

## By-law No. PD-009: Zoning By-Law

### PART 1 - GENERAL CLAUSES

#### SECTION 1: TITLE AND SCOPE

##### 1.1 ADMINISTRATION

This By-law may be cited as “The Zoning By-law”.

##### 1.2 PURPOSE

- a) divides the Town into zones;
- b) prescribes, subject to powers vested in the Council, the Development Officer, and the Planning Advisory Committee;
  - i) the purposes for which land, buildings and structures and any zone may be used, and;
  - ii) standards to which land use, placement and use of buildings and structures must conform, and
- c) prohibits the use, placement, erection or alteration of land, buildings structures other than in conformity with the purposes and standards mentioned in clause (b).

##### 1.3 SCOPE

- a) No building or structure shall be erected, altered, or demolished, nor the use of any building, structure or lot be changed unless a Development/Building permit has been issued and no Development/Building permit shall be issued unless all of the provisions of this By-law are satisfied.
- b) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law, Subdivision By-law, or any other By-law in force within the Town of Grand Bay-Westfield or to obtain any license, permission, permit authority or approval required by this or any other By-law of the Town, or other lawful authority.
- c) Where the provisions of this By-law conflict with those of any other municipal, provincial or federal regulations, By-laws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

**1.4 SEVERABILITY**

If any provision of the By-law is declared by a court or tribunal of competent jurisdiction to be invalid, that ruling shall not affect the validity of any other provision herein, nor of the By-law as a whole.

**1.5 REPEAL**

- a) By-law #112, Town Grand Bay-Westfield Zoning By-law and amendments thereto, is hereby repealed.
- b) Notwithstanding the repeal of the By-law detailed in paragraph (a):
  - i) Section 59 Conditions, pursuant to the Community Planning Act, which have been registered prior to the coming into force of this By-law shall remain in force;
  - ii) Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.

## **SECTION 2: OPERATION, INTERPRETATION AND ZONES**

### **2.1 ADMINISTRATION**

The Development Officer for the Town of Grand Bay-Westfield shall be charged with the general administration of this By-law.

### **2.2 OTHER BY-LAWS, PERMITS AND LICENSES**

- a) Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Building By-law or any other By-law of the Town of Grand Bay-Westfield in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Town of Grand Bay-Westfield. Where there is a conflict between the Grand Bay-Westfield Municipal Plan By-law and this By-law, the Grand Bay-Westfield Municipal Plan By-law prevails.
- b) Applicants applying for development and building permits are responsible to obtain all other approvals and permit, required by applicable Provincial legislation.

### **2.3 ZONING MAPS**

The “Town of Grand Bay-Westfield Zoning Map” forms Schedule “A” of this By-law. The Zoning Map divides the Town of Grand Bay-Westfield into zones, for which the regulatory provisions of this By-law apply. Schedule “B” of this By-law provides the Flood Overlay Zone mapping.

**2.4 ZONES**

<b>ZONE</b>	<b>SYMBOL</b>
One Unit Residential	R1
One and Two Unit Residential	R2
Multi-Unit Residential	R3
Rural Residential	RR
Mobile Home Park	MHP
Mixed Use	MU
Commercial Centre	CC
General Commercial	CG
Highway Commercial	CH
Institutional	INT
Light Industrial	LI
Environmental Protection	EP
Parks / Green Space	P
Rural Resource	RU
Musquash Watershed Protection Area	MWPA

**2.5 BOUNDARIES OF ZONES**

Boundary lines relating to this By-law are shown on the Zoning Map, Schedule “A”. In the case where the zone

- substantially follows a street, lane, railway right-of-way or water course, the centre line of such feature is the boundary;
- substantially follows lot lines shown on the registered plan of subdivision, such lines are the boundaries;
- runs substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such street line and the distance from the street line shall be determined according to the scale shown on the zoning map;
- follows the shoreline of a river or water course, the mean high water mark is the boundary;
- follows a street or lane and the street or lane is subsequently closed, the land in the closed street or lane is included in the zone of the abutting

land, and if such street or lane forms the boundary between two or more different zones, the centre line of the closed street or lane is the boundary.

## **2.6 PROPERTIES AFFECTED BY MORE THAN ONE ZONE**

Where a lot is situated within more than one zone, the provisions of each zone shall be applied to the corresponding areas of the lot.

## **2.7 BY-LAW APPLICABILITY AND ENFORCEMENT**

No person shall within any zone use any land or place, erect, alter, or use any building or structure except in accordance with the provisions of this By-law.

## **2.8 USES**

- a) If a use is not listed as a permitted or accessory use in a particular zone, it is hereby deemed to be a prohibited use in that zone unless determined to be a similar use by the Planning Advisory Committee in accordance with Section 2.11 of this By-law.
- b) Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.
- c) When two or more permitted uses are located or are to be located in one building or on one lot, and when the regulations applicable to these uses are different, and unless otherwise specified, the most restrictive regulations shall be deemed to be in force for that lot or building.

## **2.9 MEASUREMENTS AND CALCULATIONS**

- a) Numerical requirements in this By-law are provided in metric units of measurement.
- b) A numerical requirement shall be determined by measuring the closest distance in a straight line made along a horizontal plane and not by following the topography or slope of the land except as otherwise provided by this By-law.
- c) Where the calculation of a numerical requirement results in a fraction:
  - i) A fraction of less than one-half shall not be taken into consideration; and
  - ii) A fraction of one-half or more shall require rounding to the next higher full number.

## **2.10 POWERS/ROLE OF COUNCIL**

### **1) Non-Conforming Use**

- a) Pursuant to subsection 61(1) of the Community Planning Act, Council may require that any land, building or structure containing a non-conforming use shall be maintained and kept in a condition appropriate to the area in which it is located, in accordance with the standards prescribed by Council.
- b) Pursuant to subsection 61(3) of the Community Planning Act, if the standards prescribed under paragraph (a) are not complied with, Council may perform, at the expense of the owner or occupier, the work required to meet the standards, or require the termination of the use.

### **2) Satisfactory Servicing**

- a) No building may be erected within the Town if, in the opinion of Council, satisfactory arrangements have not or cannot be made for the supply of electrical power, water, sewerage, streets, and other services and utilities.
- b) New development must have frontage onto a street in keeping with the standards and provisions of the Subdivision Bylaw.

## **2.11 POWERS/ROLE OF THE PLANNING ADVISORY COMMITTEE**

The Planning Advisory Committee is an appointed body under sections 3 to 8 of the Community Planning Act. The Planning Advisory Committee's role is to advise and make recommendations to Council on matters relating to community planning, to give its views on any By-law proposed to be made under the Community Planning Act, and to exercise the powers and perform the duties given to it by the Community Planning Act or Council.

### **1) Conditional Uses**

- a) Conditional uses are approved subject to terms and conditions imposed by the Planning Advisory Committee.
- b) Conditional uses may be prohibited by the Planning Advisory Committee where compliance with terms and conditions imposed under clause (a) cannot be reasonably expected.
- c) Conditional uses are listed under each zone as "Conditional Uses".
- d) Council may enter into an agreement to assure the performance of the terms and conditions set out in subsection 2.11 (1)(a).

### **2) Similar or Compatible Uses**

- a) Pursuant to Section 55(1) of the Community Planning Act, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a proposed use of land or a building that is otherwise not permitted under the zoning By-law, if in its opinion, the proposed use is similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated.

### **3) Temporary Approvals**

- a) Pursuant to Section 53(2)(i)(ii) of the Community Planning Act, the Planning Advisory Committee may, subject to terms and conditions it considers fit:
  - i. Authorize for a temporary period not exceeding one year, a development otherwise prohibited by this By-law.
  - ii. Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this By-law if:
- b) The applicant holds an authorization under section 2.11(3)(a)(i) that is to expire or has expired;
  - i) An application to amend this By-law including a rezoning application has been made; and
  - ii) The Planning Advisory Committee has received a resolution from Council confirming that Council will consider the application referred to in subsection 2.11(3)(a)(ii)(2).
  - iii) Require the termination or removal of a development authorized under subsection 2.11(3)(a)(i) or (ii) at the end of the authorized period.

4) Variances

- a) Pursuant to section 55(1)(b) of the Community Planning Act, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a reasonable variance from the requirements of this By-law if, in its opinion, it is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this By-law and the Town's Municipal Plan.

5) Delegated Authority

- a) Pursuant to section 53(2)(j) of the Community Planning Act, the Planning Advisory Committee may delegate its authority to the Development Officer.

**2.12 POWERS OF THE DEVELOPMENT OFFICER**

1) Encroachment Occurring in Good Faith

- a) Pursuant to subsections 53(7) and 53(8) of the Community Planning Act, if the location of a building or structure encroaches up to 60 cm on a set back requirement under subsection 53(2)(a)(v) of the Community Planning Act, or encroaches up to 30 cm on a yard requirement under subsection 53(2)(a)(iv) of the Community Planning Act, the encroachment does not constitute a violation of the requirements of this By-law if the Development Officer determines the encroachment to have occurred in good faith.

2) Development Officer Variances

- a) Pursuant to Section 55(2) of the Community Planning Act and subject to the terms and conditions they consider fit, the Development Officer may permit a reasonable variance from the requirements referred to in subsections 53(2)(a)(i), (iii), (iv), (v), (vii), (viii), (ix), and (xiii) of the Community Planning Act and referenced in the list below, if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this By-law and the Town's Municipal Plan.
  - i) 53(2)(a)(i) the minimum size and dimensions of lots and other parcels into which land may be subdivide, and the minimum and dimensions of land required for a particular class of use or size of building or structure;
  - ii) 53(2)(a)(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures;
  - iii) 53(2)(a)(iv) the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces;
  - iv) 53(2)(a)(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of



streets and other public areas, and from rivers, streams or other bodies of water;

- v) 53(2)(a)(vii) the placement, height, and maintenance of fences, walls, hedges, shrubs, trees, and other objects;
- vi) 53(2)(a)(ix) the facilities to be provided and maintained for off-street parking and loading of vehicles;
- vii) 53(2)(a)(xiii) the location, dimensions, standards of construction and purposes of advertising signs and billboards

## **2.13 APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS**

### **1) Council and Advisory Committee Applications**

#### **a) Council applications include:**

- i) Amendment to the Town's Municipal Plan
- ii) Amendment to this By-law
- iii) A resolution pursuant to Section 59 of the Community Planning Act

#### **b) Planning Advisory Committee Applications include:**

- i) Similar or Compatible Uses
- ii) Temporary Approvals
- iii) Non-Conforming Uses
- iv) Variances

#### **c) Development Officer Applications include:**

- i) Variances, pursuant to subsection 2.12(2)(a)
- ii) Development Permits

#### **d) Applications submitted under (a), (b), and (c) shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof. ZBL 122A (July 2021)**

### **2) Development Permit Fees** An applications submitted under subsection (c)(ii) of this section shall be submitted in the form prescribed by the Development Officer and accompanied by a fee of \$50. ZBL 122A (July2021)

## **2.14 DEVELOPMENT PERMIT APPROVALS**

### **1) Development Permit Required**

#### **a) Pursuant to subsection 53(2)(b) of the Community Planning Act, a permit must be obtained when:**

- i) A change in the purpose for which land or a building or structure is used;

- ii) The use of land, buildings and structures is for the purpose of displaying advertising signs or billboards, or
- iii) An excavation of sand, gravel, clay, shale, limestone, or other deposits for purposes of the sale or other commercial use of the material excavated is proposed.

**2) Development Permit Not Required**

- a) Notwithstanding subsection 2.14(1), the following developments do not require a development permit, but may require a building permit under the Town's Building By-law:
  - i) Alterations to the interior of a building that do not change the use;
  - ii) Alterations to the exterior of a building that does not increase the exterior dimensions or size; and
  - iii) Changes to the copy of a sign where the sign copy does not increase.

**2.15 BY-LAW AND SECTION 59 AMENDMENTS**

- a) A person who seeks to have this By-law amended shall address a written and signed application to Council in a form satisfactory to Council along with the applicable fee of \$1,000, or as prescribed by Council.
- b) Council may, if it deems fit, return all or any part of the fee mentioned in subsection (a).
- c) An application under this section shall include such information as may be required by Council for the purpose of adequately assessing the desirability of the proposal.
- d) Council may refuse to consider an application under this section if such applications:
  - i) Seeks to change an area of land from one type of zoning to another contrary to the designation of the land in the Municipal Plan; or
  - ii) Has not been signed by all registered owners of each property proposed for rezoning or an agent or agents for all of the owners.
- e) Where a property abuts a line separating designations in the Municipal Plan, it may be considered to be within either designation for the purposes of considering an amendment to this By-law.

**2.16 DEVELOPMENT ADJACENT TO A STREAM OR WATER COURSE**

Subject to the provisions of the relevant provincial regulations and, notwithstanding any provision of this By-law, no person shall erect a building or structure within 30 metres of the high water mark of a stream or water course, as determined by the Development Officer, without approval from the Planning Advisory Committee and such terms and conditions as may be imposed by the Committee and the Department of Environment.

**2.17 PROTECTION OF GROUND WATER CAPACITY**

In setting out terms and conditions for any rezoning or discretionary use that involves permanent or temporary accommodation of large numbers of people (commercial/institutional or residential uses) or a business/industry that uses a large quantity of water, the Planning Advisory Committee and/or Council will require sufficient evidence (engineering report, hydrogeological study, etc.) to be reviewed by the Town Engineers, to consider that there is adequate capacity not to adversely affect existing wells on adjacent property.

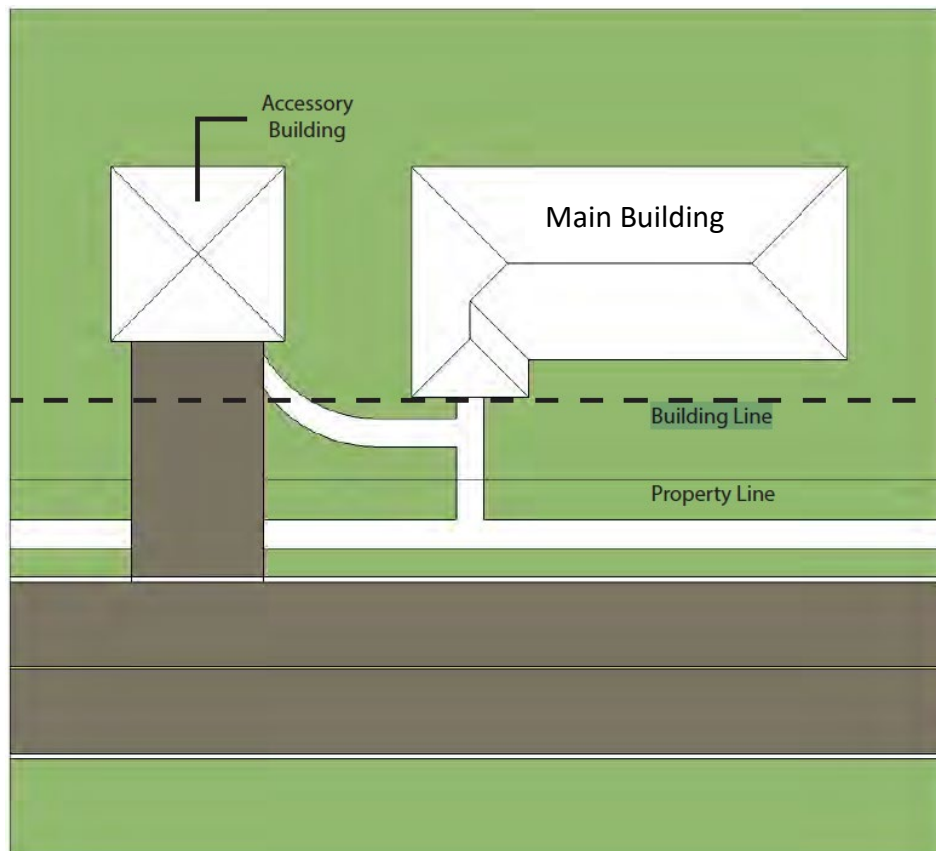
### SECTION 3: DEFINITIONS

In this By-law,

- 1) **ACCESS** means an access, exit, or driveway from a street to a lot.
- 2) **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 principal use of the land, building or structure.
- 3) **ACCESSORY BUILDING OR STRUCTURE** means a building that is incidental, subordinate, and exclusively devoted to the main use, main building, or structure located on the same lot.
- 4) **ACCESSORY USE** means a permitted use in a zone that is incidental to and exclusively devoted to a main use of any land, building, or structure located on the same lot.
- 5) **ACCOMMODATION** means an establishment that provides lodging for travellers or transients, and includes but is not limited to, a bed and breakfast, hotel, or motel but does not include a hostel or rooming house.
- 6) **ACTIVE TRANSPORTATION** means modes of transportation that rely on human power including, but not limited to, walking, jogging, cycling, in-line and roller skating, skateboarding, wheel chairing, snowshoeing, and skiing.
- 7) **ACT** means the Community Planning Act (S.N.B. 2017, c. 19)
- 8) **ADULT CABARET** means a nightclub, bar, restaurant, or similar establishment that features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- 9) **ADULT ENTERTAINMENT USE** means any adult use including adult arcades, adult cabarets, adult motion picture theatres, adult retail outlets/bookstores, escort service and massage parlors.
- 10) **ADULT MOTION PICTURE THEATRE** means any establishment where, for any form of consideration, films, motion pictures, video cassettes, digital video discs, or other photographic reproductions are shown which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- 11) **ADULT RETAIL OUTLET / BOOKSTORE** means an establishment with the principle purpose to offer sale or rent, for any form of consideration, and of the following:
  - a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital video discs, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

