

**Village of Fredericton
Junction**

Rural Plan

By-law 2020-01

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Village of Fredericton Junction Rural Plan By-Law By-law 2020-01

Part A: Rural Plan - Title and Area Designation

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

1. This By-law may be cited as the *Village of Fredericton Junction Rural Plan*.
2. The area of land as shown on the map placed in Schedule A, describing the municipal boundaries of the Village of Fredericton Junction in Sunbury County, is designated for the purpose of the adoption of the Rural Plan and is the area to which this by-law applies.
3. The Village of Fredericton Junction Rural Plan contained in this by-law is hereby adopted for the area described in Schedule A.
4. By-law 2009-01, Village of Fredericton Junction Rural Plan By-law and any amendments thereto are hereby repealed.

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Part B: Rural Plan

SECTION 1 – BACKGROUND

The previous Rural Plan for the Village of Fredericton Junction, hereby referred to as the Village, was prepared and adopted in 2009. Section 43 of the *Community Planning Act* requires that all plans be reviewed within ten years of its enactment, May 2017. The purpose of this review is to ensure that the plan remains up to date with current planning and development standards and to ensure that the needs of the community continue to be met by the plan.

It is the objective of Council to encourage the continued development of the Village as a distinct and balanced community, providing housing, employment, and a full range of amenities for residents of all ages. It is Council's intention to encourage growth in the village and to increase population. Development is required to stimulate and accommodate growth and will be managed to maximize efficiency and economy, while protecting the environment.

With this in mind, the following vision was developed,

The Village of Fredericton Junction is primarily a residential community offering a mix of housing options and a variety of services. Community services and commercial options appropriate to the size of the community will be offered with the intent of promoting quality of life in a rural setting. The Village's location on the railway will be considered as a strength in the promotion of economic development.

To this end, Council intends to meet the following objectives:

- encourage residential development and provide a range of housing types to accommodate current citizens and new residents;
- encourage young families to move to the Village by providing an affordable variety of housing and a range of community services;
- encourage additional housing variety for seniors;
- encourage commercial development, particularly in the Village Centre;
- encourage the growth of business and industry;
- maintain and enhance institutional and recreational facilities, particularly the concentration of institutional and recreation uses through the use of the Tri-County Recreation Centre;
- facilitate continued agricultural and forestry operations;
- protect and enhance known sites of historical and architectural value;
- protect the Village's water supply area; and
- protect and enhance environmental assets.

SECTION 2 – POLICIES AND PROPOSALS

This component of the Rural Plan establishes appropriate policies and proposals that Council considers necessary to encourage growth and development within the Village. Policies are statements of general intent that guide government in the management of land-use. Policies establish adequate direction for zoning provisions and other implementing mechanisms that Council may consider. The *Community Planning Act* requires that a Rural Plan contain policies with respect to residential uses, commercial uses, institutional uses, resource uses, recreational facilities and public open spaces, protection of water supplies, heritage buildings and sites of historical or archaeological interest, conservation of the physical environment, and any other matters that Council may consider necessary. Proposals are potential actions or projects that the Village 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 has undergone periods of growth and decline over the last 50 years. Between 2011 and 2016, the population declined by 6%. Based on data from the 2016 Census of populations, the Village population is aging. Council wishes to encourage population growth by increasing the number of young families in the village, which will help sustain the community, its institutions, and its businesses. This will require provision of a range of housing types, including not only single unit homes, but also small apartment structures, row houses, mini-homes, and seniors housing that are available to a wide range of incomes.

2.1.1 Policies

- (1) It is a policy to encourage residential development within the capacity of existing or planned municipal infrastructure.
- (2) It is a policy to ensure the provision of a broad range of housing types to address the needs of current and potential residents.
- (3) It is a policy to ensure housing is available for residents with a variety of incomes.

2.1.2 Proposals

- (1) Council proposes to establish zoning which allows for the development of higher density housing.
- (2) Council proposes to establish zoning which encourages a variety of housing types.
- (3) Council proposes to establish zoning which allows the development of lower density residential housing.

2.2 Commercial

Presently, there is limited commercial development within the Village. There is a desire among the community for an increased availability of goods and services within the Village, allowing residents to do more of their shopping locally.

Most of the existing retail is located along NB Route 101 and includes establishments such as: Sunbury Grocery/Pizza Shack, Sunbury Diner, and Citizen's Credit Union. Any future expansion of commercial development should be of a consistent scale to the existing services, provide essential services, and increase the availability of office space.

2.2.1 Policies

- (1) It is a policy to direct the location of commercial development to appropriate areas of the Village.
- (2) It is a policy to encourage the continued development of the Village Centre.
- (3) It is a policy to encourage the growth and diversification of the Village's economic base by supporting the retention and expansion of existing businesses and the establishment of new businesses.
- (4) It is a policy to support expansion and development of businesses to the extent that they do not place an undue burden on municipal infrastructure and resources.
- (5) It is a policy to foster commercial activities where they complement the character of the community and are compatible with surrounding land uses.
- (6) It is a policy to permit a range of businesses within rural zones that are compatible with and supportive of the rural character of the area.
- (7) It is a policy to allow for a range of home-based enterprises where the nature and scale of the activity is complementary to or in keeping with the character of surrounding land uses.

2.2.2 Proposals

- (1) Council proposes to encourage a mix of uses in the Village Centre, given the current mix of land uses found in the central portion of the Village.
- (2) Council proposes to encourage those wanting to conduct a business from home.
- (3) Council proposes to encourage commercial development through appropriate zoning.

2.3 Industrial

There is currently limited industrial development in the Village. However, given the Village's location along the New Brunswick Southern Railway, it is important to preserve the existing railway infrastructure and to allow for related industrial operations to develop should the railway's importance increase in the future.

2.3.1 Policies

- (1) It is a policy to ensure the orderly development of industrial operations.
- (2) It is a policy to provide for the establishment of industrial uses, in appropriate locations, for future industrial development.
- (3) It is a policy to encourage the mitigation of disruptions and intrusions to surrounding uses caused by industrial uses.

2.3.2 Proposal

- (1) Council proposes to consider aesthetic impact when siting new industrial uses.

2.4 Institutional

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

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 and industrial uses and may include traffic and parking, aesthetics, and noise. Under some circumstances where food is prepared and/or served on site, institutional uses may raise odour and waste management issues similar to restaurants.

2.4.1 Policies

- (1) It is a policy to encourage the maintenance and enhancement of existing institutional uses.
- (2) It is a policy to encourage the use of public educational buildings and facilities, such as sports fields, gymnasiums, and classrooms, for adult education classes, group meetings, and other community activities.
- (3) It is a policy to encourage new institutional uses to locate within the Village, subject to the size and provisions that address the appropriateness and compatibility with the surrounding area.

2.4.2 Proposal

- (1) Council proposes to encourage institutional facilities to locate in the Village through collaborative work with developers, event organisers, government agencies, and other community groups.

2.5 Recreation Facilities and Public Open Space

Recreation facilities and open spaces are a key asset of the Village. The community is fortunate to have an excellent array of recreation facilities including the Sunbury West School and the Tri-County Complex.

2.5.1 Policy

- (1) It is a policy to encourage public recreational uses to provide for the interaction of residents, promote health and wellness, and foster a strong sense of community.

