

**A By-law to Adopt a Zoning By-law
By-law No. 2011-01**

Under the Authority vested in it by Section 34 of the Community Planning Act, the Municipal Council of the VILLAGE OF DORCHESTER enacts as follows:

1. This By-law may be cited as the “Village of Dorchester Zoning By-law”;
2. By-law No. 97-01 entitled “Village of Dorchester Zoning By-law”, enacted on the 10th day of September, 1997, is repealed together with all amendments.

Read a first time this _____ day of _____, 2011.

Read a second time this _____ day of _____, 2011.

Read a third and passed this _____ day of _____, 2011.

Mayor

Clerk

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PART 1: TITLE AND DEFINITIONS

This By-law may be cited as the Village of Dorchester Zoning By-law.

1. DEFINITIONS

In this Bylaw all words shall have the meaning or meanings which are assigned to them in accepted English dictionaries except for the words which are defined as follows:

ABATTOIR means the use of land, building or structure thereof in which animals are slaughtered;

ABUT, means where properties or lots share a common lot line or a common point along a lot line;

ACT, means the Community Planning Act;

AGRICULTURE USE, means general farming and, without limiting the generality of the foregoing, shall include uses such as the general cultivation of land and associated production, conditioning, processing and storing of field crops, vegetables, fruit, nursery stock, pasturing of livestock and the selling of such produce on the premise and includes a farm dwelling, accessory buildings and uses. Such uses do not include a cannery or abattoir or the raising of fur bearing animals. Existing livestock operations are permitted;

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

AMENITY AREA, means an outdoor site developed for recreation areas in conjunction with a multi - unit residential development;

BUILDING, means a type of structure, whether permanent or temporary which is roofed and which is used for shelter or accommodation of persons, animals, materials or equipment;

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

BUILDING, MAIN, means a building in which the main or principal use of the lot is conducted;

BUILDING INSPECTOR, means a person appointed under Section 6 of the Building Regulation - Community Planning Act of New Brunswick;

COTTAGE ENTERPRISE, means the use of a residential dwelling and/or accessory structures for employment purposes involving the small scale manufacture, provision and/or sale of goods and services including restaurants, bed and breakfast, manufacturing, antique stores, bicycle repair and sales, sports wear and small engine repair which will not adversely affect adjacent residents or the natural environment but does not include uses that may have an adverse affect on the natural environment or adjacent residents including truck depot, auto body or engine repair, service station and lounges/taverns;

COUNCIL, means the Council for the Village of Dorchester;

DWELLING, means a building or portion thereof containing one or more dwelling units and does not include a mobile home/mini home or motor home, travel trailer or recreational vehicle designed for seasonal and non-permanent occupation;

DWELLING, MULTIPLE, means a building or portion thereof, other than a hotel or motel, designed or occupied as dwelling units for more than two families;

DWELLING, DETACHED, means a dwelling containing only one dwelling unit;

DWELLING UNIT, means a room or suite of two or more rooms designed or intended for use by an individual or family in which a kitchen and sleeping and sanitary facilities are provided for the exclusive use of such individual or family;

ERECT, means to construct, build, assemble or relocate a building or structure, and includes any physical operations preparatory thereto;

FARM, means the use of land, buildings or structures for the growing of crops and the raising of animals;

FLOOR AREA, means the total usable floor area within a building;

FORESTRY, means commercial silviculture and the production of timber or pulp;

GARDEN SUITES/GRANNY FLATS, means an additional temporary building to be used for the sole occupancy of a relative or caregiver;

GRADE, means the finished level of the ground at the exterior walls of the building or structure;

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

HOME OCCUPATION, means an occupation which is conducted in a dwelling and which is clearly secondary to the main use and further described in this zoning bylaw;

HOME, TOURIST, means a dwelling or part thereof, in which overnight accommodation, with or without meals, is provided to transient guests for compensation;

HOUSE, BOARDING/BED AND BREAKFAST, means a dwelling in which room and meals are provided to lodgers for compensation;

HOUSE, ROOMING, means a dwelling in which rooms are provided to lodgers for compensation;

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 and rabbits, rodents and small birds and other animals but excludes cattle, sheep, horses, pigs, poultry, bees, goats and other animals normally raised on farms and exotic animals normally kept in zoos including snakes, lions and llamas;

LOT, means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Registry of Deeds;

LOT, CORNER, means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets;

LOT, INTERIOR, means a lot other than a corner lot;

LOT, THROUGH, means a lot other than a corner lot which has a front yard on each of two streets;

LOT LINE, means the boundary or exterior line of a lot;

LOT LINE, FRONT OR FLANKAGE, means the line dividing the lot from the street and;

- i) in case of a corner lot, the shorter lot line shall be deemed to be the front lot line;
- ii) in the case of a through lot, both of the boundaries facing the street shall be deemed to be front lot lines.