- b) instruments, devices, or paraphernalia that are designed for use in connection with sexual activities.
- 12) **AGRICULTURAL USE** means any use of land for the purpose of producing crops and/or keeping, grazing, breeding, raising, boarding or training of livestock, whether or not for commercial purposes, and includes but is not limited to: cattle, horses, ponies, donkeys, pigs, sheep, goats, rabbits, poultry, fish in keeping with the Town's Animal Control By-law; and can include: tillage of soil, growing and harvesting vegetables, fruit and field crops, sod farming, stripping of topsoil or excavation of sand and gravel, commercial plant nursery or greenhouse, bee keeping, riding school, and riding stable. ZBL 122C 2023
- 13) **ALTER** means to make any change, structural or otherwise, which is not for the purpose of maintenance only in a building or structure and includes a change of use.
- 14) **AUTO SERVICE DRIVE-THRU** means a drive-thru facility designed for the express servicing of vehicles where a person may be permitted to remain in their vehicle, and includes, but is not limited to, a quick-lube or quick-oil change business.
- 15) **BACHELOR OR STUDIO APARTMENT** means a dwelling in which the sleeping and living areas are combined into one habitable room with kitchen and sanitary facilities.
- 16) **BAKERY** means an establishment for preparing, cooking, baking, and selling of products for public consumption.
- 17) **BALCONY** means a horizontal platform attached to a building above the first storey floor level that is intended for use as an outdoor amenity space.
- 18) **BAR, LOUNGE, OR NIGHTCLUB** means an establishment licensed as a Lounge under the Liquor Control Act where liquor is served to the public, which may include live entertainment as a secondary use.
- 19) **BARRIER FREE PARKING SPACE** means a parking space designed for the exclusive use of a person with a disability who displays on or in a vehicle a disabled persons identification plate, permit or placard issued under the authority of the Motor Vehicle Act.
- 20) **BASEMENT** means that portion of a building between two floor levels which is partly underground and which has at least one-half of its height from the finished ceiling above grade.
- 21) **BED & BREAKFAST** means for the purpose of this plan, a tourist home as set out in Section 5.3, within a private dwelling, which is the principal residence of the owner/operator providing temporary accommodations and shared common living space with travelers or transients on a year-round basis, serving breakfast to guests but no other meals, and may have up to three (3) sleeping units.
- 22) **BILLBOARD SIGN** means a ground sign that displays third-party advertising.

- 23) **BOARDING HOUSE** means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons other than the occupant and their relatives, but does not include a hotel, motel, hospital, tourist home, or other establishment otherwise classified or defined in this By-law.
- 24) **BUILDING** means any structure which is used or intended to be used as a shelter for the accommodation of persons, animals or chattels, but does not include a trailer or mobile home.
- 25) **BUILDING, MAIN OR PRINCIPLE** means a building in which is conducted the main or principal use of the lot on which the building is located.
- 26) **BUILDING LINE** means any line defining the position of a building or structure on a lot.



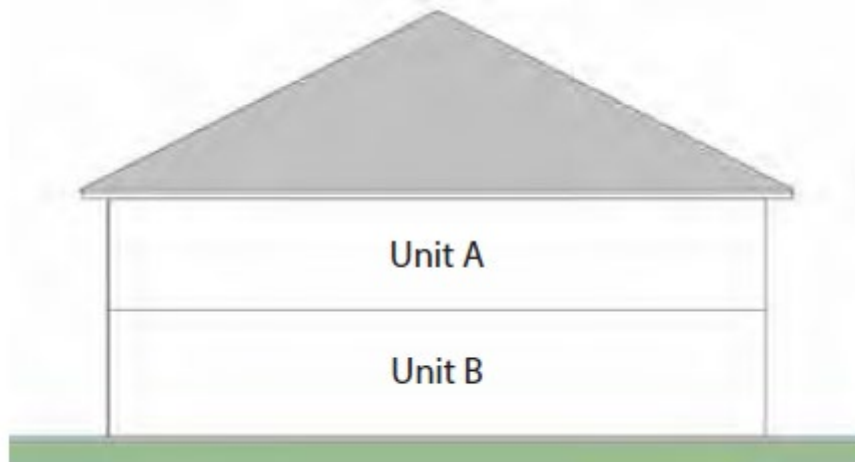
- 27) **BUSINESS OFFICE** means an establishment where one or more persons are employed in the conduct, direction, or management of an agency, business, brokerage, labour, or fraternal organization, but does not include such uses as an assembly or storage of goods, manufacture, a place of amusement or assembly, or retail sales.
- 28) **CANNABIS** means cannabis as defined by the Government of Canada, pursuant to the Federal Cannabis Act, and the Provincial Cannabis Control Act.

- 29) **CANNABIS PRODUCTION FACILITY** means a facility and premises authorized by a license issued pursuant to the Federal Cannabis Act for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products.
- 30) **CANNABIS RETAIL SALES** means the sale of cannabis or cannabis related products to the general public.
- 31) **CAR WASH** means an establishment for the public where a vehicle is washed within a building or within a permanent structure, but does not include a mobile car wash.
- 32) **CARETAKER DWELLING** means a dwelling unit for the residence of an individual involved with the maintenance and security of a lot.
- 33) **CAR PORT** means a building or structure without walls on at least two sides used for the parking or storage of a motor vehicle.
- 34) **CEMETERY** means any land, building, or structure used for burying or interring the dead, and may include associated building for grounds keeping, equipment storage, or administrative office space.
- 35) **CLEAN WATER ACT** means the Clean Water Act, SNB 1989, c C-6.1, of the Province of New Brunswick.
- 36) **COMMERCIAL ENTERTAINMENT** means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to, an arcade, auditorium for the performing arts, bingo hall, bowling alley, cinema, theatre, or other such amusement place, but does not include an adult entertainment use.
- 37) **CELLAR** means that portion of a building between two floor levels which is underground to the extent that more than one-half of its height is below grade.
- 38) **COMMERCIAL GARAGE** means any building or enclosure in which motor vehicles are stored or repaired but not including body shops.
- 39) **COMMITTEE** means the Planning Advisory Committee established by the Council.
- 40) **COMMERCIAL RECREATION** means an outdoor recreational use such as, but not limited to, boating, camp site rental, recreational vehicle parking, tourist cabin rental, golfing, skiing, or swimming, but does not include motor vehicle racing.
- 41) **COMMERCIAL USE** means any permitted use where the primary purpose is to sell, lease, or rent a product or service directly to the public, including, but not limited to, retail sales, commercial entertainment, or personal or professional services, but does not include any residential use.
- 42) **COMMERCIAL VEHICLE** means a vehicle that is licensed as a commercial vehicle under the Motor Vehicle Act. This would include such non-private passenger vehicles such as, but not limited to, an authorized emergency vehicle, bus, farm tractor, non-repairable vehicle, road tractor, semitractor, or taxicab.

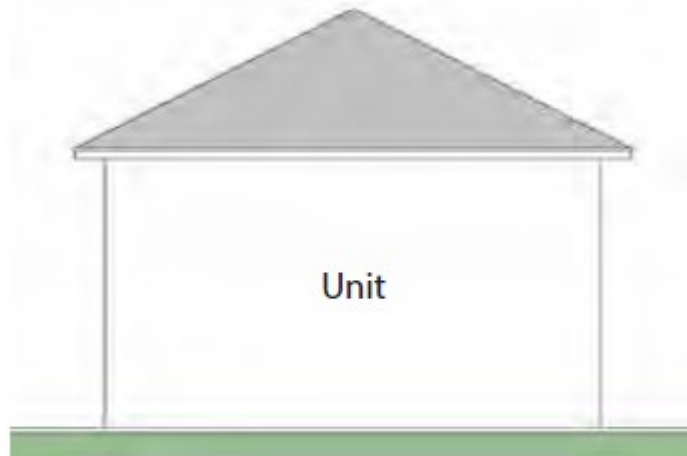
- 43) **COMMON WALL** means a wall erected along a lot or part-lot boundary partly on the land of one owner and partly on the land of another that provides common support to the structure on both sides of said boundary.
- 44) **CONDITIONAL USE** means those uses of land, buildings and structures which may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Committee.
- 45) **CONVENIENCE STORE** means a retail store not exceeding 300 square metres in gross floor area, which serves the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines and newspapers.
- 46) **CONVENIENCE CENTRE, LOCAL** means a commercial convenience development having a maximum gross leasable area of 1,000 square metres and a maximum of three stores.
- 47) **COUNCIL** means the Town Council of the Town of Grand Bay-Westfield.
- 48) **CUL-DE-SAC** means a street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround (or Bulb), and which does not intersect with another street.
- 49) **DAY CARE CENTRE** means an establishment that provides care and supervision for up to 60 children as regulated by the Family Services Act or the Early Childhood Services Act.
- 50) **DAY CARE, NEIGHBOURHOOD** means an establishment for the provision of care and supervision of 6 to 15 children operating in a residential area.
- 51) **DECK** means a horizontal accessory structure, erected above grade intended for use as outdoor amenity space, which may include a railing or privacy lattice along the sides.
- 52) **DEVELOPMENT** means (a) the altering, erecting, placing, relocating, removing, demolishing, repairing, or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines as defined in the Pipeline Act, 2005; (b) any change in the purpose for which any land, building, or structure is used; (c) any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development as defined in (a) or for purposes of the sale or commercial use of the excavated material; or (d) the making of land by cutting or filling in excess of 1 metre.
- 53) **DRIVE-IN BUSINESS** means an establishment which services customers traveling in motor vehicles driven onto the site where such business is carried on and where normally the customer parks the motor vehicle for a short period of time for the purpose of doing business at the premises.
- 54) **DRIVE-THRU BUSINESS** means an establishment which is designed to provide either wholly or, in part, service to customers while in their automobiles.



- 55) **DWELLING** means a building or portion thereof, used for residential occupancy, containing one or more separate dwelling units, but does not include hotels and motels.
- 56) **DWELLING, CONVERTED** means a building originally constructed as a one-unit dwelling or two-unit dwelling that has been lawfully converted into a two-unit dwelling or a multiple dwelling.
- 57) **DWELLING, DUPLEX** means a separate building divided horizontally into an upper and a lower separate dwelling unit each of which has an independent entrance, either directly or through a common vestibule.



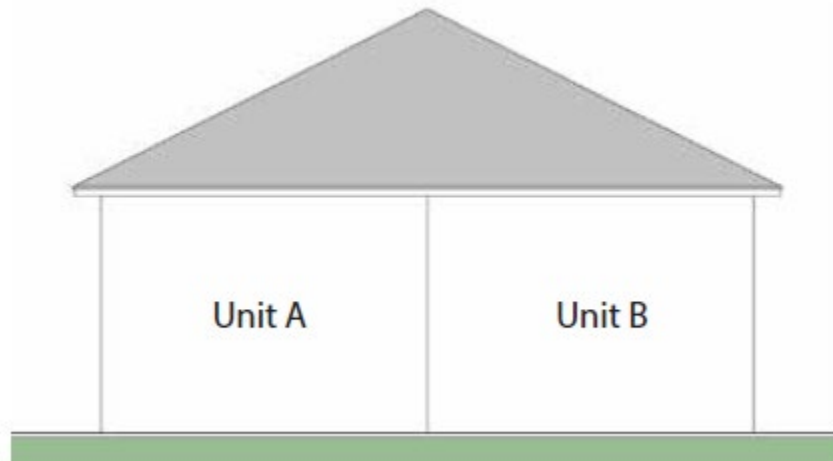
- 58) **DWELLING, MULTIPLE** means a dwelling containing more than two dwelling units.
- 59) **DWELLING, ONE-UNIT** refers to a detached building having independent exterior walls and containing only one dwelling unit.



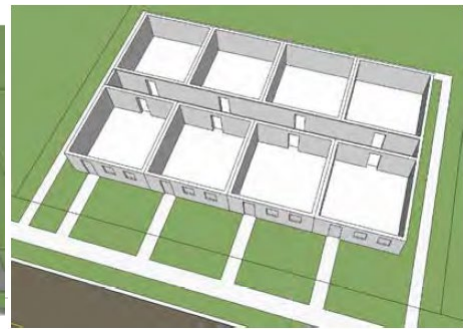
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- 60) **DWELLING, SEMI-DETACHED** means a separate building divided vertically into two dwelling units each of which has an independent entrance directly or through a common vestibule.



- 61) **DWELLING, TWO-UNIT** means a duplex or semi-detached dwelling.
- 62) **DWELLING, MINI HOME** means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini home is a minimum of **4.88 metres** wide and a maximum of **5.0 metres** wide (excluding eaves), a maximum of **21 metres** in length and a maximum of **4.4 metres** in height.
- 63) **DWELLING, MOBILE HOME** means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be joined into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- 64) **DWELLING, ROW OR TOWNHOUSE** means housing consisting of a building containing a row of three or more dwellings joined in whole or in part by vertical common walls. Each dwelling shall have separate and direct access to grade.



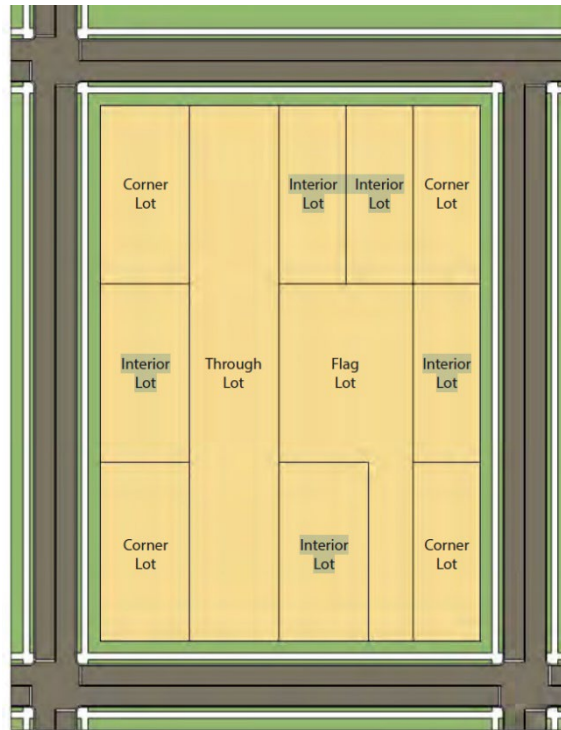
- 65) **DWELLING UNIT** means a room or suite of two or more rooms with one mailing address for use, or intended for use by one or more individuals in which **kitchen and sanitary** conveniences are provided for the exclusive use of such individual(s), and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include hotel, motel, boarding and/or lodging or rooming house, or recreational vehicle.
- 66) **ERECT** means to construct, build, assemble or relocate a building or structure, and any physical operations preparatory thereto.
- 67) **EXCAVATION OF LAND** means any act, operation, or process by which earth, sand, gravel, stone, rock, clay, or similar material is cut into, dug, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom, provided the excavation extends to a depth of 1 metre below the undisturbed surface which existed before the excavation began. Excavation of land it to be undertaken with Section 16 of this By-law.
- 68) **FARMERS MARKET** means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a building.
- 69) **FINANCIAL SERVICE** means an establishment where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.
- 70) **FLOOR AREA** means the aggregate of the horizontal areas of each floor in a building or structure measured from the exterior of outside walls or outside finished partitions but excluding in the case of a dwelling, any unfinished areas.
- 71) **FRONTAGE** refers to Lot Frontage.
- 72) **GARAGE** means an accessory building or part of a principal building designed and intended for the exclusive use of the storage of motor vehicles and equipment.
- 73) **GARAGE OR YARD SALE** means the sale at retail of consumer or personal goods and merchandise, either new or used, from a yard or garage which the general public may attend.
- 74) **GARDEN CENTRE** means any use of land, building, or structure for the display and sale of plants, gardening, or landscaping equipment or supplies.
- 75) **GARDEN SUITE** means a detached secondary dwelling unit on the same lot as a main building and serviced from the main building.
- 76) **GASOLINE BAR** means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. "Service Station" is a separate use.