2.5.2 Proposals

- (1) Council proposes to encourage the development of parks, passive recreational uses, trails, boat landing and launching areas, and public works associated with flood control, sewage treatment, or similar uses.
- (2) Council proposes to protect the lands subject to flooding along the Oromocto River or lands within 30 metres of a known watercourse through appropriate zoning.
- (3) Council proposes to collaborate with developers to encourage subdivision plans to include land dedication for public purposes.

2.6 Resource

Large portions of the land area of the Village are either in a natural state or are used for agriculture or forestry. Agriculture and forestry uses contribute 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 to minimize environmental impacts.

2.6.1 Policies

- (1) It is a policy to facilitate continued agricultural and forestry activity.
- (2) It is a policy to permit pit and quarry uses in an appropriate zone, subject to appropriate controls to ensure steps are taken to mitigate impacts on surrounding land uses.

2.6.2 Proposal

- (1) Council proposes to establish appropriate zoning to encourage agricultural and forestry operations in the Village, while upholding regulations as imposed by the Province of New Brunswick and the Government of Canada.

2.7 Protection of Water Supplies

Northern portions of the Village are served by a municipal water system supplied via wells located south of the NB Southern Railway in the central portion of the Village.

2.7.1 Policy

- (1) It is a policy to protect the quantity and quality of the Village water supply.

2.7.1 Proposal

- (1) Council proposes to permit development that will have minimal impacts on the Village water supply and to review any proposed developments with respect to their conformance with the provincial Wellfield Protection Program.

2.8 Heritage Buildings and Sites of Historical or Archaeological Interest

The main historical site within the Village is the Sunbury West Historical Society property located on Currie Lane. Within a municipality, known structures of historic, archaeological, and cultural significance should be preserved and maintained to provide a link to the history of the municipality.

2.8.1 Policy

- (1) It is a policy to protect, maintain, and enhance the known heritage, archaeological, and cultural assets within the Village.

2.8.2 Proposal

- (1) Council proposes to encourage and support the maintenance and preservation of known heritage, archaeological, and cultural assets within the Village by working in collaboration with appropriate groups and individuals.

2.9 Conservation of the Physical Environment

As a village in a predominately rural setting, the natural environment is a one of the key strengths of Fredericton Junction. Given the Village's location on the North Branch of the Oromocto River, issues such as flooding and watercourse protection are a concern for development.

2.9.1 Policies

- (1) It is a policy to preserve and protect the natural environment.

- (2) It is a policy to encourage development which respects natural constraints, such as steep or unstable slopes, floodplains, and sensitive habitats.

2.9.2 Proposals

- (1) Council proposes to establish appropriate zoning which allows for the development of land while retaining rural characteristics, such as, but not limited to, passive recreational activities and agricultural activities.
- (2) Council proposes to prohibit building where a site is marshy, subject to flooding, excessively steep, or unsuitable for development because of soil conditions or topography.

2.10 Municipal Services and Utilities

The Village provides sewage collection and treatment and water supply to northern portions of the Village. The Village also has its own fire department providing fire protection to the Village and surrounding areas.

2.10.1 Policies

- (1) It is a policy to undertake improvements to the Village water supply and distribution and sanitary sewer collection and treatment systems, as required.
- (2) It is a policy to ensure the Village's groundwater supply is protected.
- (3) It is a policy to seek the co-operation of private and public utility companies in locating and designing facilities, such as electrical substations and communication towers.

2.10.2 Proposal

- (1) Council proposes to permit utility-related uses in all zones, provided adequate measures of mitigation are taken, such as, but not limited to, visual buffers, safety, and site access.

Part C: Zoning Provisions

SECTION 3 – DEFINITIONS

In this By-Law:

“ACT, the” means the *Community Planning Act*, Chapter 19, S.N.B. 2017 and amendments thereto.

“AGRICULTURAL USE” means an agricultural operation that is carried out for gain or reward or in the hope or expectation of gain or reward, and includes

- (a) the cleaning, draining, irrigating or cultivation of land;
- (b) the raising of livestock, including poultry;
- (c) the raising of furbearing 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 application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides for agricultural purposes;
- (j) the storages, use or disposal of organic wastes for farm purposes;
- (k) the operation of pick-your-own farms, from the gate agricultural operations roadside stands, agricultural produce sales outlet and farm tourist operations as part of a farm operation;
- (l) the processing of a farm product for the purpose of preparing farm products for wholesale or retail consumption;
- (m) the preparation of an agricultural product distributed from the farm gate, including cleaning, grading, and packaging;
- (n) abattoir subject to appropriate legislation; and
- (o) any other agricultural activity or process prescribed by regulation.

“ALTER” means any change in a structural component or any increase in the volume of a building or structure, which is not for the purposes of maintenance only.

“AMUSEMENT PLACE” means an amusement park or an establishment, other than a private club or an establishment authorized to serve beer or spirits, which for profit provides facilities for dancing, games, the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a restaurant or other commercial establishment.

“ANIMAL UNIT” means the number of livestock or poultry that produce one animal unit as follows:

- (a) 1 bison, buffalo, bull, cow, donkey, fox, horse, mink, mule, pig, or steer including offspring until weening;
- (b) 3 llama, alpaca, or deer including offspring until weening;
- (c) 6 sheep or goats including offspring until weening;
- (d) 10 ostrich, emu, or fur bearing animals, excluding fox or mink;
- (e) 20 chicken, turkey or geese;
- (f) 50 chicks.

“AQUACULTURE USE” means the use of any land, building, or structure devoted to the hatching, raising, or breeding of fish or other aquatic plants or animals, for sale or personal use.

“ARTISAN SHOP” means a shop in which arts and/or crafts are produced and may be offered for sale but does not include a manufacturing use.

“ASSEMBLY HALL” means a building, or part thereof, used for the gathering of persons for civic, political, religious, social, educational, recreational, or like purposes, or for the consumption of food and drink.

“AUTOMOBILE REPAIR ESTABLISHMENT” means an establishment for the general repair, rebuilding, or reconditioning of engines, motor vehicles, recreational vehicles, or trailers such as body repair and frame straightening, painting and upholstery, vehicle steam cleaning, and undercoating, but does not include a salvage yard.

“AUTOMOBILE SALES OR RENTAL ESTABLISHMENT” means an establishment having as its main use the storage of vehicles for rent or sale, and accessory uses may include facilities for the repair or maintenance of such vehicles.

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

“BED AND BREAKFAST” means a home occupation within a single unit dwelling where not more than three sleeping rooms are rented to the travelling and vacationing public, and where breakfast is served to those who rent the sleeping rooms.

“BOAT LAUNCH” means a facility to launch and retrieve recreational boats from a trailer.

“BUILDING” means any structure used or intended to be used for supporting or containing any use or occupancy.

“BUILDING, ACCESSORY” 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.

“BUILDING, MAIN” means the building in which the principal purpose or purposes for which the building lot is used are conducted.

“CANNABIS” means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act*.

“CANNABIS PRODUCTION FACILITY” means a facility and premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products.

“CARPORT” means a building or structure attached to a house that is designed for the parking and storage of motor vehicles and is open on at least two ends in order to provide unobstructed access to the rear yard.

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

“COMMERCIAL RECREATION FACILITY” means a recreation facility operated as a business and open to the public for a fee and, without limiting the generality of the foregoing, may include a golf course, an amusement place, or a sports facility.

