

VILLAGE OF PETITCODIAC
RURAL PLAN BY-LAW

Under the
COMMUNITY PLANNING ACT
BY-LAW NO. 60

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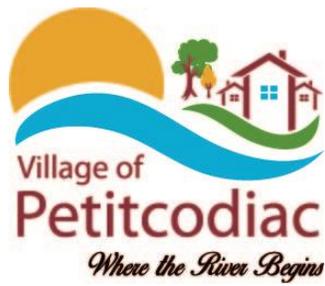


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**VILLAGE OF PETITCODIAC RURAL PLAN BY-LAW
BY-LAW No. 60**

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

Under section 35 of the Community Planning Act, the Council of the Village of Petitedcodiac makes the following regulations:

1. This by-law may be cited as the Village of Petitedcodiac Rural Plan By-law
2. The area of land as shown on the map enclosed as Schedule "B" titled "Boundary and Services Map" is designated for the purpose of the adoption of a rural plan and is the area to which this By-law applies.
3. The Village of Petitedcodiac Rural Plan contained in this By-law is hereby adopted for the area described in Schedule B.
4. By-Law No. 50, the Village of Petitedcodiac Rural Plan By-Law and any amendments thereto are hereby repealed.

The Council of the Village of Petitedcodiac, under authority vested in it by section 35 of the Community Planning Act, adopts the following Rural Plan By-Law:

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

READ FIRST TIME _____

READ SECOND TIME _____

READ THIRD TIME AND ENACTED _____

VILLAGE CLERK

MAYOR

PART B – RURAL PLAN

SECTION 1 - BACKGROUND

The previous Rural Plan for the Village of Petitcodiac was adopted in 2005 and guided the Village's development for more than a decade. Village Council and Staff determined in 2016 that a modernized planning approach was required, and directed Staff of the Southeast Regional Service Commission (SERSC) to undertake a plan review.

In subsequent months, SERSC planners met with Council, Village Staff, and members of the public to present development trends, establish which areas of the plan were working well, and integrate new approaches to guide future development in the Village. The following Policies and Proposals reflect discussions with Village Council, and input from members of the community.

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

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

SECTION 2 - POLICIES AND PROPOSALS

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

Proposals are specific statements that the municipality may undertake to implement or achieve the policy objectives. In many cases, proposals relate directly to the zoning provisions provided in Part C. The following policies and proposals are intended to achieve the objectives of Council.

2.1 Residential

The Village of Petitscodiac's population has fluctuated over the years but continues to grow slightly over the long term. Recent demographic trends suggest an increase in the number of senior citizens and young children. Council wishes to continue to encourage population growth to sustain the community and its institutions and businesses. This will require provision of a range of housing types, including not only single-family homes but also small apartment structures and specialized buildings for senior citizens.

Since the adoption of the 2005 plan, the Village has added a new sewage lagoon and upgraded the existing lagoon to a polishing pond. As a result, the public sewer system has been extended to serve approximately 80 percent of the Village, allowing for more concentrated residential growth. However, development in the Village continues to rely on private wells for its water supply.

The CN railway that runs through the middle of the Village has historically been an asset and contributed to the Village's growth. Recent CN guidelines suggest that new residential development near rail lines should maintain setbacks from railways both for safety reasons and to limit nuisance associated with noise.

Policy 1

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

Policy 2

It is policy to ensure the provision of a broad range of housing types to meet the diverse needs of residents and allow community members to remain in Petitscodiac throughout their lives.

Policy 3

It is policy to maintain and enhance the existing residential character and direct future residential development by establishing a Residential (R) Zone as shown on the attached Schedule "A".

Policy 4

It is policy to work with the rail industry to promote safety along rail lines.

Policy 5

It is policy to establish minimum setbacks for new residential development in proximity to rail lines.

Proposal 1

In the interest of achieving economies in provision of municipal services, it is proposed to permit developments of three dwelling units or more as developments in the Central Commercial Zone, as well as in the Residential (R) and General Commercial (GC) Zones subject to terms and conditions the Committee may impose where sewer services are provided or planned to be provided, and groundwater availability is adequate.

Proposal 2

Furthermore, it is proposed to instruct the Committee when considering the imposition of terms and conditions to have regard for:

- (a) the location and access to off street parking and the design of the parking lot layout and stormwater management;
- (b) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) building separation distances,
 - (iv) the availability of adequate water supply, and
 - (v) the availability and adequacy of municipal services.

Proposal 3

In locations where public sewer services cannot, or are not intended to be provided, and where groundwater availability is adequate, Council proposes to permit residential development subject to minimum lot standards.

Proposal 4

It is proposed to allow home occupations in single unit dwellings to encourage a diversified local economy.

Proposal 5

It is proposed to permit the keeping of a limited number of hens in Residential zones.

2.2 Commercial

The Village of Petitscodiac is fortunate to have a strong traditional downtown. The Downtown is defined as the Business Improvement Area (BIA), which encompasses Main Street and River Road from Old Post Road to Spring Street. The Downtown is an important feature of the community providing easily accessed goods and services, as well as employment for many Village residents. In addition to the Downtown core on Main Street, commercial development extends from Main Street along the Old Post Road to King Street.

Furthermore, opportunities are apparent at the Route 1 Interchange, where a highway commercial node of services catering to both locals as well as the traveling public has developed over the years. Council wishes to expand on these opportunities as they complement the traditional business located in the Downtown.

Policy 1

In respect of the established settlement pattern and to serve the needs of local residents and travelling public, it is policy to direct the location of Commercial development to the established downtown as well as the Route 1 interchange.

Policy 2

It is policy to establish a Central Commercial (CC) Zone as shown on attached Schedule "A". Future Central Commercial development may be considered through the rezoning process for lands within or abutting the Business Improvement Area.

Policy 3

It is policy to establish minimal setbacks in the Central Commercial Zone in order to preserve the traditional streetscape and enhance the pedestrian realm.

Policy 4

It is policy to encourage the continued enhancement of the Downtown through public art and streetscaping projects.

Policy 5

It is policy to establish a General Commercial (GC) Zone as shown on attached Schedule "A". Future highway commercial development may be considered through the rezoning process on properties abutting the Route 1 Interchange and portions of roads providing immediate access to Route 1.

Policy 6

It is policy to direct the development of vehicle-oriented uses to the vicinity of the Route 1 Interchange.

Proposal 1

In considering rezoning to the Central Commercial (CC) Zone, it is proposed to have regard for:

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

Proposal 2

It is proposed to allow home occupations in single unit dwellings to encourage a diversified local economy.

Proposal 3

In considering rezoning to the General Commercial (GC) Zone, it is proposed to have regard for:

- (a) impact on established residential areas;
- (b) proximity to existing commercial zones;

- (c) the location and access to off street parking and the design of the parking lot layout and stormwater management;
- (d) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (e) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) building separation distances,
 - (iv) the availability of adequate water supply, and
 - (v) the availability and adequacy of municipal services.