- 77) **GRADE** means the average of the finished ground surface adjacent to a building, excluding localized depressions such as vehicle or pedestrian entrances.
- 78) **GROUND FLOOR AREA** means the floor area of the first storey of a building located at or above grade.
- 79) **GROUP HOME** means a residence for the accommodation of five or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. A Group Home does not include a daycare facility, a halfway house or a facility for the temporary care of transient and homeless persons or foster care.
- 80) **HABITABLE SPACE** means the space within a dwelling unit in which living functions are carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens, recreation rooms, storage rooms, and workshops, including those located in a basement or cellar. *ZB122.1*
- 81) **HEALTH, FITNESS, AND WELLNESS FACILITY** mean an establishment providing health, fitness, and recreational activities, such as, but not limited to, boxing, dancing, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise.
- 82) **HEIGHT** 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.
- 83) **HOME OCCUPATION** means subject to Section 4.9 of this By-law, an occupation or business which is conducted in a portion of a dwelling unit by a person who uses the dwelling unit as their primary place of residence, and which is clearly secondary and incidental to the residential use of the dwelling unit.
- 84) **HOSTEL** means an establishment where temporary lodging is provided for individual travellers or transients in a shared or dormitory style room, but does not include a hotel, motel, or rooming house.
- 85) **HOTEL/MOTEL** means a building providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention meeting room.
- 86) **HOUSEHOLD PET** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure, rather than for utility, and includes not more than 3 dogs, 3 cats, 3 rabbits, or small birds or rodents in cages, but excludes cattle, sheep, horses, pigs, poultry, bees and other animals kept as farm animals or livestock customarily found in an agricultural use.
- 87) **INCIDENTAL USE** see accessory use.

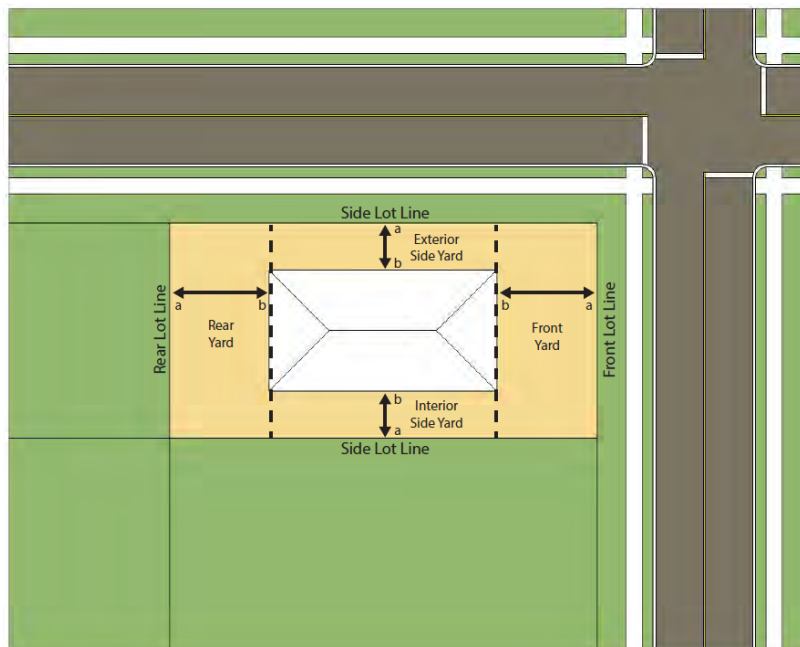
- 88) **INCIDENTAL VEHICLE SALES** means the sale of up to five vehicles on a developed site that is accessory or incidental to a permitted main use.
- 89) **INN** means a tourist home as set out in Section 5.3. within a private dwelling with separate temporary accommodations for travelers or transients on a year-round basis, and may have up to ten (10) sleeping units, a public dining room and convention meeting room.
- 90) **INSTRUCTIONAL SERVICE** means an establishment where instruction or training in an art, hobby, sport, or other recreational activity is provided including, but not limited to, visual arts, crafts, dance, martial arts, or music.
- 91) **INTENSIFICATION AREA** means the areas defined in the Town of Grand Bay-Westfield Municipal Plan as areas for residential, commercial, and industrial intensification.
- 92) **KENNEL** means a building or structure used for the enclosure of animals kept for a commercial purpose, and may include premises used for the breeding, raising, training, sheltering, or boarding, or the overnight accommodation of dogs, cats, or other household pets, including a “doggie daycare” but shall not include a veterinary clinic.
- 93) **LANDSCAPED OPEN SPACE** means a portion of the lot area which is not used for buildings, structures, parking spaces and driveways and which consists of grass, flower beds, shrubbery, other forms of natural landscaping or a combination thereof.
- 94) **LOT** means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto.
- 95) **LOT, CORNER** means a lot located at an intersection abutting two or more streets.



- 96) **LOT, INTERIOR** means a lot other than a corner lot.



- 97) **LOT FRONTAGE** means the horizontal distance measured along a street. Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage. In the case of a curved corner or where side lot lines are not parallel, lot frontage means the distance between the side lines of the lot, at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street.



- 98) **LOT LINE** means a common line between a lot and an abutting lot, lane or street.
- 99) **LOT LINE, REAR** means a lot line extending along the rear of the lot.
- 100) **LOT LINE, SIDE** means a lot line extending from the street line to the rear of the lot.
- 101) **LOT COVERAGE** means the percentage of lot area covered by buildings and structures above established grade, but does not include uncovered swimming pools and unenclosed porches, patios and decks.
- 102) **LOT, THROUGH**, through lot means a lot bounded on two opposite sides by streets.
- 103) **MAIN BUILDING** means a building in which the main or principal use of the lot is conducted. ZBL 122C 2023
- 104) **MEDICAL CLINIC** means an establishment where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment, but does not include any overnight accommodation of a patient. A medical clinic includes, but is not limited to, an acupuncturist, athletic therapist, chiropodist or podiatrist, chiropractor, dental provider, massage therapist, naturopath, osteopath, physician, physiotherapist, psychologist, social worker, speech therapist, or vision care provider.
- 105) **MICROBREWERY** means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits.
- 106) **MOBILE CAR WASH** means an establishment or business that offers vehicle cleaning services that does not involve a building or permanent structure.
- 107) **MOBILE VENDOR** means an establishment or business that offer goods and services in a mobile vehicle, such as a trailer, van, or truck (e.g. food truck), and may include a farmers stand.
- 108) **OPEN OR OUTSIDE STORAGE** means the storage of materials and equipment in the open air, including material covered by canvas or plastic only, but excluding vehicle parking and loading.
- 109) **PARKING LOT** means an open area of land, other than a street, used for the parking of vehicles.
- 110) **PERMITTED USE** means those uses of land, building and structures which are permitted as a matter subject only to the requirements of this and other Town By-laws.
- 111) **PERSONAL SERVICE** means an establishment providing clothes cleaning or personal grooming service such as, but not limited to, an aesthetician, barbershop, beauty salon, clothes alteration, repair, or manufacture for individuals, dry cleaning depot or shop, hairdresser, laundry service, shoeshine, or shoe repair, but excludes the fabrication or manufacturing of goods for retail or wholesale distribution.



- 112) **PET GROOMING** means an establishment where animals are groomed and washed, and may include the ancillary sale of products related to this service, but does not include any associated outdoor kennel or overnight accommodation.
- 113) **PIT** means a place where unconsolidated metallic mineral or mineral bearing substance, rock, earth, clay, sand, or gravel has been or is being removed by means of an open excavation in order to supply it for construction, industrial, and or manufacturing purpose.
- 114) **PORTABLE OR TEMPORARY GARAGE** means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways in the side or rear yard and behind the building line of a residential lot between October 30 and April 30, inclusive. ZBL 122A 2021
- 115) **PRINCIPAL USE** means the primary purpose for which a parcel, building or dwelling unit is used.
- 116) **PUBLIC STREET** means a highway, road or street owned or maintained by the Town of Grand Bay-Westfield.
- 117) **QUARRY** means a place where consolidated rock has been or is being removed by means of an open excavation in order to supply material for construction, industrial, and or manufacturing purpose and includes an open pit mine.
- 118) **RECREATION ESTABLISHMENT** means:
- a) premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf and all other similar places or amusement excluding adult entertainment.
  - b) A recreation facility operated as a business and open to the public for a fee.
  - c) Establishments primarily engaged in the operation of sports, active amusement or recreation services for use by the general public on a fee or non-fee basis
- 119) **RECYCLING DEPOT** means an establishment for the receipt of bottles, cans and other recyclable materials.
- 120) **REQUIRED YARD** means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this By-law.
- 121) **RESTAURANT** means an establishment where food is prepared and offered for sale to the public for consumption within the building or structure or to be taken off the premises.
- 122) **RESTAURANT, DRIVE-THRU** means an establishment whose ready-to-eat food is served to the public through a service window, and where the consumption of the food in motor vehicles on the premises is not encouraged.



- 123) **RESTAURANT, TAKE-OUT** means an establishment where food and beverages are prepared and offered for retail sale to patrons for consumption at a site not on the premises.
- 124) **RETAIL STORE** means an establishment for the retail sale or rental of goods, wares, merchandise, substances, articles or things and may include supplementary postal services, film processing, repair of articles sold or rented by the store and food consumption areas not exceeding 20% of the gross leasable area.
- 125) **ROOMING HOUSE** means a dwelling in which furnished habitable rooms are regularly provided for compensation to three or more persons other than the occupant and members of his family, but does not include a hotel, apartment dwelling, boarding house or tourist home.
- 126) **SCREENING** means the use of landscaping, fences or berms to visually and/or audibly separate areas or uses.
- 127) **SEASONAL DWELLING** means a dwelling unit that lacks one or more of the basic amenities or utilities required for all year or all weather occupancy and has a gross floor area not greater than 58.06 square metres. ZBL 122B- 2022
- 128) **SECONDARY SUITE** means a dwelling unit attached to or contained within a main building.
- 129) **SELF-STORAGE FACILITY** means an establishment where goods or personal items are stored inside separate compartments within a building. Commercial self-storage facilities are accessed by an internal, common hallway. Industrial self-storage facilities have individual, exterior access.  
*ZB122.1(July 2021)*
- 130) **SENIOR CITIZEN RESIDENCES** means any home for senior citizens sponsored and administered by any agency, service club, church or other organization. Such homes may include auxiliary uses such as club and lounge facilities usually associated with senior citizen development.
- 131) **SERVICE STATION** means an establishment where gasoline, oil, grease, anti-freeze, tires and accessories for motor vehicles are stored and kept for sale, and where repairs to motor vehicles are performed. May also include a carwash or mobile car wash.
- 132) **SHOPPING CENTRE, COMMUNITY** means a shopping centre having between 5,000 square metres and 25,000 square metres of gross leasable area and intended to serve more than the surrounding residential neighbourhoods.
- 133) **SHOPPING CENTRE, NEIGHBOURHOOD** means a shopping centre having between 1,000 square metres and 5,000 square metres of gross leasable area and intended to serve the surrounding residential neighbourhoods.
- 134) **SIMILAR OR COMPATIBLE USE** means a use of land or building that is otherwise not permitted in a zone but has been authorized by the Planning Advisory Committee, subject to any imposed term or condition, as being sufficiently similar to or compatible with a permitted use in that zone.

135) **STOREY** means:

- a) that portion of a building between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, then the portion 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 or such basement or cellar is used for business purposes or for dwelling purposes.

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

137) **STRUCTURE** means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings.

138) **SUPPORTIVE FACILITY** means:

- a) an establishment licensed or approved by a government agency that provides care and or supervision to residents on a 24-hour basis by professional staff; or
- b) an establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such residents.

139) **SUPPORTIVE HOUSING** means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of ~~nine~~ **fifteen** residents under the age of nineteen, or to a maximum of ~~nine~~ **fifteen** residents of any age pursuant to the Family Services Act, but not both. **ZBL112A(July 2021)**

140) **SWIMMING POOL** means pre-manufactured or man made structure located outdoors either in or above the ground, intended to contain water for recreational purposes including swimming or diving although used seasonally; designed to be capable of holding water to a depth of 0.6 m or more.

141) **TAVERN** means a tavern licensed under the *Liquor Control Act of New Brunswick* and includes a beverage room. See also bar, lounge, and nightclub.

142) **TEMPORARY USE** means a use and/or structure permitted to exist for a limited amount of time in accordance with the provisions of the Community Planning Act and this By-law.

143) **TOURIST HOME** means a single detached dwelling providing tourist accommodation as set out in Section 5.3.

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

145) **USE, ACCESSORY** means a use that is naturally and normally incidental subordinate and exclusively devoted to the main use, or to the main building or structure, and located on the same lot with such main use or building or structure.

- 146) **USE, SECONDARY** means a use, other than the main use permitted in a building or a structure.
- 147) **VEHICLE BODY AND PAINT SHOP** means an establishment where motor vehicle bodies and frames are repaired and/or painted.
- 148) **VEHICLE REPAIR GARAGE** means an establishment involved in the repair of automobiles, trucks , motorcycles, snowmobiles, or other vehicles, and may include the sale, installation, servicing, or machining of automotive parts and accessories, or a drive thru vehicle inspection, repair, servicing, or cleaning facility such as, but not limited to, automotive glass replacement, exterior vehicle cleaning, muffler replacement, safety inspection, tire alignment, tire replacement, transmission repair, or vehicle upholstery cleaning, but does not include a vehicle body and paint shop.
- 149) **VETERINARY CLINIC** means an establishment within a building where domestic animals or household pets are treated by a licensed veterinarian, and includes temporary indoor accommodation related to such treatment and/or recovery of animals after a surgical procedure, but does not include any outdoor facilities such as a kennel, dog run, or other similar enclosure.
- 150) **WAREHOUSE FACILITY** means an establishment other than a self-storage facility where goods are stored and packaged inside a building, and may include administration, but does not include the manufacturing, display, or sale of goods or a distribution facility.
- 151) **YARD** means that part of a lot unoccupied by main buildings or structures.
- 152) **YARD, FRONT** means a yard extending across the full width of the lot between the street line and the nearest wall of the main building on the lot.
- 153) **YARD, REAR** means a yard extending across the full width of the lot between the rear lot line and the nearest wall of the main building on the lot.
- 154) **YARD, SIDE** means a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of the main building on the lot.

## SECTION 4: GENERAL PROVISIONS AND SPECIAL LAND USE REGULATIONS

### 4.1 ACCESSORY STRUCTURES AND STORAGE TANKS

- 1) **Zones Permitted** Accessory structures and storage tanks are permitted in each Zone where a main building exists.
- 2) **Minimum Cumulative Ground Floor Area** The total lot coverage of all accessory structures, including a detached private garage, shall not exceed:
  - a) **Within the Residential Intensification Area:** 75m or 5% of the lot area up to a maximum of 150m<sup>2</sup>, not exceeding the lot occupancy requirements;
  - b) **Outside of the Residential Intensification Area:** 75m<sup>2</sup> or 5% of the lot area up to a maximum of 250m<sup>2</sup>, not exceeding the lot occupancy requirements.

#### 3) Side and Rear Yard Setback Requirements:

##### a) Residential

In residential zones any accessory structure, heat pump or storage tank may be built or located in a side yard or rear yard provided that any structure so erected shall be a distance of at least 1.5 metres from the side lot line or rear lot line.

##### a) All other zones

In all other zones, any accessory structure or storage tank shall be at least 3 metres from the side lot line or rear lot line.

#### 4) Front Yard Setback Requirements

No accessory building or structure may be placed within the required front yard setback area of the zone.

#### 5) Height

##### a) Residential

No accessory structure, excluding a satellite dish and communication tower, shall exceed the height of the main building on a lot in a residential zone and in no case shall it exceed 9 metres in height measured from average grade to the highest point of any portion of the roof.

##### b) All Other Zones

No accessory structure, excluding a satellite dish and communication tower, shall exceed a maximum height of 11 metres. Where abutting a residential zone; accessory buildings over 9 metres will require an additional 1metre side and year yard setback for each additional metre in height to a maximum of 5 metres.

- 6) **Corner Lots** In zones which permit accessory structures, no accessory structure, including storage tanks, satellite dishes and communication towers, shall be erected on a corner lot at a distance from the street line less than the front yard and corner lot side requirements for the main building.

- 7) **Garages for Semi-Detached Dwellings** Garages for semi-detached dwellings may be centered on the mutual lot line if erected simultaneously on both lots as one structure.
- 8) **Separation of Structures** No part of an accessory building or structures should be located within one and one half (1.5) metres of the main building on the lot.
- 9) **Permitted uses** No accessory building shall be used for agricultural purposes or keeping of animals other than household pets ZBL 122C 2023, unless in the Rural Resource or Rural Residential Zones.
- 10) **Multiple Accessory Buildings per lots:** The maximum number of Accessory buildings on any lot is three (3), not exceeding total lot occupancy requirements.

#### 4.2 BUILDINGS ON A LOT

Except in a Multi Residential Zone or Rural Resource Zone, not more than one (1) main residential building shall be permitted on one lot.