“COMMERCIAL VEHICLE” means any vehicle that is licensed as a commercial carrier as determined by the *Registrar of Motor Vehicles*.

“COMMISSION” means the Regional Service Commission having jurisdiction and as established under the *Regional Service Delivery Act*.

“COMMUNITY RECREATION CENTRE” means a building or part of a building including facilities such as an ice surface, bowling alley, community meeting and event rooms and associated outdoor sports fields.

“CONSERVATION USE” means a wildlife refuge, natural buffer, or other such uses that serve to protect or maintain an environmentally sensitive area.

“CONTRACTOR’S YARD” means a yard of any general contractor or builder where equipment and materials are stored, or where a contractor performs shop or assembly work.

“DWELLING” means a main residential building or structure, or portion thereof, containing one or more dwelling units.

“DWELLING, MODULAR” means a complete dwelling unit, built in a factory, that is designed in more than one piece to be made mobile on a temporary basis, for transport to a site, which provides a permanent residence for one or more persons, but does not include a mini-home, mobile home, or recreational vehicle defined herein.

“DWELLING, MULTIPLE UNIT” means a dwelling containing three (3) or more dwelling units.

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

“DWELLING, SINGLE UNIT” means a dwelling containing only one dwelling unit and includes a mini-home, but not a mobile home.

“DWELLING, TWO UNIT” means a dwelling having independent exterior walls containing two (2) self-contained dwelling units,

- (a) constructed one above the other, and having individual entrances from street level either directly or through a common vestibule; or
- (b) constructed adjoining, but not one above the other, and having common or individual entrances.

“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 and does include a modular home or a mini-home, but not a mobile home.

“DWELLING UNIT, SECONDARY” means a secondary dwelling unit contained within and subordinate to a main single detached dwelling that is internally accessible from the main dwelling unit.

“EARLY LEARNING AND CHILDCARE HOME” means an early learning and childcare home as defined by and in accordance with the *Licensing Regulation of the Early Childhood Services Act*.

“EATING ESTABLISHMENT” means a building, or part thereof, where food is offered for sale or sold to the public for immediate consumption and without limiting the generality of the foregoing, may include such uses as a restaurant, café, cafeteria, take-out counter, ice-cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar, food truck, or refreshment room or stand.

“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 escort services, adult cabarets, adult motion picture theatres, adult retail outlets, adult book stores, or massage parlours.

“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. This includes any physical operations preparatory thereto.

“FARMER’S MARKET” means an establishment or premises where farm products of local farming community are sold at retail from areas designated for individual retailers.

“FOOD PROCESSING OPERATION” means an establishment for producing or processing foods for human consumption.

“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.

“FULL-TIME EARLY LEARNING AND CHILDCARE CENTRE” means a full-time early learning and childcare centre as defined by and in accordance with the *Licensing Regulation of the Early Childhood Services Act*.

“FUNERAL HOME” means an establishment for the preparation of the deceased for burial or cremation and for holding funeral services and may incorporate a crematorium and chapel as an accessory use.

“GARAGE” means an accessory building or part of a principal building designed and intended to be used for the storage of motor vehicles.

“GRADE” means the finished level of the ground at the exterior walls of a building or structure.

“GROSS FLOOR AREA” means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor area not devoted to residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

“GROUP HOME” means a residence, licensed or approved under provincial statute, for the accommodation of up to ten persons, exclusive of staff, living under supervision in a single housekeeping unit who, by reason of their emotional, mental, social, behavioral, physical condition or legal status, require a group living arrangement for their well-being, but does not include a “special care home” as defined elsewhere in this by-law.

“HABITABLE ROOM” means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, recreation rooms, and workshops and recreational rooms located in a basement or cellar.

“HEALTH AND WELLNESS CENTRE” means an establishment that provides exercise facilities such as running, jogging, aerobics, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

“HEIGHT” means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point of such building or structure.

“HERITAGE BUILDING” a home or building that has been designated by the Village of Fredericton Junction, Province of New Brunswick or the Government of Canada as a property possessing cultural or historical significance.

“HOME OCCUPATION” means an occupation, which is conducted in a dwelling, and which is clearly secondary to the main use as a dwelling.

“HOUSE, BOARDING OR ROOMING” means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons other than the owner or tenant thereof and members of his or her family but does not include a bed and breakfast, tourist establishment, hospital, or other establishment otherwise classified or defined in this by-law.

“HOTEL” means an establishment designed to accommodate the travelling public, for gain or reward, that consists of one or more buildings containing four or more attached accommodation units accessible from the interior and that may or may not have facilities for serving meals, meeting rooms, and recreational facilities.

“INDUSTRIAL USE” means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses, but does not include a salvage yard, and shall include the use of land, or building, or structure for one or more of the following operations:

- (a) the carrying on of any process of manufacture that may or may not result in a finished article;
- (b) the dismantling and separating into parts of any article, machinery, or vehicle;
- (c) the breaking up of any articles, goods, machinery, or vehicles;
- (d) the treatment of waste materials;
- (e) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof;
- (f) the repairing and servicing of all vehicles, machinery and buildings;
- (g) the storage of goods in connection with or resulting from any of the above operations;
- (h) the provision of amenities for persons engaged in such operations;
- (i) the sale of goods resulting from such operations; and
- (j) any work of administration or accounting in connection with the undertaking.

“INSTITUTIONAL USE” means the use of land, buildings, or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such buildings as schools, places of worship, community centres, public hospitals, public libraries, community meeting rooms, and government buildings, such as a fire department, post office, or municipal office.

“LAUNDROMAT” means an establishment that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

“LIVESTOCK” means large animals such as cows, horses, sheep, pigs, goats, mules, donkeys, llamas, and alpacas. This definition also includes poultry such as chickens, chicks, geese, and turkeys, and fur bearing animals. The definition of “livestock” does not include household pets such as cats, dogs, birds, mice, rats, gerbils, rabbits, etc.

“LIVESTOCK FACILITY” means a building used or intended to be used to confine or house livestock or a confined livestock area and includes a structure or area used or intended to be used to store manure.

“LOT” means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

“LOT, CORNER” shall mean any lot situated at the intersection of, and abutting on, two or more streets.

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

“LOT AREA” means the area contained within the boundaries of a lot.

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

“LOT FRONTAGE” means the distance between side lot lines measured along a line perpendicular to the established centreline at the required setback from the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. In the case of a curved corner or where side lot boundaries are not parallel, lot frontage means the distance between the side boundaries of the lot at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street.

“LOT LINE” means the common line between two lots, between two or more lots, between a lot and a lane, between a lot and a body of water, or between a lot and any such line other than a street line.

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

- (a) 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 the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front lot line; or
- (b) in the case of a lot, which has as one of its boundaries the shoreline of a lake or 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 extending from the street line to the rear of the lot or the line extending from the front lot line to the rear lot line.

“LOT LINE, FLANKAGE” means a side lot line that abuts the street on a corner lot.

“LOT WIDTH” shall mean where the side lot lines are parallel, the distance measured at right angles from such lot lines across each lot and where such lot lines are not parallel, the distance between them at the required front yard depth.

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

“MEMBERSHIP ORGANIZATION” means an organization which is fraternal, religious, recreational, charitable, or literary in nature and which operates as a nonprofit enterprise.