Proposal 4

In order to increase accessibility to the downtown, it is proposed to maintain public parking spaces.

2.3 Industrial

Historically, Petitcodiac's industrial base was mainly focused around Fawcett's lumberyard and sawmill. Industrial uses are now primarily located near the Route 1 interchange. Due to the Village's close proximity to a rail line as well as two major highways, Petitcodiac shows potential to be a transportation hub for various industries. There have long been plans for a small scale industrial park abutting the rail line and Plantation road. While development of these lands has been limited, it is in the Village's interest to continue to preserve an area away from residential zones for future industrial growth.

Policy 1

It is policy to ensure the continued orderly development of industrial operations in a way that reduces conflict with residential areas.

Policy 2

It is policy to establish an Industrial (I) Zone as shown on the attached Schedule "A" to guide future industrial development in appropriate locations. Future industrial development may be considered through the rezoning process.

Proposal 1

In considering rezoning to the Industrial (I) Zone, it is proposed to have regard for:

- (a) separation from established residential areas;
- (b) access to arterial roadways and/or railway sidings;
- (c) the location and access to off street parking and the design of the parking lot layout and stormwater management;
- (d) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (e) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) building separation distances,
 - (iv) the availability of adequate water supply, and
 - (v) the availability and adequacy of municipal services.

2.4 Institutional

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

In so doing, Council recognizes that while institutional uses are a desirable complement to other land uses in the community, larger institutional buildings may have impacts on other nearby land uses. These impacts are similar to commercial uses and may include traffic and parking, aesthetics, and noise.

Policy 1

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

Policy 2

It is policy to establish a Community Use (CU) Zone for existing institutional uses as shown on the attached Schedule "A".

Policy 3

It is policy to permit new institutional uses in all zones subject to terms and conditions the Committee may impose.

Proposal 1

It is proposed to direct the Committee, when considering the imposition of terms and conditions, to have regard for the following:

- (a) impact on established residential areas;
- (b) proximity to existing institutional and open space uses;
- (c) the location and access to off street parking and the design of the parking lot layout and stormwater management;
- (d) provisions for adequate site grading and landscaping in respect of the impact on neighbouring properties;
- (e) the design of the proposed development in terms of:
 - (i) building height,
 - (ii) setback,
 - (iii) building separation distances,
 - (iv) the availability of adequate water supply, and
 - (v) the availability and adequacy of municipal services.

2.5 Recreational Facilities and Public Open Space

According to the National Framework for Recreation, recreation fosters wellbeing of individuals, communities, as well as the built and natural environments. "Quality of Life" can be defined in terms of leisure pursuits and quality active/passive recreational services, all of which enhance the community's ability to be healthy as well as to attract new residents.

Recreation facilities and open spaces are a key asset of the Village of Petitcodiac. The community is fortunate to have not only an excellent array of recreation facilities but also to have major facilities concentrated together on Corey Avenue.

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

The Village has also developed several trails as part of its recreation strategy, including the Waterfowl Trail along the Petitcodiac River, as well as ski and snowshoe trails in the Holmes Brook area. Multi-use trail development should remain a priority in order to provide additional year round outdoor opportunities to citizens.

Policy 1

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

Policy 2

It is policy to be permissive as to the location of new parks and passive recreation uses within the Village.

Policy 3

It is policy to require the dedication of land for public purpose or cash in lieu in accordance with the subdivision approval process.

Policy 4

It is policy to prepare a comprehensive trail development plan prior to developing a trail network.

Proposal 1

It is proposed to work with regional partners to implement the appropriate recommendations of the Regional Recreation Plan.

Proposal 2

It is proposed to capitalize on natural assets by encouraging development of recreation-based businesses and opportunities.

2.6 Resource

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

Policy 1

It is policy to facilitate continued agricultural and forestry activities in the rural areas of the Village.

Policy 2

It is policy to regulate resource extraction operations to assure public safety and environmental best practices.

2.7 Protection of Water Supplies

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

The Village owns 136 acres around Holmes Brook southwest of Route 1 for development of a municipal water supply. A study has been done concerning the feasibility of developing a municipal water system. Although there is no imminent requirement to proceed with development of a municipal wellfield, the land should be protected for this purpose. In the short-term, the Village will manage the land it holds as a protected area. As protected land, the area can also be used for passive recreation uses, including limited trails development. At such time as the Village proceeds to develop the area as a municipal wellfield, it should be prepared to designate and zone all lands influencing the prospective water supply consistent with the New Brunswick Wellfield Protected Area Order.

Policy 1

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

2.8 Heritage Buildings and Sites of Historical or Archaeological Interest

Although numerous fires have reduced the number of historic structures in the Downtown, some key buildings remain. A greater proportion of older homes and churches have survived on blocks surrounding the Downtown core, most notably on Church Street. However, no inventory of heritage resources has been compiled for Petitcodiac. When undertaking the renovation or redevelopment of heritage properties, every effort should be made to preserve the character of these heritage assets.

Policy 1

It is policy to work with developers to protect, maintain, and restore heritage assets within the Village.

2.9 Conservation of the Physical Environment

Several watercourses flow through the Village of Petitcodiac, including the North River, the Anagance River, Holmes Brook, O'Blenis Brook, and, most significantly, the Petitcodiac River. The Petitcodiac, into which the other four watercourses feed, drains much of Southeastern New Brunswick. Although water quality is generally good within Petitcodiac, the river as a whole has been severely affected by the construction of the Petitcodiac River Causeway in Moncton. For decades, the Causeway altered the flow of water, changing the course of the river and the habitat it provides. However, in recent years the Province of New Brunswick committed to opening the Causeway gates to begin the process of restoring the tidal flow. Work is currently underway to replace a portion of the Causeway with a bridge to continue the river's restoration. While the full effects of this project on the Village will not be felt for years, work is underway by groups such as Fort Folly Habitat Recovery, the Petitcodiac Watershed Alliance, and the Petitcodiac Riverkeeper to increase the native fish population and rehabilitate riverbanks within the Village. Council is supportive of these initiatives and will work with these groups to advance river restoration projects.

The Petitcodiac River and its tributaries have historically been prone to flooding, particularly during the spring thaw. In recent years, however, extreme weather patterns have contributed to more dramatic flood events that affect numerous properties. To date the community is fortunate to have avoided significant construction close to the banks of any of the watercourses referenced above. The Village restricted development in the presumed floodplains as part of the 2005 Rural Plan in an effort to protect the riverbanks as well as property owners' interest. New technology has allowed for more accurate floodplain mapping, which is reflected on the updated zoning map. In the interest of ensuring that construction does not alter the floodplain and to help protect the river from siltation and/or contamination from other pollutants, notably petroleum products, Village Council intends to designate watercourse setbacks for buildings in which no construction shall be allowed. In addition to reducing runoff of soil sediment, nutrients, and pesticides, watercourse buffers will also help lower water temperatures, increase dissolved oxygen, and provide additional habitat for fish and wildlife. These buffers should be provided on the banks of each river or brook within the Village boundaries.