#### 4.3 CARPORTS, ATTACHED GARAGES, SUNDECKS AND OTHER PROJECTIONS INTO YARDS

- 1) **Carports and Attached Garages** An attached carport may be permitted over a driveway in a side yard if the use of such structure is not more than one (1) storey in height and, subject to subsection 3, provided that no part of the carport or garage is located less than one half the setback from the lot line of the abutting side lot. The maximum floor area coverage shall be no more than 70 square metres or 10% of the lot area, whichever is the lesser.
- 2) **Conversions of Carport or Attached Garage to Habitable Space** No portion of an attached carport shall be converted to a habitable space, unless:
  - a) the carport or garage is located so as to meet the minimum side yard requirement for the zone, and;
  - b) the required parking is located beyond the required front yard setback of a one family dwelling, semi-detached dwelling or duplex dwelling.
- 3) **Architectural Features** Cornices, eaves, belt courses, sills, canopies, bay windows or other similar architectural features, may extend or project into a required side yard not more than 0.5 metres and may extend or project into a required front or rear yard not more than 0.75 metres. Chimneys may also project into a required front, side or rear yard not more than 0.5 metres.
- 4) **Stairways** Exterior stairways or stair balconies may extend or project into a required front yard or rear yard not more than 1.5 metres.
- 5) **Sundecks and Platforms**
  - a) **Rear Yard** Porches, platforms, landing places or sundecks may extend or project into a required rear yard as follows:

- i) where the mean height of the structure from the adjacent grade to the bottom of the structure does not exceed 0.5 metres in height, such a structure may extend to within 1.5 metres of the rear lot line;
    - ii) where the mean height of the structure from the adjacent grade to the bottom of the structure exceeds 0.5 metres in height, such a structure may extend to within 2.0 metres of the rear lot line.
  - b) **Side Yard** Porches, platforms, landing places or sun decks may extend or project into a required side yard to within:
    - i) 1.8 metres of the side lot line on the non-driveway side of the main structure;
    - ii) 1.5 metres of the side lot line on the driveway side where a garage or carport is attached to the main structure;
    - iii) 3.5 metres of the side lot line on the driveway side where no garage or carport is attached to the main structure;
    - iv) 1.8 metres of the side lot line on the driveway side, where the distance from the front lot line equals or exceeds 12 metres.
  - c) **Front Yard** Porches, platforms, landing places, or sun decks may not extend into the required front yard setback area of the zone.
- 6) **Portable Garages** Portable garages may be permitted on any residential lot between October 30 and April 30, as long as a front yard and side yard setback of 1 metre is maintained. Such garages shall be permitted to be located on residential property. No permit is necessary for such uses, but a written approval from the development officer is required for the first installation only if subsequent installations are done in the same location. The maximum area shall be 56 square metres. Any canvas car shelter bigger than 56 square metres shall meet the standards established for accessory structures (Section 5.1). ZBL 122A 2021

#### 4.4 DAY CARES

##### 1) NEIGHBOURHOOD DAY CARE

Where permitted in this By-law, a Neighbourhood Day Care may be permitted as a secondary use in a one unit, two unit, semi-detached dwelling, or townhouse dwelling subject to the following requirements:

- a) A Neighbourhood Day Care complies with the daycare regulations of the Early Childhood Services Act of the Province of New Brunswick;
- b) A Neighbourhood Day Care shall have no more than 15 spaces;
- c) A building or portion thereof containing a Neighbourhood Day Care has an area of at least 1.5 square metres for each child in attendance;
- d) Any fenced, outdoor play area must be in the rear yard;

- e) A Neighbourhood Day Care shall be located on a street with unrestricted on-street parking or the provision of an off-street drop-off area must be provided which limits the obstruction of passing traffic;
- f) A Neighbourhood Day Care conducted in a basement must have at least one window in the portion of the basement where the business is conducted;
- g) The Fire Marshall certifies the area in which the business is to be conducted meets the appropriate requirements; and
- h) No Bed and Breakfast, Garden Suite, Secondary Suite, or Supportive Housing is permitted in any building on the lot

## 2) DAY CARE CENTRE

Where permitted in this By-law, a Day Care Centre shall be subject to the following requirements:

- a) A Day Care Centre complies with the daycare regulations of the Early Childhood Services Act of the Province of New Brunswick;
- b) Any fenced or outdoor play area shall be in the rear yard;
- c) One on-site parking space shall be provided for every five children; and
- d) Pick-up and drop-off of children must occur on-site and have limited impact on neighbourhood traffic patterns.

## 4.5 FENCES

- a) Notwithstanding any other provision of this By-law, subject to this section, a fence may be placed or located in a yard;
- b) Notwithstanding any other provision of this By-law, no fence along a street line may exceed 1.2 metres in height, and;
- c) No fence may exceed the height of:
  - i) 1.5 metres in a Residential or Mobile Home Zone;
  - or
  - ii) 2.5 metres in a zone other than a Residential or Mobile Home Zone.
- d) No fence shall be located within 1.5 metres of a street line in all zones.
- e) No fence shall be located:
  - i) within 150 mm of a property line in the case of chain link construction;
  - or
  - ii) within 600 mm of a property line for all other types of construction.
- f) Notwithstanding 5.9.5 of this Section where both owners of adjacent properties have applied for and signed the Building Permit, a fence may be placed exactly on the property line;

- g) No fence shall be electrified or incorporate barbed wire or other dangerous materials;
- h) Notwithstanding 5.9.6 of this Section fences other than a chain link fence, shall be installed with the finished side facing the adjoining property.

#### **4.6 GARDEN SUITES**

Where permitted by this By-law, a one or two-unit dwelling may also contain a Garden Suite subject to the following:

- a) The Garden Suite shall not exceed a maximum gross floor area of 75 square metres;
- b) The Garden Suite must be serviced in the same manner as the main building;
- c) The height of the Garden Suite shall not exceed the height prescribed for an accessory building in Section 5.1 of this Bylaw;
- d) The Garden Suite shall be in the rear yard of the main building;
- e) The Garden Suite shall be of a similar appearance and design as the main building; and
- f) There shall be at least one on-site parking space provided for the Garden Suite.

#### **4.7 GROUP HOMES:**

Where permitted, Group Homes shall:

- a) Maintain a minimum radius of 183 metres from another Group Home;
- b) Require one (1) on-site parking space for every four (4) beds, plus one (1) on-site parking space per two employees on a maximum shift;
- c) Be limited to one unit dwellings;
- d) Be inspected by the Building Inspector and, prior to being occupied, shall satisfy all applicable Building and Fire Code regulations; and
- e) Not operate on the same property as a Tourist Home / Bed and Breakfast, Home Occupation or Daycare Facility to be operated on the property.

#### **4.8 HEIGHT EXCEPTIONS**

The height restrictions of this By-law shall not apply to church towers, chimneys, water storage tanks, telecommunication towers, or to structures housing mechanical equipment.



#### **4.9 HOME OCCUPATIONS**

Where permitted by this by-law, home occupations shall be subject to the following requirements:

- a) A Home Occupation may be permitted as a secondary use within a dwelling unit or an accessory building, or both for the same home occupation, and must be clearly secondary to the residential use;
- b) The maximum area of the Home Occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit;
- c) When the Home Occupation operates from an accessory building, the accessory building shall meet the regulations for maximum cumulative gross floor area described in section 5.1 of this By-law;
- d) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- e) The Home Occupation will meet the signage requirements as set out in Section 7 this By-law;
- f) Off-street parking shall be required in accordance with Section 6 of this By-law; and
- g) The following environmental standards shall apply:
  - i) No emissions of odorous gas or particulates that can be discerned at the lot line;
  - ii) No production of noise in excess of a normal street traffic experience;
  - iii) No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - iv) No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
  - v) Outdoor storage must be located in the rear yard containing the Home Occupation and screened.

#### **4.10 LOTS WITH 15% GRADE**

Any part of a lot that has a grade of 15% or greater may not be considered as part of the lot for purposes of calculating minimum lot area required hereunder, subject to alleviation only by Variance granted by the Planning Advisory Committee and by such terms and conditions as determined by the Planning Advisory Committee.

#### **4.11 MINIMUM FLOOR ELEVATION ABOVE FLOOD LEVEL**

No development of any habitable space shall be permitted in any zone unless the minimum geodetic elevation of the top of any floor is at least 7.4 metres. ZB122A- 2021

#### **4.12 MINIMUM FRONT YARDS LESS THAN ESTABLISHED BUILDING LINE**

Notwithstanding the minimum front yard requirements in Residential Zones under this By-law, if the building line, including porches, established by existing buildings or structures is less than the front yard required by this By-law, there shall be provided a front yard not less than the distance to the established building line of the adjacent building, which is set back the greater distance of the two from the street line, except in the case of corner lots, in which case the normal set back requirement shall apply.

##### **4.12.1 FRONTAGE ON CUL-DE-SAC LOTS OR LOTS ON INSIDE CURVES**

A lot having its only frontage on the curved sideline of a cul-de-sac bulb may have a reduced frontage provided:

- h) The minimum frontage shall be 15 metres, and;
- i) All other dimensional zoning requirements are satisfied.

##### **4.12.2 ACCESS TO COMMERCIAL AND INDUSTRIAL ZONES FROM RESIDENTIAL ZONES**

No vehicular access to any land in a Commercial or Industrial Zone shall be permitted in a Residential Zone, other than through a public street.

##### **4.12.3 RESIDENTIAL DEVELOPMENT NEAR A LAGOON**

Notwithstanding any other provision of this By-law, no dwelling or residential structure may be located within 100 metres of a sewage lagoon.

##### **4.12.4 ELEVATION OF NEW RESIDENTIAL STRUCTURES**

All new residential structures shall be placed or erected on a foundation which is at least 750 millimeters above the final centre line grade of the street as measured on the street at a location which approximates the middle of the front face of the structure unless a variance is granted by the Planning Advisory Committee. All applications for Variances must be accompanied by a site grading plan.

##### **4.12.5 MOBILE HOMES AND MINI-HOMES**

Mobile and Mini Homes shall only be permitted as a primary use in a Mobile Home Residential (MHR) Zone and may be considered as a garden suite <sup>ZBL 122C 2023</sup> in Residential Zones subject to Planning Advisory Committee approval. <sup>ZBL 122B 2022</sup>

##### **4.12.6 COMMERCIAL DEVELOPMENT ABUTTING A RESIDENTIAL ZONE**

The rear or side yard shall be equal to twice the height of the main building or structure where a lot abuts a Residential Zone and provide a visual barrier a minimum of 2 metres high.

#### **4.13 REDUCTION OF YARDS**

No part of landscaped open space required around any building or structure for the purpose of complying with the provisions of this By-law shall be included as part of landscaped open space similarly required for another building or structure.

#### **4.14 SATELLITE DISHES AND COMMUNICATION TOWERS**

- a) Communication towers and satellite dishes shall not be permitted on that portion of a roof of a building in or abutting a residential zone facing the street. In the case of satellite dishes, exception can be made by the Development Officer where no alternative exists on the property;
- b) Satellite dishes and communication towers in or abutting a residential zone shall be subject to all accessory building provisions of this By-law except sections 4.1.2 and 4.1.4;
- c) Where, in the opinion of the Development Officer, there is a risk of injury to occupiers or others, communication towers shall be equipped with appropriate “anti climb” devices or such other equipment as required to restrict the access of the public thereto;
- d) The Development Officer shall have the authority to require that all satellite dishes and communication towers be appropriately painted and landscaping be properly undertaken to minimize the impact of the appearance of such satellite dishes and communication towers on the adjacent properties.

#### **4.15 SECONDARY SUITES**

Where permitted by this By-law, a one and two-unit, and rowhouse dwelling may also contain a Secondary Suite subject to the following:

- 1) Shall not exceed 40% of the gross floor area of the main dwelling unit;
- 2) Shall have an entrance to the side or rear of the building;
- 3) The presence of the Secondary Suite shall not change the exterior appearance of the building; and
- 4) One on-site parking space shall be provided for the Secondary Suite

#### **4.16 SITE TRIANGLE ON CORNER LOTS**

Notwithstanding the provisions of this By-law, no building or structure shall be erected on a corner lot included within the triangular space measured a distance of 6 metres from the point of intersection of the street/lot lines. Furthermore, hedges, shrubs or foliage shall not be planted or maintained within the triangular space measured a distance of 6 metres from the point of intersection of the street/lot lines between the length of one (1) and three (3) metres above the grade of the street which would obstruct the view of a driver of a vehicle approaching the intersection.

#### **4.17 STANDARDS FOR DWELLINGS WITH COMMON PARTY WALLS**

Dwellings with common party walls and occupying more than one lot shall be considered as one building occupying one lot for the purposes of calculating side yard, frontage, lot area and lot occupancy regulations. This includes semi-detached dwellings, duplex dwellings, row dwellings and apartment dwellings.

#### **4.18 SUPPORTIVE HOUSING (INCLUDING SENIORS AND LONG TERM CARE)**

Where permitted by this By-law, the Supportive Housing shall comply with the following:

- 1) Maintain a minimum radius of 183 metres from another lot also containing supportive housing if both are in a residential zone;
- 2) Within the Residential Intensification Area, Supportive Housing uses shall be limited to 15 residents;
- 3) A Bed and Breakfast, Home Occupation, Day Care Facility, or Secondary Suite are not permitted on the same lot;
- 4) When abutting a residential property, there shall be appropriate screening between the Supportive Housing use (including parking) and the adjacent use; and
- 5) When considering the conditional use of the Supportive Housing, the Committee shall consider the following:
  - a) The location of the facility relative to a main or arterial street;
  - b) The impacts to adjacent properties; and
  - c) The local need for the facility in the Town.

#### **4.19 SWIMMING POOLS**

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool is permitted in any zone subject to the following requirements:

- 1) The swimming pool use must be accessory to the main use of the lot;
- 2) The swimming pool shall not be located in the front, side, or flankage yard in any zone;
- 3) The swimming pool shall not be closer than two metres from any lot line;

##### **4.19.1 SWIMMING POOL ENCLOSURES**

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool shall be completely enclosed by a fence or a combination of a permanent structure and a fence that prevents access to the pool from the street or abutting lot.

- 1) The swimming pool enclosure shall completely enclose the swimming pool;

- 2) The swimming pool enclosure shall create a barrier that is no less than 1.5 metres in height when measured from the ground to the top of the fence, gate, or structure, enclosing the pool.
- 3) The swimming pool enclosure shall have no opening greater than 10 centimetres in the barrier(s) required in subparagraph (b).

#### **4.19.2 SWIMMING POOL ACCESS**

- 1) Notwithstanding other provisions presented in this By-law, an outdoor swimming pool shall be accessed by:
  - a) A self-closing and self-latching gate that is a minimum height of 1.5 metres;
  - b) A main building or structure, subject to 4.19.1;
  - c) An accessory building or structure, subjective to 4.19.1; or
  - d) Any combination of the above.

#### **4.20 TOURIST HOMES/BED AND BREAKFASTS**

Where permitted, Tourist Homes shall:

- a) Be limited to one unit dwellings;
- b) Limit bed and breakfast operations to no more than three (3) sleeping units in the building or as regulated by the tourism act;
- c) Limit inn operations to no more than ten (10) sleeping units in the building;
- d) Require a minimum area of a room, exclusive of bathroom, closets and foyers, that may be used for sleeping accommodations for:
  - i) one occupant must be 10 square metres;
  - ii) two occupants must be 12 square metres;
  - iii) three occupants must be 14.5 square metres.
- e) Not permit cooking equipment in a room that is used for sleeping accommodation;
- f) Provide and maintain an easily accessible water toilet, a wash basin and a bath tub or shower served with both hot and cold water for every eight occupants of the tourist home;
- g) Not permit any sign visible from the outside of the house, advertising the existence of the tourist home or the availability of a room except:
  - i) in a residential zone, one non-illuminated sign attached to the building not exceeding 0.4 square metres in area is permitted;
  - ii) in a zone other than a residential zone, one non-illuminated fascia sign not exceeding the provisions in this By-law under section 7.2.3 for a fascia sign.

- h) Permit only breakfast to be served solely for lodgers on the premises for Bed and Breakfast operations;
- i) Permit, a public dining room and convention meeting room for Inn operations;
- j) Not permit a Group Home, Home Occupation or Daycare Facility on the same property;
- k) The person operating the Tourist Home shall hold a valid licenses therefor issued by the agency/agencies having jurisdiction or authority.

#### **4.21 UNDERSIZED LOTS**

This By-law does not prevent the use of an existing lot that does not conform to minimum size requirements provided:

- a) that the use of such lot is permitted in the zone in which said lot is located; and
- b) that the setbacks, height, coverage and all other relevant requirements of the zone are maintained.

#### **4.22 USES PERMITTED IN ALL ZONES**

Nothing in this By-law shall prevent the use of any land for:

- c) Community Garden;
- d) Land for Public Purpose;
- e) Lane, Street, or Highway;
- f) Town Recreation Use;
- g) Park or Playground;
- h) Pipeline;
- i) Public Display;
- j) Stormwater Management Pond;
- k) Telecommunications Tower;
- l) Temporary Parking Lot to Facilitate Snow Clearing;
- m) Utility Service Building or Structure; and
- n) Walking Trail.

#### **4.23 USES PROHIBITED IN ALL ZONES**

- a) Notwithstanding any provision of this By-law, the use of a vehicle or recreational vehicle as a place of residence shall not be permitted within any zone in the Town;
- b) A semi-trailer or what was a semi-trailer or what is or was a vehicle within the meaning of the *Motor Vehicle Act*, R.S.N.B., C-M12 or a part thereof,

shall not be used for storage in any zone. Such a semi-trailer or part of a vehicle shall be deemed to be used for storage when it has not been used for hauling goods to or off the premises at least once every 30 days.