“MINI-HOME” means a building unit that is designed to be used with or without a permanent foundation as a dwelling, that has a width of less than six metres throughout its entire length, exclusive of steps or porches, that is not fitted with facilities for towing nor to which towing apparatus can be attached, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration.

“MINI-HOME PARK” means a parcel of land, not in a Provincial park, intended as the location, for residential purposes, of ten or more mini-homes, upon which at least two mini-homes are located for residential purposes.

“MOBILE HOME” means a factory built, detached structural unit designed to be capable of being transported after fabrication on its own chassis and wheel system to a lot and which is suitable for year round occupancy in a similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations and placement on defined supporting structures.

“MOTEL” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the exterior only and that may or may not have facilities for serving meals.

“MUSEUM” means a building for exhibiting a collection of books or historical, artistic, or scientific objects.

“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 DISPLAY COURT” means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot.

“PARK” means an area of land set aside for recreational purpose and may include, but is not limited to, playgrounds, baseball fields, tennis courts, soccer and other athletic fields, outdoor rinks, swimming pools, and areas designed for passive recreational use, and includes the associated buildings and structures.

“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 maneuvering 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, and or maneuvering areas.

“PART-TIME EARLY LEARNING AND CHILDCARE CENTRE” means a part-time early learning and childcare centre as defined by and in accordance with the *Licensing Regulation of the Early Childhood Services Act*.

“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.

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

“PERSONAL SERVICE SHOP” means a building or part of a building in which persons are employed in providing 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, salons, cosmetic application, massage therapy, physiotherapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

“PRINTING ESTABLISHMENT” means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, and offset printing equipment.

“RAILWAY USE” means the occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers.

“RECREATION USE” means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorised vehicles, or any animals.

“RECREATIONAL VEHICLE” means a unit intended as a temporary accommodation for travel, recreational or vacation use. Such units include one or more of a travel trailer, camper, motorized dwelling, a tent trailer, slide-in campers, chassis mounted campers, a boat, a boat trailer, containers used for transporting recreational equipment whether or not occupied by such equipment and any other non-commercial trailer.

“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.

“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.

“RESTAURANT” means a building, or any portion thereof, designed or used primarily for the serving of, and consumption of food by customers within such building or portion thereof, and includes a cafeteria.

“RESTAURANT, DRIVE-IN” OR “RESTAURANT, DRIVE THRU” means any land or building or any portion thereof

- (a) designed or used primarily for the service of food for consumption outside of the building or portion thereof, in automobiles or off the premises; or
- (b) designed or used primarily for the service of food at a counter within the building or portion thereof, the food being served in a manner which allows the consumption thereof either at a table or counter on the premises, in automobiles, or off the premises.

“RETAIL COMMERCIAL ESTABLISHMENT” 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 licensed 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 wastepaper, rags, used bicycles, vehicles, tires, metal, or other scrap material or salvage.

“SERVICE SHOP” means a building or part of a building used for the sale and repair of household articles and shall include glass replacement shops, and electronic and appliance repair shops but shall not include industrial uses or manufacturing, or motor vehicle or heavy equipment repair shops.

“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 large ground 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, supported independently of a building and securely fixed to the ground.

“SIGN, ILLUMINATED” means a sign lighted by or exposed to artificial lighting by lights inside the sign.

“SIGN, MOBILE” means a structure which is located on the ground but not permanently attached, which is capable of being easily relocated which holds a sign, that may have more than one face and may include copy that can be changed manually or electronically by means of adjustable characters, message panels or by other means.

“SIGN, PROJECTING” means a sign that is wholly or partially dependent upon a building for support and which projects more than 30 centimetres 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.

“SPECIAL CARE HOME” means an owner occupied single-family dwelling used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, or mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed ten, and the facility complies with the applicable legislation;

“STOREY” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

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

“STREET LINE” means the common line between a street and a lot.

“STRUCTURE” means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs, fences exceeding 2 metres in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

“STUDIO” means a workspace for artists or artisans including individuals practicing one of the fine arts or skilled in an applied art or craft and may include space for the sale of articles created therein.

“SUITE, GARDEN” means a detached dwelling unit designed to be placed or erected on the same property as an existing single unit dwelling lot.

“TOURIST ESTABLISHMENT” means any premises operated to provide sleeping accommodation to the travelling public or sleeping accommodation for the use of the public engaging in recreational activities and includes the services and facilities in connection with which sleeping accommodation is provided.

“USE, ACCESSORY” means a use, other than human habitation of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, and which is located on the same lot as the main use, but which does not include a secondary use.

“USE, MAIN” means the primary purpose for which a building, structure, and/or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained under this By-law;

“USE, SECONDARY” means a use:

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

“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.

“VILLAGE” means the Village of Fredericton Junction.

“VILLAGE CENTRE” means properties lying within the Village Centre Zone.

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

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

“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 4 – SCOPE AND INTERPRETATION

4.1 Title and Scope

- (1) This by-law may be cited as “the Village of Fredericton Junction Rural Plan.” The purpose of this by-law is to:
- (a) divide the village into zones;
 - (b) prescribe, subject to powers reserved to the Commission:
 - (i) the purpose for which land, buildings, and structures in any zone may be used, and
 - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
 - (c) prohibit the use, placement, erection, or alteration of land, buildings, or structures other than in conformity with the purposes and standards mentioned in sub-paragraph (b).

4.2 Classification

- (1) For the purposes of this by-law, the Village is divided into the following zones as delineated on the plan attached as Schedule A, entitled “Village of Fredericton Junction Zoning Map” and dated May 2020, which forms part of this by-law. The zones are classified and referred to as follows:
- Residential (R) Zone
 - Village Centre (VC) Zone
 - Park, Recreational, and Institutional (PRI) Zone
 - Rural Area (RA) Zone
 - Open Space (OS) Zone
 - General Commercial (C) Zone
 - Industrial (I) Zone

4.3 Interpretation of Zoning Boundaries

- (1) 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 easement line, the zone boundary shall be construed as coinciding with the boundaries of such streets, alleys, rights-of-way, or easements;
 - (d) if 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 centreline of the closed street;

- (e) where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse 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 determined by scaling from the attached Schedule A.

4.4 Zones Not on Map

- (1) The zoning map of this By-law may be amended to use any zone in this By-law, regardless of whether such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the *Community Planning Act* and must be in conformity with the policies and proposals of Part B.

4.5 Powers of the Council

- (1) No building may be erected in the Village 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.

4.6 Powers of the Commission

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.
- (2) The Commission may, subject to such terms and conditions as it considers fit:
 - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
 - (b) require the termination or removal of a development authorized under subparagraph (a) at the end of the authorized period.
- (3) The Commission may authorize, subject to terms and conditions, the extension of a temporary use for an additional period not exceeding one year, if:
 - (a) the applicant holds an authorization under section 4.6(2)(a) that is due to expire or has expired;
 - (b) an application with respect to the land has been made to amend the Rural Plan; and
 - (c) the Commission has received a resolution for the Village Council confirming that the council will consider the application referred to in subsection (b).