Policy 1

It is policy to protect all watercourses by providing buffers along watercourses within the Village.

Policy 2

It is policy to establish an Open Space Zone to restrict development within areas of the Village at risk of flooding.

PART C – ZONING PROVISIONS

SECTION 1: DEFINITIONS

In this By-Law

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

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

ACT means the *Community Planning Act*, and amendments thereto.

ADULT ENTERTAINMENT means any adult use characterized by an emphasis upon the depiction or description of sexual activities or specified anatomical areas, including adult arcades, adult cabarets, adult motion picture theatres, adult retail outlets/bookstores, escort services, and massage parlors.

AGRICULTURAL USE means

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry and horses,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (j) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- (k) the storage, use or disposal of organic wastes for farm purposes,
- (l) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
- (m) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes,
- (n) any other agricultural activity or process prescribed by regulation,
- (o) temporary/seasonal dwellings for farm labour,

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

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

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

BUILDING means any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, chattels, or equipment.

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

COMMISSION means the Staff of the Southeast Regional Service Commission.

COMMITTEE means the Planning Review and Adjustment Committee.

DAYCARE CENTRE means an establishment for the provision of care and supervision to children, as regulated under the *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* 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 public utilities or the laying pipelines defined in the *Pipeline Act*;

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

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

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

DWELLING, MINI HOME means a single unit dwelling that is pre-manufactured with a CSA number and designed to be transported to the lot as one integral unit.

DWELLING, TWO UNIT means a building containing two dwelling units.

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

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

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

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

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

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

GARDEN SUITE means a detached accessory dwelling placed or erected in the rear yard of an existing single unit dwelling lot.

GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level.

HEIGHT with reference to a building shall mean the vertical distance of a building between the established grade and the highest point of the roof.

HOME OCCUPATION means a secondary use that is clearly incidental and secondary to the residential use of the property conducted in an accessory building or a portion of a dwelling unit by the occupants residing therein and may also involve one person not an occupant residing therein. Secondary uses involving the repair, detailing, or washing of motor vehicles, construction equipment, recreation vehicles, or motorcycles are specifically excluded as permitted home occupation uses.

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

HOTEL/MOTEL means a commercial building or buildings providing temporary accommodations for travellers 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 a public or non-profit purpose, including, but not limited to, places of worship, cemeteries, educational, health, government, and public safety facilities, indoor recreational facilities, community and cultural centres, and residential care 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.

LANDSCAPING means lawn or ornamental shrubs, and may include paths, patios, walkways, fountains, reflecting pools, art work, screens, walls, fences, benches and existing natural rock or treed areas, but does not include driveways, vehicle ramps, lanes, parking areas, or space beneath, within or on top of a building.

LOT means a parcel of land used or proposed to be used as the site of a building or structure, or appurtenance thereto.

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

LOT, FLAG means a lot with less than the required frontage on a public street whereby the panhandle serves as an access corridor to property located behind lots with street frontages. No buildings or structures are to be located within the panhandle or access corridor.

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

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

LOT FRONTAGE means the distance between the intersection of the side lot lines and measured from the front yard setback.

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

LOT LINE, FRONT means the line dividing the lot from the street or other means of access, and (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; or (ii) in the case of a lot that has as one of its boundaries the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

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

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

LOT LINE, FLANKAGE, means a lot line that abuts the street on a corner lot other than a front lot line.

LOT COVERAGE means that percentage of the lot area that is permitted to be covered by all buildings above ground level, and shall not include that portion of such lot area that is occupied by a building or portion thereof that is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot that is located within said zone.

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

OFFICE means a room or rooms where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials, or equipment, or other items that are not intended for immediate sale, by locating them on a lot exterior to a building.

PARKING LOT means a building or structure, or part of a building or structure, or an open area containing parking spaces, other than a street, for two, or more motor vehicles, which is available for public use, or as an accommodation for clients, customers, or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles, or manoeuvring areas where no parking or storage of motor vehicles is permitted.

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

PAVED means the use of tar and gravel, asphalt, portland cement concrete, or other similar substances such as brick, or stone to create a smooth surface, including bituminous penetration, but does not include the use of clay, dirt, or slag.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry-cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail, or wholesale distribution.

RECREATION USE means the use of land, buildings and structures for the conduct of sports and leisure time activities and, without limiting the generality of the foregoing, may include parks, playgrounds, tennis courts, skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic

areas and swimming pools, together with necessary and accessory buildings and structures, but does not include commercial campgrounds nor a track for the racing of any form of motorized vehicles, or any animals.

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

RESIDENTIAL CARE FACILITY means an institutional use in a building or part of a building in which accommodation, supervisory and/or personal care is provided to 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, prisons, or daycares.

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

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

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

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

SERVICE SHOP means a use whose primary function is to provide products and services, including but not limited to a printing business, a laundry or cleaning business, a grocery store, a wholesale bakery, professional trades, and similar uses.

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

SIGN means any structure, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "signs" that are affixed to the inside of a window or glass door.

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

SIGN, FASCIA WALL means a sign, other than a roof sign or projecting sign, which is attached to and supported by a wall of a building.

SIGN, FREESTANDING means a sign, other than a portable sign, which advertises a business on the same lot, supported independently of a building and securely fixed to the ground.

SIGN, GROSS SURFACE AREA means the area of the smallest triangle, rectangle, circle or semicircle which can wholly enclose the surface area of all sides of the sign displaying symbols, images, or text.

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

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

SIGN, ROOF means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

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

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

STREET LINE means the boundary line of a street.

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

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 in.) intended to be used for diving, swimming, or wading.

UTILITY means any component of a water, sewerage, storm water, or solid waste disposal, cable television, electric power, natural gas, or telecommunication system.

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

WAREHOUSE means a commercial building used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

WATERCOURSE means any lake, river, stream, ocean or other body of water, which may be regulated by the province.

WATER-DEPENDENT USE means a use or portion of a use that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

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

YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance between such building and the respective lot lines shall be used.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and “required front yard” or “minimum front yard” means the minimum distance required by this By-law between the front lot line and the nearest main wall of any building or structure on the lot.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and nearest wall of any main building or structure on the lot; and “required rear yard” or “minimum rear yard” means the minimum distance required by this By-law between a rear lot line and the nearest main wall of any building or structure on the lot.

YARD, SIDE means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and “required side yard” or “minimum side yard” means the minimum distance required by this By-law between a side yard line and the nearest main wall of any building or structure on the lot.

YARD, FLANKAGE means the side yard of a corner lot, which side yard abuts a street, and “required flankage yard” or “minimum flankage yard” means the minimum side yard required by this By-law where such yard abuts a street.

