



Village of Salisbury Zoning By-law No.43

CONSOLIDATED TO August 2011



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VILLAGE OF SALISBURY ZONING BY-LAW

The Council of the Village of Salisbury under authority vested in it by section 34 (1) (b) of the Community Planning Act, enacts as follows:

SECTION 1 SCOPE AND INTERPRETATION

1.1 Purpose

This by-law:

- (1) divides the municipality into zones;
- (2) prescribes, subject to powers reserved in the Commission or Planning Advisory Committee:
 - (a) the purpose for which land, buildings and structures in any zone may be used, and
 - (b) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
- (3) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards prescribed within this by-law.

1.2 Classification

- (1) For the purposes of this by-law, the municipality is divided into zones as delineated on the plan attached as Schedule “B”, entitled “Village of Salisbury Zoning Map”
- (2) The zones mentioned in subparagraph (1) and shown on Schedule “B” are classified and referred to as follows:

(a)	Residential Use	RU
(b)	Residential Manufactured Home	RMH
(c)	Residential Neighbourhood Service	RNS
(d)	Village Centre	VC
(e)	Highway Commercial	HC
(f)	Industrial	I
(g)	Special Entertainment	SE
(g)	Rural Area	RA
(h)	Community Use	CU
(i)	Open Space Conservation	OSC

- (3) Collectively
 - (a) RU, RNS and RMH zones are referred to as Residential zones unless otherwise specified;
 - (b) VC, HC and I and SE zones are referred to as Commercial zones, unless otherwise specified;
 - (c) RA is referred to as a Rural zone, unless otherwise specified;
 - (d) CU and OSC zones are referred to as Community Use zones

1.3 Conformity

- (1) In any zone:
 - (a) land may be used and developed, and buildings and structures or parts thereof may be placed, erected, altered or used, for a purpose mentioned in the specific zone in conformity with the requirements of that zone and any other provisions of this By-law;
 - (b) no land may be used or developed, and no building or structure or part thereof may be placed, erected, altered or used for a purpose or in a manner other than permitted in this By-law; and
 - (c) no building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part hereof continues to contravene the provisions of this By-law.
- (2) Upon receipt of an application and fee in the amount of \$100.00, the Development Officer may issue a letter of confirmation regarding the zone applied to the property requested.
- (3) Upon receipt of an application with a current Building Location Survey Certificate and fee in the amount of \$100.00, the Development Officer may issue a letter of regarding conformity of the property with the Zoning By-law.

1.4 Zoning Maps

- (1) Schedule “B”, attached hereto, may be cited as the “Village of Salisbury Zoning Map” and is hereby declared to form part of this by-law.
- (2) The extent and boundaries of all zones are shown on Schedule “B” and for all such zones the provisions of this by-law shall respectively apply.
- (3) The symbols used on Schedule “B” refer to the appropriate zones established as classified in this by-law.

1.5 Interpretation Of Zoning Boundaries

Boundaries between zones shall be determined as follows:

- (1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line;

- (2) Where zone boundaries are indicated as following an existing or proposed street line, alley line or public utility right-of-way or easement line, the zone boundary shall be construed as the boundaries of such street, alley, right-of-way or easement;
- (3) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in such bank;
- (4) In the event that a dedicated street or road, as delineated on Schedule B, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centreline of the closed street;
- (5) Where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; or
- (6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule B.

1.6 Zones Not On Maps

The zoning maps of this by-law may be amended to utilize any zone in this by-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the Community Planning Act and must be in conformity with the policies of the Municipal Development Plan for the Village of Salisbury.

1.7 Uses Permitted

Uses permitted within any zone shall be determined as follows:

- (1) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone;
- (2) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements;
- (3) Where a use permitted within any zone is defined in any definition, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.

1.8 Powers Of The Council

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

- (b) acquire the parcel of land on which such building or structure is located.

1.9 Powers Of The Commission

- (1) Development in floodplains

Notwithstanding any other provision of this By-law, no building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

- (2) Temporary Use

Upon receipt of an application and supporting information to the satisfaction of the Development Officer and a fee in the amount of \$250.00, the Commission may, subject to such terms and conditions as it considers fit;

- (a) authorize, for a temporary period of one year a development otherwise prohibited by this By-law.
- (b) require the termination or removal of a development authorized under 1.9.2(a) at the end of the authorized period.

- (3) Terms and Conditions

Where uses that are prescribed within any zone as being subject to terms and condition as imposed by the Commission, no development of any such use shall commence unless an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$250.00, has been received and the application has been approved by the Commission and the appropriate permits issued.

- (4) Similar of Compatible Uses and Reasonable Variance

Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$250.00 the Commission may permit, subject to terms and conditions as it sees fit:

- (a) as provided for by Subsection 35(a) of the Act, a proposed use of a land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted by the By-law for the zone in which the land or building is situated; or
- (b) such reasonable variance from the requirements of this By-law as provided for by Subsection 35(b) of the Act, as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the By-law and the Municipal Development Plan.

- (5) Non-conforming Uses

Upon receipt of an application and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$250.00 the Commission may, as provided for in Section 40 of the Act, permit;

- (a) the continuance of a non-conforming use, even though such non-conforming use was discontinued for a consecutive period of ten months, or such further period as the Commission sees fit;
- (b) the repair or restoration or use of a non-conforming building or structure that has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
- (c) a non-conforming use of a part of a building to be extended into a portion of the building that was constructed subsequent to the date of the passing of the By-law; or
- (d) a non-conforming use to be changed to a similar non-conforming use.

1.10 Amendments

- (1) A person who seeks to have this By-law amended:
 - (a) shall address a written and signed application, in duplicate, therefore to the Council
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
 - (i) a statement as to the ownership thereof, and
 - (ii) the signature of at least one owner of each parcel of land therein; and
 - (c) shall pay a fee of \$1000.00
- (2) The Council may return all or part of the fee required to have this By-law amended.
- (3) An application under this section shall include such information as may be required by the Council or Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) Before giving its views to the Council with respect to an application under this section, the Commission may carry out such investigation as it deems necessary.
- (5) Council may require that any advertising cost related to rezoning applications shall be paid by the applicant.

SECTION 2 DEFINITIONS

In this by-law the word “shall” is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word “used” shall include “intended to be used”, “arranged” and “designed”. All other words shall carry their customary meaning except for those defined hereinafter:

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

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

ACT means the Community Planning Act, for the Province of New Brunswick.

ADULT ENTERTAINMENT means any establishment or retail business that offers goods, services or entertainment to the public intended to deliver sexual stimulation or gratification, or is reasonably intended to appeal primarily to erotic appetites. It includes, but not limited to, entertainment characterized by the display of the nude or semi-nude human body in a manner or context apparently designed to exploit sexual aspects of the human body. Such entertainment is commonly promoted using adjectives or terms such as 'nude', 'topless', 'sexy', 'exotic', and so on. It also includes, but is not limited to 'massage parlors', video stores', which predominantly feature for sale goods and supplies that purport to aid or enhance the sexual experience.

AGRICULTURAL USE means the use of any land, building or structure for the production of food, fiber, or flora or the breeding and handling of animals and includes a farm dwelling and accessory buildings and retail or market outlets for the sale of perishable goods or for the handling of animals except for the purpose of this by-law such shall not include such industrial uses as a cannery or an abattoir

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

AMENITY AREA means an area of land, which is set aside for the purposes of visual improvement, recreation or relaxation and may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.

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

AUTOMOBILE REPAIR SHOP means a building or part of a building on a lot used for minor or major repair of light trucks and passenger vehicles, excluding buses, and includes auto body work, muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels.

BAKERY SHOP means a shop where products of a bakery are made and sold by retail and for the purposes of this by-law includes a retail commercial use.

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

BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain to persons exclusive of the owner of the building.

BUILDING means any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, chattels or equipment and includes any vessel or container used for any of the foregoing purposes.

BUSINESS SERVICE USE means the use of land and buildings as a base of operations from which services are provided to office, retail and commercial clients and, without limiting the generality of the foregoing, includes office equipment repair and maintenance services, electronic equipment repair and maintenance services, courier companies, and bottled water distribution companies, and may include accessory indoor storage, but does not and shall not include service stations, transportation or heavy equipment repair facilities or warehouses.

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

CAR WASH means a building or part of a building containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed.

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

COMMERCIAL VEHICLE means any vehicle, which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.

COMMERCIAL WIND ENERGY SYSTEM means single wind turbine, or multiple wind turbines, intended solely to generate electrical power for sale to the power grid.

COMMISSION means the Greater Moncton Planning District Commission.

CONVENIENCE STORE means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines, videos and newspapers.

DAYCARE NEIGHBOURHOOD means an establishment for the provision of care and supervision to children, regulated under the Child and Family Services Act, containing no more than 15 children.

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

DEVELOPMENT means:

- (a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines defined in the Pipeline Act, 2005 except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices,
- (b) where the purposes for which land, buildings and structures may be used are set out in a regional plan, municipal plan, rural plan, basic planning statement, development scheme, urban renewal scheme, zoning by-law or regulation, 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 mentioned in paragraph (a) or for purposes of the sale or other commercial use of the material excavated, or
- (d) the making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the Pipeline Act, 2005.