- (4) Where uses are listed as being subject to terms and conditions, no development approval for such use shall be issued unless a written application and supporting information for such use has been submitted to the Commission, and the Commission has reviewed the application and approved it as proposed, or subject to specific terms and conditions, or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the Commission to protect:
- (a) properties within the zone or in abutting zones; and
 - (b) the health, safety, and welfare of the general public.
- (5) The Commission may permit, subject to terms and conditions:
- (a) a proposed use of land or a building that is otherwise not permitted under the Rural Plan if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the Rural Plan for the zone in which the land or building is situated; or
 - (b) such reasonable variance from the requirements of the zone provisions falling within paragraph 53(2)(a) of the *Community Planning Act* as, in the opinion of the Commission, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the Rural Plan and any plan or statement hereunder affecting such development.
- (6) In all zones created by this by-law, the use of land for the purposes of the supply of:
- (a) electric power;
 - (b) natural gas;
 - (c) water supply and storage;
 - (d) sanitary sewage disposal and treatment of sewage generated within the planning area;
 - (e) drainage, including storm sewers;
 - (f) streets; and
 - (g) all other public or private utilities
- including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.
- (7) The Commission may:
- (a) delegate its authority under section 4.6 to the development officer; and
 - (b) authorize a delegate under section 4.6(7)(a) to further delegate his or her authority under section 4.6(7)(a) to any person.

4.7 Amendments

- (1) A person who seeks to have this by-law amended shall:
- (a) address a written and signed application to the Commission; and
 - (b) pay a fee of \$1,500 payable to the Commission.

- (2) On the advice of Council, the Commission may return all or any part of the fee mentioned in subsection 4.7(1)(b).
- (3) An application under this section shall include such information as may be required by the Council or the Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) Before giving its views to the Council with respect to an application under this section, the Commission may carry out such investigation as deemed necessary.
- (5) Where an application for rezoning of a property has been refused within the previous twelve months, Village Council will not entertain an application to rezone the same property unless the proposed use(s) are substantially different from the previous application.

4.8 Existing Undersized Lots

- (1) Nothing in this by-law shall prevent the use of a lot created prior to this by-law, not meeting the lot size requirements, from being used for a single unit dwelling where permitted in the zone, and where the property is either connected to the sewage system or has been approved by the Department of Public Safety for the installation of a septic tank and disposal field.

4.9 Interpretation

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

4.10 Uses Permitted

- (1) Uses permitted within any zone shall be determined as follows:
 - (a) if a use is not listed as a permitted use within a zone, it shall be deemed to be prohibited in that zone;
 - (b) if any use is listed subject to any terms and conditions, it shall be permitted subject to the fulfilling of such conditions and requirements; and
 - (c) notwithstanding subsection 4.10(a), where a use permitted within any zone is defined in any definitions, the uses within that zone shall be deemed to include any similar use, which satisfies such definition, except where any definition is specifically limited to exclude any use.

4.11 Development Approval

- (1) No person shall undertake a development without having obtained development approval, and no development approval shall be issued unless the proposed development conforms to all provisions of this by-law.

- (2) Where development approval is issued, such approval may include permission of any single development, of more than one development, or of any or all elements related to any development, provided that such development is specified by the permit and provided that no development approval shall pertain to more than one (1) lot.

CPA - Section 108(a)

SECTION 5: GENERAL PROVISIONS

5.1 Licenses, Permits, and Compliance with Other By-laws

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

5.2 Sewage Disposal and Water Systems

- (1) Where municipal sewer and water services are available, no permit shall be issued except where the development is provided with such services.

5.3 Frontage on Street

- (1) No development approval shall be issued except where the lot intended to be used, or the lot upon which the building or structure is to be erected, abuts and fronts upon a public street or road, or a legally created private street or road, except where specifically provided for within this by-law.

5.4 Dwellings per Lot

- (1) No more than one building containing one or more dwelling unit(s) shall be erected on any lot except for the following:
- (a) a garden suite, where permitted;
 - (b) a mini-home park, where permitted, subject to terms and conditions; and
 - (c) a lot wherein dwellings are so located that they would be in conformity with the provisions of this bylaw if the lot was divided into separate lots, each abutting a publicly owned street and containing one dwelling.

5.5 Existing Buildings

- (1) 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 yard required by this by-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:
- (a) the zone applicable minimum distances between the main building or structure and the lot lines are met; and
 - (b) all other applicable provisions of this by-law are satisfied.

5.6 Accessory Buildings

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

- (a) be used for a residential use;
- (b) be built closer to the front lot line than the minimum distance required for the main building, or be built closer than 3 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 any front or flankage yard;
 - (ii) common semi-detached garages may be centered on the mutual side lot line; and
- (c) exceed 4.8 metres in height;
- (d) exceed 84 square metres in gross floor area the residential zone or exceed more than 100 square metres in gross floor area in any other zone.

5.7 Accessory Buildings or Structures Erected Prior to Main Building

- (1) An accessory building or structure may be placed or erected on a lot prior to the placement or erection of the main building or structure if:
 - (a) a building permit for the main building or structure is obtained first;
 - (b) the main building or structure will be completed within one year from the date of the issuing of the permit; and
 - (c) the accessory building or structure is located:
 - (i) as indicated on the site plan;
 - (ii) on the rear half of the lot; and
 - (iii) so as to not interfere with the practical usefulness of the main building or structure.

5.8 Vehicle Bodies

- (1) A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding if its wheels have been removed, 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 zone.
- (2) Subject to Subsection (3) below, an unoccupied recreational vehicle must be stored in the rear yard of a main building or an accessory building.
- (3) Where an unoccupied recreational vehicle is stored in a rear yard, it shall be at least:
 - (a) 1.5 metres from a side or rear lot line; and
 - (b) 3.0 metres from any building or structure.

5.9 Height Regulations

- (1) 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.

5.10 Distance from Watercourses

- (1) No development shall be permitted within 30 metres of a watercourse or water body unless a Watercourse and Wetland Alteration Permit has been issued by the Department of Environment and Local Government.

5.11 Reduced Frontage on a Curve

- (1) 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 sub-section, 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.

5.12 Sight Triangle

- (1) On a corner lot 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 1 metre 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.

5.13 Building and Structure Projections / Permitted Encroachments

- (1) The requirements of this by-law with respect to the placing erecting or altering of a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for:
 - (a) cornices, eaves, and steps that project not more than 60 centimetres;
 - (b) sills, leaders, belt courses, and similar ornamental or structural features that project not more than 15 centimetres;
 - (c) the ordinary projection of skylights;
 - (d) window or door awnings which project not more than 1 metre;
 - (e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1 metre;
 - (f) chimneys, smokestacks, or flues, which project not more than 60 centimetres;
 - (g) balconies of upper stories of multiple dwellings or buildings which incorporate multiple dwellings, provided they are not enclosed above a parapet of normal height, which project not more than 1.85 metres into a front or rear yard or not more than 1.25 metres into a side yard;
 - (h) floors in the main building above the first floor, which project not more than 2 metres into a front yard or rear yard or not more than 1.25 metres into a side yard;
 - (i) wheelchair ramps and lifting ramps may be located in any yard;
 - (j) steps providing access at the first storey level may be located in any front, rear, or flankage yard;
 - (k) 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;

- (l) exterior staircases providing access to the basement or any floor above the first storey level, balconies, porches, verandas, and sun decks shall be permitted to project a maximum of 2 metres into any required front, rear, or flankage yard, except that no exterior staircase giving access to any floor above the first storey level shall be permitted between the facade of any building and the street line, except subject to such terms and conditions as the Commission considers necessary; and
- (m) swimming pools may encroach within 1.2 metres of the property line in any rear or side yard but never encroach on any required front or flankage yard.

