spaces be permitted throughout the Village, provided they are not in conflict with adjacent and nearby land uses.

6.2.2 It is proposed that the subdivision approval process, subject to the provisions the **Subdivision By-law**, consider for development upon the vacant land tracts the reservation of sufficient lands to create a buffer strip for public use along the eastern limit of Route 108 so as to form a continuous strip of land having a maximum width of 20 metres (65'7").

The intended use of such lands would be primarily as a tree buffer. Preceding this by-law, certain lots were re-zoned for commercial development and, as such, a continuous buffer may not be possible along the full extent of Route 108. Nevertheless, consideration of agreements with developers and landowners could result in a harmonious development.

According to the **Subdivision By-law**, as a condition for the approval of an applicable subdivision plan, land in the amount of 8 per cent of the total area of the proposed subdivision, exclusive of streets, may be set aside for public purposes.

6.2.3 It is proposed that on those vacant land sectors, being lots too small upon which to exclusively erect a dwelling or building and presently owned by the Village, be set aside for future public use as parks.

Two such sites are shown on Schedule B as lots zoned for recreational use. One is located east of the intersection of Main Street and Bridge Street and the other lies southwest of Wapski Street adjacent to the municipal limit. It is intended that these lots be reserved for future public use as parks or accesses to future walking trails along all or part of lands zoned Environmental Constraint. The lands so zoned are approximately 30 metres (98 feet) wide and lie along both banks of the Tobique River.

6.2.4 It is proposed that recreational facilities and public open spaces be developed in conjunction with section 9.0.0, titled AHeritage Buildings and Sites of Historical or Archeological Interest@.

SECTION 7.0.0 - RESOURCE USES

Only 8.9 hectares (22 acres), or 3%, of lands within the Village are zoned for resource use. Presently, these properties are generally forest covered and are not registered under the Farm Land Identification Program (*Regulation 84-75 - Real Property Tax Act*) or the *Agricultural Land Protection and Development Act*. Those lands zoned for resource use, that lie east of Main Street and now or formerly owned by Charles Anderson, are occupied by a single-detached dwelling and private roadways.

7.1.0 Policy

7.1.1 It is the policy of the Village to encourage natural resource land uses that maintain the integrity of the environment and allow for economic development.

7.2.0 Proposals

7.2.1 It is proposed that any negative impacts of agricultural and forestry, as well as pit and quarry, operations be minimized upon lands within abutting zones by considering

(a) the minimization of odour, smoke, dust, noise, vibration, visual disturbance and environmental contamination by the use of appropriate methods; and

(b) the appropriate use of times of operation and safety features.

7.2.2 It is proposed that a natural resource use that significantly disturbs the environment be accompanied by a rehabilitation program to reasonably restore lands for future use or development.

SECTION 8.0.0 - PROTECTION OF WATER SUPPLIES

As Plaster Rock's water supply originates outside municipal boundaries, concern should extend over the surrounding watershed area. Problems with underground water are usually caused by land use activities at the surface level. Underground water can be polluted by industrial or agricultural wastes, leaking septic tanks, waste disposal sites, as well as, chemical contamination from residential, commercial, and institutional operations.

Mixed development would best be serviced by public water supply and collection systems. Besides protecting water quality, such systems allow for the compact use of the vacant land tracts. Presently, most lots lying outside the Mixed Development Zone are serviced by these systems.

8.1.0 Policy

8.1.1 It is the policy of the Village to protect water quality by

(a) minimizing underground water contamination through controlled surface development; and

(b) protecting shoreland areas by requiring appropriate setbacks for water front development.

8.2.0 Proposals

8.2.1 It is proposed that residential and commercial development within the Mixed Development Zone be serviced by public water supply and collection systems.

8.2.2 It is proposed that the applicable water protection measures under the **Water Well Protection Regulation** and **Potable Water Regulation** of the **Clean Water Act** and the **Water Quality Regulation** of the **Clean Environment Act** be utilized.

8.2.3 It is proposed that water quality and flood protection be maintained by restricting development upon lands adjacent to watercourses, subject to the **Clean Water Act**.

SECTION 9.0.0 - HERITAGE BUILDINGS AND SITES OF HISTORICAL OR ARCHEOLOGICAL INTEREST

9.1.0 Policy

9.1.1 It is the policy of the Village to encourage the conservation and enhancement of those buildings and sites having special historic or archeological merit.

9.2.0 Proposals

9.2.1 It is proposed that the Village's historical highlights be identified.

9.2.2 It is proposed that all forms of development preserve those buildings and sites best depicting the following features:

- (a) a historically relevant architectural, cultural, social, political, economic or military feature; or
- (b) an association with a historically significant individual, event or institution.

9.2.3 It is proposed that the conservation and enhancement of those buildings and sites having special historic or archeological merit be done in conjunction with section 6.0.0, titled "Recreational Facilities and Public Open Spaces".

SECTION 10.0.0 - CONSERVATION OF THE PHYSICAL ENVIRONMENT

As shown on Schedule A, titled A Land Use Map@, Plaster Rock straddles the Tobique River. The various residential, commercial, institutional and recreational land uses are mainly located west of the river while those of an industrial nature occur on the east side. Generally, lands extending west of the Village and the Tobique River are farmed while lands to the east are forested. Within the Village, the lands drop, in places, some 45 metres (150 feet) to the west bank of the river. From atop the western range, one can see across the Tobique River and into a wilderness that extends to the horizon.

One of the lots referred to in section 23.1.1, known as Arbuckle Island and being 8.7 hectares (21 acres) in area, was once the Village=s sewage treatment plant and ceased operations in 1993.

10.1.0 Policy

10.1.1 It is the policy of the Village to protect the quality of people=s lives by controlling environmental pollution and maintaining the aesthetics of the natural surroundings.

10.2.0 Proposals

10.2.1 It is proposed that lands consisting of marshes, peat bogs or wetlands lying within the flood plain of the Tobique River, and including a strip of land 30 metres (98'5") wide extending back horizontally from the ordinary high water mark along both sides of the river, be designated for environmental constraint uses.

10.2.2 It is proposed that no development, construction or modification may significantly threaten the public health or safety or the quality of the environment through erosion, flooding, pollution or other such events and that all development, construction or modification is subject to the ***Watercourse Alteration Regulation - Clean Water Act*** and the ***Environmental Impact Assessment Regulation - Clean Environment Act***.

SECTION 11.0.0 - INDUSTRIAL USES

Of the total land zoned for industrial uses on Schedule B, titled AZoning Map@, 38.3 hectares (95 acres), or 85%, is owned by Nexfor Inc. as a pulp and paper mill. The remaining 6.8 hectares (17 acres), or 15%, are being used for light manufacturing or held as a vacant land sector.

11.1.0 Policy

11.1.1 It is the policy of the Village

(a) to encourage industrial operations so as to create local employment through the viable production of products and services; and

(b) to minimize negative impacts, due to location, spacing and operation, on adjacent land uses and the environment.

11.2.0 Proposals

11.2.1 It is proposed that industrial sites

(a) be adequately serviced by private or public water supply and collection systems so as to minimize negative impacts on surface or ground waters;

(b) be suitably located and designed so as to minimize traffic congestion along the public roadways providing direct access;

(c) provide sufficient areas on-site for the loading, manoeuvring and parking of vehicles so as to minimize negative impacts on surrounding land uses; and

(d) provide, where necessary, buffer strips, fences or tree lines, as well as, sufficient spatial separation and other devices so as to minimize any negative impacts of such items as odour, smoke, dust, noise, vibration and visual disturbance upon adjacent land uses and the environment.

PART C: ZONING PROVISIONS

SECTION 12.0.0 - DEFINITIONS

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

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

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

AACTIVE RECREATION AREA@ means leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites or fields.

"ADULT ENTERTAINMENT PLACE" means any premises or part thereof in which is provided services of which a principle feature or characteristic is the nudity or partial nudity of any person; or any premise or part thereof in which is provided goods, including books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape, compact disks and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principle feature or characteristics of which is the nudity or partial nudity of any person, or in respect of which the word Anude@, Anaked@, Atopless@, @bottomless@, @sexy@ or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; or any premises or part thereof in which is provided goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

"AGRICULTURAL OPERATION" means an agricultural use that is carried on for gain or reward or in the hope or expectation of gain or reward, and includes

- (a) the cultivation of land;
- (b) the raising of livestock, including poultry;
- (c) the raising of fur-bearing animals;
- (d) the production of agricultural field crops;
- (e) the production of fruit and vegetables and other specialty horticultural crops;
- (f) the production of eggs and milk;
- (g) the operation of agricultural machinery and equipment, including irrigation pumps; and
- (h) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes.

AAGRICULTURAL PRODUCE SALES OUTLET@ means a fruit, vegetable, flower or farm produce stand set up as an accessory use on a farm, used for the sale of produce from that same agricultural operation.

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

"ALTERATION", when it refers to a watercourse, means a temporary or permanent change made at, near or to a watercourse or to water flow in a watercourse and includes

- (a) any change made to existing structures in the watercourse including repairs, modifications or removal, whether the water flow in the watercourse is altered or not;
- (b) the operation of machinery on the bed of a watercourse other than at a recognized fording place;
- (c) any deposit or removal of sand, gravel, rock, topsoil or other material into or from a watercourse or within 30 metres (98'5") of the bank of a watercourse;
- (d) any disturbance of the ground within 30 metres (98'5") of the bank of a watercourse, except grazing by animals, the tilling, plowing, seeding and harrowing of land, the harvesting of vegetables, flowers, grains and ornamental shrubs and any other agricultural activity prescribed by regulation for the purposes of this paragraph, that occur more than 5 metres (16'5") from the bank of a watercourse;
- (e) any removal of vegetation from the bed or bank of a watercourse; and
- (f) any removal of trees within 30 metres (98'5") of the bank of a watercourse.

AARTISAN SHOP@ means a shop in which arts or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use.

"AMUSEMENT PLACE" means a building, room or area which is devoted to the offering of facilities for the play of any game of chance or any game of mixed chance and skill for the amusement of the public, but does not include billiard or pool tables, bowling alleys and bingo halls nor adult entertainment uses.

AAUTOMOTIVE BODY SHOP@ means a building or structure used for the painting or repairing of vehicle bodies or fenders, but shall not include a salvage yard.

AAUTOMOTIVE CAR WASH@ means a building or structure containing facilities for washing vehicles, either by production line methods and mechanical services or by a self-service operation.

AAUTOMOTIVE COMMERCIAL GARAGE@ means a building where all functions of an automobile service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the salvage of motor vehicles awaiting scrapping.

AAUTOMOTIVE GASOLINE BAR@ means one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres (108 square feet), excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing.

AAUTOMOTIVE SERVICE STATION@ means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

AAUTOMOTIVE SCRAPYARD@ means a building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, automobile parts or any other salvage object intended for resale or delivery to another person.

AAUTOMOTIVE STORE@ means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools and may include facilities for the repair or maintenance of such vehicles.