DISTRIBUTION CENTRE means a building used for the storage, wholesaling and distribution of goods and materials.

DRIVE-THRU BUSINESS means a building where food and drink is served to the public for consumption while in their automobiles.

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

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

DWELLING UNIT means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons, including the use of up to 3 (three) rooms for the keeping of boarders.

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

DWELLING, TWO UNIT means a building containing two dwelling units

DWELLING, MOBILE OR MINI HOME means any dwelling, which is pre-manufactured and designed to be transported to the lot.

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

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

DWELLING, ROWHOUSE, is synonymous with “townhouse dwelling” and means a dwelling that is part of a building divided vertically into three or more dwelling units,

each of which is located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

ENTERTAINMENT USE means any activity carried on within a building or part of a building which involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing, includes a tavern, nightclub, beverage room, an arcade or amusement centre, including a casino and a pool or billiard hall, but, specifically limiting the generality of the foregoing, does not include adult entertainment uses.

EROSION PROTECTION WORK means shoreline stabilization, riprap, and bank protection projects.

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

EXISTING VACANT UNDERSIZE LOT mean a vacant lot that has an area of less than 1207.7 sq meter.

FENCE means a barrier closing or bordering a field, yard etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FOOD PROCESSING ESTABLISHMENT means a commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

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

GARDEN NURSERY means a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation and may also include the sale of related accessory supplies, including landscaping material.

GARDEN SUITE means a detached dwelling unit, designed to be placed in the rear yard of a lot containing a single unit dwelling.

GAS BAR means an establishment, other than an auto repair outlet, where air, cleaning equipment, 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.

GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

HEIGHT with reference to a building or structure, means the vertical distance of a building or structure between the established grade and highest point of the structure or building roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs, or one-quarter the height between the finished ceiling of the uppermost floor and the highest point of the roof for any other roof type.

HOME BUSINESS means a secondary use on a lot that contains a single unit dwelling,

which use may entail an office in the dwelling and may include the storage of not more than a total of 3 commercially licensed vehicles or pieces of equipment on the lot for the purpose of performing work at other locations.

HOME OCCUPATION means a secondary use which is clearly incidental and secondary to the residential use of the property, conducted in an accessory building or a portion of a dwelling unit by members of the occupants residing therein, and may involve one person not an occupant residing therein. A home occupation activity shall not include the repair of motor vehicles, auto body shop, construction equipment, recreational vehicles and motorcycle repair shops and small engine repair shops.

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

HOTEL/MOTEL/MOTOR INN means a commercial building(s) providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention room.

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

INSTITUTIONAL USE means the use of land, buildings, or structures for religious, educational, health, municipal, provincial or federal facilities.

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

LIVESTOCK means farm animals kept of use, for propagation, or intended for profit or gain and, without limiting the generality of the foregoing, includes dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey, goats, geese, and rabbits.

LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

LOT means a parcel of land described in a deed or subdivision plan, used or proposed to be used as the site of a building or structure or appurtenance to.

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

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

LOT COVERAGE means that percentage of the lot area that is permitted to be covered by all buildings and structures, excluding above ground swimming pools and that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located

within said zone.

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

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

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

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

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

- (e) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line, or
- (f) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shore line of a lake river or stream, the lot line facing the access road shall be deemed to be the front lot line.

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

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

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

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

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

MANUFACTURED HOME means a house entirely built in a protected environment under the CSA standards code and transported to a site. Also known as mini-home and double/triple-wide home. Manufactured homes are not recreational vehicles.

MANUFACTURING/PROCESSING/ASSEMBLY, means the use of land, building or structures for the purpose of converting raw material, processed material or assembling into finished materials or products or goods including packaging, but does not include heavy industry.

MAXIMUM RATED OUTPUT CAPACITY means the maximum power produced by the wind turbine operating at optimal wind speed.

MEDICAL AND HEALTH OFFICE means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical and dental offices, occupational

health and safety office, physiotherapy services, counseling services, chiropractic services, but does not include veterinary services.

MINI/MOBILE HOME PARK means a parcel of land under single ownership, which has been planned for the placement of two or more manufactured homes.

NON-COMMERCIAL WIND ENERGY SYSTEM means a wind turbine that is subordinate and incidental to the main use on the lot and that supplies electrical power solely for on-site use, except that when a parcel on which a non-commercial wind turbine is installed also receives electrical power supplied by a utility company, excess electrical power generated by the noncommercial wind turbine and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.

OFFICE means a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization. It shall not include the manufacturing of any products or the retail selling of goods.

OPEN SPACE means land that is inappropriate or limited for urban development by reason of having inherent or natural hazards such as susceptibility to floods or erosion.

OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot and without limiting the generality of the foregoing, outdoor display court includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

OUTDOOR STORAGE means an area on a lot, other than an outdoor display court, for the storage of merchandise, goods, inventory, materials or equipment or other items.

OUTDOOR WOOD-BURNING FURNACE means an accessory building or structure which operates as a heat source for associated main buildings.

PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.

PARKING SPACE means an area reserved for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.

PAVED means the use of tar and gravel, asphaltic or Portland cement concrete or other similar substance to create a smooth surface, including bituminous penetration, but not the use of clay, dirt or slag.

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

PERSONAL SERVICE SHOP means a building or a part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of

foregoing, may include such establishments as barber shops, beauty parlors, hairdressing shops, shoe repair shops, tailor shops, dry cleaning and laundry depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution and does not include a massage parlour.

PRINTING ESTABLISHMENT means an establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter shop.

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

PUBLIC UTILITY means any building, structure, plant, or equipment essential to the provision and operation of services to the general public including, but not limited to, the provision of electricity, water, sewerage disposal, communication services and infrastructure, pipelines, railway, roads and sidewalks, traffic management systems, vehicular and pedestrian bridges, gas distribution systems and energy generating wind structures.

RECREATIONAL USE means the use of land, buildings and structures for sport, entertainment or leisure purposes and, without limiting the generality of the foregoing, may include such uses as parks, playgrounds, tennis courts, lawn bowling greens, bowling alleys, marinas, miniature golf course, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, dance halls, roller skating rinks and similar uses to the foregoing, together with any accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.

RECREATIONAL VEHICLE means a vehicular or portable unit designed for travel, camping or recreational use, including “all terrain vehicles” (ATV), travel trailers and pick-up or motorized campers.

RECYCLING DEPOT means a building that is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials, which are to be delivered wholesale to other locations for reclamation, processing or salvage.

RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation, supervisory and/or personal care is provided, or is made available for more than three persons with social, health, legal emotional, mental or physical impediment or problems and includes such facilities as are licensed under the *Family Services Act*, or by any other provincial legislation, but does not include public or private hospitals or sanatorium, jail, prison or reformatory, or a hostel.

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

RESOURCE EXTRACTION STORAGE means all buildings, aggregate plants, material storage areas and weigh scales associated with the excavation of rock, borrow material, soil for commercial sale or use but does not include structures or storage areas which are fundamental to the activities of mining.

RESTAURANT means a building where food and drink is served to the public primarily for consumption within the building.

RESTAURANT, DRIVE THRU means a building where the design of physical facilities or the packaging procedures encourages or permits customers to receive food or drink which may be consumed in a motor vehicle on or off the premises.

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

RETAINING WALL means a structure constructed to hold back or support an earthen bank.

ROTOR CLEARANCE means the distance between the bottom tip of the blade and the ground.

SALVAGE YARD means a lot for the storage, handling, processing or sale of scrap material, and without limiting the generality of the foregoing, shall include materials such as waste paper, rags, used bicycles, vehicles, tires, metal or other scrap or salvage.

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

SERVICE INDUSTRY includes uses related to the processing of milk and dairy products, bakery's, public garages including engine and body and automobile repair shops, printing establishments, a laundry or dry cleaning establishments, painting, plumbing and sheet metal shops and similar uses.

SERVICE SHOP means a building or part of a building used for the sale and repair of household articles and shall include glass replacement shops, radio, television and appliance repair shops but shall not include industrial uses or manufacturing or motor vehicle repair shops, and shall not include vehicles designed and intended to serve as industrial vehicles, heavy equipment or tractor trailers.

SERVICE STATION means a building or part of a building used for the retail sale of lubricating oils and gasolines and may include vehicle washing establishments and the sale of automobile accessories and the servicing and general repairing of motorized vehicles other than industrial vehicles, heavy equipment or tractor trailers.

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

SHIPPING CONTAINER means a container originally designed for use as a means of storing and transporting cargo via ship, rail or truck.

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

SIGN means any object, device, light, display, painting or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols fixtures, colors, illumination or

projected images, except any “signs” which is affixed to the inside of a window or glass door.

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

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

SIGN, DIRECTORY means a sign located on a property upon which more than one business is located and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram.

SIGN, FACIA WALL means a single faced sign placed flat against the wall of a building.