LOT FRONTAGE, means the horizontal distance between the side lot lines measured at the minimum front building line required in the zone in which the lot is located;

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

LOT LINE, REAR, means a lot line furthest from or opposite to the front lot line;

MOBILE HOME/MINI HOME, means a dwelling unit that is designed to be transported from its place of construction to a home site having a width of 5 m.(16 ft.) or less and located on the site on wheels, jacks or similar supports or on a permanent foundation;

OUTDOOR WOOD FURNACE, means an outdoor wood-burning appliance, or a solid fuel burning appliance, used for the space heating of buildings, structure, water or other similar purposes, and is located outside of that building or structure

PLANNING COMMISSION, means the Tantramar Planning District Commission;

RECYCLING DEPOT, means a building, structure or land for the deposit, storage, compacting, baling, and transportation of recyclable materials limited to paper, cardboard, glass, metal cans and plastic;

RECREATION, means where entertainment is offered such as motion pictures or theater, public hall, billiard or pool rooms, electronic games, bowling alley, ice, roller skating or roller blades, sports fields, playgrounds and all other similar places of amusement;

RENEWABLE ENERGY, means is energy generated from natural resources, such as sunlight, wind, rain, tides and geothermal, which are naturally replenished.

RESTAURANT means a building where food is prepared and served for public consumption within the building and does not include a drive through restaurant but could include a catering service;

SERVICE INDUSTRY, means a use whose primary function is to provide services such as maintenance, and without limiting the generality of the forgoing may include an engine and body repair shop, a printing business, a laundry or cleaning business, a wholesale bakery, professional trades, and similar uses;

SERVICE SHOP, PERSONAL means a building used for the sale or repair of household articles or small engine repair as permitted in this bylaw, and may include radio, television, computers, and appliance repair shops, plumbing, electrical establishments and other similar uses but does not include industrial manufacturing or motor vehicle repair shops;

SIGN, means any structure, light, or painting or device including the ground itself, which is used to identify, advertise or attract attention to anything or anyone or which displays a letter or letters or any other representation used as an announcement, direction or advertisement and which is intended to be seen off

premise or from a parking lot except any signs which are affixed to the inside of glass windows and doors;

SIGN, FACIAL WALL, means a sign which is attached directly to or painted upon a building wall, and which does not extend therefrom, nor extend above the roof line;

SIGN, FREE STANDING, means a sign supported by one or more uprights, placed in the ground;

SIGN, ILLUMINATED, means a sign that provides artificial light directly, or through any transparent or translucent material from a source of light connected with such sign illuminated by a light focused upon, or chiefly directed at, the surface of the sign;

SIGN, PROJECTING WALL, means a sign which projects from and is supported by a wall of a building;

SPECIAL CARE HOMES means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Service Act, or by any other provincial legislation, but does not include any public or private hospital or sanitarium, or a jail, prison or reformatory, or a hostel;

STOREY, means that portion of a building included between the surface of any floor and the surface of the floor, ceiling or roof structure next above it;

STREET LINE, means the common line between a street and a lot;

STRUCTURE, means a combination of materials which forms a construction that is intended to be safe and stable, other than:

- (i) a building, or
- (ii) a power or telephone pole;

SWIMMING POOL, means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, which has a depth greater than - 91 cm (36 inches) and intended to be used for diving, swimming, or wading;

USE, means the purpose for which any land building or structure is utilized, occupied, maintained or leased;

UTILITY, means any agency, which under public franchise or ownership or under certificate of convenience provides the public with electricity, gas, heat, steam, communication, telephone, rail transportation, water or sewage or other similar services;

USE, ACCESSORY, means a use, other than human habitation of land or a building or structure which is naturally or customarily incidental and complementary to the main use of land, building or structure which is located on the same lot of the main use and which is not a secondary use;

USE, SECONDARY, means a use, other than a main or accessory use;

WIND FARM, means an array of wind turbines with a capability of producing 3MW or more of power;

WIND TURBINE, SMALL means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power;

WIND TURBINE HEIGHT, means the height above grade to the tip of the rotor blade at its highest point;

YARD, means that part of a lot required to be unoccupied by buildings or structures;

YARD, FRONT, means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure;

YARD, REAR, means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure;

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

PART 2: ADMINISTRATION

2.1 Purpose

The purpose of this Bylaw enacted under the provision of Section 34 of the Community Planning Act is to prohibit, regulate and control the use and development of lands and buildings within the Village of Dorchester to facilitate the orderly and economic development of land in accordance with the policies set forward in the Municipal Plan for Dorchester and includes the following:

- a) Divides the municipality into zones.
- b) Prescribes, subject to powers reserved in the Planning Commission:
 - (i) the purposes for which land, buildings and structures in any zones may be used;
 - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform.
- c) Prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b); and

2.2 Scope

- a) No buildings or structure shall be erected, or altered (including demolition), nor the use of any building, structure or lot be changed unless a building permit has been issued and no building permit shall be issued unless all the provisions of this Bylaw are satisfied.
- b) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Building Bylaw, Subdivision Bylaw, or any other bylaw in force within the Village or to obtain any license, permission, permit' authority or approval required by this or any other bylaw of the Municipality, or other lawful authority.
- c) Where the provisions of this Bylaw conflict with those of any other municipal or provincial regulations, bylaws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.
- d) Where there is a conflict between a Municipal Plan and a Zoning or Subdivision By-law, the Municipal Plan prevails.