AAUTOMOTIVE VEHICLE SALES OR RENTAL ESTABLISHMENT@ means an establishment primarily engaged in the storage of vehicles for sale or the storage of vehicles for rent or lease and may include facilities for the repair or maintenance of such vehicles.

ABED AND BREAKFAST ESTABLISHMENT@ means an owner-occupied establishment in which there are rooms for rent as short-term accommodation, and may include the provision of breakfast to those persons residing temporarily at the establishment.

ABEVERAGE ROOM@ means a beverage room licensed under the *Liquor Control Act* and includes a tavern.

ABOARDING STABLE@ means a building, structure or premises used for the feeding, housing and exercising of horses for gain or profit.

ABUFFER STRIP@ means an area to be used only for the purpose of screening land, buildings or other structures by the planting and maintenance of trees or shrubs or the construction and maintenance of a berm or ledge, provided such berm or ledge is located outside an area susceptible to flooding, in order to protect the health, safety and well-being of occupants of dwellings upon adjacent lots.

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

ABUILDING, MAIN" means a building in which is conducted the main or principle use of the lot on which the building is located.

ACAMPGROUND@ means an area of land, managed as a unit, used or maintained for people who provide their own sleeping facilities such as tents and recreational vehicles for a short term stay. Accessory uses include an administrative office, clubhouse, snack bar, laundry, swimming pool, washrooms, showers and recreational facilities.

ACHURCH@ means a building commonly used for the public worship by any religious organization, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with, or accessory thereto.

ACOMMUNITY CENTRE@ means a building intended for public assembly or social and cultural activities.

ACOMPOSTING OPERATION@ means any composting activity upon real or personal property that releases or might release a contaminant into or upon the environment or any part of the environment and includes a danger of pollution. This type of activity is most often characterized by the importing of a contaminant onto a lot. A composting operation requires the approval of the Department of Environment in accordance with the ***Water Quality Regulation - Clean Environment Act***.

ACONVENIENCE STORE@ means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

ADAYCARE CENTRE@ means an establishment providing for the care, supervision and protection of children.

ADEPTH" means, in relation to a lot, the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

ADEVELOPMENT@ means a development as defined within the ***Community Planning Act***.

ADISTANCE@ means the shortest separation, measured on a horizontal plane, between a lot line or street line and the nearest part of a building or structure.

ADORMITORY@ means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used for living and sleeping, but not for cooking or eating purposes.

ADRAINAGE@ means the removal of surface or subsurface water by a channel, open ditch, tile drain, grassed waterway or conservation structure.

ADWELLING" means a main building, or a portion thereof, containing one or more dwelling units.

ADWELLING, DUPLEX@ means a dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance, either directly from the outside or from a common vestibule.

ADWELLING, MULTIPLE-UNIT" means a dwelling containing more than two dwelling units, such units being constructed adjointly with common walls on the same level or split by the floor on separated levels served by a common entrance or by individual entrances directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and appurtenant thereto.

ADWELLING, ROW@ means a dwelling of three or more dwelling units which are constructed in a horizontal row and divided vertically and each of which has a separate rear and front entrance.

ADWELLING, SEMI-DETACHED@ means a dwelling that is divided vertically into two dwelling units each of which has an independent entrance, either directly from the outside or from a common vestibule.

ADWELLING, SINGLE-DETACHED" means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated or manufactured single dwelling unit, including a mini home or modular home but not including a mobile home.

ADWELLING, TWO-UNIT@ means a duplex dwelling or a semi-detached dwelling.

ADWELLING UNIT" means a room, or a suite of two or more rooms, designed or intended for exclusive use by a household in which living quarters, including sleeping, cooking and sanitary facilities, are provided.

ADWELLING UNIT, SECONDARY@ means a dwelling unit as a secondary use.

AEATING ESTABLISHMENT@ means an establishment where for compensation, either directly or indirectly, food is cooked, prepared or served for consumption on the premises or elsewhere, but does not include a mobile canteen, institutional food-service establishment, catering kitchen, bakery, vending machine, seasonal food-service establishment or a household in which boarders are kept under a private arrangement.

AEATING ESTABLISHMENT, DRIVE-IN@ means a premises consisting of a building or structure, together with a parking lot, from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere on the premises, but not necessarily within such building or structure.

AEATING ESTABLISHMENT, FULL-SERVICE@ means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

AEATING ESTABLISHMENT, TAKE-OUT@ means a building or structure used for the sale of food to the public and from which food is made available to the customer from within the building. No provision is made for consumption of the food within the customer=s car, within the building or elsewhere on the site.

AENTERTAINMENT PLACE" means an athletic, recreational or social club operated for gain or profit, as well as an auditorium, motion picture or other theatre, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, dance hall, or bingo hall and all other similar places open to the public, but does not include adult entertainment uses.

AERECT" means to construct, build, assemble or relocate a building or structure, as well as any physical operations preparatory thereto.

AFACTORY OUTLET@ means a building or part of a building, as a secondary use to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale.

AFLOOR AREA" means the total usable floor space contained within a building but not including garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

AFLOOR AREA, GROUND@ means the floor space of a building at the ground level.

AFORESTRY OPERATION@ means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products as well as the portable milling and sawing of wood.

AGARDEN CENTRE@ means the use of land, buildings or structures or part thereof for the purpose of buying or selling plants, and lawn and garden equipment, furnishings and supplies.

AGARDEN SUITE@ means a temporary accessory building, including a mobile home, on a lot otherwise occupied by a single-detached dwelling, and is intended for the sole occupancy of the following persons:

- (a) the parent, grandparent, son or daughter of a household member; and
- (b) the spouse and any dependent of the parent, grandparent, son or daughter.

AGENERAL SERVICE SHOP@ means a building or part of a building used for the servicing or repairing of articles, goods or materials, and in which no product is manufactured and includes radio, television, computers and appliance repair shops, but does not include any automobile uses.

AGRADE" means the finished level of the ground at the exterior walls of a building or structure.

AGROSS SURFACE AREA@ means the total area occupied by a specified object comprising the sum of the area for each of its components used in providing a service or function.

AGROUP HOME@ means a residence for the accommodation of up to ten persons, exclusive of staff, living under supervision and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being. A group home does not include a special care home or special care facility as defined elsewhere within this section.

AHEIGHT" means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure.

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

AHOME OCCUPATION" means a secondary use conducted in a dwelling unit, or an accessory building, for gain or support which is compatible with a household, and which is carried on by at least one member of the household residing in that dwelling unit.

AHOTEL@ means a tourist establishment that consists of a building containing three or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals.

AINFILL DEVELOPMENT@ means a development or redevelopment occurring on a lot devoid of building, structure or use adjacent to lots that are occupied by a building, structure or use.

AKENNEL@ means any premises on which animals are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale, and does not include a veterinary clinic.

ALANDSCAPING@ means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) Asoft landscaping@ consisting of vegetation such as trees, shrubs, hedges and grass;
- (b) Ahard landscaping@ consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; or
- (c) Aarchitectural elements@ consisting of walls, sculpture and the like.

ALAUNDROMAT@ means a building or structure where the services of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning, including a self-service laundry cleaning machine.

ALOGGING HAULER@ means an area of land or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment belonging to the logging contractor.

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

"**LOT, CORNER**" means a lot having two or more adjacent sides fronting on two or more intersecting roadways.

"**LOT, INTERIOR**" means a lot other than a corner lot.

"**LOT LINE**" means a common boundary between a lot and an abutting lot or roadway.

"**LOT LINE, FRONT**" means a lot line dividing the lot from an abutting roadway.

"**LOT LINE, REAR**" means a lot line extending along the rear of the lot.

"**LOT LINE, SIDE**" means a lot line extending from a roadway to the rear of the lot.

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

@MANUFACTURING PLANT@ means a building or structure in which a product is fabricated and from which such product is shipped to a wholesale or retail outlet.

@MANUFACTURING PLANT, LIGHT@ means a building or structure in which component parts are manufactured, assembled or processed to produce finished products suitable for the retail trade but does not include an industry involving stamping presses, furnaces or other machinery that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property.

AMEDICAL CLINIC@ means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff and their patients for the purpose of consultation, diagnosis and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

AMINI HOME" or AMODULAR HOME@ means a main building that is designed to be used with a permanent foundation as a dwelling for humans, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported in components by means of a flat-bed float trailer from the site of its construction without significant alteration.

AMOBILE HOME" means a dwelling unit that is so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that it is jacked up or its running equipment removed.

AMOBILE HOME PARK" means a parcel of land, not in a provincial park,

- (a) intended as the location for two or more mobile homes, or
- (b) upon which two or more mobile homes are located.

AMOBILE HOME SITE" means a parcel of land, not in a provincial park or mobile home park,

- (a) intended as the location for one mobile home, or
- (b) upon which one mobile home is located.

AMOTEL@ means a tourist establishment that consists of one or more buildings containing one or more dwelling units accessible from the exterior, only designed to accommodate the travelling public and may have facilities for serving meals.

APARK@ or APLAYGROUND" means lands so designated, available to the public, requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other development that minimally disturbs the natural environment.

APERSONAL SERVICE SHOP@ means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments and workrooms for shoe repair and shoe shining, bakery shops and photographic studies.

APIT@ means a disturbance of the ground or an excavation for the purposes of removing a quarriable substance without the use of explosives.

APUBLIC UTILITY" means a service provided by any agency which, under franchise or ownership or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

AQUARRY@ means a disturbance of the ground or an excavation for the purpose of removing a quarriable substance with the use of explosives.

AQUARRIABLE SUBSTANCE@ means sand, gravel, clay, soil, ordinary stone, building or construction stone, rock other than metallic ores, and any other quarriable substance designed by the Province, but shall not include topsoil.

AREDEMPTION WASTE DISPOSAL SITE@ means a lot and premises approved by the Department of Environment where scrap or used materials are handled, dismantled, refurbished or temporarily stored for resale or further disposal, and scrap or used materials include waste paper, rags, wood, bottles, glass and metal.

AROADWAY@ means a road, street or highway as defined within the *Highway Act*.

ASALVAGE YARD@ means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another location. Salvage includes second-hand, used, discarded or surplus metals, bottles or goods, unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts of a motor vehicle, and articles of every description.

ASIGN" means any identification, description, illustration or information device, illuminated or non-illuminated, which provides information as to product, place, activity, person, institution or business and is displayed on the exterior of a building or on a property.

ASIGN, BILLBOARD@ means a large sign independently and permanently fixed to the ground or entirely attached to and supported by a main wall of a building, which is not related to any business or use located on the lot so occupied.

ASIGN, FIXED@ means a sign that is either independently and permanently fixed to the ground or entirely attached to and supported by a main wall of a building, which is related to any business or use located on the lot so occupied.

ASIGN, FREESTANDING@ means a sign independently and permanently fixed to the ground, which is related to any business or use located on the lot so occupied.

ASIGN, PORTABLE@ means a sign independently self-standing and mobile, which is related to any business or use located on the lot so occupied.