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

SIGN, ILLUMINATED means a sign that is illuminated by an internal light source.

SIGN, PORTABLE means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and without limiting the generality of the foregoing, includes signs commonly known as “Sandwich Signs” or “Mobile Sign”, or “Inflatable” device tethered to any building, structure, vehicle or other device.

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

SOD FARM means the use of land for the growing and eventual removal of grasses, and the soil that supports them, for any retail or wholesale commercial purpose.

STOREY means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.

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

STREET LINE means the boundary line of a street.

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

TOTAL HEIGHT OF WIND TURBINE means the total measurement from the base of the turbine to the tip of the rotor blade.

TRUCK STOP means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and

similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

UTILITY means a public or private system, works, plant, equipment or services, which furnishes services to or for the use of the general public.

USE means the purpose for which land or a building or structure, or any combination thereof, is designated, arranged, erected, intended to be occupied, or maintained.

USE, SECONDARY means a use:

- (a) other than a main or an accessory use
- (b) secondary to a main use; and
- (c) conducted, unless otherwise provided, entirely within a building containing the main use on the lot

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

WALKOUT BASEMENT means a basement containing a full door exit way from the basement to the outside, where a person can “walk out” of their basement without going upstairs.

WAREHOUSE means a building used primarily for the storage of goods and materials, and may include wholesale and retail sales.

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

WETLAND means land that stays flooded all or part of the year with fresh or salt water and shall include but is not limited to a lake, marsh, swamp that supports wildlife and replenishes the groundwater system.

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

WIND TURBINE TOWER means the guyed or freestanding structure that supports a wind turbine generator.

YARD means an open, uncovered space on a lot appurtenant to a building, but excludes a court bounded on two or more sides by buildings.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or main structure on the lot.

YARD, REQUIRED FRONT means the minimum depth required by this by-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or main structure on the lot.

YARD, REAR means a yard extending across the full width of a lot between the rear lot

line and nearest main wall of any main building or main structure on the lot.

YARD, REQUIRED REAR or means the minimum depth required by this by-law of a rear yard on a lot between a rear lot line and the nearest main wall of any main building or main structure on the lot.

YARD, SIDE means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot.

YARD, REQUIRED SIDE or “minimum side yard” means the minimum breadth required by this by-law of a side yard on a lot between a side yard line and the nearest main wall of any main building or main structure on the lot.

YARD, FLANKAGE means the side yard of a corner lot, which side yard abuts a street.

YARD, REQUIRED FLANKAGE or “minimum flankage yard” means the minimum side yard required by this by-law where such yard abuts a street.

SECTION 3 GENERAL PROVISIONS

3.1 Development Permits

- (1) No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all the provisions of this by-law.
- (2) Any development permit shall be in force for a period of one year from the date of issue or until the project has been completed or is discontinued for a period of six months and any permit may be re-issued upon request, subject to review by the Development Officer.
- (3) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one lot.
- (4) Notwithstanding Subsection 3.1 (1), no development permit shall be required for the following:
 - (a) any accessory building or structure which has less than 9 square metres of gross floor area; and
 - (b) any sign permitted by Section 3.38 of this by-law.
- (5) No development permit may be issued under this by-law unless a fee of twenty-five dollars (\$25) has been paid.

3.2 Licenses, Permits And Compliance With Other By-Laws

- (1) Nothing in this by-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Village, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Village or statute and regulation of the Province of New Brunswick or Government of Canada.
- (2) Where any provision in this by-law conflict with those of any other municipal, federal or provincial regulation, by-law or code, the higher or more stringent requirement shall prevail.

3.3 Sewage Disposal Systems

- (1) Where municipal central sewerage services are available, no development permit shall be issued except where the development is provided with such a service.
- (2) Where any lot is developed with a septic tank and disposal field, the minimum requirements of this by-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the relevant department of the provincial government shall prevail.

3.4 Frontage On Street

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

- (2) Notwithstanding Subsection 3.4 (1), a development permit may be issued for a mobile home park containing privately owned streets.

3.5 Existing Undersized Lots

- (1) Nothing in this by-law shall prevent the use of an existing undersized lot provided
 - (a) that the use of such lot is permitted in the zone in which the said lot is located; and
 - (b) that the lot requirements of the zone and any pertinent provincial regulations be satisfied.
- (2) Nothing in this by-law shall prevent the enlargement of an existing undersized lot, notwithstanding that it may still have less than the minimum frontage or area required by this by-law, provided that the contributing lot is not further reduced in area or frontage than the existing minimum requirement of this by-law.

3.6 Existing Buildings

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

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

3.7 Non-Conforming Uses

Non-conforming uses shall be subject to regulations under the New Brunswick Community Planning Act.

3.8 Accessory Buildings

- (1) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
 - (a) be used for residential use, except where a dwelling is a permitted accessory or secondary use;
 - (b) be built closer to the front lot line than the minimum distance required for the main building and be built closer than 2.4 metres to any other lot line except that:
 - (i) a building or structure accessory to a residential use shall not be located closer than 0.6 m to the side or rear yard, nor be located in any required front and required flankage yard;
 - (c) exceed 4.6 metres in height in any Residential Zone or Village Centre Zone, or the height of a main building on the same lot in any other zone;
 - (d) in an RA (Rural Area Zone), there are no height limitations for accessory buildings;

- (d) exceed 84 square metres in area in any Residential Zone;
- (e) be used for the keeping of animals other than household pets, except where otherwise provided within this by-law; and
- (f) be constructed:
 - (i) prior to the time of construction of the main building to which it is an accessory, or
 - (ii) prior to the establishment of the main use of the land where no main building is required.

Shipping Containers

- (2) The following requirements apply to shipping containers:
 - (i) shall not be used as accessory buildings in a residential or commercial zone;
 - (ii) shall be used as accessory buildings only in an industrial zone provided that applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping be respected;
 - (iii) shall not be placed in the front or flankage yard of any lot, or between the main building and any street;
 - (iv) shall not be used in any zone as a dwelling or other form of accommodation, including offices.

Non-commercial Wind Energy System

- (3) Notwithstanding Section 3.9(1)(2), non-commercial wind energy system shall be subject to the provisions of Section 5 of this By-law.

3.9 Temporary Construction Uses And Seasonal Vending Facilities

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, provided that a development permit has been issued and the temporary use is discontinued and removed within 30 days following completion of construction.
- (b) Temporary vending facilities for the sale of seasonal products such as, but not limited to, outdoor garden centers and ice cream vendors shall be permitted in commercial zones provided that:
 - (i) the vending facilities are readily moveable;
 - (ii) the vendor has obtained the necessary approvals from the relevant government department;
 - (iii) the vending facilities are designed to the satisfaction of the Development Officer;

- (iv) the vending facilities meet the required setback requirements for main buildings in the zone; and
- (v) the operator is responsible for the clean-up of associated litter and or waste within a 10-metre radius of the facility.

3.10 Vehicle Bodies

- (1) a motorized vehicle, trailer, travel trailer, motor home, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, shall not constitute a dwelling unit nor shall they be used as a commercial building, except as specifically permitted by other legislation.
- (2) a travel trailer or motor home may be used as living accommodations in any zone that permits a tourist related campground.

3.11 Height Regulations

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

3.12 Setback From Watercourses

No development shall be permitted within 30 metres of a watercourse or wetland unless a watercourse alteration permit has been issued by the Department of Environment

3.13 Lot Frontage For Curved Lots And Irregularly Shaped Lots

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

3.14 Front Or Flankage Yard

- (1) Notwithstanding any minimum front or flankage yard requirement a structure may be placed, erected or altered so that it is as close to the street line as follows;
 - (a) where there is a building or structure on both sides and within 30 metres thereof, the mean distance between the street line and the adjacent buildings or structures; or
 - (b) where there is a building or structure within 30 metres of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building or structure.
- (2) Where a sign is permitted to line up with existing signs, the area of the sign being erected shall not be greater than that of the existing signs when the area of the existing signs exceed the by-law requirements; nor shall the height of the new sign exceed that of the highest sign being used in the averaging formula set out in 3.15.

3.15 Sight Triangle

On a corner lot, a building, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than one metre above the grade of the streets that abut the lot within the sight triangle included within the street lines, for a distance of 4.6 metres from their point of intersection.

3.16 Permitted Encroachments

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

- (a) uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard to provide access to the first storey entrance;
- (b) there may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 0.6 metres into any required yard;
- (c) window bays and solar collectors may be permitted to project not more than 0.9 metres from the main wall into a required front, rear or flankage yard;
- (d) exterior staircases, balconies, unenclosed porches, verandas and sundecks shall be permitted to project a maximum of two (2) metres into any required front, rear or flankage yard;
- (e) the provisions of Section 3.18 (Parking Requirements) shall not restrict the location of ornamental planting or landscaping in any yard, with the exception of the sight triangle provision of this by-law, unless otherwise indicated in this by-law;
- (f) As set out in Section 4, a public utility may be located in any yard;
- (g) signs may be located in the front or flankage yard as set out in Section 3.38; and
- (h) subject to subsection 3.23(4), retaining walls and erosion protection works may be permitted in any yard.