SECTION 2: SCOPE AND INTERPRETATION

Purpose

2.1 This By-Law:

- (a) divides the municipality into zones;
- (b) prescribes, subject to powers reserved in the Committee:
 - (i) the purpose for which land, buildings and structures in any zone may be used,
 - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform;
- (c) prohibits the use, placement, erection, or alteration of land, buildings, or structures other than in conformity with the purposes and standards mentioned in paragraph 2.1 (b);

Classification

2.2 For the purposes of this By-law, the municipality is divided into zones as delineated on the plan attached as Schedule "A", entitled "Village of Petitcodiac Zoning Map" and dated March 2018, which forms part of this By-law. The zones are as follows:

Residential (R)
Central Commercial (CC)
General Commercial (GC)
Community Use (CU)
Industrial (I)
Open Space (OS)
Rural Area (RA)
Intensive Resource Development (IRD)

Interpretation of Zoning Boundaries

2.3 Boundaries between zones shall be determined as follows:

- (a) a zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- (b) a zone boundary shown following approximately the top of a bank of a shoreline, creek, stream, or channel is deemed to be at the top of the bank and moves with any change in such bank.
- (c) where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way, or an easement line, the zone boundary shall be construed as the boundaries of such streets, alleys, right-of-ways, or easements.
- (d) in the event that a dedicated street or road, as delineated on Schedule "A", is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.
- (e) where a watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way shall be considered the boundary between zones unless specifically indicated otherwise; or

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

Zones Not on Map

- 2.4 The zoning map of this By-law may be amended to utilise any zone in this By-law, regardless of such zone appearing on the zoning map. Such amendments must be carried out in accordance with the requirements of the *Community Planning Act* and must be in conformity with the policies and proposals of Part B.

Powers of the Council

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

Powers of the Planning Review and Adjustment Committee

- 2.7 No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- 2.8 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, the Committee may, subject to such terms and conditions as it considers fit:
 - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law;
 - (b) to authorize, for an additional temporary period not exceeding one year, a development other-wise prohibited by the by-law if
 - (i) the applicant holds an authorization under subparagraph (a) that is to expire or has expired,
 - (ii) an application with respect to the land has been made to amend the rural plan, and
 - (ii) the Committee has received a resolution from the council confirming that the council will consider the application referred to in clause (ii); and
 - (c) require the termination or removal of a development authorized under 2.8(a) or (b) at the end of the authorized period; and

Amendments

- 2.10 A person who seeks to have this By-law amended:
- (a) shall address a written and signed application to the Commission;
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another:
 - (i) provide a statement as to the ownership thereof, and the signature of at least one owner of each parcel of land to be rezoned;
 - (ii) pay an application fee of \$1500; and
 - (iii) provide a detailed description of the proposed use of land as well as a site plan drawn to scale of all proposed buildings.
- 2.11 The Council may return all or any part of the fee mentioned in sub-section 2.10 (b) (ii)
- 2.12 An application under this section shall include such information as may be required by the Council or Commission Staff for the purpose of adequately assessing the desirability of the proposal.
- 2.13 Before giving its views to the Council with respect to an application under this section, the Committee may carry out such investigation as it deems necessary.
- 2.13.1 Unless, upon the advice of the Committee, 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 a period of one year from the date of refusal.

Existing Undersized Lots

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

Planning Committee applications and fees for same

- 2.16 All applications to the Committee must be accompanied by the applicable fees, all supporting information and any additional information deemed necessary by Commission Staff for the processing or consideration of the application.

Type of application	Fee
Development permit	\$25
Conditional use	\$250
Zoning confirmation	\$100
Zoning compliance	\$200
Temporary use	\$250
Variance	\$250
Ruling of compatibility	\$250
Non-conforming use	\$250

Development Permits

2.17

- (a) No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all provisions of this By-law.
- (b) A development permit shall be in force for a period of one (1) year from the date of issuance or until the project has been completed or is discontinued for a period of one year. Any permit may be re-issued upon request, subject to review by the Development Officer and provided it conforms of any applicable regulation or policy that is in effect at the time of reissuance.
- (c) 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 (1) lot.
- (d) Notwithstanding subsection (a), no development permit shall be required for the following:
 - (i) an accessory building or structure which has less than 6 square metres of gross floor area;
- (e) No development permit may be issued under this By-Law before any applicable fee in section 2.16 has been paid.

SECTION 3: GENERAL PROVISIONS

3.1 Licenses, Permits and Compliance with Other By-Laws

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 this or any other By-law of the Village, or statute and regulation of the Province of New Brunswick or Government of Canada.

3.2 Connection to Sewage Disposal Systems

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

3.3 Frontage on Street

No development permit shall be issued except where the lot intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a publicly owned and maintained street or road.

3.4 One Main Dwelling on a Lot

Notwithstanding Section 3.28, no more than one building containing one or more dwelling units may be placed or erected and no building or structure may be altered to become a second building containing a dwelling unit on a lot.

3.5 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, or having less than the minimum frontage or flankage yard or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:

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

3.6 Accessory Buildings

Accessory uses, buildings and structures shall be permitted in any zone but shall not:

- (a) Be used for human habitation except where a dwelling is a permitted accessory use in this By-law;
- (b) be located in the required front yard setback, or be built closer than 2.5 metres to any other lot line except that:
 - (i) in any Residential zone, buildings, or structures that are accessory to residential uses shall not be located closer to any side or rear lot line than 1 metre, nor be located in any front or flankage yard;
 - (ii) boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and

(iii) subject to subsection 4.7.4, accessory buildings and structures in an RA Zone shall not be built closer to any side or rear lot line than 2.4 metres or one half (1/2) the height of such building or structure, whichever is the greater;

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

- (i) exceed 4.6 metres in height; or
- (ii) exceed 84 square metres in area .

3.7 Vehicle Bodies

A container designed for commercial transport shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure in any residential zone.

3.8 Height Regulations

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

3.9 Distance from Watercourses

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

3.10 Reduced Frontage on a Curve

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

3.11 Sight Triangle

On a corner lot or a lot which abuts a railway crossing, a fence, sign, hedge, shrub, bush, or tree, or any other structure or building shall not be erected or permitted to grow to a height more than 0.6 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 metres from their point of intersection.

3.12 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, verandas and sundecks shall be permitted to project a maximum of 2 metres into any required front or flankage yard; and
- (e) The provisions of this Section shall not restrict the location of ornamental planting, swimming pool enclosures, or landscaping in any yard, with the exception of the sight triangle provision of this By-law, unless otherwise indicated in this By-law.

3.13 Parking Requirements

3.13.1 For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law.

3.13.2 Where the total required spaces for any use is not a whole number, the total spaces required by this sub-section, or by other specific sections, shall be the next largest whole number.

3.13.3 Each off-street parking space shall:

- (a) have an area of at least 13.2 square metres measuring 5.5 m in length and not less than 2.4 metres in width, exclusive of driveways thereto;
- (b) be readily accessible from a public street;
- (c) be located on the lot containing the use for which the spaces are provided, with the exception of uses in a CC zone.