ASIGN, PROJECTING@ means a sign which is wholly or partially dependent upon a building or structure for support and which projects beyond such building or structure, which is related to any business or use located on the lot so occupied.

ASPECIAL CARE FACILITY@ means a building used for the purposes of providing special and individualized care to children or to elderly or disabled persons.

ASPECIAL CARE HOME@ means a dwelling used for the purposes of providing special and individualized care to children or to elderly or disabled persons provided the number of intended users does not exceed ten, but does not include dwelling units providing special and individualized care to individuals with chronic medical conditions.

ASTORAGE DEPOT, MINI@ means one or more buildings containing separate spaces of varying sizes that are offered by lease or rent for the storage of chattels.

ASTORAGE DEPOT, VEHICLE" means one or more buildings containing separate spaces of varying sizes that are offered by lease or rent for the storage of motor vehicles, recreational vehicles or agricultural or forestry operation vehicles.

ASTOREY" means

(a) that portion of a building between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it; or

(b) a basement or cellar, if the average vertical distance from grade to the ceiling thereof is over 1.5 metres (4'11") or such basement or cellar is used for business or for dwelling purposes by other than a caretaker (whether including caretaker's family or not).

ASTREET LINE" means the limit of a road, street or highway and is the dividing line between a lot and an abutting road, street or highway.

ASTRUCTURE" means anything constructed or erected with a fixed location on or below the ground surface other than

- (a) a building;
- (b) a power or telephone pole or lines;
- (c) a sign; or
- (d) a fence or other form of restriction or lot line demarcation.

ASWIMMING POOL" means a tank or other structure, artificially created, at least in part, located outdoors year round although used seasonally, intended to contain water for the purpose of swimming or diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

ATOPSOIL@ means Atopsoil@ as defined within *General Regulation 95-66 - Topsoil Preservation Act*.

ATOPSOIL REMOVAL@ means the removal of topsoil for the purposes of the sale or commercial use of the material excavated.

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

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

AUSE, MAIN@ means the permitted primary purpose for which a lot, building or structure is designed, arranged or intended, or for which may be used, occupied or maintained.

AUSE, SECONDARY@ means a use, other than a main or accessory use, permitted in a building.

AVETERINARY CLINIC@ means an establishment used by veterinarians, or practitioners in related specialities, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and less than twenty animals are lodged or kept over night. Limited laboratory and other diagnostic services may be offered on an outpatient basis.

AWATERCOURSE" 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.

AWATERSHED" means the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.

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

AWIDTH" means, in relation to a lot

(a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines; or

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

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

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

AYARD, REAR" means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a rear lot line.

AYARD, SIDE" means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the building, structure or use on a lot.

SECTION 13.0.0 - ADMINISTRATION

13.1.0 Purpose

13.1.1 The purpose of Part C is

- (a) to divide the Village into zones;
- (b) to prescribe
 - (i) the use of lots, buildings and structures in any zone, and
 - (ii) standards to which lot use and the placement, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit
 - (i) lot use, and
 - (ii) use, placement, erection or alteration of buildings or structures,

other than in conformity with the uses and standards mentioned in paragraph (b).

13.2.0 General

13.2.1 Section 13.3.0 outlines the duties of Council, the Planning Advisory Committee, the Development Officer and the Building Inspector in the handling of proposed developments. These descriptions are based on provisions of the ***Community Planning Act***, the ***Municipalities Act*** and regulations made thereunder.

13.2.2 In addition to this by-law, all developments are subject to the **Building By-law** and may be subject to the **Subdivision By-law**.

13.2.3 The Planning Advisory Committee, as used herein, is the Advisory Committee referred to within the ***Community Planning Act***.

13.3.0 Duties of the Development Officer

13.3.1 No person shall undertake a development and no building permit or development and building permit shall be issued for such development unless the Development Officer approves such development, where it applies to the lot on which the development is located as conforming with this by-law.

13.3.2 Any person, whose proposed development has been turned down by the Development Officer, may request

- (a) an approval of the Planning Advisory Committee, in accordance with section 13.5.0; or
- (b) a re-zoning or other amendment to this by-law of Council.

13.4.0 Duties of the Building Inspector

13.4.1 The duties of the Building Inspector, in issuing building permits to persons who wish to undertake or continue the building, locating or relocating, demolishing, altering or replacing of buildings or structures, are as specified in the **Building By-law**.

13.4.2 The Development Officer=s approval of a development, other than for those specified in section 13.4.1, is required before the Building Inspector can issue a building permit.

13.5.0 Duties of the Planning Advisory Committee

13.5.1 The Planning Advisory Committee, under a zoning provision so requiring, may

- (a) impose terms and conditions upon the use of a lot, building or structure, subject to section 13.5.2; or
- (b) prohibit a proposed use where compliance with terms and conditions so imposed cannot reasonably be expected.

13.5.2 The terms and conditions imposed under section 13.5.1 shall be limited to those considered necessary by the Planning Advisory Committee to protect

- (a) properties within the zone or abutting zones; or
- (b) the health, safety and general welfare of the public.

13.5.3 The Planning Advisory Committee may permit, subject to such terms and conditions as it considers fit, in accordance with section 13.5.1,

(a) a proposed use of lot, building or structure that is otherwise not permitted under this by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in this by-law for the zone in which the lot, building or structure is situated; or

(b) such reasonable variance from the zoning provisions of this by-law or from the requirements of the **Subdivision By-law** as, in its opinion, is desirable for the development of a lot or a building or structure and is in accordance with the general intent of the by-law and statements therein affecting such development.

13.5.4 Where requested to permit a proposed use of a lot, building or structure under sections 13.5.1 or 13.5.3, the Planning Advisory Committee

(a) may give notice to landowners in the neighbourhood of the lot being considered describing

(i) the present lot and uses thereon,

(ii) the use proposed or the approval requested, and

(iii) the right to make representation on the use proposed within a specified time limit.

13.5.5 No building or structure may be erected on any lot where it would otherwise be permitted under this by-law when, in the opinion of the Planning Advisory Committee,

(a) the lot is

(i) marshy,

(ii) subject to flooding,

(iii) excessively steep, or

(iv) otherwise unsuitable by virtue of its soil or topography;

(b) satisfactory arrangements have not been made for the supply of public utilities such as:

(i) drainage, including storm sewers,

- (ii) electric power,
- (iii) sanitary sewage disposal and treatment, or
- (iv) water supply and storage; or
- (c) satisfactory arrangements have not been made for access to roads, streets or highways.

13.5.6 The Planning Advisory Committee 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) at the end of the authorized period.

13.5.7 The Planning Advisory Committee will handle non-conforming uses as specified under section 13.9.2 of this by-law and section 40(4) of the **Community Planning Act**.

13.5.8 The assent of Council on the subdivision of land, subject to the **Subdivision By-law**, shall not be given until the Planning Advisory Committee has made recommendations to Council on the following:

- (a) the approval of an access, other than a street owned by the Crown or the Village, as being advisable for the development of land;
- (b) the names of streets; and
- (c) the location of streets or lands for public purposes.

13.5.9 The Planning Advisory Committee may give its views to Council on any re-zoning or other amendment to this by-law, whether or not such views have been requested in accordance with section 66 of the **Community Planning Act**.

13.5.10 Prior to giving its view to Council under section 13.5.9, the Planning Advisory Committee may carry out such investigation as it deems necessary.

13.5.11 The Planning Advisory Committee may advise and make recommendations to Council on any matter relating to community planning.

13.6.0 Duties of Council

13.6.1 A person who requests a re-zoning or other amendment to this by-law shall

- (a) address a written and signed application to Council; and
- (b) enclose a fee of \$400 payable to Council.

13.6.2 Council may, if it deems fit, return all or any part of the fee mentioned in section 13.6.1.

13.6.3 An application shall include such information as may be required by Council or the Planning Advisory Committee.

13.6.4 The following items, with respect to Council, are covered by the appropriate sections of the ***Community Planning Act***:

- (a) methods for handling the application;
- (b) involvement of the Planning Advisory Committee; and
- (c) involvement of the public.

13.6.5 Upon re-zoning, the carrying out of a specific proposal may be subject to terms and conditions as imposed by Council.

13.6.6 When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, 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.

13.7.0 Classification

13.7.1 For the purposes of this by-law, the Village is divided into zones as delineated on Schedule B, titled "Zoning Map".

13.7.2 The zones mentioned in section 13.7.1 are classified and referred to as follows:

<u>Zone</u>	<u>Symbol</u>
Single-Detached and Two-Unit Residential	R1
Multiple-Unit Residential	R2
Mobile Home Park Residential	R3
Commercial	C
Institutional	Inst
Industrial	I
Recreational	Rec
Resource Use	RU
Environmental Constraint	EC
Roadways and Utilities	U
Mixed Development	MD

13.7.3 Collectively, R1, R2 and R3 zones are referred to as R zones.

13.8.0 Conforming Use

13.8.1 In any zone, all land on a lot shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the part of this by-law pertaining to such zone.

13.9.0 Non-Conforming Use

13.9.1 The enactment of this by-law repeals the by-laws listed under section 1.3.0 and, subsequently,

- (a) may cause an existing use to become non-conforming; and
- (b) does not change the date on which a use becomes non-conforming.

13.9.2 A non-conforming use may continue notwithstanding this by-law, but if such use is discontinued for a consecutive period of 10 months, or such further period as the Planning Advisory Committee considers fit, it shall not be recommenced and any further use of a lot, building or structure shall conform with this by-law.

13.9.3 In addition to sections 13.9.1 and 13.9.2, the remaining provisions of sections 40 and 41 of the **Community Planning Act** herein apply.

13.10.0 Interpretation

13.10.1 Land Use Map

All present land uses have been categorized in a manner similar to that used for zoning and are shown for the Village of Plaster Rock upon Schedule A, titled A Land Use Map@.

13.10.2 Zoning Map

The policies contained within this by-law affect future land use and development and are carried out through zoning.

All zones referred to in this by-law are shown for the Village of Plaster Rock upon Schedule B, titled "Zoning Map".

Most zone boundaries follow the lot lines as shown on Schedule B. However, some boundaries divide a lot into two or more zones.

The ground location of a lot line shall prevail should

- (a) any discrepancy exist between the location according to Schedule B and as determined on-site; or
- (b) a Service New Brunswick property map, more recent than those used to prepare Schedule B, indicate that a lot line has been repositioned due to the discovery of a cartographic error or the settlement of a boundary dispute.

However, the ground location of a lot line shall not prevail should, for any reason, a lot be

- (a) subdivided and a subdivided portion become part of the adjacent lot or become the property of the owner of the adjacent lot; or
- (b) amalgamated with an adjacent lot.

13.11.0 Re-zoning

13.11.1 Any land use proposal not specified within the applicable zoning provision of this by-law is subject to approval relative to the appropriate policy and proposals of this by-law and in accordance with section 39 of the **Community Planning Act**.