3.17 Illumination In A Residential Zone

In a residential zone no yard lighting shall be erected so as to cause a nuisance to adjacent properties or to the travelling public on any street or public right-of-way.

3.18 Parking Requirements

- (1) No building or structure shall be placed, erected, altered or used unless vehicular off-street parking spaces are provided and maintained in accordance with the requirements of this subsection, except where any parking requirement is specifically included elsewhere in this by-law.
- (2) An off-street parking space:
 - (a) shall measure 5.5 metres in length and not less than 2.7 metres in width,

- (b) be readily accessible from a public street; and
 - (c) shall be located on the lot containing the use for which the spaces are provided.
- (3) Off street parking spaces mentioned in Subsection 3.18 (1) and (2), shall be provided on the following basis:

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit;
Multiple unit dwellings	1.5 spaces per dwelling unit;
Residential Care Facility	1 space per dwelling unit
Homes and nursing homes	2 spaces per 5 beds;
Boarding and rooming houses	1 space per bedroom;
Retail stores, service and personal service shops where the floor area:	
i) exceeds 464.5 square metres	4 spaces per 93 square metres of gross floor area;
ii) does not exceed 464.5 square metres	3 spaces per 93 square metres of gross floor area;
Banks, financial institutions and offices	3 spaces per 93 square metres of gross floor area;
Restaurants	1 space per 5 seats;
Drive-in Restaurants	1 space for each 6 square metres of gross floor area;
Licensed restaurants, lounges, taverns and beverage rooms	the greater of 1 space per 3 seats or 1 space per 10 square metres of gross floor area;
Theatres	1 space per 5 seats;
Institutional uses except as specified below	the greater of 1 space per 4 seats where there are fixed seats, or 1 space per 10 square metres of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time;
Schools	1 space per classroom plus 1 space per 20 high school students;
Hospitals	0.5 spaces per bed;
Commercial Day care facilities	1 space per 38 square metres of

	gross floor area;
Medical clinics and offices of any health practitioner	3 spaces per consulting room;
Funeral homes	15 spaces;
Warehouses, transport terminals and industrial use	the greater of 2 spaces per 93 general square metres of gross floor area or 1 space per 4 employees;
Any use not specified above	3 spaces per 93 square metres of gross floor area.

(4) Reserved Spaces for the Mobility Disabled

Notwithstanding Subsection 3.18 (3), reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE	PARKING REQUIREMENT
Medical Clinics and offices of health practitioners	1 reserved parking space for the mobility disabled per 15 parking spaces required, 1 additional space for each additional 15 required spaces or part thereof to a maximum of 10;
Homes for the Aged/Nursing Homes	1 reserved parking space per 20 beds to a maximum of 10;
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10;
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10;
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15 -100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10;

(5) Standards for Mobility Disabled Parking Spaces

Mobility disabled parking spaces shall comply with the following standards:

- (a) each reserved parking space shall contain an area of not less than 28 square metres measuring 4.6 metres by 6.1 meters.
- (b) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 90 metres from the

location which it is intended to serve;

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

3.19 Standards For Parking Lots

Where a parking lot for more than four (4) vehicles is required or proposed the following provisions apply:

- (a) except in the case of a home business, the parking lot shall be maintained with a stable surface that is paved;
- (b) the lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 metres in height and not more than 5 square metres in area may be erected in the lot for the use of attendants;
- (d) the parking lot shall be located on the same lot as the main use;
- (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) the location of approaches or driveways shall be not closer than 15.2 metres from the limits of the right-of-way at a street intersection;
- (g) entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of 7.6 metres at the street line and edge of pavement for residential, 10 metres for commercial, industrial, institutional;
- (h) the Commission, may consider the installation of more than two access ramps, subject to terms and conditions;
- (i) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres for one-way traffic and a minimum width of 6 metres for two-way traffic, and the maximum width of a driveway shall be 7.6 metres;
- (j) the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighboring lands, and
- (k) the parking lot shall have a 1.5 meter wide buffer strip along any public Right-of-Way.

3.20 Loading Space Requirements

The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or the distribution of material or merchandise shall provide and maintain on lands appurtenant to such buildings, structures or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses:
 - (i) not less than 1 space if the gross floor area thereof is 500 square metres or less, or
 - (ii) not less than two spaces if the gross floor area thereof is in excess of 500 square metres but less than 2,323 square metres, and
 - (iii) an additional space for each 2,323 square metres, or fraction thereof, of gross floor area in excess of the first 2,323 square metres;
- (b) for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises:
 - (i) not less than 1 space, and
 - (ii) an additional space for each 3,250 square metres, or fraction thereof, of gross floor area in excess of 2,790 square metres; and;
- (c) a loading and unloading space mentioned in subsection (a) shall:
 - (i) be not less than 9 metres in length and not less than 3 metres in width, with 4.5 metres overhead clearance,
 - (ii) be so located that merchandise or materials are loaded or unloaded on the premises being served,
 - (iii) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles, and
 - (iv) be surfaced with a durable and dustproof material.

3.21 Queuing Space

Queuing spaces shall be provided for Drive-Thru Business (including Drive-Thru Restaurant and Car wash), Gasoline Bar, Automotive Service Station, and Drive-In Business, as follows:

- (a) for drive-thru Business, including Drive-Thru Restaurant, Banks and Car washes:
 - (i) 6 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window;
 - (ii) 1 outbound 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; and
- (b) for drive-in Business, automotive, gas bar and automotive repair outlets:
 - (i) 5 in-bound spaces shall be provided; and
 - (ii) 1 out-bound space shall be provided.
- (c) 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 and shall not occupy any portion of a designated fire lane.

3.22 Fences And Retaining Walls

Subject to subsection 3.36 (fence for recycling depot), a fence may be placed or located in a yard in accordance with the following:

- (a) except for a security fence of chain link construction, in a Commercial or Industrial zone, no fence located within the sight triangle shall exceed 1 metre in height;
- (b) no fence may exceed in height:
 - (i) 2 metres (1 metre in the required setback) in a Residential zone, or
 - (ii) 2.5 metres in any other zone; and
 - (iii) Where a fence is located on top of a retaining wall, the height of the fence shall include the height of the retaining wall.
 - (iv) Notwithstanding paragraph 3.22(b)(iii), in the event that a fence is necessary for public safety reasons, a fence shall not exceed 1-metre in height above the retaining wall.
- (c) except for an RA zone, no fence may be electrified or incorporate barbed wire or other dangerous material in its construction.
- (d) In Residential Zones, retaining walls under 1-metre in height shall be constructed of decorative blocks or wood, or other suitable material, specifically designed for a residential area.
- (e) Retaining walls exceeding 1-metre in height are subject to section 3.23(4).

3.23 The Making Of Land By Cutting And Filling

- (1) In any zone, development which is for the purposes of making land involving the cutting and filling to a depth in excess of 1 meter shall be a purpose which is subject to such terms and conditions as the Commission considers necessary.
- (2) Paragraph 3.23(1) does not apply to the extraction or filling of land directly related to the construction of buildings or structures for which a development permit has been issued or is not required.
- (3) Except where provided for within this by-law, no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- (4) In any zone, retaining walls and erosion protection works exceeding 1 metre in height, shall be particular purposes, which are subject to such terms and conditions as the Commission considers necessary.
- (5) Paragraph 3.23(4) shall not apply to erosion protection works undertaken by the Crown, Municipality, or an agent acting on their behalf.
- (6) Notwithstanding paragraph 3.23(2), where a walkout basement will change the existing grade of a property by more than one metre, an engineered drainage plan shall be required to ensure that construction will not have a negative impact on adjacent lots. The grade of the property shall not exceed a slope of two-horizontal to one-vertical.

3.24 Satellite Dishes And Communication Towers

Satellite dishes and communication towers shall not be permitted between the main building and the street line, except those attached directly to the roof or wall of the building.