3.13.4 Schedule of Parking Requirements

USE	PARKING REQUIREMENT
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings	1.25 spaces per dwelling unit
Bed and Breakfasts / Tourist homes	1 space per bedroom
Retail stores, service and personal service shops, banks, financial institutions and offices	1 space per 50 square metres of gross floor area
Restaurants	1 space per 5 seats

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
Institutional uses except as specified below	the greater of 1 space per 4 seats where there are fixed seats, or 1 space per 10 square metres of gross floor area where there are no fixed seats
Schools	1 space per classroom
Hospitals	0.5 space per bed
Residential care facilities	1 space for each 5 patient beds plus 1 space for every 2 staff at the peak employment period
Day care facilities	1 space for each 2 employees, plus 1 space for every 10 children
Medical clinics	3 spaces per consulting room
Warehouses, transport terminals and general industrial use	the greater of 1 space per 50 square metres of gross floor area, or 1 space per 4 employees
Any use not specified above	1 space per 30 square metres of gross floor area

3.14 Reserved Spaces for the Mobility Disabled

Notwithstanding Section 3.13 above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the Provincial Building Regulation in effect.

3.15 Fences

3.15.1 Notwithstanding any other provision of this By-law, and subject to this section, a fence may be placed, or located in a yard and;

- (a) no fence located within the required front yard shall exceed 1 metre in height;
- (b) subject to subsection (a), no fence may exceed in height:
 - (i) 2 metres in a Residential zone; or
 - (ii) 2.5 metres in any other zone.

3.15.2 Except in the case of a lot in an "RA" zone and along the abutting lot line, no fence may be electrified or incorporate barbed wire or other dangerous material in its construction.

3.16 Setbacks

Notwithstanding all other setback regulations provided by this by-law, a building or structure may be placed, erected, or altered so that it is as close to the street line as:

- (a) where there is a building or structure on both sides and within 30 metres thereof, the mean of the distance between the street line and the adjacent buildings may be used as the established front yard setback;

- (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 may be used as the established front yard setback.

3.17 Residential Development Near a Lagoon or Treatment Plant

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

3.18 Enclosures for Swimming Pools

3.18.1 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.

3.18.2 Where a portion of a wall of a building forms part of a swimming pool enclosure:

- (a) no main or service entrance to the building may be located therein; and
- (b) any door, therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the door.

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

3.18.4 Where a fence forms an enclosure or part thereof, the fence shall:

- (a) be made of chain link construction or other materials in compliance with subsection 3.18.5
- (b) not be electrified or incorporate barbed wire or other sharp dangerous material; and
- (c) be located:
 - (i) at least 1.2 metres from the edge of the swimming pool;
 - (ii) so that the bottom of the fence be elevated by no more than 10 centimetres above grade.

3.18.5 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 galvanized treatment or other approved coating forming a total thickness equivalent to No. 12 gauge wire; and

(iii) at least 38 mm diameter steel posts, set below frost and designed to comply with the National Building Code in effect, and spaced not more than 2.5 metres (8.2 ft) apart, with a top horizontal rail of at least 50 mm (2.0 in) diameter steel;

(b) in the case of wood construction:

(i) vertical boarding, not less than 19 mm x 89 mm finished dimensions spaced not more than 38 mm apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and

(ii) supporting wood posts at least 89 mm square or round with 89 mm diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm x 139 mm finished dimensions; and

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

(i) provide rigidity and height equal to that provided in clauses (a) and

(ii) be assembled so as not to permit the passage of a 100 mm (4 in.) sphere through or under it;

(iii) not have horizontal rails or other features that would facilitate climbing; nor

(iv) have any horizontal rails spaced closer than 1.2 metres when the vertical picket spacing is greater than 50 mm.

3.18.6 Gates forming part of an enclosure shall:

(a) be equivalent to the fence in content, manner of construction and height;

(b) be supported on substantial hinges;

(c) be self-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the gate; and

(d) be located so that the bottom of the gate is elevated by no more than 10 centimetres above grade.

3.19 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.

3.20 Daycare Centre

Where permitted as a secondary use, a Daycare Centre shall:

(a) be located on a local street that permits on-street parking; and

(b) not have an illuminated sign, nor shall any sign exceed 0.75 square metres in area nor exceed one in number.

3.21 Home Occupation

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

- (a) a business office or home office;
- (b) a home personal service shop;
- (c) a home instructional service, including, but not limited to, the teaching of music, arts and crafts or dance;
- (d) a home domestic and household workshop, including, but not limited to, food catering, dressmaking, woodworking, arts and crafts, painting, sculpturing, molding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys;
- (e) a home trades business, including, but not limited to, electrician, painter or other similar uses; and
- (f) a home repair shop, including, but not limited to, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, and auto body shop.

3.21.2 A home occupation is subject to the following requirements:

- (a) the floor area of the dwelling unit that is devoted to the home occupation does not exceed 35 percent of the gross floor area of the dwelling unit;
- (b) at least two additional parking spaces are required on the premises, other than those under section 3.13.4;
- (c) no change to the property that would indicate that a home occupation is being conducted therein, except for one (1) non-illuminated sign that shall not exceed 0.75 square metres in gross surface area;
- (d) no goods or services other than those directly pertaining to the home occupation are supplied or sold from the property;
- (e) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single dwelling unit;
- (f) there shall be no outside animal enclosures associated with the business;
- (g) the home occupation shall not generate off-site electrical interference, dust, noise, or smoke; and
- (h) a residential beauty salon, barber shop, or pet grooming service shall be permitted as a home occupation provided the single-unit dwelling is occupied as a residence by the operator, and the area devoted to the use is designed to accommodate no more than 2 customers at a time.

3.22 Landscaping Requirements

3.22.1 In any zone, the owner of a lot developed for residential purposes shall landscape:

- (a) the front yard of the main building;
- (b) all of the rear yard within 4.5 metres of any main building thereon; and

3.22.2 A yard mentioned in subsection 3.22.1 may be used to a reasonable degree for the purposes of walks and driveways for access to the main building;

3.22.3 The landscaping under this section shall be completed within one year of substantial completion of the main building located thereon.

3.23 Commercial/Industrial/Multiple Unit Residential Use

Except for that part of the lot devoted to buildings and structures, a lot shall not be developed for a commercial, industrial, or multiple unit residential purpose unless:

- (a) driveways and off-street parking areas are gravelled or paved; and
- (b) all other areas of the lot not subject to the operation of paragraph are landscaped through sodding, seeding, shrubbery or some combination thereof.

3.24 Utility Uses

Public utilities may be permitted in any zone as of right. Telecommunication equipment shall be reviewed through the Antenna Siting Protocol adopted by the Commission.

3.25 Salvage Yard or Recycling Depot

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

- (a) the whole of the storage area shall be surrounded by a solid fence, not less than 3 metres and not greater than 5 metres in height, unpierced except for gates necessary for access;
- (b) the fence shall be located at least 6 metres from the front lot line and 1.5 metres from the side or rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be landscaped; and
- (c) no material shall be piled higher than the height of the surrounding fence.