2.3 Powers of the Council

- a) No building may be erected in the municipality where, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets and other services and facilities.
- b) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may:
 - (i) require the improvement, removal or demolition of such building or structure at the expense of the owner; or
 - (ii) acquire the parcel of land on which such building or structure is located.
- c) Subject to subsection 2.2 (a), the Council may, within any zone,
 - (i) designate the land to be used for the location or erection of any utility installation including but not limited to the supply of electricity, telephone, water, television, sanitary and storm drainage, and the disposal of sanitary wastes; and
 - (ii) use the land so designated for a purpose mentioned in clause (a).
- d) No land may be designated or used for the purposes mentioned in subsection c) unless, in the opinion of the Council,
 - (i) such land is essential to the operation of the service concerned; and
 - (ii) any development thereon in a residential zone is adequately buffered from public view.

2.4 Special Powers of the Planning Commission

- a) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this Bylaw when, in the opinion of the Planning Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- b) The Planning Commission may, subject to such terms and conditions as it considers fit,
 - (i) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Bylaw and

- (ii) to authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by the by-law if
 - a) the applicant holds an authorization under subparagraph (i) that is to expire or has expired,
 - b) an application with respect to the land has been made to amend the zoning bylaw, and
 - c) the Commission has received a resolution from Council confirming that Council will consider the application referred to in clause (B); and
- (iii) require the termination or removal of a development authorized under clause (i) at the end of the authorized period.

2.5 Amendments

- a) A person who seeks to have this Bylaw amended shall:
 - (i) address a written and signed application form to the Commission; and
 - (ii) pay a fee payable to the Commission as set out by the Municipality.
- b) An application under this section shall include such information as may be required by the Council or the Commission for the purposes of adequately assessing the desirability of the proposal.
- c) The Council shall refuse to consider an application under this section if such applications have not been signed by one or more owners of the property which is the subject of the rezoning application.
- d) 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.
- e) Unless, upon the advice of the Commission, the Council is of the opinion there is valid new evidence or a change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year.

PART 3: GENERAL PROVISIONS FOR ALL ZONES

3.1 Frontage on Street

No Development Permit shall be issued unless the lot intended for development fronts on a public street, unless otherwise specifically provided for in a particular zone. This provision does not apply to public or private utility facilities where a maximum of one access shall be provided to the lot, the access having a minimum width of 7.6 m. (25 ft.).

3.2 Height Restrictions

The maximum height of buildings and structures as provided for in particular zones in this Bylaw, unless otherwise indicated, shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, wind turbines, television, telephone or radio antennae, ventilators, chimneys, or clock towers.

3.3 Vehicle Bodies

No automobile, truck, bus, coach or street car body shall be used for habitation by humans or animals within the Village of Dorchester.

3.4 Uses

a) Permitted Uses

- (i) if a use is not listed as a permitted or accessory use in a particular zone, it is hereby deemed to be a prohibited use in that zone;
- (ii) where a permitted use or uses subject to conditions, within any zone is defined in Part 1, the uses permitted within that zone shall include any similar use which satisfies such definitions except where any definition is specifically limited to exclude a use.

b) Accessory Uses

Where this Bylaw provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.

c) Accessory Buildings

Accessory buildings shall be permitted in any zone but shall not:

- (i) be used for human habitation except where a dwelling is a permitted accessory use;

- (ii) be built closer to the front lot line or flankage lot than the minimum distance required by this Bylaw for the main building of the lot;
- (iii) be located within 1.2 m (4 ft) of any building or side or rear lot line;
- (iv) exceed 6.6 m (22 ft) in height for buildings and structures accessory to residential uses located within the RC zone;
- (v) may be placed on a vacant lot provided it does not interfere with the future placement of a main structure; and
- (vi) shall not include an outdoor wood furnace.

3.5 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied and if more than one standard applies, the more stringent shall prevail.

3.6 Temporary Construction Uses

The use of land for the temporary location of a building or structure, or for other purposes incidental to a main construction project, is permitted to continue up to sixty days following completion of the main construction project.

3.7 One Dwelling Per Lot

No developer shall construct more than one dwelling on a lot except where otherwise indicated within this bylaw.

3.8 Special Uses

Nothing in this Bylaw shall prevent uses for special occasions and events such as midways, circuses, fairs or festivals, but does not including motor vehicular races, provided that such uses remain in place no longer than 10 days. For these special uses, no Development Permit shall be required.

3.9 Existing Conditions

a) Existing Buildings

Where a building has been constructed on a lot having less than the required frontage or area, or having less than the minimum setback or side yard or rear yard required in this Bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:

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

b) Existing Undersized Lots

Notwithstanding anything else in this By-law, a lot held in separate ownership from adjoining parcels in existence prior to the registration of this By-law, having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building permit may be issued, and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. Where a vacant lot is increased in size but remains undersized, it is deemed to be an existing undersized lot.