3.25 Multiple Uses

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

3.26 Residential Development Near A Lagoon Or Treatment Plant

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

3.27 Private Garages And Carports

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

3.28 Enclosures For Swimming Pools

- (1) No land may be used for the purpose of a swimming pool capable of containing in excess of 0.914 metres of water unless the pool is enclosed by a fence, or by the wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres in height.
- (2) Where a portion of a wall of a building forms part of an enclosure:
 - (a) no main or service entrance to the building may be located therein; and
 - (b) any door, therein, other than a door to a dwelling or rooming unit, shall be self-enclosing and equipped with a self-latching device at least 1.5 metres above the bottom of the door.
- (3) An enclosure shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (4) Where a fence forms an enclosure or part thereof, the fence shall:
 - (a) be made of chain link construction, with galvanized vinyl or other materials in compliance with 3.28 (5)(a);
 - (b) not be electrified or incorporate barbed wire or other sharp dangerous materials; and
 - (c) be located
 - (i) at least 1.2 metres from the edge of the swimming pool,
 - (ii) at least 1.2 metres from any condition that would facilitate its being climbed from the outside, and
 - (iii) so that the bottom of the fence is elevated by no more than 10 centimetres above grade.
- (5) The design and construction of a fence under this section shall provide

- (a) in the case of a chain link construction:
 - (i) no greater than 38 mm diamond mesh,
 - (ii) steel wire not less than No.12 gauge, or a minimum No.14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - (iii) at least 38 mm diameter steel posts set below frost in an envelope of concrete and spaced not more than 3 metres apart, with a top horizontal rail of at least 32 mm diameter steel; or
 - (b) in the case of wood construction:
 - (i) vertical boarding, not less than 19 mm by 89 mm finished dimensions, spaced not more than 30 mm apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside, and
 - (ii) supporting wood posts at least 89 mm round with 89 mm diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm by 89 mm finished dimensions; and
 - (c) in the case of construction with materials, and in a manner other than described in this section, rigidity equal to that provided thereby.
- (6) Gates forming part of the enclosure shall:
- (a) be equivalent to the fence in content, manner of construction and height;
 - (b) be supported on substantial hinges;
 - (c) be self-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the gate; and
 - (d) be located so that the bottom of the gate be elevated by no more than 10 centimetres above grade.
- (7) Enclosures shall:
- (a) not exceed 2.75 metres in height;
 - (b) not be located in the required front and/or flankage yards;

3.29 Restoration To A Safe Condition

Nothing in this by-law shall prevent the strengthening or restoring to a safe condition of any building or structure, the case of a non-conforming use the Act provision shall prevail.

3.30 Uses Prohibited In Certain Yards

In a Residential Zone, the required front or flankage yard shall not be used for the storage or display of any vehicle, boat or other chattel.

3.31 Other Requirements: Secondary Use

- (1) **Neighbourhood Daycare**

Where permitted in this by-law, a Neighbourhood Daycare is subject to the following requirements:

- (a) it shall be designed to accommodate not more than 15 children at any one time;
- (b) it shall be permitted only as a secondary use in conjunction with a single unit dwelling;
- (c) it shall comply with all Provincial regulations as stated in the Family Services Act of New Brunswick.

(2) Accessory Dwelling Unit

Where permitted in this by-law an accessory dwelling unit shall comply with the following requirements:

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

(3) Home Occupation

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

- (a) not more than 35 percent of the total floor area of the dwelling shall be devoted to the home occupation, with a maximum allowed floor area of 40 square metres;
- (b) no change shall be made to the external appearance of the dwelling unit which would indicate that a home occupation is being conducted therein, except for one (1) non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;
- (c) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or there from;
- (d) there shall be no external or outside storage of materials, equipment or containers in connection with a home occupation to indicate that any part of the property is being used for any purpose other than a residential use;
- (e) there shall be no outside animal enclosures;
- (f) the home occupation shall not generate off-site electrical interference, dust, noise or smoke;
- (g) one (1) off-street parking spaces is provided, in addition to the parking space requirements of the zone;
- (h) no more than one commercially licensed vehicle in connection with a home occupation shall be parked on the premises related to the home occupation; and
- (i) Where a beauty salon or barber shop is conducted as a home occupation not

more than two barbering chairs shall be devoted to the use.

(4) Garden suite

Where permitted under this by-law a Garden suite shall comply with the following regulations:

- (a) it shall not be located closer than 1.2 metres from any side or rear lot line;
- (b) it shall not exceed 6 metres in height;
- (c) it shall be located in the rear yard;
- (d) it shall be located on a lot in conjunction with a single detached dwelling as a main use;
- (e) full municipal services shall be available to the host lot, or the relevant government department approved septic system;
- (f) one parking space shall be required in addition to the parking required for the main use of the lot;
- (g) the driveway access point shall be common to both the principal dwelling and the garden suite; and
- (h) it shall not exceed 75 square metres in gross floor area.

(5) Bed and Breakfast/ Tourist Home

Where permitted under this by-law, bed and breakfast/ tourist homes shall comply with the following requirements:

- (a) the use shall be conducted within the principal single unit residence;
- (b) the number of bedrooms devoted to the use shall not exceed 5 in number;
- (c) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- (d) no sign in connection with the use shall exceed .75 square metres in area nor exceed one in number; and
- (e) parking shall be provided at the side and/or rear of the lot, but not within the front yard.

3.32 Residential Landscaping Requirements

- (a) In any zone, the owner of a lot developed for residential purposes shall landscape:
 - (i) the front yard of the main building,
 - (ii) any required yard that abuts a street, and
 - (iii) any part of the lot within 3 metres of each building thereon; and.
- (b) in the case of a multiple-unit dwelling, the owner of a lot developed for this purpose shall landscape:

- (i) the front yard of the main building,
 - (ii) any required yard that abuts a street, and
 - (iii) any part of any required yard within 4.5 metres of any main building thereon.
- (c) A yard mentioned in (a) and (b) may be used to a reasonable degree for the purpose of walks and driveways for access to the main building or other use on the lot; and
- (d) the landscaping mentioned in (a) and (b):
- (i) shall include at least 80 mm of top soil and the seeding thereof, and
 - (ii) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees; and
- (e) the landscaping under Section 3.33 shall be completed not later than one year from the date of the granting of the building permit for the main building located thereon.

3.33 Industrial And Commercial Landscaping Requirements

- (1) A lot shall not be developed for an industrial or commercial purpose unless the total area of the lot, except for that part devoted to buildings and structures:
- (a) is paved, in the case of driveways and off-street parking areas;
 - (b) is landscaped, in the case of that part of the lot other than driveways and off-street parking areas; and
- (2) The required area under (b) shall be grassed and trees and/or shrubs shall be planted at a minimum rate of one tree or shrub for each 30 square metres of minimum landscaped area.. Where possible, existing trees and shrubs shall be maintained;
- (3) The landscaping under (b) shall be completed not later than one year from the date of the granting of the building permit for the permitted use.

3.34 Screening Of Commercial/Industrial Uses

Where a lot in a commercial or industrial zone abuts a residential use, such lot shall not be developed for a commercial or industrial use unless a screening facility, such as an earth berm, hedge or fence or a combination thereof, is provided and maintained along the common property lines.

3.35 Commercial Vehicles And Construction Equipment In Residential Zones

- (1) In Residential Zones, no land may be used for the parking or storage of any vehicle, other than a recreation vehicle, having a gross mass of 4500 kg. or over, nor any vehicle licensed under an “L” or “M” plate designation, nor shall any land be used for the parking or storage of construction equipment including bulldozers, backhoes, high hoes and payloaders.
- (2) Notwithstanding paragraph 3.35(1), commercial vehicles are permitted to park on a residential lot when providing a service to the lot, including but not limited to merchandise delivery and pick-ups, property or chattel repairs and maintenance.

3.36 Salvage Yard Or Recycling Depot

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

- (a) the whole of the operation shall be surrounded by a solid fence, not less than 3 metres and not greater than 5 metres in height, unpierced except for gates necessary for access;
- (b) the fence shall be located at least 6.1 metres from the front lot line and 1.5 metres from the side or rear lot lines, and the land between the fence and any lot line shall be landscaped except for land required for entrance and exit driveways; and
- (c) no material shall be piled higher than the height of the surrounding fence.

3.37 Signage Provisions

(1) Signs permitted in all Zones

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

- (a) any sign which has an area of not more than 0.75 square metres and which identifies the name and address of a resident;
- (b) any sign which has an area of not more than 0.45 square metres and which regulates the use of property, as do “no trespassing” signs;
- (c) any non-illuminated real estate sign which has an area of not more than 0.75 square metres in any Residential zone or 2.2 square metres in any other zone;
- (d) any sign which has an area of not more than 0.75 square metres and which relays instructions, directions or provides information relative to the premises to which it is located;
- (e) any sign which has an area of not more than 4.6 square metres and which is incidental to construction;
- (f) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety;
- (g) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization and government agency;
- (h) any memorial sign, plaque or tablet;
- (i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

(2) Special conditions and standards on all signs

- (a) no sign may create a hazard to public safety or health;

- (b) no sign may, for any reason, obstruct the vision of drivers leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets;
- (c) no sign shall obstruct ingress to or egress from a fire escape door, window or other required exit;
- (d) except a sign erected by a government agency, no sign shall be located at or near a sharp road curve or below the crest of a hill.
- (e) no sign other than a traffic control sign erected by a government may use words such as “STOP”, “LOOK”, “DANGER”, “ONE WAY” or “YIELD” or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road;
- (f) except for occasions such as grand openings, county fairs and public festivals, or temporary holidays lasting up to thirty (30) days, no sign may incorporate a search light.
- (g) no sign may be painted on a tree or a cliff;
- (h) no sign shall advertise an activity, business, product or service no longer conducted on the premises on which the sign is located, or at another location mentioned on the sign, and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product sold.

(3) Sign Permit Required

Subject to Section 3.38, no person shall construct, erect, display, alter or relocate a sign without a sign permit first having been obtained in accordance with the provisions of this by-law.

(4) Sign Permit Fee

No permit may be issued under this section unless a fee of \$25 dollars has been paid for each sign for which a permit is required.