SECTION 14.0.0 - GENERAL PROVISIONS

14.1.0 Bed and Breakfast Establishment

14.1.1 A bed and breakfast may be conducted in a single-detached dwelling as a secondary use, provided that

- (a) not more than 10 rooms are available for rent to overnight guests;
- (b) meals for commercial gain are only to be served to overnight guests;
- (c) there shall be no external display or advertising other than a sign to indicate to persons outside that part of the dwelling is being used as a bed and breakfast establishment and such signs shall not exceed 0.5 square metres (5 square feet);
- (d) it satisfies the applicable provisions of sections 15.0.0 and 16.0.0; and
- (e) it satisfies the terms and conditions as imposed by the Planning Advisory Committee, in accordance with section 13.5.0, and licensed under the applicable provincial legislation.

14.2.0 Buffer Strip, Fence or Tree Line Requirements

14.2.1 Section 14.2.0 applies to the use of any lot, building or structure subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

14.2.2 A buffer strip shall be either a hedge row or an earth embankment.

14.2.3 A hedge row consists of a continuous line of deciduous or coniferous trees or shrubs, being not less than 1.5 metres (4'11") high, having a minimum width of 1 metre (3'3") and lying adjacent to or upon the lot line of an adjoining lot.

14.2.4 An earth embankment shall

- (a) be located adjacent to the lot line of an adjoining lot;
- (b) have a minimum height of 2 metres (6'7") above the undisturbed surface of an adjoining street line or property line;
- (c) have a maximum side slope gradient of the ratio 1:3;

- (d) have a vegetated cover; and
- (e) not contribute to drainage problems either on the lot occupied or on an adjoining lot.

14.2.5 A fence shall be constructed and maintained in accordance with section 14.6.0.

14.2.6 A tree line shall be located in a similar manner as for fences and walls as described in section 14.6.3.

14.2.7 A buffer strip, fence or tree line shall be maintained by the owner or owners of the lot or lots on which they are located.

14.3.0 Building and Structure Projections

14.3.1 The requirements of section 15.4.0, with respect to placing, erecting or altering a building or structure in relation to a lot line or street line, apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of

- (a) 15 centimetres (0'6") for sills, leaders, belt courses or similar ornamental features;
- (b) 45 centimetres (1'6") for chimneys, smoke stacks or flues;
- (c) 60 centimetres (2'0") for cornices or eaves;
- (d) 1 metre (3'3") for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or
- (e) subject to section 14.3.2,
 - (i) 1.25 metres (4'1") for steps or unenclosed porches, or
 - (ii) 2 metres (6'7") for balconies of upper storeys of multiple-unit dwellings which are not enclosed above a normal height.

14.3.2 Projections mentioned in section 14.3.1(e) may not extend into a required yard to a greater extent than one-half the required width of the yard.

14.4.0 Daycare Centre, Group Home and Special Care Home

14.4.1 A daycare centre, group home or special care home is a permitted use subject to the applicable provisions of sections 15.0.0 and 16.0.0 and to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0, and to licensing under the applicable provincial legislation.

14.5.0 Enclosures for Swimming Pools

14.5.1 A swimming pool must be enclosed by a fence, a wall or a wall of a building or structure, or by a combination of walls and fences, at least 1.6 metres (5'3") in height and meeting the remaining requirements of section 14.5.0.

14.5.2 Where a portion of a wall of a building forms part of an enclosure mentioned in section 14.5.1,

- (a) no main or service entrance to the building shall be located therein; and
- (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.6 metres (5'3") above the bottom of the door.

14.5.3 An enclosure mentioned in section 14.5.1 shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

14.5.4 A fence mentioned in section 14.5.1 shall

- (a) be made of chain link construction with galvanized, vinyl or other Canadian Standards Association (CSA) approved coating or of wood or of other materials, in the manner prescribed by section 14.5.5;
- (b) not be electrified or incorporate barbed wire or other dangerous material; and
- (c) be located at least
 - (i) 1.25 metres (4'1") from the edge of the swimming pool, and
 - (ii) 1.25 metres (4'1") from any condition that would facilitate its being climbed from the outside.

- 14.5.5 The design and construction of a fence under this section shall provide
- (a) in the case of chain link construction,
 - (i) no greater than a 4-centimetre (0'2") diamond mesh,
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge wire with a coating forming a total thickness equivalent to No. 12 gauge wire, and
 - (iii) at least 4-centimetre (0'2") diameter steel posts, set below frost in an envelope of concrete and spaced not more than 3 metres (9'10") apart, with a top horizontal steel rail of at least a 4-centimetre (0'2") diameter;
 - (b) in the case of wood construction,
 - (i) vertical boarding, not less than 2.5 centimetres (0'1") by 10 centimetres (0'4") nominal dimensions spaced not more than 4 centimetres (0'2") apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
 - (ii) supporting cedar posts at least 20 centimetres (0'8") square or round with 10-centimetre (0'4") diameters, set below frost and spaced not more than 2.5 metres (8'2") apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least a width of 5 centimetres (0'2") and a height of 15 centimetres (0'6"); and
 - (c) in the case of construction with materials and in a manner other than described in this section, rigidity equal to the design and construction prescribed herein.

- 14.5.6 Gates forming part of an enclosure mentioned in section 14.5.1 shall
- (a) be equivalent to the fence in content, manner of construction and height;
 - (b) be supported on hinges equal in rigidity to the fence; and
 - (c) be self-closing and equipped with a self-latching device at least 1.6 metres (5'3") above the bottom of the gate.

14.6.0 Fences and Walls

14.6.1 Unless otherwise specified, no fence or wall shall exceed 2 metres (6'7") in height.

14.6.2 Fences and walls shall be well maintained and kept in proper repair.

14.6.3 Fences and walls, erected for the purpose of demarcating a lot line, shall be located:

(a) on or parallel to the common boundary of adjoining parcels upon agreement by owners as to location and to responsibilities for construction and maintenance; or

(b) offset from the common boundary of adjoining parcels and totally upon the parcel of the owner wishing to assume all of the responsibilities for construction and maintenance and to avoid trespass upon the adjoining parcels in so carrying out these responsibilities.

14.7.0 Garden Suite

14.7.1 A garden suite may be an accessory building, structure or use to a single-detached dwelling, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0.

14.7.2 A garden suite shall

(a) have a gross floor area less than 75 square metres (807 square feet);

(b) be no closer to the street line than the main dwelling;

(c) comply with all setback and yard requirements of section 15.0.0;

(d) share access and water and sewer systems with the main dwelling;

(e) be constructed, erected or placed in such a manner as to be easily removed from the lot; and

(f) be removed from the lot within 6 months of being vacated.

14.7.3 The use of a mobile home as a garden suite shall be in accordance with the appropriate provisions of section 11(2) and 11(3) of the ***Provincial Mobile Home Parks and Sites Regulation - Community Planning Act***, allowing for the substitution of Amobile home site@ with Agarden suite@.

14.8.0 Heritage and Archeological Value

14.8.1 The Heritage Branch of the Department of Municipalities and Housing must approve any proposed development or project where construction or demolition may have foreseeable impact on a building or site designated under the *Historic Sites Protection Act*.

14.9.0 Home Occupations

14.9.1 A home occupation may be conducted in a single-detached or semi-detached dwelling, provided that

- (a) there shall be no external display or advertising other than a sign to indicate to persons outside that a part of the dwelling unit or lot is being used for a purpose other than residential and such signs shall not exceed a maximum size of 0.5 square metre (5 square feet) in gross surface area;
- (b) not more than 33% of the dwelling area shall be used for the purpose of a home occupation;
- (c) the home occupation shall be clearly a secondary use to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation;
- (d) there shall be no external storage of goods, materials, equipment or supplies associated with the home occupation other than a sign under paragraph (a);
- (e) the use shall not generate significant additional vehicular traffic beyond that normal to the neighbourhood in which it is located;
- (f) no equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes or odour detrimental to the health, safety and general welfare of persons residing in the neighbourhood; and
- (g) no goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are
 - (i) incidental to the home occupation,
 - (ii) arts and crafts produced on the premises, or

(iii) sample articles not for direct purchase.

14.9.2 In accordance with section 14.9.1, the following are examples of a home occupation:

(a) a doctor, dentist, architect, artist, designer, accountant, insurance salesperson, lawyer, professional engineer or other similar profession subject to approval by the Planning Advisory Committee in accordance with section 13.5.3;

(b) the teaching of music or dancing, a television repair service, a small appliance repair service or the operation of a beauty shop or barber shop or other similar business subject to approval by the Planning Advisory Committee in accordance with section 13.5.3; or

(c) an artisan shop.

14.10.0 Infill Development

14.10.1 Notwithstanding the appropriate sections of this by-law, where a building is to be erected in any zone as an infill development, such building may be erected closer to the street line than required by the applicable zone, but not exceeding the average setback of at least three existing buildings on any one side of the lot to be infilled.

14.11.0 Installation of Water Well and Sewage Disposal Systems

14.11.1 The construction, modification and operation of a domestic water well system is subject to the ***Water Well Regulation - Clean Water Act***. A waterworks using 50 cubic metres (approximately 11,000 gallons) or more of water per day requires approval by the Department of Environment subject to the ***Water Quality Regulation - Clean Environment Act***.

14.11.2 No dwelling may be placed, erected or altered, and no building or structure may be altered to become a dwelling, on a lot unless the lot and the plans for installation of the septic tank and disposal field meet the requirements of regulations issued under the ***Health Act*** and administrated by the Department of Health and Community Services.

14.12.0 Landfill

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

(a) toxic or radioactive materials;

(b) industrial or domestic waste;

- (c) scrap iron;
- (d) construction residues, except in accordance with section 14.19.2; or
- (e) material likely to harm a watercourse or the water table.

14.12.2 No landfill shall be placed within 30 metres (approximately 100') of the banks or shores of any watercourse, lake or marsh.

14.13.0 Loading Space Requirements

14.13.1 Uses where Loading Spaces are required

No person shall, in any zone, erect or use any permitted building or structure for manufacturing, storage, warehouse, convenience store, retail store, building supply store, furniture showroom, hotel or other permitted uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same lot off-street space for standing, loading and unloading.

14.13.2 Dimensions of Loading Spaces

Every required loading space shall have minimum rectangular dimensions of 3.5 metres (11'6") by 9 metres (29'6") with a minimum height clearance of 4 metres (13'1").

14.13.3 Minimum Number of Loading Spaces

The provisions of this section shall not apply to buildings having a total floor area less than 300 square metres (3,229 square feet). For all other buildings there shall be one loading space for each 1,500 square metres (16,146 square feet) of total floor area or part thereof, above the 300 square metre (3,229 square foot) threshold.

14.13.4 Surface of Loading Spaces and Approaches

The loading space and approaches shall be surfaced with concrete, asphalt, crushed stone, crushed gravel or a combination thereof over a stable base.

14.14.0 Number of Main Buildings or Structures on a Lot and the Subdivision of Lands

14.14.1 No more than one main building or structure may be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot, except for the addition of one garden suite on an applicable residential lot.