3.10 Conformity with Existing Front Yards

In an in-filling situation where a front yard line has been established within 48.8 metres (160 ft) of the proposed in-fill that is less than the required front yard setback, the existing line may apply for new construction and/or expansions and extensions so long as it does not intrude into the corner sight line as outlined in this By-law.

3.11 Permitted Encroachments

Unless otherwise indicated in a particular zone, every part of any yard setback required by this by-law shall be open and unobstructed by any structure subject to the following:

- i) There may be constructed in any yard projections of sills, cornices, eaves, gutters, chimney breasts, pilasters, canopies, or other architectural features provided that no such feature shall project more than 0.6 metres (2 ft) into a side yard setback;
- ii) Window bays and solar collectors may be permitted to project a maximum of 0.9 metres (3 ft) into a required front, rear or major side yard setback;
- iii) Uncovered patios shall not be located closer than 0.8 metres (2 ft 6 in) into a required major side yard setback;
- iv) Wheelchair ramps and lifting devices may be located in any yard;
- v) Steps providing access at the first storey level may be located in any

required front, rear or flankage yard;

- vi) Exterior stair cases providing access to the basement or any floor, balconies, veranda and sundecks shall be permitted to project a maximum of 0.61 metres (2 ft) into any required front, rear or flankage yard.

3.12 Parking

a) General Provisions

The following general provisions will apply to all parking requirements:

- (i) parking requirements shall be in conformity with the parking provisions as provided in this Bylaw;
- (ii) parking shall be provided upon the same lot as, or within 152.4 m (500 ft) of the use for which the parking is required;
- (iii) where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use;
- (iv) individual parking spaces shall have minimum dimensions of 2.7 m (9 ft) by 5.5 m (18 ft);
- (v) within the Village Center - V - Zone parking requirements will be waived for existing structures presently being used for purposes other than residential.

b) Parking Space Requirements by Use

- (i) for one and two-unit dwellings and multiple dwellings other than apartment requirements, one space for each dwelling unit;
- (ii) for apartment buildings, one space per dwelling unit plus one additional space for each 4 dwelling units;
- (iii) for assembly buildings, one space for each 4 persons including arenas, auditoriums, churches, funeral parlors, public congregations therein; halls, theaters, rinks or any buildings (such as a school) containing a similar usage;

- (iv) for hospitals, sanatorium, nursing homes or clinics, one space for each 5 bed patients and one space for every 2 staff at peak employment period;
- (v) for hotels or rooming houses, one space for each 2 guest rooms;
- (vi) for licensed taverns, one space for each 3 patrons comprising capacity patronage;
- (vii) for motels, or hotels one space for each habitable unit;
- (viii) for office buildings or offices, one space for each 46.4 m² (500 sq. ft.) of gross floor area;
- (ix) for restaurants, one space for 4 guests;
- (x) for social clubs or fraternities, one space for each 23.2 m² (250 sq. ft.) of gross floor area or fraction thereof;
- (xi) for sports or recreation fields, one space for each 6 persons for whom seating arrangements may be provided;
- (xii) for stores, including retail, wholesale or service establishments, one space for each 36 m² (388 sq. ft.) of gross floor area, or fraction thereof;
- (xiii) for warehousing, wholesale, industrial or manufacturing buildings, one space for each 3 employees or fraction thereof.

c) Reserved Spaces for Physically Disabled Persons

- i) a minimum of 1 additional parking space shall be provided for physically disabled persons where 5 spaces are required; and 1 additional spaces provided for every 25 parking spaces;
- ii) the parking space(s) closest to a facility shall be reserved for parking for physically disabled persons;
- iii) each parking space reserved for physically disabled persons shall contain an area of not less than 21.6 m² (233 sq. ft.) measuring 4 m by 5.5 m (13 ft. by 18 ft.);
- iv) each parking space reserved for physically disabled persons shall be clearly identified by a ground or facial sign;
- v) Where a parking area is defined by curbing, a ramped curb shall be

provided so as to allow a physically disabled person to easily travel through or over such curbing.

d) Loading Standards

Off-street spaces not less than 9.1 m (30 ft) long and 3.6 m. (12 ft.) wide and overhead clearance of 4.2 m (14 ft.) shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, as set out below. Loading spaces are not required for existing businesses.

<u>Total Floor Area</u>	<u>Number of Spaces</u>
Up to 1,860 m ² (20,020 sq.ft.)	1
1,860 to 4,650 m ² (20,032 to 50,055 sq. ft.)	2
For each additional 4,650 m ² (50,055 sq. ft.)	1

3.13 Stripping of Soil and Removal of Excavation Material

- a) Subject to this section, no person may strip, excavate or otherwise remove soil for sale or for use from a lot or other parcel of land.
- b) The farming of sod or the removal of all excavated material, such as subsoil, clay, shale, stone, sand or gravel may only be undertaken where the owner of the land has entered into an agreement with the Planning Commission making satisfactory arrangements satisfactory for the rehabilitation of the land.