(5) Freestanding Signs

- (1) Freestanding signs permitted in Highway Commercial (HC), Industrial (I) zones provided that no sign shall:
 - (a) exceed a maximum height of 30 metres;
 - (b) exceed a total gross surface area of 52 square metres including all sides displaying symbols, images or text;
 - (c) exceed a maximum of one in number for every 30 metres of lot frontage plus one additional sign for each additional 30 metres of lot frontage;
 - (d) be located closer to any street line than 2 metres; and
 - (e) in the case of a corner lot, be located closer to the street line of intersecting or intersecting streets than 4.6 metres.

- (2) Freestanding signs permitted in Residential Neighbourhood Service (RNS), Village Centre (VC) and Community Use (CU) zones, provided that no sign shall:
- (a) exceed a maximum height of 10 metres;
 - (b) exceed a total gross surface area of 9 square metres including all sides displaying symbols, images or text;
 - (c) exceed a maximum of one in number for every 30 metres of lot frontage plus one additional sign for each additional 30 metres of lot frontage;
 - (d) be located closer to any street line than 2 metres; and
 - (e) in the case of a corner lot, be located closer to the street line of intersecting or intersecting streets than 4.6 metres

(6) Projecting Signs

A projecting sign is permitted in all zones except Residential zones, provided that no sign shall:

- (a) exceed a maximum of 6.0 square metres in area per sign face;
- (b) project more than 2.5 metres from the building wall and no sign shall be located so that any part of it is less than 3 metres above the ground immediately beneath the sign;
- (c) project over a property line;
- (d) exceed one in number for each business carried on therein; nor
- (e) project more than 30 centimetres above the roof of a building.

(7) Billboard Signs

A billboard sign is permitted in Industrial (I), and Rural Area (RA) zones provided that no sign shall:

- (a) exceed a height of 10 metres;
- (b) exceed a total gross floor area of 18 square metres for all sides displaying symbols, images or text;
- (c) exceed a maximum of one sign for every 30 metres of lot frontage plus one additional sign for each 30 metres of lot frontage; nor
- (d) be located so that it is closer to any street line than 2 metres, except in a Rural Area zone, where the minimum setback shall be 7.5 metres.

(8) Facia Wall Signs

- (a) Subject to subsection (b) and (c), facia wall signs are permitted in all zones.

- (b) In Residential zones, fascia signs shall not exceed .75 square metres in area nor shall any sign be illuminated or be used for any purpose other than to identify the residents therein, to warn against trespassing, to announce a secondary use.
- (c) In all zones, except Residential zones, fascia signs are permitted provided that no sign shall:
 - (i) be painted upon or cover a fence or roof;
 - (ii) cover more than 0.6 square metres per linear metre of wall upon which the sign is affixed with proportional allocation for each business in case of a multiple occupancy building;
 - (iv) project more than 40 centimetres from the wall on which the sign is located.

(9) Canopy Signs

- (a) Subject to the following provisions, a canopy sign shall be permitted in all zones except Residential zones, provided that no canopy sign shall:
 - (i) be placed, erected or altered unless the sign is attached to, painted or placed upon a marquee, a canopy or an awning;
- (b) No canopy or awning shall:
 - (i) exceed the length of the wall of the building upon which the canopy or awning is placed;
 - (ii) project over a street line; nor
 - (iii) be placed, erected or altered unless the canopy or awning is placed on the building at a height of at least 2.5 metres above grade.

(10) Signs in Specific Zones

- (1) In a Rural Area (RA) zone, the following freestanding signs may be placed, erected or displayed:
 - (a) one sign not exceeding a total gross surface area of 9 square metres for all sides indicating the name of a farm; and
 - (b) one sign identifying a business carried on therein or a sign located on a farm advertising the sale of products produced thereon provided such sign does not exceed a total gross surface area of 1.5 square metres for all sides displaying symbols, images and texts.
- (2) In a Village Centre (VC) zone, a portable sign may be placed or displayed and shall be located at least 2 metres from any street line.

(11) 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 non-conforming 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 non-conforming sign from the obligations for proper maintenance of such sign.

(12) Sign Maintenance and Construction

- (a) No person shall allow a sign, or any of a signs components, to become unsightly, dilapidated or unsafe.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with any Building By-law requirements and relevant fire and electrical codes. A sign, which in the in the opinion of the Council has become unsightly, or is in such a state of disrepair as to constitute a hazard, may be required to be removed.
- (c) Any sign which no longer advertises a bonafide business or service on the premises shall be removed within sixty (60) days of the termination of such business or service.

3.38 Outdoor Wood-Burning Furnace

- (1) An outdoor wood-burning furnace or structure containing an outdoor wood-burning furnace shall:
 - (a) only be permitted in the Rural Area, Industrial and Highway Commercial zones as an accessory use;
 - (b) be setback a minimum of 30 metres from an abutting lot line except where the abutting lot is a commercial, community use, or residential zone, in which case the minimum setback shall be 60 metres.

4.0 Utility Uses

With the exception of communication towers which shall be subject to terms and conditions, all other public and private utility uses such as water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines shall be a development permitted in any zone.

5.0 Wind Energy System

Non-Commercial Wind Energy System

- (1) Non-commercial wind energy systems shall be permitted as an accessory use in all zones, subject to the following provisions:
 - (a) Minimum lot area – 0.2 ha;
 - (b) Maximum tower height – 150 feet (45m);
 - (c) Only one non-commercial wind energy turbine shall be permitted per lot;
 - (d) Shall be setback, at minimum, 1.5 times the total height of the wind turbine from the rear, front and side lot lines, dwellings, transmission lines, and public right-of-ways;
 - (e) Any climbing apparatus shall be a minimum of 3 m above grade;
 - (f) The rotor clearance shall be a minimum of 4.5m from grade;
 - (g) Subject to the National Building Code, a non-commercial wind energy systems under 6m may be mounted on or attached to another structure;

- (h) Anchor points for guy wires shall be located on the property that the system is located on. The minimum setback for the guy wire anchors shall be 3 m from all property lines.
- (i) There shall be no signs, advertisements or objects attached to or added to the turbine.
- (j) In addition to the application for a development permit, the following information is required:
 - i. Provide the manufactures information regarding the type of turbine, total height, rotor diameter, rated output, and Canadian Safety Certification.
 - ii. Provide a site plan, drawn to scale, showing the location of the non-commercial wind energy system in relation to lot lines, dwelling and distance from adjacent dwellings.
 - iii. Submit authorization documents from Transport Canada and Nav Canada.
- (2) The owner shall remove the non-commercial wind energy system from the lot following one year of inactivity. A new application shall be submitted and approved before a new turbine is installed or a wind turbine is restarted after the expiration of the one-year period. All supporting structures shall be removed within 60 days of the notification by the Village.

SECTION 4 RESIDENTIAL ZONES

4.1 RU (Residential Use) Zone

4.1.1 Permitted Uses

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

Main Uses

- (a) One of the following main uses:
 - (i) single-unit dwelling,
 - (ii) two-unit dwelling, or
 - (iii) semi-detached dwelling, and
 - (iv) public park, playground

Secondary Uses

- (b) Subject to the relevant provisions of subsection 3.32 (requirement for secondary uses), one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) accessory dwelling unit
 - (ii) garden suite
 - (iii) bed and breakfast/tourist home
 - (iv) neighbourhood daycare
- (c) Subject to the relevant provisions of subsections 3.32 (requirement for secondary uses), one of the following secondary uses in conjunction with a permitted main use:
 - (i) home occupation
 - (ii) boarding or rooming house
- (d) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

4.1.2 RU Zone (Uses Subject to Terms and Conditions)

- (i) institutional use
- (ii) residential care facility
- (iii) recreational use

4.1.3 RU Zone Requirements

- (a) No main building or structure may be placed, erected or altered to become a main building on a lot unless:

Residential Use

Minimum Lot Area	single detached / two-unit dwelling		1207.7 m ²
	semi-detached dwelling		600.0 m ²
Minimum Lot Frontage	single detached / two-unit dwelling		30.5 m
	semi-detached dwelling		15.2 m
Minimum Front Yard			12 m
Minimum Rear Yard			7.6 m
Minimum Side Yard	single detached / two-unit dwelling	one side	4.6 m
		other side	1.2 m
	semi-detached dwelling		2.5 m
Minimum Flankage Yard			5.0 m
Maximum Building Height			11.0 m
Maximum Lot Coverage			50 %

- (b) Notwithstanding Section 4.1.3(a), the following zoning requirements options (b) or (c) apply to buildings and structures on existing vacant undersized lots (see Schedule C):

Residential Use (existing vacant undersized lots¹)

Minimum Front Yard			12 m
Minimum Rear Yard			7.6 m
Minimum Side Yard	single detached / two-unit dwelling	one side	2.5 m
		other side	1.2 m
	semi-detached dwelling		2.5 m
Minimum Flankage Yard			5.0 m
Maximum Building Height			11.0 m
Maximum Lot Coverage			50 %

1 - "Existing vacant undersized lots": vacant lots smaller than 1207.7 m²

- (c)

Residential Use (existing vacant undersized lots)

Minimum Front Yard	single detached / two-unit dwelling		5 m
	semi-detached dwelling		5 m
Minimum Rear Yard			7.6 m
Minimum Side Yard	single detached / two-unit dwelling	one side	4.6 m
		other side	1.2 m
	semi-detached dwelling		4.6 m
Minimum Flankage Yard			5.0 m
Maximum Building Height			11.0 m
Maximum Lot Coverage			50 %

- (d) The following zoning requirements apply to Residential Care Facilities.