3.26 Keeping of Hens

The keeping of hens shall be permitted in a Residential zone in conjunction with a single unit dwelling subject to the following requirements:

- (a) a maximum of four hens shall be permitted;
- (b) hens must be kept in a coop or an enclosure impermeable to predators at all times;

- (c) the enclosure must be set back a minimum of 3 metres from an adjacent lot;
- (d) the enclosure must be set back a minimum of 7.5 metres from a well; and
- (e) the sale of eggs, manure, meat, and the slaughter of animals on the lot is prohibited.

3.27 Mini homes

Mini homes must be placed with the longest wall facing the street.

3.28 Garden suites

Where permitted, a garden suite shall:

- a) be located in the rear yard of a single unit dwelling;
- b) be located on a lot no less than 675 square metres in size;
- c) not exceed a maximum floor area of 75 square metres;
- d) not exceed a height of 6 metres
- e) be set back a minimum of 3 metres from the rear lot line and a minimum of 1.8 metres from any side lot line;
- f) be connected to municipal sewer services or provide approval from the appropriate department verifying sufficient on-site septic capability;
- g) use the same driveway as the main use;

3.29 Development near rail lines

3.29.1 A minimum setback distance of 30 metres shall be maintained between any new residential dwelling and the railway right-of-way.

3.29.2 Existing residential buildings within the 30 metre railway setback may be repaired, renovated, and expanded provided all other applicable provisions of this by-law are satisfied.

3.29.3 Lots existing before the adoption of this by-law that are unable to meet railway setbacks may still be developed for residential purposes.

3.30 Signs

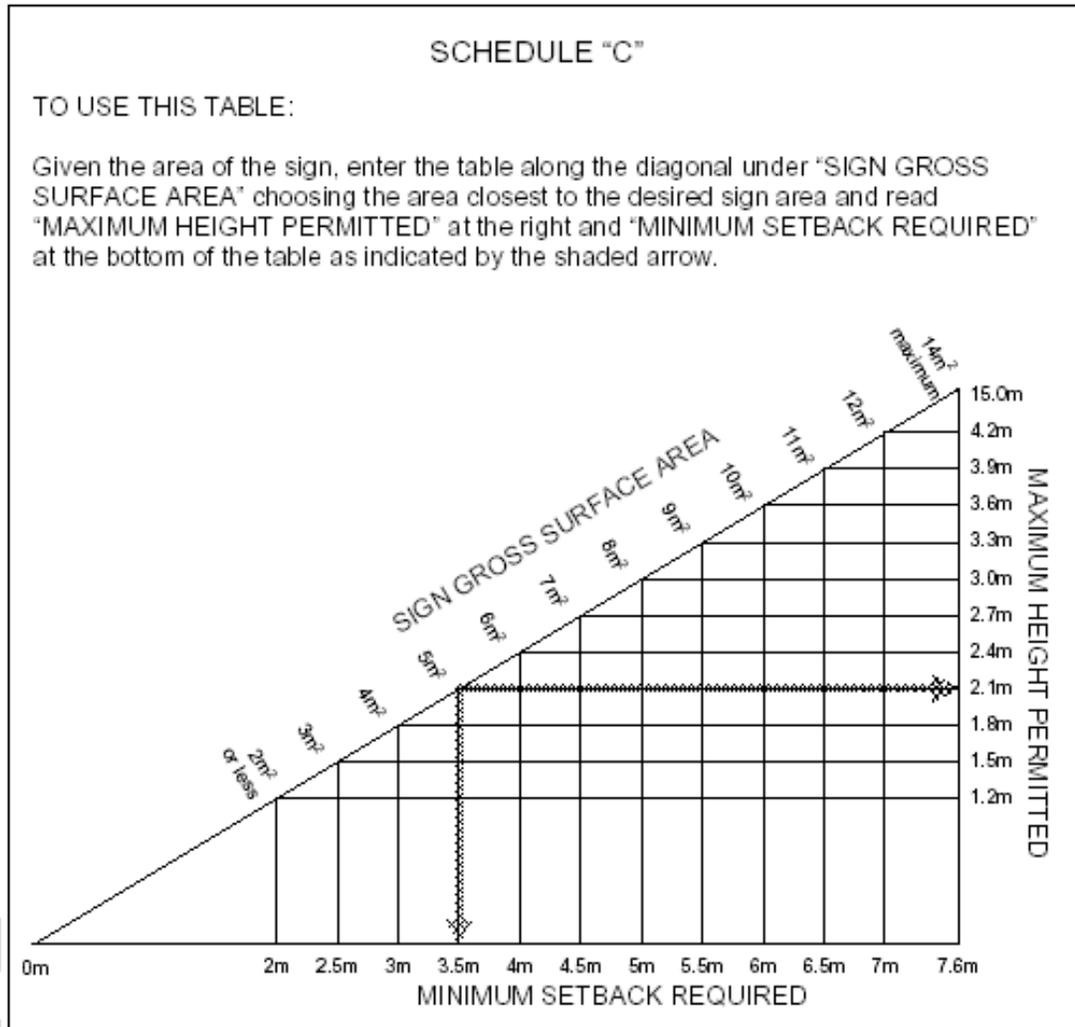
3.30.1 Other than a traffic control device as defined in the *Motor Vehicle Act*, a legal notice or a store window sign advertising goods for sale in the store, the location, dimensions, standards of construction, and purposes of public advertisement in the form of a sign is permitted only upon compliance with the requirements of this section.

3.30.2 No person may use land, a building or structure for the display of public advertisement in the form of a sign without obtaining a permit and paying a fee of \$25 to the-Commission.

3.30.3 Notwithstanding sub-section 3.30.2, a person may place, erect, or display a non-illuminated sign on any land, building, or structure without obtaining a permit for the sign if the sign:

- (a) advertises the sale, rental, or lease of the land, building, or structure and does not exceed 0.85 square metres in gross surface area;
 - (b) identifies by name the property or the residents of the property and does not exceed 0.45 square metres in gross surface area;
 - (c) warns against trespass and does not exceed 0.45 square metres in gross surface area;
 - (d) is a private traffic directional sign not exceeding 0.25 square metres in gross surface area;
 - (e) identifies the architects, engineers, contractors, and other individuals or firms involved with the construction of a building or structure, but such sign shall be removed from the site within fourteen days after the completion of the intended use of the building or structure;
 - (f) announces a candidate for public office in a municipal, provincial, or federal election, but such sign shall be removed from the site within fourteen days after the election; or
 - (g) identifies the name of a subdivision and does not exceed 3 square metres in gross surface area.
- 3.30.4 Subject to sub-section 3.30.7, a sign, other than one referred to in sub-section 3.30.3, may be placed, erected, or displayed if the gross surface area of the sign does not exceed the product of the lineal width of the lot on which the building is located, multiplied by one metre to a maximum area of ten square metres in the case of a fascia sign and fourteen square metres in area in the case of a free standing sign.
- 3.30.5 A free standing sign, other than a free standing private traffic directional sign not exceeding 0.24 square metres, shall have a minimum setback and maximum height in relation to its gross surface area as determined from the table provided in section 3.30.8.
- 3.30.6 A free standing private traffic directional sign not exceeding 0.24 square metres may be located closer to the street line than two metres, but no part of it shall extend beyond the street line or block sight visibility when exiting the site.
- 3.30.7 No sign may:
- (a) be an imitation of a traffic control device or contain the words “stop”, “go”, “caution”, “danger”, “warning,” or similar words arranged in such manner as to be construed as a traffic control device;
 - (b) have a size, location, content, colouring, or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or advertise an activity, business, product, or service that is not conducted on the premises on which the sign is located or which is conducted at another location, with the exception of a billboard sign or directory sign.