#### **4.24 UTILITIES AND INFRASTRUCTURE**

This By-law prohibits the erection of any building in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, street or other services or facilities.

## SECTION 5: PARKING, ACCESS, LOADING & LIGHTING

### 5.1 GENERAL PROVISIONS FOR PARKING

#### 5.1.1 LOCATION OF PARKING FACILITIES

All required parking spaces shall be provided on the same property as the building or structure.

#### 5.1.2 COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

In a residential zone, no person shall allow a commercial vehicle to remain in a front yard, or an unregistered or derelict vehicle to remain in any yard, or a contractors' machinery or equipment to remain outside the building.

- (a) Only one commercial vehicle per dwelling, including school buses and transport truck cabs, is permitted to be parked in any residential zone, provided the vehicle is operated by a resident of the dwelling unit.
- (b) Commercial transport truck trailers are not permitted in any residential zone.
- (c) The use of a vehicle body, recreational vehicle or transport truck trailer as a permanent place of residence or for commercial activities shall not be permitted within any zone.

#### 5.1.3 PARKING SPACE DIMENSIONS

Each vehicle parking space shall be in accordance with the following stall width and length, and minimum driveway width. Angle parking shall only allow one way traffic.

Type of Parking	Minimum Stall Width	Minimum Stall Length	Minimum Driveway Width
Parallel	2.75 metres	6.0 metres	4.0 metres
Angle	2.75 metres	6.0 metres	5.5 metres
Perpendicular	2.75 metres	5.5 metres	7.5 metres
Barrier Free	Should meet Provincial Guidelines		

#### 5.1.4 LANDSCAPING

- (a) The first 6 metres of the front yard setback area shall be landscaped open space, except for exits and entrances.
- (b) In addition to the above, in residential zones, the required rear yard and non-driveway side yard setback area shall be landscaped open space.



**5.1.5 ACCESS TO ZONES, EXCLUDING COMMERCIAL ZONES AND INDUSTRIAL ZONES**

- (a) The number of driveways shall be limited to not more than two (2) driveways for each 30 metres of frontage, and no more than three (3) driveways are permitted for frontages over 30 metres.
- (c) The maximum curb cut width of each driveway to one unit, semi-detached and duplex dwellings shall not exceed 6 metres.
- (d) The minimum curb cut width of each driveway to parking areas shall be:

15 parking spaces or less	Minimum 4.5 metres
16 parking spaces or more	Minimum 6 metres

**5.1.6 ACCESS TO COMMERCIAL ZONES AND INDUSTRIAL ZONES**

- (a) The number of two-way driveways shall be limited to one per lot frontage except when the lot has a frontage of over 75 metres where two accesses are permitted if a minimum of 20 metres is provided between the centre line of each driveway. No more than two (2) driveways shall be permitted per lot.
- (b) A pair of driveways may be located on a lot in place of one two-way driveway if driveways are designed and signed for one-way use and if a minimum of 20 metres is provided between the centre lines of each driveway, measured at the street line.
- (c) All driveways to a corner lot shall be located no closer than 11 metres from the intersection of the lot lines along two streets with the exception that no driveway may be located within 30 metres of:
  - (i) an intersection of two or more streets if traffic at such intersection is controlled by traffic lights;
  - (ii) if an at-grade intersection in the form of several legs or a traffic circle, or with island channelization or other similar traffic control devices;
  - (iii) an interchange; or
  - (iv) a railway grade crossing.
- (d) If access is provided to a Regional Shopping Centre or Community Shopping Centre, all driveways on a corner lot shall be located no closer than 60 metres from the point where the lot lines along two streets intersect.
- (e) No driveway may have a width in excess of:
  - (i) 9.0 metres for two-way operation;
  - (ii) 7.0 metres for one-way operation.
- (f) Driveway widths mentioned in subsection (e) may be increased to 11 and 9 metres respectively where:

- (i) a substantial portion of the vehicular traffic is composed of tractor trailers of 18 metres, or over, in length;
  - (ii) the abutting street is an arterial with four or more traffic lanes;
  - (iii) the slope of the access where it meets the abutting street is at least 6% more or less than the slope of the street.
- (g) No driveway shall meet the travelled portion of the fronting street at an angle of less than 60 degrees.
- (h) Driveways shall be located at least 3 metres from the property line.
- (i) Every driveway shall be maintained with an all-weather, dust free surfacing sufficient to carry imposed loads.

#### **5.1.7 QUEUING SPACE**

- (a) Queuing spaces shall be provided for Drive-Thru Business (including Drive-Thru Restaurant and Car Wash), Gasoline Bar, Automotive Service Station, and Drive-In Commercial Garage, as follows:
  - (i) Drive-Thru Business, including Drive-Thru Restaurant and Car Wash:
    - (a) In-Bound for window 6 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service and any overflow beyond six vehicles shall not encroach on a public street;
    - (b) Out-Bound 1 out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
  - (ii) Drive-in Business, Commercial Garage, Gasoline Bar, Automotive Service Stations:
    - (a) In-Bound 5 in-bound spaces shall be provided;
    - (b) Out-Bound 3 out-bound spaces shall be provided.
- (b) All queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

#### **5.1.8 ACCESS TO PARKING LOTS AND SPACES**

- (a) There shall be adequate provision for access to a street or public lane for each motor vehicle parking space and each motor vehicle parking space shall be readily accessible at all times for the parking and removal of a motor vehicle, without the necessity of moving another motor vehicle.

- (b) All access lanes in parking lots shall be no less than 6 metres in width, except a lane serving rows in which parking is angled at 45 degrees on both sides of the lane, in which case the minimum distance between rows may be no less than 4.5 metres in width.
- (c) Where more than four off-street parking spaces are required, provision shall be made for the turning of vehicles and be considered part of the parking area.

#### **5.1.9 DESIGN OF PARKING LOTS**

All permanent parking lots and access driveways required for commercial, service industrial and institutional development shall:

1. be surfaced with hot-mix asphalt, portland cement, concrete, or asphalt stone chip seal coat;
2. be graded or drained in such a manner as to ensure that surface water will not escape to neighboring lands, and wherever the surface of the parking area is more than 10 centimeters higher or lower than any adjoining land, a suitable retaining wall shall be installed along the edge of the parking lot or along the lot line;
3. be curbed with permanent continuous high curbing where parking and maneuvering areas and driveways abut landscaped areas;
4. provide a bumper guard of a minimum height of 0.5 metres at a minimum distance of 0.3 metres from any interior side or rear lot line. Where there is a landscaped area of less than 1.5 metres, the bumper guard shall prevent any part of a motor vehicle from projecting over any lot line;
5. be separated from any adjoining residential zone or property used for residential purposes by a minimum 3 metre landscaped strip; and
6. ensure no parking space, maneuvering area or driveway is located any closer than 2 metres to any wall of residential development of 3 units or greater.

#### **5.1.10 MULTIPLE USE OF SITE**

In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site.

#### **5.1.11 CONVERSIONS**

When a building or part of a building is converted to a new use, no additional parking spaces are required. ZBL 122C 2023

**5.1.12 BARRIER FREE PARKING SPACES**

- (a) The number of barrier free parking spaces for development where 5 or more spaces are required shall be in accordance with the following:

<b>Total Number of Required Spaces in a Lot</b>	<b>Total Number of Barrier Free Parking Spaces Required</b>
5 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of the total
Over 1000	20 spaces plus 1 space for each 100 spaces over that.

- (b) Barrier Free parking spaces shall be:

- (i) provided and considered as part of the number of stalls required for a project;
- (ii) located closer to the entrance of the building for which they are intended;
- (iii) identified by a sign and, if the surface is paved, by pavement markings to the satisfaction of the Development Officer;
- (iv) a minimum of 3.8 metres in width and 7.3 metres in length.

**5.1.13 BICYCLE PARKING**

Where a use requires 20 or more parking spaces, consideration shall be made for safe and accessible bicycle parking within a reasonable distance of a primary entrance.

## 5.2 PARKING REQUIREMENTS

### 5.2.1 PARKING CALCULATIONS

The number of off-street parking spaces required for any development shall be determined in accordance with this section.

USE	PARKING REQUIREMENT
<b>a) Residential &amp; Residential Related</b>	
i) One unit Dwelling, Duplex Dwelling, Semi-Detached & Mobile Homes	1 space/unit
ii) Apartments & Row Housing Dwelling Units	1 space/bachelor unit & 1 bedroom unit; 1.5 spaces/2 bedroom unit 1.75 spaces/3 bedroom unit or larger
iii) Senior Citizen Dwelling Units	0.5 spaces/unit
iv) Boarding, Rooming and Lodging Houses	0.5 spaces/unit
v) Group Home	1 space/4 beds, plus 1 space/2 employees on a maximum shift
vi) Home Occupation	2 spaces, plus the normal parking space requirement of the zone
vii) Day Care	1 parking space per dwelling unit 1 parking space per employee 1 parking space per 10 children
<b>b) Commercial and Commercial Related:</b>	
viii) Medical or Health Office	5 spaces/practitioner
ix) Barbers, Hairdressers	2 spaces/chair, minimum 3 spaces
x) Eating and Drinking Establishment	1 space/5 seats
xi) Motel, Hotel and Tourist Homes	1 space/sleeping unit or guest room, plus restaurant and conference requirements
xii) Office	1 space/23m <sup>2</sup> gross floor area
xiii) Retail and Other Commercial Uses (not listed separately in this Section)	
(1) less than 1000 m <sup>2</sup>	1 space/20 m <sup>2</sup> gross floor area
(2) 1000 m <sup>2</sup> & greater	1 space/30 m <sup>2</sup> gross floor area
<b>c) Industrial</b>	
i) Warehouse and Transport	First 2000 m <sup>2</sup> space/Terminals 190 m <sup>2</sup> , and 1 space for every 460 m <sup>2</sup> of gross floor area

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ii) Industrial Uses	1 space for each 45 m <sup>2</sup> of gross floor area or 1 space for each 4 employees, whichever is greater
d) Places of Assembly and Recreational Facilities	
i) Theatre	1 space/5 seats
ii) Religious Institution or Place of Religious Assembly	1 space/6 seats
iii) Public Hall can be lawfully accommodated therein at any one time	1 space//5persons
iv) Museums, Exhibition Areas	1 space/45 m <sup>2</sup> o
v) Funeral Facility	10 spaces plus 1 space for every 19 m <sup>2</sup> of floor area
vi) Spectator Entertainment Auditoriums, Public Libraries, Clubs, Sports Establishments Indoor & Outdoor Recreation Facilities	1 space/10 seats or 1 space/19 m <sup>2</sup> , whichever is greater;
vii) Golf Club	100 spaces/18 holes, plus requirements for other uses contained on the course
viii) Tennis Court, Squash Court, Racquet Ball Court	2 spaces/court plus other uses Contained on or in the facility
e) Educational and Extended Medical Treatment Services:	
i) Elementary or Middle Schools	1 space/teaching staff, plus auditorium requirements
ii) High School	1 space/teaching staff, plus1 space for every 33 students plus auditorium requirements
iii) Colleges, Universities, Business, Commercial or Technical Schools	1 space/20 seats, plus auditorium requirements
iv) Hospitals/Clinics	1 space/100 m <sup>2</sup> of floor area or 1 space/4 beds, whichever is the greater, plus 1 space for every 2 employees on a maximum shift
v) Nursing Homes and Treatment Facilities	1 space/100 m <sup>2</sup> of floor area or 1 space/4 beds, whichever is the greater, plus 1 space for every 2 employees on a maximum shift.
f) Other Uses	1 space for every 28 m <sup>2</sup> of gross floor area

### **5.3 LOADING AND UNLOADING AREAS**

#### **5.3.1 STANDARDS**

In addition to parking requirements of this By-law, wherever a building or structure is erected, converted or altered to be used for manufacturing, storage or commercial purposes or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise, the occupants shall provide and maintain on land that is not part of the highway and not part of the required parking area, loading areas in accordance with the following standards.

Floor Area of Building	Number of Loading Spaces
Up to and including 1800 m <sup>2</sup>	1
Over 1800 m <sup>2</sup> up to and including 4500 m <sup>2</sup>	2
For each additional 4500 m <sup>2</sup>	1 additional

#### **5.3.2 MINIMUMS**

Each loading space shall be a minimum of 9 metres in length and 3 metres wide, and have a vertical clearance of not less than 4.5 metres.

### **5.4 LIGHTING OF SITES**

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties or passing vehicular traffic or interfere with the effectiveness of any traffic control devices.

## SECTION 6: SIGN REGULATIONS

### 6.1 GENERAL PROVISIONS

#### 6.1.1 DEFINITIONS

- a) **Sign** 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;
- b) **Canopy Sign** means a sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building. Canopy signs include marquees;
- c) **Directory Sign** means a sign located on a property with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram;
- d) **Fascia Sign** means a sign attached to, painted, placed or erected upon or against a wall or other surface of a building with the face of the sign parallel to such wall or other surface;
- e) **Freestanding Sign** means any sign supported independently of a building and permanently fixed to the ground;
- f) **Off-Site Sign or Off-Premises Sign** means a sign not located on the same lot as the product, service or structure to which the sign relates. Off-Site signs include billboard signs;
- g) **Permanently Affixed** means securely fastened to a concrete foundation, either by posts or anchor bolts embedded in the concrete and buried at sufficient depth below ground so as to prevent relocation of the sign;
- h) **Portable Sign** means a sign greater than 1.0 square metres and less than 4 square metres in area which is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means;
- i) **Projecting Sign** means a sign which projects from, and is supported by a wall;
- j) **Sandwich Board Sign** means a sign less than 1.0 square metres but greater than 0.18m<sup>2</sup> in area which is constructed of two boards connecting at one end and which can be readily taken on and off a site;
- k) **Roof Sign** means any sign upon, against or above a roof;



- l) **Sign Area** means the area per side of the smallest triangle, square, rectangle, circle or semi-circle which can wholly enclose the surface area of the sign;
- m) **Special Events Signs** include garage sale type signs, real estate open house signs and signs advertising special events;

Notwithstanding the above definitions, no semi-trailer or what was a semi-trailer or what was or is a motor vehicle within the meaning of the *Motor Vehicle Act*, shall be used as a sign. It is deemed to be a sign if it is parked on the site for more than 5 consecutive days.

#### 6.1.2 SIGN PERMIT REQUIRED

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

#### 6.1.3 ADDITIONAL PERMITS

No permits shall be issued for a sign constructed on a permanent foundation without a building permit having first been issued in accordance with the Building By-law.

#### 6.1.4 SIGNS NOT REQUIRING A PERMIT

Notwithstanding the provisions of Section 6.1.2, no sign permit is required for:

- a) Real estate signs which are of a temporary nature and which advertise the property upon which they are located as being available for immediate sale, lease or rent;
- b) Construction signs temporarily located on a lot and which identify the project, owner, architect, consulting engineer and related contractor;
- c) Traffic and directional signs authorized by the Town;
- d) Open House and Garage/Yard sale signs to be removed prior to the end of the day;
- e) Election signs - placement and removal of election posters shall be in accordance with Provincial and Federal Elections Acts in force;
- f) Signs posted or exhibited in a building, including signs inside the window;
- g) Signs identifying the name of the property or residents thereof;
- h) Signs indicating a home occupation permitted by this By-law;
- i) Signs which warns against trespass or danger.

Signs not requiring a permit shall be non-illuminated and not exceed 0.18 square metres in gross area except for a use described in clause (a) above, in which case

shall not exceed 0.55 square metres in area. Signs must maintain a minimum setback distance of 1 metre from any lot or street line, and may not be placed so as to obstruct or hide any permitted sign.

#### **6.1.5 PROHIBITED SIGNS**

No sign shall be erected, operated, used or maintained which:

- a) due to its position, shape, colour, format or illumination obstructs the view, or may be confused with, an official traffic sign, signal or device, as determined by the Development Officer;
- b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
- c) obstructs the use of a fire escape, door, window, or other required exit;
- d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a fascia sign or canopy sign, unless otherwise permitted in this By-law;
- e) extends more than 45 cm above the roof line or parapet of the building or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy to which it is attached;
- f) is attached to a tree;
- g) which flash intermittently or in series, including flashing arrows;
- h) non-illuminating fluorescent signs.

#### **6.1.6 NON-CONFORMING SIGNS**

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

#### **6.1.7 ABANDONED AND UNLAWFUL SIGNS**

- a) No person being the owner or lessee of a property upon which a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- b) The Development Officer may require the removal of any sign which, in his opinion is, or has become, unsightly, or is in such a state of disrepair as to constitute a hazard.

- c) Any sign which no longer advertises a bonafide business or service on the premises shall be removed within sixty (60) days of termination of such business or service.