14.14.2 Any development involving the placement or erection of a second main building or structure on a lot already occupied by a main building or structure to carry out a second main use permitted by zoning or re-zoning, shall require the subdivision of the said lot, in accordance with the **Subdivision By-law**, prior to construction and operation.

14.14.3 The subdivision of lands and the design and naming of streets, so resulting, are subject to the **Subdivision By-law**.

14.14.4 In accordance with section 27.2(8) of the **Community Planning Act**, where a conflict results between a provision of this by-law and a provision of the **Subdivision By-law**, this by-law prevails.

14.15.0 Outside Storage

14.15.1 With the exception of outside storage on a lot zoned for industrial use, no equipment, vehicle, miscellaneous parts or aggregate or scrap of any kind may be stored outside buildings or structures, unless

- (a) it is not visible from the street;
- (b) it is located in the back yard or side yards of the main building or, where there is no main building, at least 30 metres (98'5") from the street line; and
- (c) the back or side yards are enclosed by a fence of a height of at least 2 metres (6'7") and no more than 2.5 metres (8'2").

14.15.2 Notwithstanding section 14.15.1, recreational vehicles and boats may be stored on a lot if there is no practical way of conforming with the provisions of section 14.15.1, but subject to the following conditions:

- (a) seasonal storage; or
- (b) prolonged storage of up to 2 years, upon approval by the Planning Advisory Committee in accordance with section 13.5.0.

14.15.3 No storage of sand, gravel or similar material is permitted outside an enclosed structure, except on lots where an aggregate site or an industrial use is permitted.

14.16.0 Parking Requirements

14.16.1 Number of Spaces

In all zones, the owner of a building erected, enlarged or changed in use after the adoption of the by-law shall provide and maintain off-street parking on the same lands as the building is located and in accordance with the following:

<u>TYPE OF USE</u>	<u>MINIMUM PARKING REQUIREMENTS</u>
Bank or Trust Company square feet) of total floor area	6 spaces per 100 square metres (1,076
Bed and Breakfast Establishment	1 space per dwelling unit and 1 space per rented room
Beverage Room	1 space per 4 seats design capacity
Campground 1.25 spaces per campsite	
Church, Club, Lodge or place of public assembly	the greater of 1 space per 6 fixed seats or per 2.5 metres (8'2") of bench space
Clinic or Veterinary Clinic practitioners, 4 spaces per additional practitioner	6 spaces per practitioner for the first 5
Daycare Centre specified for a single-detached dwelling plus 1 space per staff member	1 space per 10 attendees in addition to those
Dwelling, Single-Detached or Semi-Detached	1 space per dwelling unit
Dwelling, Multiple-Unit	1.5 spaces per dwelling unit
Eating Establishment	1 space per 4 seats design capacity
Entertainment Place	1 space per 4 seats design capacity

Garden Suite 1 space in addition to that required of a single-detached dwelling

Group Home, Special Care Facility or Special Care Home 1 space per 2 persons plus 1 space per staff member

Home Occupation 2 spaces in addition to those specified for a single-detached or semi-detached dwelling

Hotel or Motel 1 space per dwelling unit plus 1 space per 10 square metres (108 square feet) of public use area

Industrial Establishment 1 space per 100 square metres (1,097 square feet) of total floor area

Office (business/professional) 3.5 spaces per 100 square metres (1,097 square feet) of total floor area

Retail, including Convenience Store and Personal Service Shop 5.4 spaces per 100 square metres (1,097 square feet) of total floor area

School the greater of 1.5 spaces per classroom, 1 space per 3 square metres (32 square feet) of floor area in the gymnasium or 1 space per 3 square metres (32 square feet) of floor area in the auditorium

Other Uses 1 space per 30 square metres (323 square feet) of total floor area

14.16.2 Physically Handicapped Parking

The spaces required for the exclusive use by physically handicapped persons shall

(a) consist of at least 1 of the 5 to 10 parking spaces required for all uses under section 14.16.1 plus 1 additional space for each additional 25 parking spaces that are required thereunder;

(b) be of a minimum length of 5.5 metres (18=1@) and a minimum width of 4.5 metres (14=9@);

- (c) be designated as such by a sign or other marking; and
- (d) be located to provide the most convenient access to the use.

14.16.3 Calculation of Spaces

If the calculation of the required parking spaces results in a fraction, the required parking spaces shall round up to the next whole number.

14.16.4 General Provisions

A parking area shall

- (a) consist of off-street parking spaces having a minimum length of 5.5 metres (18=1 @) and minimum width of 2.75 metres (9=0 @), except for physically handicapped parking spaces as specified under section 14.16.2;
- (b) be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof over a stable base;
- (c) be readily accessible from a public street; and
- (d) be located on the same lot as the main use.

14.16.5 Specific Provisions

Where a parking area for more than 4 vehicles is required, a parking area shall

- (a) not be used for ongoing automotive repair work or servicing;
- (b) if uncovered, notwithstanding the yard and setback provisions of this by-law, be permitted in the area of a lot between the street line and the required setback for a main building or structure, provided no part of it is located closer than 1 metre (3'3") to any street line;
- (c) if illuminated, have light sources so arranged as to divert the light away from streets, adjacent lots and buildings;
- (d) if operated by an attendant, have a structure not exceeding 4.5 metres (14=9 @) in height and 5 square metres (54 square feet) in area;
- (e) have driveways defined by a curb or curbing;

- (f) have driveways located no closer than 15 metres (49=3@) from the right-of-way limits of a street intersection;
- (g) have no more than 2 entrance and exit ramps as driveways, each having a maximum width of 7.5 metres (24=7@) along the street line;
- (h) for an entrance or exit ramp and an internal service aisle, a minimum width of 3 metres (9=10@) for one-way traffic and a minimum width of 6 metres (19=8@) for two-way traffic;
- (i) be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lots; and
- (j) be designed so that parked vehicles do not block others from exiting.

14.17.0 Secondary Dwelling Unit

14.17.1 A secondary dwelling is a secondary use to single-detached, duplex or semi-detached dwellings and shall

- (a) have a separate washroom or bathroom and kitchen facilities from those of the main use;
- (b) have off-street parking in accordance with section 14.16.0;
- (c) have a separate entrance from that of the main use; and
- (d) be located within the main building except where the main building contains an automotive body shop, an automotive service station or an automotive commercial garage.

14.18.0 Signs

14.18.1 General Requirements

Signs shall

- (a) not be placed in such a manner so as to inhibit the safe movement of traffic nor to impede the motion of pedestrians;
- (b) not have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as or tend to hide from view any traffic control device;

- (c) not be an imitation of a traffic control device or contain the words Astop@, Ago@, Alook@, Adanger@, Ayield@ or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road;
- (d) not be located at or near a sharp road curve or below the crest of a hill;
- (e) not obstruct free ingress to or egress from a fire escape door, window or other required exit;
- (f) not be painted upon or cover a roof;
- (g) not be painted on a tree, stone, cliff or other natural object;
- (h) not incorporate a searchlight, stringlight, spinner or streamer except for occasions such as grand openings, fairs and public festivals, or used as temporary holiday decorations for a period exceeding 30 days;
- (i) if illuminated, be shielded and focussed to light up, in a continuous and non-flashing manner, only the surface area; and
- (j) not advertise an activity, business, product or service no longer conducted on the premises and, in such a case, shall be removed by the owner or occupant of the property upon which it is erected within 60 days of the date of discontinuance of the business or product sold; and
- (k) be maintained so as not to threaten the safety of pedestrians or traffic and to retain a reasonable level of appearance.

14.18.2 Freestanding Signs

Freestanding signs are permitted upon lots within commercial and industrial zones, provided that such a sign does not

- (a) exceed, in number, 1 per lot for every front lot line not exceeding 30 metres (98=5@) and 1 additional sign for every additional front lot line interval equal to 30 metres (98=5@);
- (b) exceed a maximum height of 10 metres (32=10@);
- (c) exceed a maximum size of 10.0 square metres (108 square feet) in gross surface area;

- (d) occur closer to any street line than 2 metres (6=7@); and
- (e) on a corner lot, occur within the triangular space bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (23=0@) from their point of intersection so as to obstruct the view of a driver of a vehicle approaching the intersection.

14.18.3 Portable Signs and Non-Residential Fixed Signs

Portable signs and non-residential fixed signs are permitted upon lands, buildings and structures within all zones, excluding those zoned for residential use, provided that such a sign does not

- (a) exceed, in number for a combination of the sign-types herein specified, 2 per lot;
- (b) exceed a maximum size of 5.0 square metres (54 square feet) in gross surface area;
- (c) occur closer to any street line than 2.0 metres (6=7@); and
- (d) on a corner lot, occur within the triangular space bounded by the street lines and a line joining points on the street lines a distance of 7 metres (23=0@) from their point of intersection so as to obstruct the view of a driver of a vehicle approaching the intersection.

14.18.4 Non-Residential Projecting Signs

Non-residential projecting signs are permitted upon buildings within all zones, excluding those zoned for residential use, provided that such a sign does not

- (a) exceed, in number, 1 per business contained within the building;
- (b) exceed a maximum size of 5.0 square metres (54 square feet) in gross surface area;
- (c) project beyond a maximum distance of 2.5 metres (8=2@) from a building wall, protrude within a minimum clearance of 2.0 metres (6=7@) of a street line and fail to allow a minimum separation of 3.0 metres (9=10@) from the ground;
- (d) project over a lot line; and
- (e) project more than 1.5 metres (4=11@) above the top of any main wall or parapet to which it is affixed.

14.18.5 Billboard Signs

Billboard signs are permitted upon lots within industrial zones, provided that such a sign does not

- (a) exceed, in number, 1 per lot;
- (b) exceed a maximum height of 10 metres (32=10@);
- (c) exceed 18 square metres (194 square feet) in gross surface area; and
- (d) occur closer to any street line than 2 metres (6=7@).

14.18.6 General Fixed or Projecting Signs

General fixed or projecting signs are permitted upon the buildings and structures within all zones, provided that such a sign does not

- (a) exceed, in number, 2 per lot whose main use is residential;
- (b) exceed a maximum size of 0.5 square metre (5 square feet) in gross surface area;
- (c) on a lot whose main use is residential, confer a service beyond identifying residents, warning against trespass or specifying a secondary use; and
- (d) on a lot whose main use is non-residential, confer a service beyond regulating or denoting the direction or function of various businesses within a building or premises, including parking and travel areas.

14.18.7 Exemptions

A sign shall be exempt from this section if it is

- (a) permitted in accordance with the ***Posting of Signs on Land Regulation - Fish and Wildlife Act***;
- (b) temporary in nature, including but not limited to, signs that advertise the sale or rent of a property, advertise a dated event, provide public notice of an event or announces a candidate for public office in a municipal, provincial or federal election;
- (c) a traffic control device in accordance with the ***Motor Vehicle Act***; or
- (d) a flag representing a charitable, religious or fraternal organization or a municipal, provincial or federal level of government.

14.19.0 Standards for Conforming and Non-Conforming Uses of Excavation Sites

14.19.1 No person shall undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposits, by the use of a pit or quarry, for the purpose of sale or any other commercial use except in accordance with the provisions of section 14.19.0.