5.14 Parking Requirements

- (1) No building or structure shall be placed, erected, altered or used unless off-street vehicular parking spaces are provided in accordance with the requirements of subsection 5.14(3).
- (2) Where the total required spaces for any use is not a whole number, the total spaces required by Section 5.14(3), or by other specific sections, shall be the next largest whole number.
- (3) Subject to paragraph (4), the owner of each building or structure erected, extended, or altered, in whole or in part, for any of the listed uses, shall provide and maintain on lands appurtenant to or within 150 metres of such building or structure not less than the following number of accessible off-street vehicular parking spaces:

Schedule of Minimum Parking Requirements	
Use	Minimum Parking Requirement
Any dwelling except as specified below - 1 space per dwelling unit;	One (1) space per dwelling unit
Multiple unit dwellings	One and a quarter (1.25) spaces per dwelling unit
Senior citizen apartments - 1 space per dwelling unit;	One half (0.5) spaces per dwelling unit
Boarding and rooming houses - 1 space per bedroom;	One (1) space per bedroom
Assembly buildings including arenas, auditoriums, churches, funeral homes, theatres, rinks, or any building containing a like use	One (1) space for each four (4) persons comprising a capacity audience or congregation therein
Hospital or sanatorium	One (1) space per bed
Hotels, motels, or bed and breakfasts	One (1) space per guest room
Eating establishments	The greater of one (1) space per each three (3) patrons comprising capacity patronage or 1 space per 10 square metres of gross floor area
Institutional uses, except as specified herein	The greater of one (1) space per four (4) seats where there are fixed seats, or one (1) space per 10 square metres of gross floor area where there are no fixed seats

Schedule of Minimum Parking Requirements	
Use	Minimum Parking Requirement
Schools	One (1) space per classroom for an elementary or junior high school, or four (4) spaces per classroom for a high school; additional spaces to accommodate auditorium seating shall be provided in accordance with the provisions for an institutional use
Sports or recreation fields	One (1) space for each six (6) persons for whom seating arrangements may be provided
Stores, including retail, wholesale, or service establishments with a gross floor area not exceeding 465 square meters	Three (3) spaces per 93 square metres of gross floor area
Stores, including retail, wholesale, or service establishments with a gross floor area exceeding 465 square meters	Four (4) spaces per 93 square metres of gross floor area
Homes for the aged, nursing homes, and special care homes	One (1) space per three (3) beds
Full-time early learning and childcare centre and part-time early learning and childcare centre	One (1) space per 25 square metres of gross floor area;
Funeral homes	The greater of fifteen (15) spaces per viewing room or, where a chapel is provided, one (1) space per four (4) fixed seats
Office buildings, offices or consulting rooms in a residence or elsewhere, financial institutions, public libraries, art galleries, or museums	Three (3) spaces per 93 square metres of gross floor area
Warehouse and general industrial uses	The greater of one (1) space per 50 square metres of gross floor area, or one (1) space per four (4) employees
Any use not specified above	One (1) space per 30 square metres of gross floor area

- (4) Except for parking spaces for motel patrons, no parking space is permitted nearer than 2 metres from a wall containing windows to habitable rooms.
- (5) Each off-street parking space shall:
- (a) have an area of at least 13.2 square metres measuring 5.5 metres in length and not less than 2.75 metres in width, exclusive of driveways;
 - (b) be readily accessible from a public street; and
 - (c) be located on the lot containing the use for which the spaces are provided.

- (6) Notwithstanding Section 5.14(3) above, accessible spaces shall be provided for all uses requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:
- (a) a minimum of one (1) barrier-free parking space per parking lot, plus an additional barrier-free parking space for each 25 spaces or less required;
 - (b) where the required number of parking spaces exceeds 200, there shall be one (1) barrier-free parking space for each 50 required parking spaces;
 - (c) notwithstanding 5.14(6)(a), no barrier-free parking spaces shall be required where the proposed development requires less than 4 parking spaces.
 - (d) each reserved parking space shall contain an area of not less than 28 square metres measuring at least, 4.6 metres in width;
 - (e) where the limits of the parking lot are defined by a curb, the parking lot shall have a ramped curb which shall be located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 metres from the location which it is intended to serve;
 - (f) each barrier-free parking space shall be located as close as possible to the location it is intended to serve; and
 - (g) each barrier-free parking space shall be clearly identified by a permanently affixed ground sign.
- (7) Where a parking lot for more than six (6) vehicles is required or proposed, the following provisions apply:
- (a) lights used for illumination of the lot shall be arranged in order to divert the light away from streets, adjacent lots, and buildings;
 - (b) approaches or driveways to the lot shall have a curbing radius of 10 metres where they meet a public street, shall be defined by a curb of asphaltic concrete or Portland Cement concrete, and the limits of the lot shall be defined by a fence, curb, or other suitable obstruction designed to provide a neat appearance;
 - (c) the location of approaches or driveways shall not be closer than 15 metres from the limits of the right-of-way at a street intersection;
 - (d) entrance and exit driveways to a parking lot shall not exceed two (2) in number at the street line and edge of pavement;
 - (e) notwithstanding 5.14(7)(d), the Commission may consider the creation of more than two driveways, subject to terms and conditions;
 - (f) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot leading to or from a parking lot or loading space shall:
 - (i) in the case of a one-way driveway for traffic entering or exiting the lot, have a width of at least 3.5 metres;
 - (ii) in the case of a two-way driveway for traffic entering and exiting the lot, have a width of at least 6.7 metres; and
 - (iii) not exceed a maximum width of 7.6 metres except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 metres; and

- (g) the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public street.
- (8) Notwithstanding any other provision of this by-law, for properties located in the Village Centre Zone, Council may, at its discretion, allow a development which would not otherwise be permitted due to a lack of parking if the applicant pays to the Village a sum equivalent to \$200 for each parking space by which the required total will be reduced. This sum shall be payable on such terms and conditions as Council may determine.

5.15 Loading Standards

- (1) Off-street spaces not less than 9 meters long, 3.65 meters wide and 4.45 metres high shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in the following numbers:

Floor Area of Building	Number of Loading Spaces
Up to and including 1,850 square metres	One (1)
Over 1,850 square metres up to and including 4,645 square metres	Two (2)
For each 4,645 square additional or major portion thereof	One (1) additional space

- (2) An off-street loading space referenced in 5.15(1) above shall:
- (a) be located so merchandise or materials are loaded or unloaded on the premises being served;
 - (b) be provided with adequate entrance and exit facilities and unobstructed maneuvering aisles; and
 - (c) be a paved surface.