Residential Care Facility

Minimum Lot Area		1207.7 m ²
Minimum Lot Frontage		30.5 m
Minimum Front Yard		12 m
Minimum Rear Yard		7.6 m
Minimum Side Yard	one side	4.6 m
	other side	1.2 m
Minimum Flankage Yard		5.0 m
Maximum Building Height		11.0 m
Maximum Lot Coverage		50 %

4.1.4 RU Zone (Other Requirements)

- (a) Lots shall be serviced by a sewer system for public use
- (b) Lot requirements for institutional and recreational uses will be the same as the CU (Community Use zone) requirements (see Section 7)

4.2 RMH (Residential Mini Home) Zone

4.2.1 Permitted Uses

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

Main Uses

- (a) one of the following main uses:
- (i) mini home park (subject to a Development Agreement)
 - (ii) single-unit dwelling
 - (iii) mini home
 - (iv) public park, playground

Secondary Uses

- (b) Subject to the relevant provisions of subsections 3.32 (requirement for secondary uses), one of the following secondary uses in conjunction with a permitted mini home:
- (i) home occupation
 - (ii) neighbourhood daycare
- (c) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

4.2.2 RMH Zone Requirements

- (a) Except for a mini home park, no main building or structure may be placed, or altered to become a main building on a lot unless:

Mini Home

Minimum Lot Area		1207.7m ²
Minimum Lot Frontage		30.5 m
Minimum Front Yard		12 m
Minimum Rear Yard		5 m
Minimum Side Yard	one side	4.6 m
	other side	1.2 m
Minimum Flankage Yard		5.0 m

4.2.3 RMH Zone (Other Requirements)

- a) the site /lot shall be serviced by sewer;
- b) the site/lot shall be suitable for development;
- c) the site/lot shall be suitable in terms of water availability and sustainability;
- d) mini home park will be subject to a rezoning to a Residential Mini Home zone by Development Agreement (Section 39) of the Community Planning Act. (see Municipal Development Plan Section 8.8)

4.3 RNS (Residential Neighbourhood Service) Zone

4.3.1 Permitted Uses

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

Main Uses

- (a) one or more of the following main uses:
 - (i) single-unit dwelling
 - (ii) two-unit dwelling
 - (iii) semi-detached dwelling
 - (iv) veterinarian clinic
 - (v) medical and health office
 - (vi) personal service shop
- (vii) recreational use
 - (viii) funeral home
 - (ix) institutional use
 - (x) convenience store
 - (xi) restaurant
 - (xii) garden nursery
 - (xiii) roadside stand for the sale of agricultural produce

Secondary Uses

- (b) Subject to the relevant provisions of subsections 3.32 (requirement for secondary uses), one of the following secondary use in conjunction with a permitted single unit dwelling:
 - (i) accessory dwelling unit
 - (ii) garden suite
 - (iii) bed and breakfast/tourist home
 - (iv) neighbourhood daycare
 - (v) home occupation
 - (vi) boarding or rooming house
- (c) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

4.2.2 RNS Zone (Uses Subject to Terms and Conditions)

- (i) multiple unit dwelling;
- (ii) rowhouse to maximum of 8 units;
- (iii) residential care facility
- (iv) Commercial daycare centre

4.2.3 RNS Zone Requirements

- (a) No main building or structure may be placed or altered to become a main building on a lot unless:

Commercial and Institutional uses

Minimum Lot Area		750 m ²
Minimum Lot Frontage		24 m
Minimum Front Yard		12 m
Minimum Rear Yard		7.5 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		5.0 m
Maximum Building Height		15 m

4.2.4 RNS Zone (Other Requirements)

- (a) the lot is serviced by a sewer system for public use;
- (b) for a commercial use, the lot has no parking located in the front yard setback;
- (c) for a residential use, the lot is subject to the requirements of Section 4.1.3 (a), (b), (c) and (d);

SECTION 5 COMMERCIAL ZONES

5.1 VC (Village Centre) Zone

5.1.1 Permitted Uses

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

Main Uses

- (a) one or more of the following main uses:
 - (i) single-unit dwelling
 - (ii) two-unit dwelling
 - (iii) semi-detached dwelling
 - (iv) bakery shop
 - (v) office
 - (vi) retail store or service
 - (vii) delicatessen or restaurant including a drive thru or take out
 - (viii) service shop or a personal service shop
 - (ix) financial institution
 - (x) hotel or motel
 - (xi) automobile sales room or sales lot
 - (xii) cultural establishment including a library or museum
 - (xiii) outdoor market
 - (xiv) place of entertainment, recreation and assembly wholly enclosed within a building
 - (xv) printing establishment
 - (xvi) commercial daycare centre
 - (xvii) institutional uses
 - (xviii) funeral home

Secondary Uses

- (b) Subject to the relevant provisions of subsections 3.32 (requirement for secondary uses), one of the following secondary use in conjunction with a permitted single unit dwelling:
 - (i) neighbourhood daycare
 - (ii) accessory dwelling unit
 - (iii) garden suite
 - (iv) bed and breakfast/tourist home
 - (v) home occupation
 - (vi) boarding and rooming house
- (c) Subject to the relevant provisions of subsections 3.32 (requirement for secondary uses), the following secondary use in conjunction with a residential use:
 - (i) home occupation
- (d) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the

land, building, or structure.

5.1.2 VC Zone (Uses Subject to Terms and Conditions)

- (i) multiple dwelling units
- (ii) rowhouse to a maximum of 8 units
- (ii) retail store and service involving outdoor storage;
- (iii) facility residential care
- (iv) gas bar

5.1.3 VC Zone Requirements

- (a) No main building or structure may be placed, erected or altered to become a main building on a lot unless:

Commercial Use

Minimum Lot Area		670 m ²
Minimum Lot Frontage		24 m
Minimum Front Yard		5 m
Minimum Rear Yard		5 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		5 m
Maximum Building Height		15 m

- (b) No multiple unit building may be placed, erected or altered to become a main building on a lot unless:

Residential Multiple Unit

Minimum Lot Area	1450.0 m ² + 50m ² /each dwelling unit
Minimum Lot Frontage	34 m
Minimum Front Yard	5 m
Minimum Rear Yard	5 m
Minimum Side Yard	3 m or 1/2 the height of the main building (Max 6 m)
Minimum Flankage Yard	5. m
Maximum Building Height	15 m
Maximum Lot Coverage	50 %

- (c) No rowhouse dwellings may be placed, erected or altered unless:

Residential Rowhouse

Minimum Lot Area	180 m ²
Minimum Lot Frontage	6 m
Minimum Front Yard	5 m
Minimum Rear Yard	5 m
Minimum Side Yad	2.5 m
Minimum Flankage Yard	5 m

5.1.4 VC Zone (Other Requirements)

- (1) Within any VC Zone, no main building may be placed or altered to become a main building on a lot unless:
 - (a) the lot is serviced by a sewer system for public use;
 - (b) for a single and two unit dwelling, the lot is subject to Section 4.1.3 (a), (b), and (c);
 - (c) for a residential multiple-unit building and a rowhouse type development, a water study by a licensed engineer shall be provided to the satisfaction of the development officer.
 - (d) for an institutional use, the lot is subject to Section 7.1.3;
 - (e) Except for a single or two-unit dwelling, no parking space shall be located closer than 3 metres from a lot line of a property occupied by a single or two-unit dwelling, except where a fence or other physical barrier is provided, in which case, no parking spaces shall be located within 1 meter of the adjoining property line.