14.19.2 The excavation site

- (a) shall not damage any adjacent property;
- (b) shall not serve as a storage place or dump site for toxic materials, scrap iron, domestic wastes, construction residues or any other material likely to be harmful to the environment; and
- (c) may nonetheless be used as a storage place or dump site for construction residues of material not likely to be harmful to the environment, only after the owner of the site receives the approvals of the Planning Advisory Committee, in accordance with section 13.5.0, and of the Department of Environment.

14.19.3 All excavation sites shall be subject to the following conditions:

- (a) no extraction may be done within 300 metres (approximately 985') of the ordinary high water mark of the Tobique River;
- (b) the accesses and public roads over which materials are transported, and which are located within 450 metres (approximately 1,475') of all main buildings, shall be maintained by the exploiter of the excavation site in a dust-free condition;
- (c) the access routes shall be located at least 30 metres (approximately 100') from any main building;
- (d) be located at a minimum distance of
 - (i) 450 metres (approximately 1,475') of all public roads, if there was, when this by-law was adopted, a dwelling located inside a radius of 450 metres of the excavation site; and
 - (ii) 350 metres (approximately 1,150') of all public roads, in all other cases;

- (e) be secure and have a setback of 20 metres (65'7") of an adjoining lot line;
- (f) have a sign every 30 metres (approximately 100') all around the extraction site bearing the word Adanger@ in letters at least 15 centimetres (0'6") high;
- (g) where an excavation site is over 6 metres (19'8") deep, have a slope of 30%;
- (h) maximum depth of extraction of material must not be deeper than the level where there would be continuous accumulation of more than 5 centimetres (0'2") of water over a 1-year period;
- (i) where an excavation activity results in a continuous accumulation of more than 5 centimetres (0'2") over a 1-year period, the owner will be responsible for having the pond of water completely covered with material similar to the one extracted from the site until there is no more accumulation of water; and
- (j) where the extraction operations have ceased for more than 10 months, or another longer period as approved by the Planning Advisory Committee in accordance with section 13.5.0, the land shall be restored as follows:
 - (i) the plant, equipment, buildings or structures installed on the site for excavation purposes shall be removed,
 - (ii) all stockpiles, earth, sand, gravel or other material may be placed back in the excavation, spread out on the site or removed from the site when the slope of the excavation had been graded at 30%,
 - (iii) the site must be levelled or sloped in such a manner that at any time there is less than 60 centimetres (2'0") of accumulation of water at any time, except during the thawing period, and
 - (iv) all debris shall be removed from the site.

14.20.0 Steep Slopes

14.20.1 Buildings shall be prohibited on slopes in excess of 30%.

14.20.2 Buildings shall be prohibited on slopes greater than 20% and less than or equal to 30%, unless demonstrated by a qualified professional engineer or architect that the land can safely accommodate the proposed buildings, and approval is obtained from the Department of Health and Community Service for sewage disposal, where necessary.

14.20.3 Studies undertaken pursuant to section 14.20.2 shall address the following matters, where applicable:

- (a) sewage disposal facilities and soil depth;
- (b) landscaping;
- (c) water supply;
- (d) minimum distances from lot lines that control the location of main buildings;
- (e) erosion control;
- (f) effects on fish and or wildlife habitat; and
- (g) surface drainage.

14.20.4 Studies undertaken pursuant to section 14.20.2 shall also detail the manner in which the development may be accommodated, if feasible, including construction methods. These shall include a detailed lot grading plan consisting of a survey of the lot identifying elevation contours, depth of overburden, drainage course characteristics, forested areas, the proposed construction area and on-site services.

14.20.5 Buildings near the upper edge of slopes greater than 20% shall be set back a minimum distance of 5 metres (16'5") from the top of the slope bank.

14.21.0 Stripping of Topsoil

14.21.1 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 for use.

14.21.2 Topsoil removal is subject to ***General Regulation 95-66-Topsoil Preservation Act.***

14.22.0 Visibility on Corner Lots and Roadway Intersections

14.22.1 On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (23'0") from the point of intersection.

14.23.0 Exemptions in all Zones

14.23.1 Private or public utilities shall be exempt from the zone provisions of the lot upon which they are located or to be located.

14.23.2 A building permit shall not be required for the following developments which, nevertheless, shall comply with the appropriate sections of this by-law:

- (a) the maintenance, repair or alteration of a building or structure, both internal and external, which does not
 - (i) include the installation of foundations or footings or the extension of roof trusses or beams, or
 - (ii) change the use or intensity of the present use;
- (b) the erection, construction or maintenance of fences or walls, buffer strips or tree lines; or
- (c) the erection, construction or maintenance of the general fixed or projecting signs, in accordance with section 14.18.6.

SECTION 15.0.0 - SINGLE-DETACHED AND TWO-UNIT RESIDENTIAL ZONE (R1 Zone)

15.1.0 Permitted Uses

15.1.1 In a R1 zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

(a) one of the following main uses:

(i) a single-detached dwelling,

(ii) a duplex dwelling, or

(iii) a semi-detached dwelling;

(b) the following secondary uses:

(i) a home occupation in a single-detached or semi-detached dwelling, in accordance with section 14.9.0, or

(ii) a secondary dwelling unit, in accordance with section 14.17.0; and

(c) any accessory building, structure or use.

15.1.2 In addition to those specified within section 15.1.1(a), a permitted use as a main use to a single-detached dwelling, along with any accessory building, structure or use, but no secondary use, may be one of the following:

(a) a daycare centre, in accordance with section 14.4.0;

(b) a group home, in accordance with section 14.4.0; or

(c) a special care home, in accordance with section 14.4.0.

15.1.3 Also, in addition to those specified within section 15.1.1(b), a permitted use as a secondary use to a single-detached dwelling, along with any accessory building, structure or use, may be one of the following:

(a) a bed and breakfast establishment, in accordance with section 14.1.0;

(b) a daycare centre, in accordance with section 14.4.0; or

(c) a garden suite, in accordance with section 14.7.0.

15.2.0 Lot Sizes

15.2.1 No single-detached dwelling may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

(a) a width of at least 18 metres (59'1");

- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 545 square metres (0.13 acre).

15.2.2 No two-unit dwelling may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 23 metres (75'6");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 818 square metres (0.20 acre).

15.2.3 No single-detached dwelling may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 4,000 square metres (0.99 acre).

15.2.4 No two-unit dwelling may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 59 metres (193'7");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 5,350 square metres (1.32 acres).

15.3.0 Size of Dwellings and Dwelling Units

15.3.1 No dwelling may be placed, erected or altered so that it has a ground floor area less than 45 square metres (484 square feet).

15.3.2 No dwelling unit may have a floor area less than

- (a) 32 square metres (344 square feet), in the case of a secondary dwelling unit of only one room, or
- (b) 45 square metres (484 square feet), in the case of a dwelling unit other than the one mentioned in paragraph (a).

15.4.0 Location of Main Buildings and Structures

15.4.1 No main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (24'7") of a street line, other than that coinciding with the boundary of an arterial or collector highway;

(b) within 6 metres (19'8") of rear lot line, other than that coinciding with the boundary of an arterial or collector highway;

(c) within 2 metres (6'7") of a side lot line, other than that coinciding with the boundary of an arterial or collector highway; or

(d) within 15 metres (49'3") of a boundary of an arterial or collector highway;

15.4.2 For infill development, section 14.10.0 herein applies.

15.4.3 Building and structure projections are subject to the provisions of section 14.3.0.

15.5.0 Height of a Main Building or Structure

15.5.1 No main building or structure may exceed 10 metres (32'10") in height.

15.6.0 Accessory Buildings or Structures

15.6.1 No accessory building or structure shall

(a) exceed the height of the main building or 6 metres (19'8") measured from the grade to the highest point of any portion of the roof;

(b) be placed, erected or altered so that it is

(i) closer to the street line than the front of the main building or structure, or

- (ii) closer than 1.5 metres (4'11") to a side lot or rear lot line;
- (c) exceed 100 square metres (1,076 square feet) in area or have a width or depth greater than 10 metres (32'10"); or
- (d) be used for agricultural operations or for the keeping of animals other than household pets.

15.6.2 Notwithstanding section 15.6.1, the following accessory buildings or structures may be placed, erected or altered so as to be located in the front yard of the main building or structure:

- (a) a bin for the temporary holding of domestic waste; or
- (b) a partially enclosed shelter for use by children awaiting a school bus.

15.7.0 Lot Occupancy

15.7.1 Buildings and structures on a lot shall not occupy more than 50 percent of the area of the lot.

15.8.0 Landscaping

15.8.1 The owner of a lot shall landscape

- (a) the front yard of the main building; and
- (b) that part of the lot within 2 metres (6'7") of any building on it.

15.8.2 Landscaping

- (a) shall include all grading and drainage necessary to divert surface water from the dwelling and to reasonably contour the yards with the terrain of adjacent lots; and
- (b) may include paths, patios, walkways, trees, and ornamental shrubbery, vines and flowers.

15.8.3 An owner of a lot shall complete the landscaping of the lot within two years after the substantial completion of the main building or structure.

15.9.0 Additional Provisions

15.9.1 As shown on Schedule A, titled A Land Use Map@, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

15.9.2 Notwithstanding section 13.9.2, a lot occupied by a mobile home, upon the enactment of this by-law, and as identified on Schedule A, titled @ Land Use Map@, may continue to be occupied by a mobile home should the present one be replaced by another.

15.9.3 Lots shown as vacant lands on Schedule A, titled A Land Use Map@, and as R1 on Schedule B, titled A Zoning Map@, that do not satisfy the appropriate minimum lot size of section 15.2.0, are intended to be consolidated to form a lot suitable for R1 development or be merged with adjacent R1 land uses.

15.9.4 Where a semi-detached dwelling is located on a lot meeting the appropriate requirements thereof, the requirements of a single-detached dwelling do not apply to lots resulting from the subdividing, relative to the **Subdivision By-law**, of the original lot along a party wall of the dwelling.

15.9.5 A mini home or modular home is considered as a single-detached dwelling while a mobile home is not considered as a single-detached dwelling.

15.9.6 Any permitted residential use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 16.0.0 - MULTIPLE-UNIT RESIDENTIAL ZONE (R2 Zone)

16.1.0 Permitted Uses

16.1.1 In a R2 zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
 - (i) a multiple-unit dwelling,
 - (ii) two or more separate duplex or semi-detached dwellings,
 - (iii) a duplex dwelling,
 - (iv) a single-detached dwelling, or
 - (v) a semi-detached dwelling;
- (b) the following secondary uses:
 - (i) a home occupation in a single-detached or semi-detached dwelling, in accordance with section 14.9.0, or
 - (ii) a secondary dwelling unit, in accordance with section 14.17.0; and
- (c) any accessory building, structure or use.

16.1.2 In addition to those specified within section 16.1.1, a permitted use as either a main use or a secondary use to a single-detached dwelling may be allowed in accordance with sections 15.1.2 or 15.1.3, respectively.