#### **6.1.8 SIGNS PER PARCEL OF LAND**

In addition to the fascia signs and canopy signs permitted in this By-law, the number of signs that may be constructed, erected, placed or displayed on a parcel of land which require a sign permit, shall not exceed the following:

- 1) one permanent overhead sign (Freestanding); and
- 2) one permanent low level sign (Freestanding); or
- 3) one temporary low level sign (Portable or Sandwich Board).

#### **6.1.9 APPLICATIONS AND PLANS**

An applicant for a sign permit shall:

- 1) complete a sign permit application in a form prescribed by the Development Officer for the Town;
- 2) submit plans and specifications of the proposed sign and any supporting framework and anchoring devices;
- 3) submit a site plan showing public and private right-of-way boundaries, the location of buildings, the location of existing signs and the proposed location of the sign which is the subject of the application;
- 4) submit a list of the materials proposed to be used in the construction of the sign;
- 5) provide such additional information as the Development Officer may require, as to the stress-bearing capacities of the sign and the equipment used in its placement; and
- 6) pay the applicable fee as set out in Section 6.1.10 of this By-law.

#### **6.1.10 SIGN PERMIT FEE**

- a) A \$10.00 permit fee shall be paid to the Town for each sign approved for which a permit is required under the provisions of this By-law.
- b) Permit fees for portable signs may be waived for functions put on by non-profit groups and service clubs at the discretion of the Development Officer or the Town.

### **6.2 SPECIFIC SIGN PROVISIONS**

#### **6.2.1 CANOPY SIGNS**

Canopy signs are permitted in all Commercial and Industrial zones, provided the sign shall:

- a) be attached to, painted or placed upon a marquee, canopy or awning;
- b) not be erected over a sidewalk unless the lowest part of the sign is 2.5 metres or more above the sidewalk;
- c) be permitted along two sides of a building below the level of the second floor windows; and
- d) not project over a sidewalk more than 1.0 metre.

#### **6.2.2 DIRECTORY SIGNS**

Directory Signs are permitted in all Industrial and Commercial Zones, provided the sign shall:

- a) not exceed a maximum of 12 square metres for each sign face;
- b) not exceed a maximum height of 10 metres above grade;
- c) be located on a property where more than one business exists;
- d) display only a listing of the names of these businesses.

#### **6.2.3 FASCIA SIGNS**

- a) Fascia signs are permitted in all zones.
- b) In Residential Zones, fascia signs must be non-illuminated and are permitted to identify the residents, no trespassing, a Tourist Home or a Home Occupation, to a maximum size of 0.4 square metres.
- c) In all zones, except Residential Zones, fascia signs are permitted provided that the sign shall:
  - i) be attached to, painted or erected upon a wall or surface of a building with the face of the sign parallel to the wall. Fascia signs shall not be painted upon or cover a fence or roof;
  - ii) be limited to a vertical dimension not exceeding 1.5 metres;
  - iii) not exceed the length of the wall of the building upon which the sign is displayed;
  - iv) be permitted along two sides of a building below the level of the second floor windows;
  - v) not project more than 23 centimeters from the wall on which the sign is located; and
  - vi) not exceed in size 20% of the area of the entire building face to which it is attached.

#### **6.2.4 FREESTANDING SIGNS**

Freestanding signs are permitted in all Institutional, Commercial and Industrial Zones, providing the sign shall meet the following standards:

- 1) Permanent Low Level Signs:

- a) not exceed a maximum height of 2.5 metres;
  - b) not exceed a maximum size of 2.0 square metres;
  - c) the support(s) maintain a minimum 2 metre setback for all front and side yards; and
  - d) in the case of a corner lot, be at least 11 metres from the intersection of the lot lines.
- 2) Permanent Overhead Signs:
- a) not exceed a maximum height of 10 metres;
  - b) not exceed a maximum size of 9 square metres;
  - c) maintain a minimum 2 metre setback; and
  - d) in the case of a corner lot, be at least 11 metres from the intersection of the lot lines.
- 3) Permanent Overhead Sign Standards for Highway Commercial Zone:
- a) not exceed a maximum height of 15 metres;
  - b) not exceed a maximum size of 14 square metres;
  - c) maintain a minimum 4 metre setback; and
  - d) in the case of a corner lot, be at least 12 metres from the intersection of the lot lines.

#### 6.2.5 PROJECTING SIGNS

Projecting signs are permitted in Commercial and Industrial Zones, provided the sign shall:

- 1) be limited to a maximum of 6.0 square metres per sign face;
- 2) not project more than 2.5 metres from the building wall and be at least 3.0 metres from the ground;
- 3) not project over property lines; and
- 4) be limited to one per business.

#### 6.2.6 PORTABLE SIGNS AND SANDWICH BOARD SIGNS

Portable and Sandwich Board signs are permitted in Institutional, Commercial, and Industrial Zones, provided the sign shall:

- 1) not be placed or erected to stand higher than 2 metres in height above the ground;
- 2) not be placed within 25 metres of a permitted permanent sign;
- 3) not be placed closer to the nearest travelled portion of any street or highway than 6 metres, not closer than 1.5 metres from any street line;
- 4) has a valid permit affixed to the sign;

- 5) is the only Portable Sign or Sandwich Board Sign on the property permitted, for a period not longer than 14 days, and is renewable not more than six times per calendar year.

## PART 2 - ZONES

### SECTION 7: RESIDENTIAL

#### 7.1 RESIDENTIAL ZONES

Five (5) residential zones have been established. The following table summarizes the permitted use and minimum lot sizes in each zone.

Zone	Permitted Use			
	Single	Semi-Detached	Duplex	Apartment
R1	900m <sup>2</sup>			
MHR	465m <sup>2</sup>			
R2	690m <sup>2</sup>	900m <sup>2</sup> (30mx30m)	690m <sup>2</sup> (23mx30m)	
R3	690m <sup>2</sup>	900m <sup>2</sup> (30mx30m)	690m <sup>2</sup> (23mx30m)	1,580m <sup>2</sup> (37mx43m)
RR	4000m <sup>2</sup>			

#### 7.2 ONE UNIT RESIDENTIAL (R-1)

The One Unit Residential Zone accommodates one unit dwellings. The R-1 zone is intended for lands within the Residential Intensification Area, with the ability to accommodate secondary or garden suites. Lots outside of the intensification area that are under one acre in size will also be accommodated under this zone; however additional uses may be prohibited.

### **7.2.1 PERMITTED USES**

Any land, building or structure in the One Unit Residential Zone may be used for the purpose of:

- 1) one-unit dwelling;
- 2) a park or playground;
- 3) an accessory building, subject to Section 4.1
- 4) Garden Suite, subject to section 4.6 ZBL 122C 2023
- 5) Secondary Suite, subject to section 4.15 ZBL 122C 2023

### **7.2.2 CONDITIONAL USES**

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- 6) a Bed and Breakfast, subject to Section 4.20 (Tourist Homes);
- 7) a Neighbourhood Day Care, subject to Section 4.4 (Day Cares);
- 8) Home Occupation, subject to Section 4.9 (Home Occupations);
- 9) Supportive Housing, subject to Section 4.18



### 7.2.3 STANDARDS

The following standards apply to the One Unit Residential Zone:

- 1) Minimum Lot Area
  - (i) Unserved 4,000 square metres
  - (ii) Served 900 square metres
- 2) Minimum Frontage
  - (i) Unserved 55 metres
  - (ii) Served 30 metres
- 3) Minimum Lot Depth
  - (i) Unserved 38 metres
  - (ii) Served 30 metres
- 4) Minimum Front Yard 7.5 metres
- 5) Minimum Rear Yard 7.5 metres
- 6) Minimum Side Yard 3.5 metres
- 7) Maximum Lot Coverage
  - (i) Interior Lot 40%
  - (ii) Corner Lot 35%
- 8) Maximum Height 9 metres
- 9) Minimum Ground Floor Area
  - (i) One-Storey 93 square metres
  - (ii) One and a half-storey 65 metres
  - (ii) Two-Storey 55 metres
- 10) Off-Street Parking In accordance with Section 5 of this By-law.

### 7.2.4 CONDITIONS OF USE: GROUND FLOOR AREA CALCULATIONS

- 1) For the purposes of this section, ground floor area or floor area does not include attached garages, carports, porches, verandas, breezeways, approach halls, patios or, stairs not completely contained in a dwelling unit.
- 2) Minimum ground floor area shall consist of a minimum width of at least 6 m throughout the entire length of the main structure.

## **7.2.5 ONE AND TWO UNIT RESIDENTIAL (R2)**

### **7.2.5.1 PERMITTED USES**

In this zone, any land, building or structure may be used for the purpose of:

- 1) a One-Unit dwelling;
- 2) a Semi-Detached dwelling;
- 3) a Townhouse Dwelling, up to and including 6 units;
- 4) an accessory building, subject to Section 4.1 (Accessory Structures);
- 5) a secondary suite, subject to Section 4.15;
- 6) a garden suite subject to 4.6; or
- 7) Home Occupation, subject to section 4.9 ZBL 122C 2023

### **7.2.5.2 CONDITIONAL USES**

The following uses may be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- 1) a Bed and Breakfast, subject to Section 4.20 (Tourist Homes);
- 2) a Garden Suite, mobile or mini home dwelling, subject to section 4.6; ZBL122B 2022
- 3) a Group Home, subject to Section 4.7
- 4) a Neighbourhood Day Care, subject to Section 4.4 (Day Cares);
- 5) Home Occupation, subject to Section 4.9 (Home Occupations);
- 6) Supportive Housing, subject to Section 4.18

**7.2.5.3 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot Area
  - (i) Unserviced 4,000 square metres
  - (ii) Serviced (Single) 690 square metres
  - semi detached 900 square metres
- 2) Minimum Frontage
  - a) Unserviced 55 metres
  - b) Serviced (Single) 23 metres
  - semi detached 30 metres
- 3) Minimum Lot Depth
  - a) Unserviced 38 metres
  - b) Serviced 30 metres
- 4) Minimum Front Yard 7.5 metres
- 5) Minimum Rear Yard 7.5 metres
- 6) Minimum Side Yard 3.5 metres
- 7) Maximum Lot Coverage
  - a) Interior Lot 40%
  - b) Corner Lot 35%
- 8) Maximum Height 9 metres
- 9) Minimum Ground Floor Area
  - a) One-Storey 93 square metres
  - b) One and a half-storey 65 square metres
  - c) Two-Storey 55 square metres
- 10) Off-Street Parking In accordance with Section 5 of this By-law.

#### 7.2.5.4 CONDITIONS OF USE: GROUND FLOOR AREA CALCULATIONS

The calculation of floor area in Section 7.2.4 also applies to this Zone.

#### 7.2.6 MULTIPLE RESIDENTIAL (R-3)

##### 7.2.6.1 PERMITTED USES

In this zone, any land, building or structure may be used for the purpose of:

- 1) a One Unit Dwelling;
- 2) a Duplex Dwelling;
- 3) a Semi-detached Dwelling;
- 4) a Multiple Dwelling;
- 5) a Townhouse Dwelling;
- 6) a Secondary Suite, subject to Section 4.15;
- 7) a Garden Suite, subject to Section 4.6;
- 8) a Boarding House;
- 9) Accessory Building(s) subject to Section 4.1 (Accessory Structures); or
- 10) Home Occupation, subject to Section 4.9. ZBL 122C 2023

##### 7.2.6.2 CONDITIONAL USES

The following uses may be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- 1) a Bed and Breakfast, subject to Section 4.20 (Tourist Homes);
- 2) a Garden Suite, mobile or mini home dwelling, subject to section 4.6; ZBL 122B 2022
- 3) a Group Home, subject to Section 4.7;
- 4) a Neighbourhood Day Care, subject to Section 4.4 (Day Cares); or
- 5) Supportive Housing, subject to Section 4.18

**7.2.6.3 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot Area
  - a) Serviced
    - i) one unit 690 square metres
    - ii) duplex 690 square metres
    - iii) semi-detached 900 square metres
    - iv) apartment 1580 square metres plus 105
    - v) square metres for each
    - vi) dwelling unit in excess of four
- 2) Minimum Frontage
  - a) Serviced
    - i) one-unit 23 metres
    - ii) duplex 23 metres
    - iii) semi-detached 30 metres
    - iv) apartment dwelling 37 metres plus 1.5 metres for each unit in excess of four
- 3) Minimum Lot Depth 30 metres
- 4) Minimum Front Yard 7.5 metres
- 5) Minimum Rear Yard 7.5 metres
- 6) Minimum Side Yard 3.5 metres
- 7) Maximum Lot Coverage 60%
- 8) Maximum Height 11 metres
- 9) Minimum Landscaped 45 square metres/dwelling Open Space unit
- 10) Minimum Floor Area
  - a) Bachelor Apartment 32 square metres
  - b) 1-Bedroom Unit 41 square metres
  - c) 2-Bedroom Unit 55 square metres
  - d) 3 or more Bedroom Unit 66 square metres
- 11) Off-Street Parking In accordance with the provisions of Section 5 of this By-law
- 12) All permitted uses must be serviced by a municipal sewer system owned by the Town.

#### 7.2.6.4 CONDITIONS OF USE: FLOOR AREA CALCULATION

The calculation of floor area in Section 7.2.4 also applies to this zone.

#### 7.2.7 MOBILE HOME RESIDENTIAL (MHR)

##### 7.2.7.1 PERMITTED USES

In this zone, any land, building or structure may be used for the purpose of:

- a) A Mobile Home Park;
- b) A Mobile Home Site; or
- c) A Mini-Home Site.

##### 7.2.7.2 CONDITIONAL USES

A Mobile Home Park or Site is subject to the requirements of any applicable By-law pursuant to Section 188 of the *Municipalities Act*. The following uses may be permitted:

- a) A Home Occupation, subject to the provision of Section 4.9 (Home Occupations); or
- b) An accessory building, subject to other provisions of Section 4.1 (Accessory Structures).

##### 7.2.7.3 MOBILE HOME LOT STANDARDS

The following standards apply to this zone:

- |     |  |   |
|-----|--|---|
| 1)  | Maximum number of Mobile or Mini Homes per lot | 1   |
| 2)  | Minimum Frontage                               | 15 metres   |
| 3)  | Minimum Lot Area                               | 465 square metres   |
| 4)  | Minimum Front Yard                             | 6 metres  |
| 5)  | Minimum Rear Yard                              | 2.25 metres   |
| 6)  | Minimum Side Yard                              | 3.75 metres   |
| 7)  | Maximum Lot Coverage                           | 40%   |
| 8)  | Sewer Services                                 | All Mobile Home and Mini Home lots shall be serviced by Municipal Sewer |
| 9)  | Minimum Size of Mobile or Mini-Home            | 45 square metres  |
| 10) | Maximum height of Mobile Home or Mini-Home.    | 5 metres  |

### **7.2.8 RURAL RESIDENTIAL (RR)**

The Rural Residential zone accommodates larger, unserviced development typical of rural living. Lot sizes are typically larger to accommodate a mixture of uses and equipment including larger accessory buildings. Smaller scale agricultural uses like hobby farming and greenhouses are accommodated in this zone.

#### **7.2.8.1 PERMITTED USES**

Any land, building or structure in this zone may be used for the purpose of:

- 1) one-unit dwelling;
- 2) an accessory building, subject to Section 4.1

#### **7.2.8.2 CONDITIONAL USES**

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- 1) Agricultural Use;
- 2) Bed and Breakfast;
- 3) Garden Suite, subject to 4.6;
- 4) Home Occupation;
- 5) Kennel; or
- 6) Mobile Home Dwelling;
- 7) Secondary Suite, subject to 4.15;
- 8) Supportive Housing Facility, subject to 4.18 ZBL112(July 2021)

#### **7.2.8.3 STANDARDS**

The following standards apply to this zone:

- |                         |                     |
|-------------------------|---------------------|
| 1) Minimum Lot Area     | 4,000 square metres |
| 2) Minimum Frontage     | 55 metres           |
| 3) Minimum Lot Depth    | 38 metres           |
| 4) Minimum Front Yard   | 7.5 metres          |
| 5) Minimum Rear Yard    | 7.5 metres          |
| 6) Minimum Side Yard    | 3.5 metres          |
| 7) Maximum Lot Coverage | 40%                 |
| 8) Maximum Height       | 11 metres           |

## SECTION 8: COMMERCIAL

### 8.1 COMMERCIAL ZONES

#### 8.1.1 CENTRAL COMMERCIAL (CC)

The Central Commercial Zone accommodates a range of mixed land uses, including commercial and residential uses. The Central Commercial Zone is intended for lands in the traditional commercial core of Town along River Valley Drive. This zoning is applied within the River Valley Drive Mixed Use Designation of the Municipal Plan and allows for the on-going transition of River Valley Drive from a residential corridor to more commercial uses to support the Town's growing demand for commercial lands.