5.2 HC (Highway Commercial) Zone

5.2.1 Permitted Uses

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

Main Uses

- (a) one or more of the following main uses;
 - (i) truck, farming equipment and general transportation and heavy equipment sales and services;
 - (ii) boat trailers, snowmobiles and small recreational vehicles equipment sale, rental and services
 - (iv) truck stop
 - (v) outdoor display court
 - (vi) entertainment other than adult entertainment
 - (vii) recreation and assembly
 - (viii) institutional use
 - (ix) veterinary clinic
 - (x) kennel
 - (xi) farm market
 - (xii) garden nursery
 - (xiii) hotel, motel
 - (xiv) restaurant including drive-thru
 - (xv) beverage room, lounge, other premises licensed for the sale of alcohol
 - (xvi) office
 - (xvii) retail store or service
- (b) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

5.2.2 HC Zone (Uses Subject to Terms and Conditions)

- (i) commercial daycare centre
- (ii) car wash
- (iii) service station or gas bar
- (iv) establishment for the lease, sale, and servicing of automobiles, trucks and/or recreational vehicles, including accessories and parts

5.2.3 HC Zone Requirements

- (a) Within any HC Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Commercial Serviced (public sewer)

Minimum Lot Area	670 m ²
Minimum Lot Frontage	21 m
Minimum Front Yard	7.5 m
Minimum Rear Yard	6 m
Minimum Side Yards	3 m or 1/2 of the height of main bldg. (max 6m)
Minimum Flankage Yard	7.5 m
Lot Coverage	maximum 50%

Commercial Non- Serviced

Minimum Lot Area	4704 m ²
Minimum Lot Frontage	54 m
Minimum Front Yard	7.5 m
Minimum Rear Yard	6 m
Minimum Side Yards	3 m or 1/2 of the height of main bldg. (max 6 m)
Minimum Flankage Yard	7.5 m
Lot Coverage	maximum 50%

5.2.4 HC Zone (Other Requirements)

Within any HC Zone, no main building may be placed or altered to become a main building on a lot unless:

- (a) a fence or other physical barrier is constructed along any lot line which abuts a Residential Zone or use;
- (b) a separation distance of at least 6 metres is maintained between the commercial or industrial use and the lot line of any adjacent residential use; and
- (c) any parking space is located so that no part of it is within 1.2 metres of the fence or barrier mentioned in (a).

5.2.5 Outdoor Storage

Except for an automobile/vehicle sales operation, where any permitted main use includes outdoor storage the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.

5.3 I (Industrial) Zone

5.3.1 Permitted Uses

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

Main Uses

- (a) one or more of the following main uses:
 - (i) transportation establishment
 - (ii) warehousing, wholesale and/or retail establishment
 - (iii) moving and storage establishment
 - (iv) manufacturing/processing/assembly
 - (v) service industry
 - (vi) retail, wholesale establishment
 - (vii) recycling depot
 - (viii) indoor recreational use
 - (ix) telecommunication and general communication use
 - (x) scientific and technology establishment
- (b) all uses permitted in the highway commercial zone shall be permitted in the industrial zone, except for a restaurant, beverage room or licensed establishment
- (c) subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

5.3.2 I Zone (Uses Subject to Terms and Conditions)

- (i) commercial daycare centre
- (ii) restaurant
- (iii) beverage room or licensed establishment
- (iv) car wash

5.3.3 I Zone Requirements

- (a) Within any I Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Commercial Serviced (public sewer)

Minimum Lot Area	670 m ²
Minimum Lot Frontage	21 m
Minimum Front Yard	7.5 m
Minimum Rear Yard	6 m
Minimum Side Yards	3 m or 1/2 of the height of main bldg. (max 6m)
Minimum Flankage Yard	7.5 m
Lot Coverage	maximum 50%

- (b) Within any I Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Commercial Non-Serviced

Minimum Lot Area	4704 m ²
Minimum Lot Frontage	54 m
Minimum Front Yard	7.5 m
Minimum Rear Yard	6 m
Minimum Side Yards	3 m or 1/2 of the height of main bldg. (max 6 m)
Minimum Flankage Yard	7.5 m
Lot Coverage	maximum 50%

5.3.4 I Zone (Other Requirements)

Outdoor Storage

- (a) Except for an automobile/ vehicle sales operation, where any permitted main use includes outdoor storage the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be piled higher than the height of the surrounding fence.

Outdoor Display Court

- (b) An outdoor display court shall conform to the following standards:
 - (i) no outdoor display court shall be located closer than 2 metres from any street right-of-way; and
 - (ii) The area between the outdoor display court and street line shall be landscape.

Landscaping

- (c) A lot shall not be developed for a commercial or industrial purpose unless the total area of the lot, except that part devoted to buildings and structures:
 - (i) is paved, in a case of a driveway and off-street parking areas
 - (ii) is landscaped, except in the case of lots having significantly surplus areas

5.4 SE (Special Entertainment) Zone

5.4.1 Permitted Uses

- (a) The following use shall be permitted in the Special Entertainment Zone:
 - (i) adult entertainment
 - (ii) drinking establishment
- (b) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

5.4.2 SE Zone Requirements

- (1) Within any SE Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Serviced (public sewer)

Minimum Lot Area		670 m ²
Minimum Lot Frontage		21 m
Minimum Front Yard		12 m
Minimum Rear Yard		7.5 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		5.0 m
Lot Coverage		maximum 50%

- (2) Within any SE Zone, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Non-Serviced

Minimum Lot Area		4047m ²
Minimum Lot Frontage		54 m
Minimum Front Yard		12 m
Minimum Rear Yard		7.5 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		7.5 m
Lot Coverage		maximum 50%

5.4.3 SE Zone (Other Requirements)

A lot shall not be developed for an Adult Entertainment use permitted under this section unless:

- (a) a separation distance between adult entertainment uses of at least 1000 meters;
- (b) no adult entertainment uses, or related signage, shall be permitted within 200 meters of a property containing any of the following existing uses:
 - (i) a residential use
 - (ii) a school
 - (iii) daycare centre or neighbourhood daycare
 - (iv) motel/hotel/inn
 - (v) medical clinic
 - (vi) community use
 - (vii) residential care facility
- (c) where an adult entertainment use abuts a RU, RNS, CU or I zone, the abutting yard requirement specified in the general zone requirements of Section 5.4.2, shall contain a fence that shall be erected along such setback lines as necessary to form an opaque visual barrier at least 2 m high.

SECTION 6 RURAL AREA ZONE

6.1 RA (Rural Area) Zone

6.1.1 Permitted Use

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

Main Uses

- (a) one or more of the following main uses;
 - (i) agricultural use
 - (ii) roadside stand for agricultural produce
 - (iii) forestry use
 - (iv) veterinary clinic
 - (v) kennel
 - (vi) single unit dwelling
 - (vii) commercial daycare centre
 - (viii) personal service shop
 - (ix) home occupation
 - (x) institutional use
 - (xi) a business service use
- (b) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure

6.1.2 RA Zone (Uses Subject to Terms and Conditions)

- (i) indoor recreational use
- (ii) residential care facility
- (iii) resource extraction
- (iv) resource extraction storage
- (v) telecommunication tower

6.1.3 RA Zone Requirements

- (a) No main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Non-Serviced

Minimum Lot Area		2 ha
Minimum Lot Frontage		150 m
Minimum Front Yard		15m
Minimum Rear Yard		6 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		15 m
Lot Coverage		maximum 50%

6.1.4 RA Zone (Other Requirements)

(1) Resource Extraction - Pits and Quarries

- (a) Within the RA zone, no development of a pit or quarry shall be undertaken unless:
 - (i) the developers provides a site rehabilitation plan adequate to ensure the ultimate reuse of the property for a use other than a pit and quarry;
 - (ii) the developer provides a pit and quarry development plan including provisions for the control of water and the management of blasting in order to ensure that abutting properties are not affected;
 - (iii) the developer provides the phasing of the extraction process.

SECTION 7 COMMUNITY USE ZONES

7.1 CU (Community Use) Zone

7.1.1 Permitted Uses

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

- (a) one or more of the following main uses:
 - (i) community centre
 - (ii) public golf course or driving range
 - (iii) public park, playground or recreational uses
 - (iv) cultural establishment including a library and museum
 - (v) government building
 - (vi) educational facility
 - (vii) municipal servicing facility
 - (viii) medical & health office
 - (ix) institutional use
 - (x) religious institution
 - (xi) funeral home
- (b) Subject to the relevant provisions of subsection 3.9 (accessory buildings), any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.

7.1.2 CU Zone (Uses Subject to Terms and Conditions)

- (i) residential care facility
- (ii) campground

7.1.3 CU Zone Requirements

- (a) No main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Serviced (public sewer)

Minimum Lot Area		900 m ²
Minimum Lot Frontage		30 m
Minimum Front Yard		10 m
Minimum Rear Yard		3 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		10 m
Lot Coverage		maximum 50%

- (b) No main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot unless:

Non-Serviced

Minimum Lot Area		4047m ²
Minimum Lot Frontage		54 m
Minimum Front Yard		12 m
Minimum Rear Yard		7.5 m
Minimum Side Yard	one side	3 m
	other side	3 m
Minimum Flankage Yard		10 m
Lot Coverage		maximum 50%

7.2 OSC (Open Space Conservation) Zone

7.2.1 Permitted Uses

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

- (i) parks or open space for natural, aesthetic or scientific interest
- (ii) passive recreational uses
- (iii) municipal uses
- (iv) agricultural use

7.2.2 OSC Zone Requirements

- (1) no habitable building shall be allowed
- (2) municipal buildings shall conform to the CU Zone requirements Section 7.1.3

SECTION 8: INTEGRATED DEVELOPMENT ZONE

8.1 ID (Integrated Development Zone)

8.1.1 Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within any ID Zone unless council has approved a specific proposal pursuant to section 38 and 39 of the Community Planning Act, S.N.B.

8.1.2 ID Zone Requirements

Standards or requirements for development in an ID Zone shall not be subject to the provisions of this by-law, but shall be limited by the proposal, which is approved by Council pursuant to Section 9 of the Community Planning Act.