3.14 Signs

a) Permits

A building permit - is required for all signs.

b) Regulations

- (i) subject to this section, other than a traffic control device, defined by the Motor Vehicle Act, an election poster, Village or Government sign or a legal notice, a sign not expressly permitted by this section is permitted only if approved by and in compliance with such terms and conditions as may be imposed by the Planning Commission.
- (ii) in an RC or RM, or A zone, a non-illuminated sign may be erected or displayed on any land, building or structure if such sign:
 - a) advertises the sale, rental or lease of such land, building or structure;

- b) identifies by name a residential property or residence thereof;
 - c) indicates a home occupation or cottage industry; or
 - d) warns against trespass.
- (iii) unless otherwise provided by this section, a sign mentioned in subsection (ii) shall not exceed:
 - a) in number, one for each purpose mentioned therein; or
 - b) in size, 0.74 m² (8 sq. ft.) for a sign mentioned in clause (ii)
- (iv) in a "V" or "I" zone, the following signs may be placed, erected or displayed:
- (v) A single faced sign placed flat against the building, indicating the ownership or nature of the business carried on therein, provided the surface area of such sign does not exceed:
 - a) 9.3 m² (100 sq. ft.) in the case of a non-illuminated sign or
 - b) 4.6 m² (50 sq. ft.) in the case of an illuminated sign;
- (vi) A free standing sign not exceeding 9.3 m² (100 sq. ft.) in gross surface area, identifying the ownership or nature of the business carried on therein, not to exceed 7.6 m (25 ft.) in height.
- (vii) A projecting Wall Sign shall not:
 - a) exceed 3.7 m² (40 sq. ft.) in sign area.
 - b) project more than 1.2 m (4 ft.) from the wall upon which it is attached;
 - c) project over a corner lot sight line;
 - d) project above the parapet or highest roof point of building;
 - e) be permitted to swing freely on its supports unless a suitable catch, chain, or other control device is installed to prevent the sign from swinging in an arc that exceeds fifteen (15) degrees in either direction from a vertical point of rest;

- f) be erected below a height of 2.4 m (8 ft.) as measured from ground level to the lowest part of the sign.
- (viii) A canopy sign shall not:
 - a) project more than 1.2 m (4 ft.) from the wall upon which it is attached;
 - b) project over a corner lot sight line;
 - c) be erected below the height of 2.4 m (8 ft.) as measured from ground level to the lowest part of the canopy.
- (ix) Construction Signs which identify the architects engineers, contractors and other individuals of firms involved with the construction (but not advertising any product) or announcing the character of the building enterprise or the purpose for which the construction is intended may be placed, erected or displayed on the site of the construction; and shall not exceed 5.5 m² (60 sq.ft.) in area and be removed within 14 days of the beginning of the intended use.
- (x) No sign may:
 - a) be an imitation of a traffic control device or contain the words "stop", "go slow", "caution";
 - b) have a size, location, movement, content, coloring, or manner of illumination which may be confused with, constructed as, or tend to hide from view, any traffic control device; or;
 - c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
- (xi) Any sign which is in a defective condition or a state of disrepair shall be adequately repaired by the owner or lessee upon receiving written notice from the development officer and if the condition is not repaired or removed within the specified time, the development officer shall order the removal of the sign at the expense of the owner.
- (xii) Any sign which, in the opinion of the development officer, is a danger to surrounding property or persons shall be repaired or removed by the Village without prior notice and the expenses in such an action will be charged to the owner of the sign.

- (xiii) Permits for temporary mobile signs will be permitted by the Development Officer for a maximum of two weeks in any zone up to a maximum of 4 permits a year for purposes such as social events, commercial promotions, store openings, auctions, special sales, cultural and social events and for such other purposes deemed appropriate by the Commission.
- (xiv) Political signs are not considered to be signs within this bylaw.

3.15 Development Near A Water Course or Lake

No development shall be permitted within 30 m (100 ft.) of a water course or from the high water mark of a lake or the top of a sloped embankment unless approved by the New Brunswick Department of Environment.

3.16 Fences

Notwithstanding any other provisions of this Bylaw, a fence may be located in a yard in any zone subject to the following:

- i) except for a security fence of chain link construction, no fence in a required front yard may exceed 1.5 m (5 ft.) in height. A security fence is permitted to maximum of 3 m (10 ft.) in any yard;
- ii) subject to the requirements of subsection i) and the other regulations contained in this bylaw, other fences or walls shall not exceed 2.4 m (8 ft.) in height;
- iii) fences may be located on the lot line where all owners affected by the proposed fence have signed the building permit application, otherwise a fence must be located 0.6 metres (2 ft) from any lot line.

3.17 Landscaping and Drainage

All grading shall be done to divert surface water from the building and from adjacent properties and insofar as possible, to contour the yard to the surrounding terrain.