3.30.8 Size and Location of Freestanding Signs



SECTION 4: ZONES

4.1 Residential (R) Zone

Residential Zone Permitted Uses

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

- (a) one of the following main uses:
 - (i) a single unit dwelling;
 - (ii) a two unit dwelling;
 - (iii) a semi-detached dwelling; and
 - (iv) a bed and breakfast/tourist home
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) a daycare centre subject to section 3.20;
 - (ii) a home occupation subject to section 3.21;
 - (iii) the keeping of hens subject to section 3.26;
 - (iv) a garden suite subject to section 3.28; and
- (c) one or more of the following main uses subject to such terms and conditions as may be imposed by the Committee:
 - (i) a recreation use;
 - (ii) an institutional use;
 - (iii) a daycare centre;
 - (iv) a mini home; and
 - (v) a multiple unit residential use
- (d) subject to sub-section 3.6, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

Residential Zone Provisions

4.1.2 Within any Residential Zone, no development shall be permitted and no main building or structure may be located on a lot unless it meets the following standards:

	Serviced Lots	Unserviced Lots	Semi-detached residential located on a separate lot
Minimum area	675 square metres	4000 square metres	337.5 square metres
Minimum frontage	22.5 metres	54 metres	11.25 metres
Minimum front or flankage yard	7.5 metres	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres, except in the case of a corner lot, the rear yard is at least 1.5 metres;	6 metres	7.5 metres, except in the case of a corner lot, the rear yard is at least 1.5 metres;
Minimum side yard	2.4 metres on one side and 1.2 metres on the other	2.4 metres	2.4 metres and 0.0 metres from the common wall
Maximum lot coverage	50 percent	50 percent	50 percent
Maximum building height	11 metres	11 metres	11 metres

4.1.3 Where there is vehicular access to the rear yard through a carport or garage, the larger side yard required by paragraph 4.1.2 may be reduced to 1.2 metres.

4.2 Central Commercial (CC) Zone

Central Commercial Zone Permitted Uses

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

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

- (i) a single unit dwelling;
- (ii) a two-unit dwelling;
- (iii) a semi-detached dwelling;
- (iv) a multiple unit residential use;
- (v) an office or office building;
- (vi) a retail store, service, or market;
- (vii) a restaurant;
- (viii) a service shop or a personal service shop;
- (ix) a bank or financial institution;
- (x) a hotel or motel;
- (xi) a place of entertainment, recreation and assembly wholly enclosed within a building;
- (xii) a government or municipal building;
- (xiii) a recreation use;
- (xiv) a daycare centre;
- (xv) an institutional use; and

(b) one of the following secondary uses in conjunction with a single-unit dwelling:

- (i) a bed and breakfast/tourist home;
- (ii) a daycare centre subject to section 3.20;
- (iii) a home occupation subject to section 3.21

- (c) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 3.6.

Central Commercial Zone Provisions

4.2.2 Any permitted use in the Central Commercial Zone shall be serviced by the public sewer system and comply with the following regulations:

Minimum area	675 square metres
Minimum frontage	22.5 metres
Minimum front or flankage yard	0 metres
Minimum rear yard	7.5 metres, except in the case of a corner lot, the rear yard is 1.2 metres
Minimum side yard	2.4 metres on one side and 1.2 metres on the other for lots not facing Main Street, and 0 metres for those facing Main Street
Maximum building height	15 metres

4.2.3 Except for a single unit, two-unit, or semi-detached dwelling, no main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot except in conformity with the following:

- (a) no portion of any parking area shall be located within 2 metres of any street line;
- (b) no parking space shall be located closer than 3 metres from a lot line of any property occupied by a single unit or two unit dwelling, except where a fence or other physical barrier is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property;
- (c) where a lot located within a Central Commercial Zone abuts a lot in a Residential or Community Use Zone, the minimum side yard within the Central Commercial Zone from the abutting lot line shall be 2.5 metres; and
- (d) a permitted residential use shall not occur on the same lot as a permitted commercial use unless access thereto is:
 - (i) from inside the building at ground floor level when the dwelling unit is above the ground floor, and
 - (ii) separate from the main access to the main use.

4.2.4 Except for a single unit, two-unit, or semi-detached dwelling, no portion of any lot in a Central Commercial Zone shall be used for the collection or storage of refuse unless it is stored in a container screened by an opaque fence or similar structure.

4.3 General Commercial (GC) Zone

General Commercial Zone Permitted Uses

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

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

- (i) a retail or wholesale store, market, or retail service use;
- (ii) an automobile, truck, recreation vehicle, general transportation, or heavy equipment sales room, sales lot, rental or repair facility;
- (iii) an automobile service station, gas bar, refuelling facility, and automobile rental outlet;
- (iv) a car wash;
- (v) a nursery or greenhouse operation;
- (vi) a recreation use;
- (vii) an institutional use;
- (viii) a hotel, motel, campground, or tourist cabins;
- (ix) a moving and storage company;
- (x) a restaurant, including a drive-in or take-out restaurant;
- (xi) a medical clinic;
- (xii) a veterinary clinic;
- (xiii) an entertainment use;
- (xiv) a service shop or a personal service shop;
- (xv) a single unit dwelling; and

(b) The following main use subject to such terms and conditions as may be imposed by the Committee:

- (i) a multiple unit residential use;

(c) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 3.6.

General Commercial Zone Provisions

4.3.3 Within any General Commercial Zone, no development shall be permitted and no main building or structure may be located on a lot unless it meets the following standards:

	Serviced lots	Unserviced lots
Minimum area	675 square metres	4 000 square metres
Minimum frontage	22.5 metres	54 metres
Minimum front or flankage yard	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres	7.5 metres
Minimum side yard	2.4 metres on one side and 1.2 metres on the other	2.4 metres on one side and 1.2 metres on the other
Maximum lot coverage	50 percent maximum	50 percent maximum
Maximum building height	15 metres	15 metres

4.3.4 No main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot except in conformity with the following:

- (a) no portion of any parking area shall be located within 2 metres of any street line;
- (b) no parking space shall be located closer than 3 metres from a lot line of any property occupied by a single unit or two unit dwelling, except where a fence or other physical barrier is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property;
- (c) where a lot located within a GC Zone abuts a lot in a R or CU Zone, the minimum side yard within the GC Zone from the abutting lot line shall be 2.5 metres.