16.2.0 Lot Sizes

16.2.1 No multiple-unit dwelling may be placed, erected or altered on a lot unless the lot is serviced by public water and sewer systems and has and contains

- (a) for a three-unit dwelling,
 - (i) a width of at least 27 metres (88'7"),
 - (ii) a depth of at least 30 metres (98'5"), and
 - (iii) an area of at least 1,090 square metres (0.26 acre);

- (b) for a more-than-three-unit dwelling,
 - (i) a width of at least 36 metres (118'1") ,plus 1.5 metres (4'11") for each dwelling unit in excess of 4,
 - (ii) a depth of at least 30 metres (98'5"), and
 - (iii) an area of at least 1,272 square metres (0.31 acre), plus 68 square metres (0.02 acre) for each dwelling unit in excess of 4; and
- (c) for a single-detached or two-unit dwelling, the appropriate provisions of section 15.2.0 herein apply.

16.3.0 Size of Dwellings and Dwelling Units

16.3.1 The provisions of section 15.3.0 herein apply.

16.4.0 Location of Main Buildings and Structures

16.4.1 In addition to the provisions of section 15.4.0, a minimum distance of 4 metres (13'1") must separate adjacent duplex or semi-detached dwellings located upon the same lot.

16.5.0 Height of a Main Building or Structure

16.5.1 No main building or structure may exceed 11 metres (36'1") in height.

16.6.0 Accessory Buildings or Structures

16.6.1 The provisions of section 15.6.0 herein apply.

16.7.0 Lot Occupancy

16.7.1 The provisions of section 15.7.0 herein apply.

16.8.0 Landscaping

16.8.1 The provisions of section 15.8.0 herein apply.

16.9.0 Additional Provisions

16.9.1 As shown on Schedule A, titled A Land Use Map@, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

16.9.2 Where a row dwelling is located on a lot meeting the appropriate requirements thereof, the requirements of a single-detached dwelling do not apply to the lots resulting from the subdividing, relative to the **Subdivision By-law**, of the original lot along a party wall of the dwelling.

16.9.3 A mini home or modular home is considered as a single-detached dwelling while a mobile home is not considered as a single-detached dwelling.

16.9.4 Any permitted multi-unit residential use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 17.0.0 - MOBILE HOME PARK RESIDENTIAL ZONE (R3 Zone)

17.1.0 Permitted Uses

17.1.1 In a R3 zone, any lot, building or structure may be used for purposes of, and for no other purpose,

- (a) the following main use:
 - (i) a mobile home park; and
 - (b) any accessory building, structure or use.

17.2.0 Provisions

17.2.1 A mobile home park is subject to the following provisions of the ***Provincial Mobile Home Parks and Sites Regulation (84-291) - Community Planning Act***.

- (a) park requirements;
- (b) garbage and rubbish disposal;
- (c) fire protection; and
- (d) mini homes.

17.2.2 Any permitted mobile home park residential use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 18.0.0 - COMMERCIAL ZONE (C Zone)

18.1.0 Permitted Uses

18.1.1 In a C zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
 - (i) an artisan shop,
 - (ii) an automotive body shop,
 - (iii) an automotive car wash,
 - (iv) an automotive commercial garage,
 - (v) an automotive gasoline bar,
 - (vi) an automotive service station,
 - (vii) an automotive store,
 - (viii) an automotive vehicle sales or rental establishment,
 - (ix) a bank or financial office,
 - (x) a business or professional office,
 - (xi) a convenience store,
 - (xii) an eating establishment, including drive-in, full-service or take-out,
 - (xiii) a farm equipment sales and service dealership,
 - (xiv) a garden centre or nursery,
 - (xv) a general service shop,
 - (xvi) a grocery, bakery or dairy product store,
 - (xviii) a hotel or motel,
 - (xix) a laundromat or dry cleaning operation,

- (xx) a medical clinic,
- (xxi) a parking lot,
- (xxii) a personal service shop,
- (xxiii) a post office, liquor store or other government office,
- (xxiv) a printing operation,
- (xxv) a rental agency for such items as tools or videos,
- (xxvi) a recycling depot,
- (xxvii) a service shop,
- (xxviii) a warehouse or wholesaling operation, or
- (xxix) a use which, in the opinion of the Planning Advisory Committee in accordance with section 13.5.3, is of a nature similar to one of the aforementioned.
- (b) one of the following secondary uses:
 - (i) one or more dwelling units, or
 - (ii) a use which, in the opinion of the Planning Advisory Committee in accordance with section 13.5.3, is of a nature similar to one of the aforementioned main uses.
- (c) any accessory building, structure or use.

18.1.2 In addition to the main and secondary uses of section 18.1.1, one of the following uses may be either a main or a secondary use along with any accessory building, structure or use, subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.1:

- (a) an amusement place or an entertainment place, excluding an adult entertainment place;
- (b) a beverage room; or
- (c) a public transportation terminal.

18.2.0 Lot Sizes

18.2.1 No building or structure may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 18 metres (59'1");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 545 square metres (0.13 acre).

18.2.2 No building or structure may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 4,000 square metres (0.99 acre).

18.3.0 Size of Dwelling Units

18.3.1 The provisions of section 15.3.2 herein apply.

18.4.0 Location of Main Buildings and Structures

18.4.1 The provisions of section 15.4.0 herein apply, except that the distance between a main building or structure and a rear lot line, other than that coinciding with the boundary of an arterial or collector highway, shall be 2 metres (6'7").

18.5.0 Height of a Main Building or Structure

18.5.1 No main building or structure may exceed 15 metres (49'3") in height.

18.6.0 Accessory Buildings or Structures

18.6.1 The provisions of section 15.6.0 herein apply.

18.7.0 Lot Occupancy

18.7.1 The provisions of section 15.7.0 herein apply.

18.8.0 Landscaping

18.8.1 The provisions of section 15.8.0 herein apply.

18.9.0 Additional Provisions

18.9.1 A secondary use permitted under section 18.1.1 shall not be located on the ground level of a building.

18.9.2 A recycling depot is subject to the provincial regulation on recycling.

18.9.3 As shown on Schedule A, titled A Land Use Map, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

18.9.4 While an existing residential site, lying within the Commercial Zone of the Central Area as shown on Schedule B, titled A Zoning Map, constitutes a non-conforming use, its use may continue notwithstanding this by-law, but if such use is discontinued for a consecutive period of 10 months, or such further period as the Planning Advisory Committee considers fit, it shall not be recommenced and any further use of the land shall conform with this by-law.

18.9.5 Lots shown as vacant lands on Schedule A, titled A Land Use Map@, and as C on Schedule B, titled A Zoning Map, that do not satisfy the appropriate minimum lot size of section 15.2.0 are intended to be consolidated to form a lot suitable for commercial development or be merged with adjacent commercial land uses.

18.9.6 Any permitted commercial use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 19.0.0 - INSTITUTIONAL ZONE (Inst Zone)

19.1.0 Permitted Uses

19.1.1 In an Inst zone, any lot, building or structure may be used for purposes of, and for no other purpose,

- (a) one of the following main uses:
 - (i) an active recreation area,
 - (ii) a cemetery,
 - (iii) a church or religious institution,
 - (iv) a community centre,
 - (v) a fire station,
 - (vi) a fraternal lodge,
 - (vii) a funeral home,
 - (viii) a government office,
 - (ix) a hospital,
 - (x) a medical clinic,
 - (x) a police detachment,
 - (xi) a school, or
 - (xii) a special care facility;
- (b) the following secondary use:
 - (i) in the case of a church or religious institution, a clerical residence, a dormitory or a cemetery,
 - (ii) in the case of a school, an active recreation area, or
 - (iii) an entertainment place, excluding an adult entertainment place, subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.1; and
- (c) any accessory building, structure or use.

19.2.0 Lot Sizes

19.2.1 The provisions of section 18.2.0 herein apply.

19.3.0 Size of Dwellings and Dwelling Units

19.3.1 The provisions of section 15.3.0 herein apply.

19.4.0 Location of Main Buildings and Structures

19.4.1 No main building or structure may be placed, erected or altered so that it is

a) within 7.5 metres (24'7") of a lot line, other than that coinciding with the boundary of an arterial or collector highway; or

(b) within 15 metres (49'3") of a boundary of an arterial or collector highway.

19.5.0 Height of a Main Building or Structure

19.5.1 The main building or structure may not exceed 15 metres (49'3") in height.

19.5.2 A church spire, belfry or other subsidiary feature, shall not exceed in height a distance equal to twice the height of the main portion.

19.6.0 Accessory Buildings or Structures

19.6.1 No accessory building or structure shall

(a) exceed the height of the main building or structure;

(b) be placed, erected or altered so that it is

(i) closer to the street line than the front of the main building or structure, or

(ii) closer than 2 metres (6'7") to a side lot or rear lot line;

(c) exceed 93 square metres (1,001 square feet) in area or have a width or depth greater than 10 metres (32'10"); or

(d) be used for agricultural purposes or for the keeping of animals other than household pets.

19.7.0 Lot Occupancy

19.7.1 The provisions of section 15.7.0 herein apply.

19.8.0 Landscaping

19.8.1 The provisions of section 15.8.0 herein apply.

19.9.0 Additional Provisions

19.9.1 Any permitted institutional use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 20.0.0 - INDUSTRIAL ZONE (I Zone)

20.1.0 Permitted Uses

20.1.1 In an I zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one or more of the following main uses:
 - (i) an automotive body shop,
 - (ii) an automotive car wash,
 - (iii) an automotive commercial garage,
 - (iv) an automotive scrapyards,
 - (v) an automotive store,
 - (vi) an automotive vehicle sales or rental establishment,
 - (vii) a farm equipment sales and service dealership,
 - (viii) a garden centre or nursery,
 - (ix) a manufacturing plant or a light manufacturing plant,
 - (x) a mobile home park,
 - (xi) a mobile or mini home manufacturer and sales and service dealership,
 - (xii) a printing operation,
 - (xiii) a recycling depot,
 - (xiv) a redemption waste disposal site,
 - (xv) a salvage yard,
 - (xvi) a sawmill,
 - (xvii) a mini or vehicle storage depot,
 - (xviii) a trucking firm,
 - (xix) a warehouse or wholesaling operation, or
 - (xx) a use which, in the opinion of the Planning Advisory Committee in accordance with section 13.5.3, involves the manufacturing, storage, processing, and transportation of materials and products;

- (b) the following secondary uses:
 - (i) a dwelling unit for a caretaker, or
 - (ii) a factory outlet; and
- (c) any accessory building, structure or use.

20.2.0 Lot Sizes

20.2.1 No building or structure may be placed, erected or altered on a lot unless the lot is serviced by public water and sewer systems and has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 2,052 square metres (0.51 acre).