##### 8.1.1.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) an Automobile Salesroom or Sales Lot;
- b) a Bank or other Financial Institution;
- c) a Cannabis Retail Sales Store/Shop ZBL 122C 2023
- d) a Daycare Centre;
- e) a Dwelling Unit(s), including multiple unit;
- f) a Health, Fitness, and Wellness Facility;
- g) a Hotel or Motel;
- h) a Governmental use;
- i) a Medical or Dentist Office;
- j) a Mobile Vendor;
- k) a Museum or Library;
- l) a Microbrewery;
- m) an Office;
- n) a Personal Service;
- o) a Pet Grooming Service;
- p) a Restaurant;
- q) a Retail Store;
- r) a Service Shop;
- s) a Service Station or Vehicle Repair Garage, subject to 8.1.2.1; or
- t) an Accessory Building subject to the provisions of Section 4.1 (Accessory Structures).



### 8.1.1.2 CONDITIONAL USES

The following uses may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Bus or other Public Transportation Terminal;
- b) Bakery;
- c) Cleaning or Drying Establishment;
- d) Home Occupation;
- e) Place of Amusement or Entertainment, other than adult entertainment;  
or
- f) Printing Establishment.

### 8.1.1.3 STANDARDS

The following standards apply to this zone:

- a) Minimum Lot area
  - i) Serviced 900 square metres
  - ii) Unserviced 4,000 square Metres
- b) Minimum Frontage
  - i) Serviced 30 metres
  - ii) Unserviced 55 metres
- c) Minimum Lot Depth 30 metres
- d) Minimum Front Yard 15 metres
- e) Minimum Rear Yard 3 metres
- f) Minimum Side Yard 3 metres
- g) Maximum Lot Coverage
  - i) Interior Lot 40%
  - ii) Corner Lot 35%
- h) Maximum Height 11 metres
- i) Minimum Floor Area 40 square metres
- j) Off-Street Parking In accordance with the provisions contained in Section 5 of this By-law.

## **8.1.2 CONDITIONS OF USE**

### **8.1.2.1 REQUIREMENTS FOR VEHICULAR ORIENTED USES**

- 1) The following main uses shall comply with the specific regulations of this section:
  - a) Drive-Thru Business, including Drive-Thru Restaurant and Carwash;
  - b) Gasoline Bar;
  - c) Service Station or Commercial Garage;
  - d) Drive-in Business (Automotive).
    - i) Standards - Vehicular Oriented Uses

No building, structure or land shall be used or hereafter erected, structurally altered or enlarged for the purpose of a vehicular oriented use, except in accordance with the following requirements:

- a) Minimum Frontage
  - i) Interior Lot 34 metres
  - ii) Corner Lot 38 metres
- b) Minimum Lot Depth 38 metres
- c) Minimum Front Yard
  - i) Main Building 15 metres
  - ii) Underground Storage Tanks 6 metres
  - iii) (2,000 litres and more)
- d) Minimum Side Yard
  - i) Interior Lot 6 metres
  - ii) Corner Lot 15 metres abutting a street(s)
- e) Minimum Rear Yard 7.5 metres
- f) Maximum Height of Building 7.5 metres
- g) Maximum Lot Coverage 20%
- h) Minimum Landscaped Open Space 50% of the required front yard or street frontages (Corner Lot)
- i) Queuing Space In Accordance with the provisions contained in **Section 1.1.7** of this By-law.

#### **8.1.2.2 GASOLINE BARS AND SERVICE STATIONS OR COMMERCIAL GARAGE**

**1) Pump Islands:**

- a) All Pump Islands shall be located at least 9 metres from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- b) A canopy over a pump island may extend to within 6 metres of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section.

**2) Use:**

No part of a lot used for the purpose of a gasoline bar or automobile service station shall be used for parking a vehicle for a period exceeding one week.

**3) Access and Egress:**

Access and egress lanes shall be in accordance with the provisions contained in Section 5.1 of this By-law.

**4) Landscaping:**

The first 6 metres of the front yard setback area, and on corner lots, the two frontages shall be landscaped, grassed and kept tidy, except for exits and entrances. Access lanes crossing the landscaped area shall be curbed not less than 15 centimeters.

**5) Car Washes in Conjunction with Service Stations:**

Car washing facilities shall not be permitted as part of a gasoline bar or automobile service station, unless sufficient parking spaces are provided in accordance with Section 6 of this By-law, and the applicable provisions of Section 8.1.1 and 8.1.2 are complied with.

**6) Queuing Space:**

Queuing Spaces shall be in accordance with the provisions contained in Section 5.1.7 of this By-law.

#### **8.1.3 GENERAL COMMERCIAL (GC)**

General Commercial (GC) is intended to accommodate a range of commercial uses to support Town residents and businesses outside of areas accommodated by the Commercial Centre and Mixed Use Zones. This zone shall be applied by conditional use only.

**8.1.3.1 CONDITIONAL USES**

In this zone, the following uses may be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Bus or other Public Transportation Terminal;
- b) Bakery;
- c) Cannabis sales;
- d) Cleaning or Drying Establishment;
- e) Daycare Facility, subject to 5.5;
- f) Health, Fitness, and Wellness Facility;
- g) Kennel;
- h) Mobile Vendor;
- i) Pet Grooming;
- j) Place of Amusement or Entertainment, other than adult entertainment;
- k) Printing Establishment;
- l) Automobile Salesroom or Sales Lot;
- m) Bank or other Financial Institution;
- n) Dwelling Unit, provided the residential use is not located on the ground floor;
- o) Hotel or Motel;
- p) Governmental use;
- q) Museum or Library;
- r) Office;
- s) Restaurant;
- t) Retail Store;
- u) Service Shop;
- v) Service Station or Public Garage, subject to 8.1.2.1 and 8.1.2.2; or
- w) Accessory Building subject to the provisions of Section 4.1 (Accessory Structures).

#### **8.1.3.2 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot area
  - a) Serviced 900 square metres
  - b) Unserviced 4,000 square Metres
- 2) Minimum Frontage
  - a) Serviced 50 metres
  - b) Unserviced 55 metres
- 3) Minimum Lot Depth 50 metres
- 4) Minimum Front Yard 15 metres
- 5) Minimum Rear Yard 3 metres
- 6) Minimum Side Yard 3 metres
- 7) Maximum Lot Coverage
  - a) Interior Lot 20%
  - b) Corner Lot 15%
- 8) Maximum Height 9 metres
- 9) Minimum Floor Area 40 square metres
- 10) Off-Street Parking In accordance with the provisions contained in Section 5 of this By-law.

#### **8.1.4 HIGHWAY COMMERCIAL (HC)**

The intent of the Highway Commercial Zone is to acknowledge the potential for highway-oriented commercial development and accommodate the demand for a wide variety of automobile-oriented retail, service and office uses which require attractive, low profile, ground-oriented building accommodation having direct visual exposure to and convenient access from Route 7. The Highway Commercial Zone is intended showcase the area through provision for both single and multiple-tenancy buildings and to provide outdoor areas for the display of goods, equipment or materials for some specified uses subject to the following provisions.

#### **8.1.4.1 PERMITTED USES**

In this zone, any land, building or structures may be used for the purpose of:

- a) an Automobile Salesroom or Sales Lot;
- b) a Bank or other Financial Institution;
- c) a Cannabis Retail Sales Store/Shop ZBL 122C 2023
- d) a Hotel or Motel;
- e) a Governmental use;
- f) a Mobile Vendor;
- g) a Office;
- h) a Restaurant;
- i) a Retail Store;
- j) a Service Station or Vehicle Repair Garage, subject to section 8.1.2.1 and 8.1.2.1; or
- k) an Accessory Building subject to the provisions of Section 4.1 (Accessory Structures).

#### **8.1.4.2 CONDITIONAL USES**

The following uses may be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Building or Garden Supplies;
- b) Car or Truck Rental;
- c) Car Sales or Service, subject to section 8.1.2.1 and 8.1.2.2;
- d) Car or Truck Wash, subject to 8.1.2.1 and 8.1.2.2;
- e) Commercial Parking Lot;
- f) Medical or Dental Office;
- g) Nursery or Greenhouse;
- h) Restaurant; or
- i) Hotel or Motel.

#### 8.1.4.3 STANDARDS

The following standards apply to this zone:

- 1) Minimum Lot area
  - a) Serviced 900 square metres
  - b) Unserviced 4,000 square metres
- 2) Minimum Frontage
  - a) Serviced 50 metres
  - b) Unserviced 55 metres
- 3) Minimum Lot Depth 50 metres
- 4) Minimum Front Yard 15 metres
- 5) Minimum Rear Yard 3 metres
- 6) Minimum Side Yard 3 metres
- 7) Maximum Lot Coverage
  - a) Interior Lot 40%
  - b) Corner Lot 35%
- 8) Maximum Height 11 metres ZBL 122C 2023
- 9) Minimum Floor Area 40 square metres
- 10) Off-Street Parking In accordance with the provisions contained in Section 6 of this By-law.

#### 8.1.5 MIXED USE (MU)

The Mixed Use (MU) Zone is intended for lands within the Commercial Intensification Area and accommodates large format commercial, residential, and institutional uses. The intent of the Mixed Use Zone is to acknowledge the investment in Col. Nase Boulevard and encourage the development of a mixture of uses which will link the potential commercial activity around the Route 7 Interchange to the Town Centre. ZBL 122B 2022

**8.1.5.1 PERMITTED USES**

Any land, building or structures may be used for the purpose of:

- a) Accommodation;
- b) Dwelling, multi unit;
- c) Daycare Centre, subject to Section 4.4;
- d) Service Station, subject to section 8.1.2.1 and 8.1.2.2;
- e) Transit Terminal;
- f) Vehicle Rental;
- g) Artist or Craftsperson Studio;
- h) Bakery;
- i) Microbrewery;
- j) Mobile Vendor;
- k) Restaurant;
- l) Community Centre;
- m) Day Care Facility;
- n) Financial Service;
- o) Funeral Service;
- p) Grocery Store;
- q) Health, Fitness, and Wellness Facility;
- r) Museum and Library;
- s) Medical or Dental Clinic;
- t) Supportive Housing;
- u) Personal Service;
- v) Pet Grooming;
- w) Office;
- x) Retail;
- y) Household Service and Repairs;
- z) School;
- aa) Supportive Housing Facility ZBL 112A (July 2021)
- bb) Veterinary Clinic.



#### **8.1.5.2 CONDITIONAL USES**

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Building or Garden Supplies
- b) Cannabis Retail Sales

#### **8.1.5.3 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot area
  - a) Serviced 900 square metres
  - b) Unserviced 4,000 square metres
- 2) Minimum Frontage
  - a) Serviced 50 metres
- 3) Minimum Lot Depth 50 metres
- 4) Minimum Front Yard 15 metres
- 5) Minimum Rear Yard 3 metres
- 6) Minimum Side Yard 3 metres
- 7) Maximum Lot Coverage
  - a) Interior Lot 40%
  - b) Corner Lot 35%
- 8) Maximum Height 11 metres ZBL 122C 2023
- 9) Minimum Floor Area 40 square metres
- 10) Off-Street Parking In accordance with the provisions contained in Section 6 of this By-law.

## SECTION 9: INDUSTRIAL

### 9.1 GENERAL PROVISIONS FOR INDUSTRIAL ZONES

#### 9.1.1 LANDSCAPING REQUIREMENTS

The required front yard shall be landscaped, excepting the driveways and parking areas in accordance with Section 6.1 of this By-law. In the case of a corner lot, the side yard abutting a side street shall be landscaped to a depth of 6 metres, excepting access lanes and parking areas.

#### 9.1.2 PROPERTY ABUTTING RAILWAY

Where any lot line or portion thereof abuts a railway right-of way, no interior side yard or rear yard setback distance shall be required along that portion of such lot line abutting the railway right-of-way.

#### 9.1.3 OUTSIDE STORAGE

- 1) Unless otherwise stated in this By-law, outside storage shall be permitted and shall be screened from the street by a wall or solid fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.
- 2) The height of the wall or fence may be increased or decreased by an amount equal to the depth of the grade of the surrounding land to the satisfaction of the Development Officer. Where feasible, existing screening trees shall be preserved.

#### 9.1.4 SALVAGE OR WASTE DISPOSAL FACILITY, RECYCLING FACILITY OR JUNK YARD

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

- a) The whole of the operation shall be surrounded by a solid fence, not less than 3 metres and not greater than 5 metres in height, unpierced except for gates necessary for access;
- b) The fence shall be located at least 6 metres from the front line and 2 metres from the side or rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be used only for landscaping;
- c) No material shall be piled higher than the height of the surrounding fence.

## **9.2 INDUSTRIAL ZONES**

### **9.2.1 LIGHT INDUSTRIAL (LI)**

The intent of the Light Industrial zone is to accommodate a range of non-offensive, light industrial uses to support the needs of businesses and residents of the Town. The Light Industrial zone is intended for land on the West of Highway of 7.

#### **9.2.1.1 PERMITTED USES**

Any land, building or structures may be used for the purpose of:

- a) Distribution Facility;
- b) Fleet Service;
- c) Kennel;
- d) Landscaper Material Supply;
- e) Self-storage facility;
- f) Vehicle Repair Shop subject to 8.1.2.1 and 8.1.2.2; or
- g) Warehouse

#### **9.2.1.2 CONDITIONAL USES**

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Cannabis Production Facility
- b) Other Light Industrial Uses

#### **9.2.1.3 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot Area
  - a) Serviced 1,700 square metres
  - b) Unserviced 4,000 square metres
- 2) Minimum Frontage
  - a) Serviced 37 metres
  - b) Unserviced 55 metres
- 3) Minimum Lot Depth
  - a) Serviced 38 metres
  - b) Unserviced 46 metres
- 4) Minimum Front Yard 7.5 metres

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5) Minimum Rear Yard	3 metres, subject to Section 10.2.1.4
6) Minimum Side Yard	3 metres, subject to Section 10.2.1.4
7) Maximum Height	11 metres ZBL 122C 2023
8) Minimum Floor Area	68 square metres
9) Off-Street Parking	In accordance with the provisions of Section 6 of this By-law
10) Loading and Unloading Areas	In accordance with the provisions of Section 6.3 of this By-law

### 9.2.1.4 INDUSTRIAL DEVELOPMENT ABUTTING A RESIDENTIAL ZONE

The rear or side yard shall be equal to twice the height of the main building or structure where a lot abuts a Residential Zone, and provide a visual barrier of a minimum of 2 metres high.

## **9.2.2 PITS AND QUARRIES (P&Q)**

### **9.2.2.1 PERMITTED USES**

In this zone, any land, building or structures may be used for the purpose of, and for no other purpose than a sand, gravel, clay, shale pit, or quarry subject to section 15 of this By-law.

### **9.2.2.2 STANDARDS**

The following standards apply to this zone:

- 1) Minimum Lot Area
  - a) Unserved 20,000 square metres
- 2) Minimum Frontage
  - a) Unserved 100 metres
- 3) Minimum Lot Depth
  - a) Unserved 200 metres
- 4) Minimum Front Yard 15 metres
- 5) Minimum Rear Yard 15 metres, subject to section 9.2.2.3
- 6) Minimum Side Yard 15 metres, subject to section 9.2.2.3
- 7) Minimum Floor Area 40 square metres
- 8) Off-Street Parking In accordance with the provisions of section 5 of this By-law
- 9) Loading and Unloading Areas In accordance with the provisions of section 5.3 of this By-law

### **9.2.2.3 NEW PITS AND QUARRIES ABUTTING A RESIDENTIAL ZONE**

- a) The rear or side yard of any new pit or quarry shall be equal to twice the height of any main building or structure used in conjunction with the pit or quarry where the lot abuts a residential zone. The operator of the pit or quarry is to provide a visual barrier, to be approved by the Development Officer, to a minimum of two (2) metres high.
- b) This section of the Zoning By-law does not apply to existing pits and quarries.

## SECTION 10 : INSTITUTIONAL ZONES

### 10.1 INSTITUTIONAL (INST)

#### 10.1.1 PERMITTED USES

In this zone, any land, building or structure may be used for the purpose of:

- a) a Cemetery;
- b) a Community Building;
- c) a Daycare Facility, subject to Section 5.5;
- d) an Educational Establishment;
- e) a Governmental Building;
- f) a Hospital or Rehabilitation Centre;
- g) a Supportive Housing Facility;
- h) a Mobile Vendor;
- i) an Office of a Non-Profit Organization;
- j) a Park or Open Space;
- k) a Medical Clinic; or
- l) a Place of Worship.

#### 10.1.2 STANDARDS

The following standards apply to this zone:

- |                       |  |
|-----------------------|--|
| 1) Minimum Front Yard | 9 metres   |
| 2) Minimum Rear Yard  | 9 metres   |
| 3) Minimum Side Yard  | 9 metres   |
| 4) Maximum Height     | 11 metres ZBL 122C 2023  |
| 5) Minimum Landscaped | 50% of all yards abutting a street Open Space                  |
| 6) Off-Street Parking | In accordance with the Provisions of Section 5 of this By-law. |

## SECTION 11: PARK/GREEN SPACE

### 11.1 PARK/GREEN SPACE (P)

#### 11.1.1 PERMITTED USES

In this zone, any land, building or structure may be used for the purpose of:

- 1) a Public Park or Open Space, including Playground and Sports or Recreation Establishment; or
- 2) a Public or Private Golf Course.