5.16 Queuing Spaces

Queuing spaces shall be provided for drive-thru businesses (including drive-thru restaurants, car washes, automotive service stations, and drive-in businesses), as follows:

- (a) for drive-thru businesses, including drive-thru restaurants, banks, and car washes:
 - (i) six (6) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window; and
 - (ii) one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle;
- (b) all queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide; and
- (c) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

5.17 Fences, Walls, and Hedges

- (1) Notwithstanding any other provision of this by-law, a fence, wall, or hedge may be placed or located in any yard; however:
 - (a) except for a security fence of chain link construction in any commercial, industrial, or institutional zone, no fence located within a required front or flankage yard shall exceed 1 metre in height; and
 - (b) no fence shall exceed in height:
 - (i) 2 metres for a residential use;
 - (ii) 3 metres in any commercial, industrial, institutional, or agricultural use; or
 - (iii) 2.5 metres for any other use.
- (2) Provisions of this section do not apply to:
 - (a) a fence erected upon or abutting land which is used for a railway right-of-way, or for hydro, telephone or utility installations, or for public work installations which are hazardous to the public; or
 - (b) any matter in respect to which an exemption has been granted by the Commission;
- (3) Barbed wire, razor wire, and barbed tape obstacle may only be used as a fencing material:
 - (a) where it is used to confine domestic farm animals; or
 - (b) where the purpose of the fence is to limit access to a lawful commercial, industrial, community, or institutional use of land, provided that the wire component of the fence is no closer to the ground than 2 metres.
- (4) No fence shall:
 - (a) be made of sheet metal or corrugated metal panels or include anything that is sharp or protruding;
 - (b) be located closer than 2 metres from a fire hydrant, except that a fence may be located no closer than 0.6 metres to the rear of a fire hydrant as viewed from the centre of a municipal road right-of-way;
 - (c) encroach onto Village-owned or public lands or sight triangles at an intersection;
 - (d) interfere with the natural drainage of the property on which it is erected or any adjacent property; or
 - (e) be erected in such a manner as to obstruct visibility to drivers or pedestrians entering, exiting, crossing, or approaching a driveway, roadway, laneway, or walkway.
- (5) No person shall erect a fence or cause a fence to be erected unless the fence is:
 - (a) stable;
 - (b) vertical;
 - (c) made of materials of durable quality and consistent with the dwelling and/or neighbourhood;
 - (d) suitable for the purpose; and
 - (e) constructed and supported in a manner appropriate to the design of the entire fence.

- (6) Every person who erects a fence or causes a fence to be erected shall keep such fence:
- (a) in good repair;
 - (b) in a safe and structurally sound condition;
 - (c) free from accident hazards; and
 - (d) protected by paint, preservative, or other weather resistant material, except for wooden fences made of cedar, redwood, or treated wood.

5.18 Size of Dwellings and Dwelling Units

- (1) No single unit or two unit dwelling may be placed, erected, or altered so that it contains a dwelling unit with a floor area less than:
- (a) 32 square metres, in the case of a bachelor apartment as a secondary dwelling unit; or
 - (b) 45 square metres, in the case of a dwelling unit other than the one mentioned in subsection 5.18(1)(a).
- (2) No multiple unit dwelling may be placed, erected, or altered so that it contains a dwelling unit with a floor area less than:
- (a) 32 square metres, in the case of a bachelor apartment;
 - (b) 45 square metres, in the case of a one-bedroom dwelling unit;
 - (c) 55 square metres, in the case of a two-bedroom dwelling unit; or
 - (d) 64 square metres, in the case of a dwelling unit containing three or more bedrooms.

5.19 Resource Extraction

- (1) No person may undertake a new excavation of sand, gravel, clay, shale, limestone, or other deposits for the purpose of sale or other commercial use of the excavated material, unless such use has been approved through a terms and conditions application.
- (2) For a new excavation, the following information shall be provided with the terms and conditions application:
- (a) a plan drawn to a scale not less than 1:1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
 - (b) the proposed base or lowest level of the proposed excavation;
 - (c) the means to maintain accesses to the excavation and public streets over which excavated materials are transported in a dust-free condition by paving, sweeping, or the use of calcium chloride;
 - (d) the anticipated date of commencement of work involved in the excavation; and
 - (e) a proposal for rehabilitation of the site of the excavation and the proposed time limit for rehabilitation.

- (3) Operation of the use under this section is subject to the following:
- (a) that the excavation, and any related work, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays as defined by the *Interpretation Act*;
 - (b) that no operation in relation to the excavation is conducted in such a manner as:
 - (i) to be apt to create a hazard to human or other life, to cause injury to a person, or to damage adjoining property;
 - (ii) to permit ponding of water in excess of 0.6 metres in depth;
 - (iii) to lower the water table on neighbouring properties; or
 - (iv) to prejudice proposed or required rehabilitation of the land;
 - (c) that neither the top nor toe of the slope of the excavation, nor any building or structure, is within 15 metres of an abutting property line;
 - (d) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 horizontal to 1 vertical for the full depth; and
 - (e) that the land of the site of the excavation is rehabilitated when the operation is concluded.
- (5) Where an owner fails to meet imposed requirements for rehabilitation, Council may cause the required rehabilitation to be done and may recover all associated costs from the owner.

5.20 Setbacks

- (1) No building or structure may be placed, erected, or altered so that it is:
- (a) within 15 metres of an arterial or collector highway;
 - (b) within 7.5 of a local street or highway; or
 - (c) within 3 metres of a side or rear lot line.
- (2) Notwithstanding 5.20(1), a building may be placed, erected, or altered so that it is as close to the street line as:
- (a) where there is a building on both sides and within 30 metres, the mean of the distance between the street line and the adjacent buildings; or
 - (b) where there is a building within 30 metres of one side only, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.
- (3) The required setback from a street or a side lot line shall be considered the front and side yard subject to landscaping requirements in section 5.28

5.21 Prohibition Regarding Yards and Other Open Space

- (1) No portion of any yard or other open space on a lot may:
- (a) be considered as providing a yard or open space for a building or structure on another lot; or
 - (b) if such portion is required by this by-law in respect of an existing building or structure, be considered as providing a yard or open space for another building or structure on the same lot.

5.22 Satellite Dishes and Communication Towers

- (1) Satellite dishes greater than 1.5 metres in diameter and communication towers shall not be permitted between the main building and the street line.

5.23 Private Garages and Carports

- (1) Where a private garage or carport is attached to or incorporated in a dwelling, it becomes part of the building for purposes of determining the required setbacks on the lot.

5.24 Early Learning and Childcare

- (1) Where permitted an early learning and childcare home, a full-time early learning and childcare centre, or a part-time early learning and childcare centre shall:
 - (a) not be located on any corner lot;
 - (b) not use illuminated signs, nor shall any sign exceed 0.75 square metres in area nor exceed one in number; and
 - (c) comply with all provincial regulations as stated in the *Licencing Regulation of the Early Childhood Services Act* of New Brunswick.

5.25 Home Occupations

- (1) Subject to subsection 5.25(2), where a home occupation is permitted under this by-law, one of the following occupations may be conducted as a home occupation:
 - (a) an office or studio;
 - (b) a personal service shop;
 - (c) an instructional service, which may include, without limiting the generality of the forgoing, teaching music, arts and crafts, or dance;
 - (d) a domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moldings, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys.
 - (e) a caterer's establishment;
 - (f) a trades business which may include, without limiting the generality of the forgoing, plumber, electrician, carpenter, painter, or other similar uses;
 - (g) a repair shop, which may include, without limiting the generality of the forgoing, 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, lawn equipment, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, and auto body shop;
 - (h) a bed and breakfast, subject to subsection 5.25(3); and
 - (i) professional services such as a doctor, dentist, lawyer, engineer, architect, planner, or other similar professions.