3.18 Home Occupations

- i) An accessory use of a residential dwelling and/or attached accessory structures for employment purposes involving the manufacture, provision and/or sale of goods and services and without limiting the generality of the permitted uses shall include; doctor, dentist, architect, artist, designer,

accountant, lawyer, engineer, arts and crafts, barber and hairdresser, ceramics, pottery, dressmaking, music and dance teacher, computer based business including software design, upholstery, antiques, household appliances repair, and small engine repair;

- ii) a home occupation be conducted only by members of the family, resident therein, (one additional person may be engaged other than a family member or resident);
- iii) one off street parking space, other than that required for the dwelling, shall be provided;
- iv) no outdoor storage associated with the home occupation is permitted,
- v) no exterior changes which would change the architectural appearance of the dwelling.
- vi) the following are not deemed to be home occupations:
 - a) automotive repair shops
 - b) large appliance repair
 - c) retail stores
 - d) restaurants
 - e) service industries

3.19 Enclosure for Swimming Pools

- i) no land may be used for the purpose of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combinations of walls and fences, at least 1.5 m (5 ft.) in height and meeting the requirements of this section;
- ii) where a portion of a wall of a building forms part of an enclosure, no main or service entrance to the building may be located therein; and any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 2.4 m (4 ft.) above the bottom of the door;
- iii) the enclosure shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing;
- iv) a fence mentioned in subsection i) shall:
 - a) be made of chain link construction, with galvanized, vinyl or other CSA approved coating, or of wood or of other materials;

- b) not be electrified or incorporate barbed wire or other dangerous material; and
 - c) be located at least 1.5 m (5 ft.) from the edge or the swimming pool; and
 - d) not be in any condition that would facilitate it being climbed from the outside.
- v) 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 3.81 cm (1.5 in.) in diamond mesh, steel wire not less than No. 12 gauge, or minimum No. 14 gauge proved coating forming a total thickness equivalent to No. 12 gauge wire;
 - ii) at least 3.81 cm (1.5 in.) in diameter steel posts, set below frost in an envelope of cement and spaced not more than 3 m (10 ft.) apart, with a top horizontal rail of at least 3.17 cm (1.25 in.) diameter steel.
 - b) In the case of wood construction:
 - i) vertical boarding, not less than 2.5 cm x 10 cm (1 in. x 4 in.) nominal dimensions spaced not more than 3.81 cm (1.5 in.) apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
 - ii) supporting wood posts at least 35 cm (14 in.) square or round with 10 cm (4 in.) diameters, set below frost and spaced not more than 2.4 m. (8 ft.) apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 5 x 15 cm (2 x 6 in.) nominal dimensions;
 - c) In the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- vi) Gates forming part of an enclosure mentioned in subsection:
- a) shall be equivalent to the fence in content, manner of construction and height;
 - b) shall be supported on substantial hinges; and

- c) shall be self-closing and equipped with a self-latching device at least 1.2 m (4 ft.) above the bottom of the gate.

3.20 Renewable Energy

Renewable energy, including solar, wind, and geothermal, is permitted in all zones, subject to the zoning provisions as provided within each zone.

3.21 Wind Energy Systems

- a) Where a wind energy system is a permitted use the following provisions shall apply:
 - i) All wind energy systems shall be subject to site plan control;
 - ii) Small Scale Wind Turbines shall be setback a minimum 1.5 times the turbine height from any road, public right-of-way and the property boundary;
 - iii) Small Scale Wind Turbines and Wind Farms shall not produce more than 40 dBA of sound pressure at the nearest residence;
 - iv) Wind Farms shall be setback a minimum of 750 metres from an existing dwelling;
 - v) Where any of the requirements of this section conflict, the higher or more stringent requirement shall prevail.

3.22 Outdoor Wood Furnaces

- (i) No person shall be permitted to install an Outdoor Wood Furnace within the Village;
- (ii) The provisions of this By-Law shall not apply to the continued use of any outdoor wood furnace that was erected prior to the registration of the present By-Law.

PART 4: ZONE CLASSIFICATION

- 4.1 For the purpose of this Bylaw, the following zones are established and the lands included in each zone are shown on the Zoning Map in Figure 1:

ZONES SHORT TITLES

- a) Residential Cottage Enterprise (RC) zones;
- b) Resource (R) zones;
- c) Village Center (V) zone;
- e) Institutional (I) zone;

PART 5: RESIDENTIAL COTTAGE ENTERPRISE (RC) ZONE

5.1 Uses

a) Permitted Use

Any land, building or structure may be used for the purposes of, and for no other purpose, the following main or similar uses:

- i) One unit or two unit dwellings,
- ii) Park or playground,
- iii) Churches,
- iv) Cottage enterprises
- v) Existing Farms
- vi) Home Occupation
- vii) Small scale wind turbine

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

c) Uses Subject to Conditions

The following main, secondary and/or similar uses are permitted only if approved by the Planning Commission and only on such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Individual mobile home
- ii) Garden suite
- vi) Multiple unit dwellings
- vii) Town and Row housing
- viii) Institutional uses
- ix) New buildings to be used for a cottage enterprise

5.2 Zone Requirements

Any permitted use in any Residential-Cottage-Enterprise (RC) Zone must comply with the following regulations except for churches which shall conform with the provisions of the Institutional zone:

Residential Cottage Enterprise Zone	Single Unit Dwelling	Two Unit Dwelling	Multiple Unit Dwelling	Town(Row) House
Minimum Lot Size	540 m ² (5812 sq.ft.)	630 m ² (6781 sq.ft.)	900 m ² (9688 sq.ft.) for the first 4 units and 252 m ² (2713 sq.ft.) for each additional unit	131 m ² (1410 sq.ft.) per unit
Minimum Lot Frontage	18 m (60 ft.)	21 m (68.8 ft.)	30 m (98.4 ft.)	4.8 m (15.7 ft.) per unit
Minimum Front or Flankage Yard	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
Side Yard - Major(general) - Minor	2.7 m (8.9 ft.) 1.2 m (3.9 ft.)	1.2 m (3.9 ft.) 1.2 m (3.9 ft.)	4 m (13.1 ft.) 4 m (13.1 ft.)	4 m (13.1 ft.) 4 m (13.1 ft.)
Minimum Rear Yard:	7.6 m (25 ft.)	7.6 m (25 ft.)	10.5 m (34.4 ft.)	7.6 m (25 ft.)
Maximum Height	10.5 m (34.4 ft.)	10.5 m (34.4 ft.)	16.5 m (54.41ft.)	10.5 m (34.4 ft.)
Maximum Lot Coverage	50%	50%	40%	35%

5.3 Special Provisions

- a) Any new non-residential structure shall have:
- i) the minimum side yard for any new non residential buildings to be used as a cottage enterprise shall be 6 meters (20 feet) and will be provided in each yard adjacent to a residence, the buffer strip will be landscaped and no parking will be permitted within this strip.
 - ii) no open storage or outdoor display shall be permitted in a yard abutting a residence except where permitted by the Planning Commission.
 - iii) no healthy trees will be removed from the front yard of the property unless approved by the Planning Commission.
 - iv) outdoor lighting will be located so as not to shine on adjacent residences

- vi) any addition to an existing building or structure must be compatible with the architecture of the existing building or structure.
- vii) new buildings or structures constructed for a cottage enterprise use will be compatible with the architectural character of the Village.
- viii) except where permitted in this bylaw no accessory buildings or structures may be used for keeping animals other than household pets.

b) Environmental Standards

The following environmental standards will apply for cottage industries and home occupations:

- i) there shall be no emission of smoke, particulate matter, fumes, vapors, noise or other discernible pollutants. Performance shall be evaluated by the Development Officer at the site or lot boundary;
- ii) there shall be no emission of odorous gases or matter in such magnitude as to be readily discernible by the casual at the lot line;
- iii) there shall be no production of noise in excess of normal street traffic experienced at the lot boundary;
- iv) there shall be no physical hazard by reason of fire, explosion, toxic waste, radiation or similar cause to the adjacent property;
- v) there shall be no discharge of any waste material whatsoever on the property, adjacent property or into any watercourse;
- vi) there shall be no dissemination of glare or vibration beyond the immediate building.

c) Garden Suites (Granny Flats)

The ground floor area must not exceed 60 m² (646 sq. ft.)

d) Individual Mobile Homes

- i) All accessory structures such as patios, porches, additions and skirting shall be either of a factory prefabricated unit or an equivalent quality with the design complementing the mobile home unit.
- ii) The undercarriage of each mobile home shall be screened from view by skirting.

PART 6 : RESOURCE (R) ZONE

6.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose, one of the following main or similar uses:

- i) Existing farms
- ii) One unit or two unit dwellings
- iii) Parks or playgrounds,
- iv) Churches
- v) Home occupations
- vi) Forestry
- vii) Aquaculture
- viii) Small scale wind turbine

b) Uses Subject to Conditions

The following main, secondary and/or similar uses are permitted only if approved by the Planning Commission and only on such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Campgrounds
- ii) Garden Suites/Granny Flats
- iii) Individual Mobile Homes
- iv) New buildings to be used for a Cottage Enterprise
- v) Contractor's establishment, including storage yards
- vi) Industrial resource related processing resource plants, but shall not including abattoirs and meat packing plants
- vii) Trucking and transport depot and warehouse
- viii) Warehouse or storage establishment
- ix) Equipment parts, sales and services
- x) Veterinary Clinics
- xi) Nurseries and garden centers
- xii) Commercial greenhouses
- xiii) Kennels

c) Establishment of a wind farm is subject to requirements of the Provincial Government's Environmental Impact Assessment Act process.

6.2 Zone Requirements

Any permitted use in any Resource (R) Zone with the exception of those uses permitted in the Residential Cottage Enterprise zone must comply with the following regulations: The regulations and standards found in Section 5 apply to the uses permitted in the Residential Cottage Enterprise Zone.