20.3.0 Size of Dwellings and Dwelling Units

20.3.1 A dwelling unit for a caretaker may be either

- (a) a single-detached dwelling, in accordance with section 15.0.0, excluding secondary uses; or
- (b) a mobile home, in accordance with the following provisions:
 - (i) those specified within section 15.0.0 as applicable to a single-detached dwelling, exclusive of secondary uses, and
 - (ii) those specified within section 11(2) and section 11(3) of the ***Provincial Mobile Home Parks and Sites Regulation (84-291) - Community Planning Act***.

20.4.0 Location of Main Buildings and Structures

20.4.1 No main building or structure may be placed, erected or altered so that it is

(a) within 7.5 metres (24'7") of a street line, other than that coinciding with the boundary of an arterial or collector highway;

(b) in the case of adjacency to another lot inside the I zone, within a distance of a side or rear lot line less than the height of the main building or structure, other than that coinciding with the boundary of an arterial or collector highway;

(c) in the case of adjacency to a lot in a R zone, within a distance of twice the height of the main building or structure, other than that coinciding with the boundary of an arterial or collector highway; or

(d) within 15 metres (49'3") of a boundary of an arterial or collector highway.

20.5.0 Height of a Main Building or Structure

20.5.1 No main building or structure may exceed 15 metres (49'3") in height.

20.6.0 Accessory Buildings or Structures

20.6.1 Except for a gatekeeper or security office not exceeding 10 square metres (108 square feet) in size, an accessory building or structure must be placed, erected or altered relative to a lot line, in accordance with section 20.4.1.

20.6.2 Buildings and structures must be provided for the handling and storage of hazardous materials and products so as to protect the health, safety and well-being of on-site employees and the public, as well as, that of adjacent lot occupants and users.

20.6.3 All storage, freighting or trucking yards and repair areas shall be enclosed or completely screened by buildings, buffer strip, fence or tree line or a combination thereof at the discretion of the Development Officer.

20.6.4 No material shall be piled higher than the height of a surrounding fence.

20.7.0 Lot Occupancy

20.7.1 Sufficient open space must be provided for the safe handling and storage of materials and products and for the safe access and parking by employees and the public to the satisfaction of the Development Officer.

20.8.0 Landscaping

20.8.1 Landscaping shall include

(a) all grading and drainage necessary to divert surface water across the property and away from any building or structure and to reasonably contour the yards with the terrain of adjacent lots;

(b) the construction of a buffer strip, fence or tree line to protect the health, safety and well-being of on-site employees and the public, as well as, that of adjacent lot occupants and users, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0 and section 14.2.0;

(c) all yards, exclusive of those for storage, freightage or trucking, parking and similar uses, shall be grassed; and

(d) the entire site and all buildings and structures maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

20.9.0 Additional Provisions

20.9.1 A mobile home park is subject to the provisions of section 17.2.1.

20.9.2 A recycling depot is subject to the provincial regulation on recycling.

20.9.3 Any new development must be adequately serviced by a private or public water supply and collection system so as not to negatively impact on surface or ground waters.

20.9.4 Any permitted industrial use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 21.0.0 - RECREATIONAL ZONE (Rec Zone)

21.1.0 Permitted Uses

21.1.1 In a Rec zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
 - (i) a publicly owned park or playground,
 - (ii) a privately owned park or playground, or
 - (iii) a commercial recreation facility, such as a golf course, tennis court, lawn bowling area, campground, sports arena or outdoor tourism operation, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0; and
- (b) any accessory building, structure or use.

21.2.0 Lot Sizes

21.2.1 No building or structure may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 18 metres (59'1");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 545 square metres (0.13 acre).

21.2.2 No building or structure may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 4,000 square metres (0.99 acre).

21.3.0 Location of Main Buildings and Structures

21.3.1 The provisions of section 15.4.0 herein apply.

21.4.0 Height of a Main Building or Structure

21.4.1 The provisions of section 15.5.0 herein apply.

21.5.0 Accessory Buildings or Structures

21.5.1 The provisions of section 15.6.0 herein apply.

21.6.0 Lot Occupancy

21.6.1 The provisions of section 15.7.0 herein apply.

21.7.0 Landscaping

21.7.1 Landscaping

(a) shall include all grading and drainage necessary to divert surface water across the property and away from any building or structure and to reasonably contour the yards with the terrain of adjacent lots;

(b) shall include the construction and maintenance of the following items to enhance the main use and minimize any negative impact on adjacent properties, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0:

(i) a buffer strip, fence or tree line,

(ii) the gravelling or paving of walkways and parking spaces, and

(iii) the grassing of open areas; and

(c) may include paths, patios, walkways, trees, and ornamental shrubbery, vines and flowers.

21.8.0 Additional Provisions

21.8.1 As shown on Schedule A, titled A Land Use Map@, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

21.8.2 Where necessary, connections must be made to either a private or public water and sewer system.

21.8.3 Any permitted recreational use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 22.0.0 - RESOURCE USE ZONE (RU Zone)

22.1.0 Permitted Uses

22.1.1 In a RU zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
 - (i) an agricultural operation,
 - (ii) an agricultural operation and a single-detached dwelling (including a mobile home),
 - (iii) a composting operation,
 - (iv) an excavation site, in accordance with section 14.19.0,
 - (v) a forestry operation, not involving a manufacturing process,
 - (vi) a forestry operation, not involving a manufacturing process, and a single-detached dwelling or mobile home,
 - (vii) a logging hauler,
 - (viii) a mobile home, or
 - (ix) a single-detached dwelling;
- (b) the following secondary uses:
 - (i) a bed and breakfast establishment, in accordance with section 14.1.0,
 - (ii) a boarding stable,
 - (iii) a garden suite, in accordance with section 14.7.0,
 - (iv) a hobby farm,
 - (v) a home occupation, in accordance with section 14.9.0, or
 - (vi) a kennel; and
- (c) any accessory building, structure or use.

22.2.0 Lot Sizes

22.2.1 The provisions of section 15.2.3 herein apply.

22.3.0 Size of Dwellings and Dwelling Units

22.3.1 The provisions of section 15.3.0 herein apply.

22.4.0 Location of Main Buildings and Structures

22.4.1 The provisions of section 15.4.0 herein apply.

22.5.0 Height of a Main Building or Structure

22.5.1 The provisions of section 15.5.0 herein apply.

22.6.0 Agricultural Operations

22.6.1 Subject to any terms and conditions administrated by the Departments of Agriculture & Rural Development, Environment or Health & Community Services, the following provisions apply:

(a) no agricultural operation building, structure or manure storage area, nor any extension or enlargement to an existing building or structure, shall be placed, erected or altered so that it is

(i) within 100 metres (328'1") of any dwelling other than that of the owner,

(ii) exceeding the height of 11 metres (36'1"),

(iii) on marshy ground, or

(iv) on land subject to overflow; and

(b) no spreading or spraying of solid or liquid manure, herbicides or pesticides shall be conducted within 30 metres (approximately 100') of dwellings, places of public access or bodies of water.

22.7.0 Lot Occupancy

22.7.1 The provisions of section 15.7.0 herein apply.

22.8.0 Landscaping

22.8.1 The provisions of section 15.8.0 herein apply with respect to dwellings.

22.9.0 Additional Provisions

22.9.1 As shown on Schedule A, titled A Land Use Map@, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

22.9.2 A single-detached dwelling is subject to the applicable provisions of section
15.0.0.

22.9.3 Agricultural Produce Sales Outlet

An agricultural produce sales outlet may exist as an accessory building, structure or use, subject to following terms and conditions:

- (a) the building is constructed to the satisfaction of the Building Inspector and has a floor area no greater than 22 square metres (237 square feet);
- (b) the building and any structure are not located within a public right-of-way;
- (c) notwithstanding section 14.16.0, off-street parking of at least 4 spaces must be provided and be located on the same side of the roadway as the building;
- (d) the outlet will be used for no longer than 5 months of any year; and
- (e) the outlet shall be maintained in a neat and tidy manner, including the removal of debris.

22.9.4 Any permitted resource use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 23.0.0 - ENVIRONMENTAL CONSTRAINT ZONE (EC zone)

23.1.0 Definition

23.1.1 An EC zone includes the watercourse of the Tobique River, a 30-metre (98'5") buffer along each of its banks, Arbuckle Island and all or part of additional lots as shown on Schedule B, titled AZoning Map@.

23.2.0 Permitted Uses

23.2.1 In an EC zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

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

(i) a development or alteration, lying within 30 metres (98'5") of the banks of the Tobique River, as allowed by registration, licence, permit or approval of the Minister of the Environment under the ***Clean Water Act***,

(ii) a public walkway, lying beyond 30 metres (98'5") of the banks of the Tobique River, in conjunction with section 23.2.1(a)(i), or

(iii) a development or alteration, lying beyond 30 metres (98'5") of the banks of the Tobique River, in conjunction with a development approved under section 23.2.1(a)(i); and

(b) any accessory building, structure or use.

23.3.0 Provisions

23.3.1 As shown on Schedule A, titled ALand Use Map@, utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

23.3.2 Any permitted environmental constraint use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.

SECTION 24.0.0 - ROADWAYS AND UTILITIES ZONE (U Zone)

24.1.0 Permitted Uses

24.1.1 In an U zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
 - (i) a roadway,
 - (ii) an easement, or
 - (iii) a public utility; and
- (b) any accessory building, structure or use.

24.2.0 Provisions

24.2.1 All roadways are subject to the applicable provisions of the *Highway Act* and the **Subdivision By-law**.

SECTION 25.0.0 - MIXED DEVELOPMENT ZONE (MD Zone)

25.1.0 Permitted Uses

25.1.1 In a MD zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
 - (i) a permitted use as specified within section 15.1.0 (R1),
 - (ii) a permitted use as specified within section 16.1.0 (R2), subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0,
 - (iii) a publicly or privately owned park or playground,
 - (iv) a permitted use as specified within section 24.1.0 (U),
 - (v) an artisan shop, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.1,
 - (vi) a convenience store, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.1,
 - (vii) a garden centre or nursery, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.1, or
 - (viii) a use similar in nature to one of the aforementioned commercial uses, subject to approval by the Planning Advisory Committee in accordance with section 13.5.3; and
- (b) any accessory building, structure or use.

25.2.0 Provisions

25.2.1 All the provisions for

- (a) lot sizes;
- (b) size of dwellings and dwelling units;
- (c) location of main buildings and structures;

- (d) height of a main building or structure;
- (e) accessory buildings or structures;
- (f) lot occupancy;
- (g) landscaping; and
- (h) additional provisions

apply to the permitted uses of section 25.1.0 as follows:

- (a) for single-detached and two-unit residential uses, in accordance with section 15.0.0;
- (b) for multiple-unit residential uses, in accordance with section 16.0.0;
- (c) for commercial uses, in accordance with section 18.0.0;
- (d) for recreational uses, in accordance with section 21.0.0; and
- (e) for roadway and utility uses, in accordance with section 24.0.0.

25.2.2 Any permitted mixed development use, not specifically and completely addressed by the zoning provisions herein and the appropriate general provisions of section 14.0.0, is subject to terms and conditions imposed by the Planning Advisory Committee, in accordance with section 13.5.0.