#### 11.1.2 CONDITIONAL USES

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- 1) Commercial Recreational Uses

#### 11.1.3 STANDARDS

The following standards apply to this zone:

- |                       |   |
|-----------------------|---|
| 1) Minimum Front Yard | 9 metres  |
| 2) Minimum Rear Yard  | 9 metres  |
| 3) Minimum Side Yard  | 9 metres  |
| 4) Off-Street Parking | In accordance with the provisions contained in section 5 of this By-law |

## SECTION 12: ENVIRONMENTAL PROTECTION ZONE

### 12.1 ENVIRONMENTAL PROTECTION (EP)

#### 12.1.1 PERMITTED USES

In this zone, any land, building or structure may be used for the purpose of:

- a) a Sewage Lagoon or Sewage Treatment Facility;
- b) a Sanitary Landfill; or
- c) any other use required for environmental remediation or protection.

#### 12.1.2 CONDITIONAL USES

The following uses may be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this Section.

#### 12.1.3 STANDARDS

The following standards apply to this zone:

- |                       |   |
|-----------------------|---|
| 1) Minimum Front Yard | 9 metres  |
| 2) Minimum Rear Yard  | 9 metres  |
| 3) Minimum Side Yard  | 9 metres  |
| 4) Off-Street Parking | In accordance with the provisions contained in Section 5 of this By-law |



## SECTION 13: RURAL RESOURCE

### 13.1 RURAL RESOURCE ZONE (RU)

#### 13.1.1 PERMITTED USES

The Rural Resource Zone (RU) indicates land which is for low-impact resource use and future development. No other than the uses hereunder shall be permitted:

- 1) Uses actually and legally in existence at the time of the passing of this By-law;
- 2) Agricultural or Forestry use;
- 3) Municipal Installation use; or
- 4) An Accessory Building, structure or use, incidental to the main use of the land, building or structure, if such main use is permitted by this Section;
- 5) Seasonal Dwelling, subject to 13.1.3 ZBL 122B 2022

#### 13.1.2 CONDITIONAL USES

- 1) The following uses may be permitted, subject to Planning Advisory Committee approval, with such terms and conditions applied by the Planning Advisory Committee and upon entering into an Agreement with the Town:
  - a) A One Unit Dwelling; or
  - b) A Second One-Unit Dwelling, on lots fronting onto Nerepis Road ZBL 112A (July 2021)
- 2) When considering the above conditional uses, the Committee and Town must consider the following:
  - a) Access for emergency services;
  - b) Services;
  - c) Building Code compliance; or
  - d) Other conditions deemed necessary, at the discretion of the Committee, the Development Officer, and Council.

#### 13.1.3 CONDITIONS OF USE

a) One Seasonal Dwelling per lot is permitted in unserviced areas of the Rural Resource Zone, subject to the following:

ii) Seasonal Dwellings are required to be 58.06 square metres or less in gross floor area and are exempt from the Minimum Frontage requirements of this zone.

iii) Seasonal dwellings must meet exemption criteria under the Building Code Administration Act. ZBL 122B 2022

**13.1.4 STANDARDS**

The following standards apply to this zone:

- |                              |                      |
|------------------------------|----------------------|
| 1) Minimum Lot Area          | 20,128 square metres |
| 2) Minimum Frontage          | 56 metres            |
| 3) Minimum Depth             | 38 metres            |
| 4) Minimum Front Yard        | 7.5 metres           |
| 5) Minimum Rear Yard         | 15 metres            |
| 6) Minimum Side Yard         | 5 metres             |
| 7) Maximum Lot Coverage      |                      |
| a) Interior Lot              | 40%                  |
| b) Corner Lot                | 35%                  |
| 8) Maximum Height            | 9 metres             |
| 9) Minimum Ground Floor Area |                      |
| a) One-Storey                | 55 square metres     |
| b) One and a Half-Storey     | 46 square metres     |
| c) Two-Storey                | 37 square metres     |

## **SECTION 14: MUSQUASH WATERSHED PROTECTED AREA**

### **14.1 MUSQUASH WATERSHED PROTECTED AREA (MWPA)**

#### **14.1.1 PERMITTED USES**

The uses and standards prescribed in this section shall be those that apply in the Musquash Watershed Protected Area, (the “MWPA”).

#### **14.1.2 MWPA SUBZONE 1**

The MWPA Subzone 1 shall be that portion of the MWPA depicted on the zoning map as being encompassed by both the MWPA and the Rural Resource Zone.

##### **14.1.2.1 MWPA SUBZONE 1 PERMITTED USES AND STANDARDS**

To the extent that the permitted uses and standards described in section 14 of this By-law, (the “Rural Resource Zone Standards”) are consistent with the standards set forth in the Watershed Protected Area Designation Order cited as regulation number 2001-83 of the Clean Water Act of New Brunswick, (the “Watershed Protected Area Standards”), the Rural Resource Zone Standards shall be those that apply in the MWPA Subzone 1.

#### **14.1.3 MWPA SUBZONE 2**

The MWPA Subzone 2 shall be that portion of the MWPA depicted on the Zoning Map as being encompassed by both the MWPA and the One Unit Residential (R1) Zone.

##### **14.1.3.1 MWPA SUBZONE 2 PERMITTED USES AND STANDARDS**

To the extent that the permitted uses and standards described in sections 7.1 and 7.2.1 of this By-law, (the “R1 Zone Standards”) are consistent with the Watershed Protected Area Standards, the R1 Zone Standards shall be those that apply in the MWPA Subzone 2.

#### **14.1.4 MWPA SUBZONE 3**

The MWPA Subzone 3 shall be that portion of the MWPA depicted on the zoning map as being encompassed by both the MWPA and the Multiple Residential (R3) Zone.

##### **14.1.4.1 MWPA SUBZONE 3 PERMITTED USES AND STANDARDS**

To the extent that the permitted uses and standards described in sections 7.1 and 7.2.4 of this By-law, (the “R3 Zone Standards”) are consistent with the Watershed Protected Area Standards, the R3 Zone Standards shall be those that apply in the MWPA Subzone 3.

**14.1.5 WATERSHED PROTECTED AREA STANDARDS TO PREVAIL**

To the extent that the Rural Resource Zone Standards, the R1 Zone Standards and the R3 Zone Standards are inconsistent with the Watershed Protected Area Standards, the Watershed Protected Area standards shall be those that apply throughout the entire MWPA.

## **SECTION 15: FLOOD OVERLAY ZONE**

### **15.1 FLOOD OVERLAY ZONE**

The Flood Overlay Zone is intended to promote sustainable development, prevent serious and irreversible damage to peoples, structures and the environment and permit only development that demonstrates an adaptation to flood vulnerable areas. All other sections of this by-law apply to the base zones. Recognizing that flooding impacts and the vulnerabilities to Grand Bay-Westfield's river shore change with geography. For example, due to the exposure of South Bay, properties along River Street may experience additional impacts related to wave heights during a flood event and may require additional due diligence at the permitted stage. The process below creates flexibility to add terms and conditions associated with developing in flood prone areas. The Flood Overlay Zone is depicted on Schedule B of this by-law.

#### **15.1.1 CONDITIONAL USES**

- 1) No main building may be erected, constructed or modified in the Flood Overlay Zone unless it meets the following minimum requirements:
  - a) In the case of a new building:
    - i) Notwithstanding section 4.11, a minimum floor elevation greater than 7.4m may be required within the Flood Overlay Zone dependent on the unique vulnerabilities of the property.
    - ii) A development or building permit request must include:
      - (1) A site plan and elevation drawings demonstrating the elevation of the habitable part of the building;
      - (2) A plan and drawings that demonstrate the flood; proofing of all electrical, mechanical and plumbing systems, by design, for the area below the required elevation;
      - (3) A drainage plan, if the adaptation measures result in more than one (1) metre of fill (in elevation) for properties less than one (1) acre.
      - (4) A site plan demonstrating that access to the property and dwelling unit is at an elevation that does not impact access to the property or dwelling unit during a flood event.
    - iii) Other terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
    - iv) The applicant may be required to enter into development agreement with the Town to be registered with Service New Brunswick on the title of the property.
  - b) In the case of an existing building, the building may be expanded or modified if:

- i) It does not reduce the elevation of the existing building
- ii) It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2m<sup>2</sup> (250ft<sup>2</sup>)
- iii) A non adapted expansion or modification is limited to one per main building
- iv) The development officer or committee may impose additional terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
- v) The applicant may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.

SECTION 15.1.1 DOES NOT APPLY TO ACCESSORY STRUCTURES, OPEN SPACE USES OR TEMPORARY USES PERMITTED BY THIS BYLAW

## SECTION 16: EXCAVATION OF MATERIALS

### 16.1 DEFINITIONS

In this Section:

- a) “**Development Officer**” means the Town of Grand Bay-Westfield Building Inspector appointed by the Town.
- b) “**Excavation of Land**” includes any act, operation, or process by which earth, sand, gravel, stone, rock, clay or similar material is cut into, dug, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom, provided the excavation extends to a depth of 1 metre below the undisturbed surface which existed before the excavation began.

### 16.2 PERMIT REQUIRED

No person may undertake or continue the excavation of land unless an Excavation Permit has been issued therefor by the Development Officer, pursuant to this Section.

### 16.3 APPLICATION

A person seeking to obtain an Excavation Permit or renewal thereof under this Section shall make an application in writing to the Development Officer in a form prescribed by that officer.

### 16.4 INFORMATION REQUIRED

An application mentioned in Section 16.3 shall:

- 1) state the name and address of the Applicant, the name and address of the owner of the property to be excavated, if the applicant is not the owner, and the location of the proposed excavation;
- 2) be accompanied by a plan drawn to a scale not less than 1 to 500 indicating the boundaries of the land involved in the proposal and the boundaries of that portion proposed to be excavated;
- 3) indicate the proposed base or lowest level of the proposed excavation;
- 4) set out the means to be employed by the applicant to maintain access to the excavation, the public street over which excavated material will be transported and the method by which they will be maintained in a relatively dust free condition as by paving, sweeping, or the use of calcium chloride;
- 5) indicate the estimated date of commencement and termination of work involved in the excavation;
- 6) include a proposal for rehabilitation of the site of the excavation and the proposed time limit therefore, which the Development Officer shall submit to Council for its approval;

- 7) indicate the size and location of signs erected or proposed to be erected within the lands involved in the proposal.
- 8) security to be deposited in the sum of money or surety bond in lieu thereof, issued by an insurance company licensed to carry on business in New Brunswick, in amount adequate to cover the cost of rehabilitation required under section 16.11.

#### **16.5 FEES**

Subject to Section 16, where:

- 1) an application under Section 16.4 has been received;
- 2) the proposed excavation and the proposal for rehabilitation of the site meet the requirements of this Section; and
- 3) the fee set out in Section 16.6 has been paid, and the Development Officer shall issue the Excavation Permit requested.

#### **16.6 PERIOD OF VALIDITY**

An Excavation Permit is valid until December 31st in the year of issue, and the fee for such permit or renewal thereof is \$1,000.00.

#### **16.7 REQUIREMENTS**

An Excavation Permit shall:

- 1) be in a form prescribed by the Development Officer;
- 2) set out information pursuant to Section 16.4 contained in the application therefor, and;
- 3) be signed by both the Development Officer and the Applicant and the owner of the property, if the Applicant is not the owner.

#### **16.8 RESTRICTIONS**

No Permit shall be issued under this section if:

- 1) the proposed work would be apt to:
  - a) create a hazard to human life;
  - b) create injury to a person;
  - c) cause physical damage to adjoining property.
- 2) the excavation site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard;
- 3) the Council does not accept:



- a) the rehabilitation proposal and the proposed time limit thereof required by Section 16.4 (6); or;
- b) the security required by Clause 16.4 (8).

#### **16.9 OTHER TERMS AND CONDITIONS**

A Permit under this Section is subject to the following terms and conditions:

- 1) that no excavation take place below the base or lowest level indicated in Section 16.4(3);
- 2) that accesses to the excavation and public streets over which excavated material is transported shall be maintained by the applicant in a manner that would eliminate dust as much as possible such as by paving and sweeping of the accesses, sweeping adjacent streets or the use of calcium chloride on unpaved sections of the accesses or adjoining streets;
- 3) that the excavation, and any work related thereto, is carried out only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and a prescribed day of rest as defined by the Days of Rest Act;
- 4) that no operation in relation to the excavation is conducted in such manner as:
  - a) to be apt to create a hazard to human life, to cause injury to a person or to damage adjoining property;
  - b) to permit ponding of water in excess of 0.6 metres in depth;
  - c) to lower the water tables on neighbouring properties, or;
  - d) to prejudice proposed or required rehabilitation of the land;
- 5) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
- 6) that neither the top or toe of the slope of the excavation, or any building or structure or storage or repair in connection thereto, is within 15 metres of an abutting property line;
- 7) that during any period in which any slope is steeper than that stated in Section 16.11(2), the Applicant and the owner of the land being excavated will cause protective fencing of a minimum height of 1.3 metres, to be erected and maintained approximately 6 metres from the top of the slope;
- 8) that in any instance where an occasional operating condition results in an operating slope steeper than one and one-half horizontal to one vertical, the Applicant and the owner of the land being excavated shall bring or shall have the slope brought to a degree of steepness no greater than one and one-half horizontal to one vertical within seventy-two hours after stopping work on that slope;
- 9) that the excavation site is rehabilitated as provided herein;

- 10) the Applicant/owner shall contact the Development Officer 14 days prior to the closing of the pit for the season or the expiry date of the permit, which ever comes first.

#### **16.10 PERIOD OF VALIDITY**

The excavation site for which a Permit has been issued hereunder shall be rehabilitated by the owner thereof within the time limit stated in the Permit, upon:

- 1) depletion of the material from the site to the extent that further operation would be no longer viable;
- 2) failure to seek renewal of an elapsed or canceled Permit; or
- 3) cessation of operations for a period of at least 12 months.

#### **16.11 REHABILITATION**

Rehabilitation mentioned in Section 16.10 shall include the following:

- 1) where an excavation is over 6 metres deep, a terrace shall be provided not less than 6 metres in width at each 6 metre interval of the depth;
- 2) slopes of the excavation shall not be steeper than one and one-half horizontal to one vertical;
- 3) all plant or equipment, or buildings or structures, placed or erected on the site for purposes of the excavation shall be removed;
- 4) subject to approval of the Development Officer, all stock piles of earth, sand or other excavated materials shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and;
- 5) the site shall be cleared of debris and, except for areas of naturally occurring rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 15 centimetres and seeded with grass or other ground cover to prevent erosion;
- 6) rehabilitation grading shall prevent ponding of surface water.

#### **16.12 REVOKING OF PERMIT**

Where a person violates any of the terms and conditions stated in Section 16.9, or any provision of this Section, the Development Officer may suspend or revoke the Excavation Permit, and may, if the violation is rectified, reinstate a suspended Permit.

**16.13 FAILURE TO REHABILITATE**

Where the Applicant fails to complete the rehabilitation work required by this Section 16, in the manner and within the time period so required, Council may take such action as may be required to cause the said rehabilitation work to be so completed, and may use the deposited security for all costs incurred by Council in taking such action. In the event the deposited security is insufficient, may recover any additional costs from the applicant.

**16.14 PERMIT NOT REQUIRED**

A Permit is not required for the excavation of land where:

- 1) the excavation is allowed by another Permit issued by the Town; and/or
- 2) the excavated material is not removed from the site.

## **SECTION 17: STRIPPING OF TOP SOIL**

### **17.1 GENERAL**

Subject to this Section, no person may strip, excavate or otherwise remove top soil for sale or for use, from a lot or other parcel of land.

### **17.2 EXEMPTION**

Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

### **17.3 SOD FARMING**

Notwithstanding Section 17.1, the farming of sod may be carried out where the owner of the land has entered into an agreement with the Town making arrangements satisfactory to the Town for the rehabilitation of the land. An agreement shall consider the following:

- 1) the proposed work shall be described, and the agreement confirm the proposed activity shall not:
  - a) create a hazard to human life;
  - b) cause injury to a person;
  - c) damage adjoining property; or
  - d) adversely affect a public water main or sewer or water course or street;
    - i) an agreement must identify any areas of land proposed to be used that may result in geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard;
    - ii) the proposed work shall not violate any Federal or Provincial legislation.

**SECTION 18: BY-LAW REPEAL**

By-law No. 122, entitled the Town of Grand Bay-Westfield Zoning By-law enacted on the 28<sup>th</sup> day of September, 2020 and Amendments thereto are hereby repealed.

**READ A FIRST TIME** by title this 12<sup>th</sup> day of June, 2023.

**READ A SECOND TIME** by title this 12<sup>th</sup> day of June, 2023.

**READ A THIRD TIME** BY title and ENACTED on this ### day of           , 2023.

This By-law comes into force on the date of final passing thereof.

**SIGNED AND APPROVED** this #### day of           , 2023.

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John Enns-Wind  
CAO / Clerk

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Brittany Merrifield  
Mayor

**Seal**