Resource/Village (R) Zone	Aquaculture, Agriculture, Forestry	All other R uses except those permitted in RCE zone
Minimum Lot Size	As per provincial regulations	As per provincial regulations
Minimum Lot Frontage	30 m (98.43 ft.)	60 m (196.85 ft.)
Minimum Front or Flankage Yard	15.2 m. (49.87 ft.)	13.7 m (44.95 ft.)
Side Yard	6.1 m (20 ft.)	6.1 m (20 ft.)
Minimum Rear Yard:	6.1 m (20 ft.)	6.1 m (20 ft.)
Maximum Height	10.5 m (34.45 ft.)	10.5 m (34.45 ft.)
Maximum Lot Coverage	50%	50%

6.3 Special Provisions

- a) Buffering for Commercial and Industrial Uses
 - i) any outdoor storage shall be screened from the roadway and adjacent residential uses by screening or buffering that acts as an opaque visual barrier;
 - ii) outdoor lighting will be located so as not to shine on adjacent residences.
- b) Environmental Standards for Commercial & Industrial Uses
 - i) there shall be no emission of odorous gases or matter in such magnitude as to be readily discernible by the casual observer at the lot line;
 - ii) there shall be no production of noise in excess of normal street traffic experienced at the lot boundary;
 - iii) there shall be no physical hazard by reason of fire, explosion, toxic waste , radiation or similar cause to adjacent property;
 - iv) there shall be no discharge of any waste material whatsoever on the property, adjacent property or into any watercourse;

- v) there shall be no dissemination of glare or vibration beyond the immediate building.
 - c) Garden Suite (Granny Flat)
- The ground floor area must not exceed 60 m² (646 sq. ft.)

PART7: VILLAGE CORE

7.1 USES

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose, one of the following main or similar uses:

- i) One or two unit dwelling
- ii) Veterinarian clinics and hospitals
- iii) Bed and breakfast
- iv) Building for public assembly, cultural and social activities
- v) Financial institutions
- vi) Government buildings
- vii) Hotels or motels
- viii) Hospitals and clinics
- ix) Offices
- x) Personal service shops
- xi) Recreation, amusement or entertainment
- xii) Restaurant and taverns
- xiii) Retail stores
- xiv) Rooming or boarding house
- xv) Service shops
- xvi) Service station or public garages
- xvii) Educational use
- xviii) Bus and taxi stations
- xix) Funeral homes
- xx) Home occupations

b) Uses Subject to Conditions:

The following main, secondary and/or similar uses are permitted only if approved by the Planning Commission and only on such terms and conditions as may be imposed by the Commission and Municipal Plan policy.

- i) Manufacturing, assembly or fabrication plants
- ii) Wholesalers
- iii) Warehousing
- iv) Multi-unit dwelling
- v) Mini-malls
- vi) Special Care

7.2 Zone Requirements

Any permitted use in any Village Core (V) Zone must comply with the following

regulations; with the exception of residential dwellings which shall conform with **Sections 5:**

Village Core (V) Zone	VC Uses except Residential and Service Stations	Service Stations
Minimum Lot Size	540 m ² (5,812 sq. ft.)	1800 m ² (19,375 sq. ft.)
Minimum Lot Frontage	18 m (60 ft.)	37.4 m (125 ft)
Minimum Front or Flankage Yard	7.6 m (25 ft.)	10.5 m (35 ft)
Minimum Side Yard a) General b) Common Wall	3 m (10 ft.) N/A	6 m (20 ft.) 12 m (40 ft.) abutting single family residential
Minimum Rear Yard	7.6 m (25 ft)	10.5 m (35 ft.)
Maximum Height of Main Building	16.5 m (55 ft.)	7.6 m (35 ft.)
Maximum Lot Coverage	50% of lot	50 % of lot

7.3 Special Provisions

a) Storage and Buffering

- i) no open storage will be permitted unless approved by the Planning Commission;
- ii) any outdoor storage shall be screened from the roadway and adjacent uses by screening or buffering that acts as an opaque visual barrier.

PART 8: INSTITUTIONAL (I) ZONE

8.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose, one or more of the following main and/or similar uses:

- i) Art and cultural centers
- ii) Churches and denominational uses
- iii) Community centers
- iv) Day care facilities
- v) Funeral homes
- vi) Cemetery
- vii) Educational facilities
- viii) Governmental or municipal facilities
- ix) Hospital and clinics
- x) Senior citizens housing and care facilities
- xi) Parks or playgrounds
- xii) Recreational facilities
- xiii) An accessory single unit dwelling subject to the zoning requirements of the (RC) zone.
- xiv) Special Care

b) Uses Subject to Conditions:

The following main, secondary and/or similar uses are permitted only if approved by the Planning Commission and only on such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Recycling depots

8.2 Zoning Requirements:

Any permitted use in any Institutional (I) Zone must comply with the following regulations:

INSTITUTIONAL (I) ZONE	Permitted Institutional Uses
Minimum Lot Area	1,350 m ² (14,530 sq ft.)
Minimum Frontage	30 m (100 ft.)
Minimum Front or Flankage Yard	7.5 m (25 ft.)
Minimum Side Yard	6 m (20 ft.)
Minimum Rear Yard	7.5 m (25 ft.)
Maximum Height of Main Building	16.5 m (55 ft.)
Minimum Clear Distance Between Main Buildings	6 m (20 ft.)
Maximum Lot Coverage	50% of lot area