Storage and Screening of Refuse Containers

4.3.5 No portion of any lot in a General Commercial Zone shall be used for the collection or storage of refuse unless it is stored in a container screened by an opaque fence or similar structure.

4.4 Industrial (I) Zone

Industrial Zone Permitted Uses

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

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

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

(b) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 3.6.

Industrial Zone Provisions

4.4.2 Within any I Zone, no development shall be permitted and no main building or structure may be located on a lot unless it meets the following standards:

	Serviced lots	Unserviced lots
Minimum area	675 square metres	4 000 square metres
Minimum frontage	22.5 metres	54 metres
Minimum front or flankage yard	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres	7.5 metres
Minimum side yard	2.4 metres on one side and 1.2 metres on the other	2.4 metres on one side and 1.2 metres on the other
Maximum lot coverage	50 percent maximum	50 percent maximum
Maximum building height	15 metres	15 metres

4.4.3 No main building or structure may be placed, erected or altered, and no building shall be altered to become a main building on a lot except in conformity with the following:

- (a) no portion of any parking area shall be located within 2 metres of any street line;
- (b) no parking space shall be located closer than 3 metres from a lot line of any property occupied by a single unit or two unit dwelling, except where a fence or other physical barrier is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property; and
- (c) where a lot located within an Industrial Zone abuts a lot in a Residential or Community Use Zone, the minimum side yard within the Industrial Zone from the abutting lot line shall be 2.5 metres.

Storage and Screening of Refuse Containers

4.4.4 No portion of any lot in an Industrial Zone shall be used for the collection or storage of refuse unless it is stored in a container screened by an opaque fence or similar structure.

4.5 Community Use (CU) Zone

Community Use Zone Permitted Uses

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

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

- (i) fairground or recreational use;
- (ii) a government or municipal building;
- (iii) a daycare centre;
- (iv) an institutional use; and

(b) subject to subsection 3.6, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

Community Use Zone Provisions

4.5.2 Within any Community Use Zone, no development shall be permitted and no main building or structure may be located on a lot unless it meets the following standards:

	Serviced lots	Unserviced lots
Minimum area	675 square metres	4 000 square metres
Minimum frontage	22.5 metres	54 metres
Minimum front or flankage yard	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres	7.5 metres
Minimum side yard	2.4 metres on one side and 1.2 metres on the other	2.4 metres
Maximum lot coverage	50 percent maximum	50 percent maximum
Maximum building height	15 metres	15 metres

4.6 Open Space (OS) Zone

Open Space Zone Permitted Uses

- 4.6.1 No development shall be permitted nor shall any land, building or structure be used on a lot within an Open Space Zone for any purpose other than:
- (a) parks or open space for natural, aesthetic, or scientific interest, including interpretative uses or displays;
 - (b) passive recreational uses;
 - (c) agricultural uses that do not include permanent buildings or structures;
 - (d) trails;
 - (e) public works associated with flood control or sewage treatment, or other similar uses; and
 - (f) water dependant uses

Open Space Zone Provisions

- 4.6.2 No habitable buildings, development, or structure shall be permitted in any OS Zone.
- 4.6.3 An accessory building is permitted in the OS Zone on a lot with a residential building in existence before the adoption of this by-law.

4.7 Rural Area (RA) Zone

Rural Area Zone permitted uses

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

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

- (i) a single unit dwelling;
- (ii) a two unit dwelling;
- (iii) A mini home;
- (iv) a recreational use;
- (v) an institutional use;
- (vi) a forestry activity;
- (vii) subject to paragraph 4.7.4 and the *Livestock Operations Act* and related regulations, an agricultural use;
- (viii) a veterinary clinic; and
- (ix) a bed and breakfast/tourist home

(b) one of the following secondary uses in conjunction with a permitted single unit dwelling:

- (i) a daycare centre subject to section 3.20; and
- (ii) a home occupation subject to section 3.21

(c) the following main use subject to such terms and conditions as may be imposed by the Committee:

- (i) a kennel

(d) subject to sub-section 3.6, any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

Rural Area Zone Provisions

4.7.3 Within any Rural Area Zone, no development shall be permitted and no main building or structure may be located on a lot unless it meets the following standards:

	Serviced lots	Unserviced lots
Minimum area	675 square metres	4 000 square metres
Minimum frontage	22.5 metres	54 metres
Minimum front or flankage yard	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres	7.5 metres
Minimum side yard	2.4 metres	2.4 metres
Maximum lot coverage	50 percent maximum	50 percent maximum

4.7.4 An agricultural building or structure intended for the keeping of animals must be located at least:

- (a) 30 metres from a street line,
- (b) 15 metres from any other lot line,
- (c) 30 meters from any watercourse or wellhead.

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4.8 IRD (Intensive Resource Development) Zone

IRD Zone permitted uses

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

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

- (i) A forestry use;
- (ii) An agricultural use;
- (iii) Resource extraction subject to sections 4.8.2, 4.8.3, and 4.8.4; and
- (iv) A wind farm;

4.8.2 Subject to zoning provisions, activities related to pits may be allowed by permit issued by the Regional Service Commission with the following conditions:

- a) All permits require a master plan, and a rehabilitation plan approved under Section 53(3)(c) of the *Community Planning Act*. Any change to the master plan must be approved under Section 53(3)(c) of the *Community Planning Act*;
- b) The rehabilitation ratio shall be calculated as: (area of potential pit + area of extracted portion) / area of potential pit;
- c) The renewal of a permit is conditional to the compliance of the provisions stated in paragraphs 4.8.3 and 4.8.4, as well as in the Master Plan, the Rehabilitation Plan and the determined rehabilitation ratio;
- d) Pit Permits will be valid for one year from the 1st of April of that year to the 1st of April of the next year, and shall be renewed annually, subject to the terms and conditions listed in paragraphs 4.8.3 and 4.8.4;
- e) The permit fee is \$1000, except if fees are paid prior to the commencement of annual work, wherein the cost is \$500; and

4.8.3 All extraction sites and all master plans must respect the following setbacks:

- a) 30m from of any hydrographic source;
- b) 10m from any property limit;
- c) 100m from all roads; and
- d) 150m from any existing dwelling.

4.8.4 Extraction site operations must respect the following standards:

- a) The operator shall keep the access routes and streets free of dust while transporting the materials;
- b) The main entrances to the site shall have a barrier to control access to the site;
- c) For public safety, signs shall be placed at each entrance (main entrance, secondary entrance, tracks and/or trails, etc.) bearing the word "Danger", the nature of the operation and a "No Trespassing" sign. Fencing may be required around part, or all of the site or pit extraction area;
- d) The operation shall maintain safety slopes at 35% or less, unless it is demonstrated that the ground can be stabilized in such a way as to prevent landslides and erosion;
- e) All surface water shall either be contained within the site limits, or pass through a sedimentation basin before running outside site limits;
- f) At the time the extraction activity has permanently ceased, all debris must be removed from the site and the rehabilitation process must be completed.

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