- (2) A home occupation is subject to the following requirements:
- (a) that not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which the home occupation is located;
 - (b) that the home occupation is confined to the dwelling unit, and no part of it is located in an accessory building or structure;
 - (c) that the floor area of the dwelling unit which is devoted to the home occupation does not exceed the greater of:
 - (i) 35 per cent of the floor area of the dwelling unit, or
 - (ii) 30 square metres;
 - (d) that no change, except for a sign permitted in a residential zone under section 5.33, is made in the outside appearance of the building, which would indicate that a home occupation is being conducted therein;
 - (e) that no goods or services other than those permitted by this section are supplied or sold therein or there from;
 - (f) that no equipment or materials used in the home occupation are stored other than in the dwelling unit;
 - (g) that parking is provided as required under section 5.14;
 - (h) that no off-site electrical interference, dust, glare, fire hazard, noise, smoke or excessive traffic be generated;
 - (i) that only one home occupation shall be permitted per lot;
 - (j) that the home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence;
 - (k) that there shall be no display of goods visible from the outside, or outside storage of equipment, materials, containers, or use of any accessory building in connection with the home occupation;
 - (l) that no more than one commercial vehicle which may contain the non-illuminated name, address, telephone number and occupation, profession, or trade of the proprietor of the home occupation, not exceeding 2,722 kg gross vehicle weight, may be parked on the premises in connection with the home occupation;
 - (m) that no mechanical equipment is used except that which is reasonably consistent with the residential use of the dwelling; and
 - (n) that the keeping of animals and taxi stands shall be deemed not to be home occupations.
- (3) Where permitted in this by-law, a bed and breakfast shall conform to the following requirements, as well as any prescribed in section 5.25:
- (a) the use of a home as a bed and breakfast is an accessory use to a dwelling unit occupied by a resident of the property;
 - (b) a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests;
 - (c) the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only;
 - (d) no cooking equipment shall be provided in a room that is used for sleeping accommodation;

- (e) parking or storage of motor vehicles shall be provided for use by the guests, subject to section 5.14.

5.26 Standards for Boarding and Rooming Houses

The use of a dwelling as a boarding or rooming house is subject to the requirements that:

- (a) the dwelling unit remains an owner-occupied dwelling;
- (b) accommodations for compensation are provided for no more than four persons;
- (c) cooking equipment is not permitted in a room used for sleeping accommodation;
- (d) the exterior of the building is not altered;
- (e) required parking is provided at the rear or the side of the building; and
- (f) no sign advertising the existence of the boarding or rooming house shall be displayed except a sign permitted in a residential zone under Section 5.33.

5.27 Landscaping

- (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape:
 - (a) the front yard of the main building;
 - (b) any required yard that abuts a street, subject to section 5.12;
 - (c) any side yard; and
 - (d) any part of the rear yard within 4 metres of any main building;
- (2) Landscaping shall include:
 - (a) at least 80 mm of topsoil after compaction and the seeding or sodding thereof;
 - (b) may include partial devotion to paths, patios, walkways, shrubbery, trees, or ornamental features such as stone(s) where not prohibited by this or any by-law, rule, or regulation.
- (3) Subject to this section, the owner of a lot developed for commercial or industrial purposes shall landscape the total area of the lot, except for that part devoted to buildings and structures or driveways, loading, and parking areas. For lots having significant surplus area that is not built on, existing trees and vegetation shall be retained.
- (4) For the purposes of this section, landscaping shall be provided as follows:
 - (a) for multiple dwelling units of four units or less, landscaping shall be completed in the front yard area of the lot. In a corner lot, this includes the frontage on all streets;
 - (b) for multiple dwelling units in excess of four units, landscaping shall be completed in that portion of the front yard area in front of the main building. If the length of the front of the main building is not 50% or more of the total frontage, additional landscaping shall be provided to total 50% of the entire frontage. On a corner lot, the front of the building shall mean that part of the main building facing the street, and the frontage shall be the length of the lot along all streets; and
 - (c) notwithstanding subsections 5.27(4)(a) and (b), Council may approve such other use of the front yard area of any lot, provided that such use is referred by Council to the Commission and that the Commission recommends to Council that such use be allowed.

- (5) Landscaped areas shall be graded to divert surface water from the building as is reasonably possible.
- (6) The landscaping under this section shall be completed not later than one year from the date of the development approval for the main building.
- (7) Notwithstanding any other landscaping provision in this section, any yard may be used for the purpose of walkways and driveways for access to the main building or other use of the lot.
- (8) 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) in the case of driveways and off-street parking areas, the area is graveled or paved; and
 - (b) in the case of that part of the lot not subject to the operation of 5.28(8)(a), the area is landscaped.

5.28 Salvage Yard or Recycling Depot

- (1) Where land is used for 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.

5.29 Commercial and/or Industrial Operations Abutting Residential Uses

- (1) The use of a lot abutting a residential zone or residential use in the Village Centre Zone for the purposes of carrying on a use partly or wholly outside a building is permitted only if approved by the Commission, subject to terms and conditions.

5.30 Finished Floor above Grade

- (1) Subject to 5.30(2), where any habitable building is to be constructed within 30 metres of a public street, the top of the foundation wall shall not be less than 0.5 metres above the crown of the street.
- (2) Notwithstanding 5.30(1), where the elevation of the lot to be developed is significantly below the adjacent roadway elevation and a building is to be constructed within 30 metres of a public street, a lot-grading plan shall be prepared showing:
 - (a) existing and final ground elevations;
 - (b) floor and top of foundation wall elevations of any buildings and structures;
 - (c) all measures for the control and management of surface water;
 - (d) all vegetation to be preserved; and
 - (e) areas to be landscaped.

- (3) The lot-grading plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

5.31 Residential Development near a Lagoon or Treatment Plant

- (1) Notwithstanding any other provision of this by-law, the minimum distance between a dwelling and a sewage lagoon or treatment facility shall be in accordance with provincial guidelines and regulations.

5.32 Lighting or Illumination Devices

- (1) No person within the residential zone shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.
- (2) Where a property abuts a residential zone, outside illumination shall be directed away from such residential zone. Glare guards, lower wattage lights, and other measures may be used to mitigate impacts on adjacent properties.

5.33 Signs

- (1) 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.
- (2) a person may place, erect, or display a non-illuminated sign on any land, building, or structure 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) indicates a home occupation and does not exceed 0.45 square metres in gross surface area;
 - (d) warns against trespass and does not exceed 0.45 square metres in gross surface area;
 - (e) is a private traffic directional sign not exceeding 0.25 square metres in gross surface area;
 - (f) identifies the architects, engineers, contractors, or 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 beginning of the intended use of the building or structure;
 - (g) 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;
 - (h) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety; or
 - (i) identifies the name of a subdivision and does not exceed 3 square metres in gross surface area.
- (3) All signs shall comply with the following:
 - (a) no sign may create a hazard to public safety or health;

- (b) no sign may, for any reason, obstruct the vision of drivers leaving a roadway or driveway or detract from the visibility or effectiveness of any traffic sign or control device on public streets;
 - (c) no sign shall obstruct free ingress to or egress from a fire escape door, window, or other required exit;
 - (d) no sign other than a traffic control sign erected by a government may use words such as "STOP", "LOOK", "DANGER", "ONE WAY", "YIELD", or any similar words, phrases, symbols, lights, or characters used in a manner which may mislead, confuse, or otherwise interfere with traffic along a public road;
 - (e) no sign may incorporate a searchlight or strobe lights;
 - (f) no sign may be painted on a tree, stone, cliff or other natural object;
 - (g) any sign which no longer advertises a legitimate business conducted or a product sold shall be deemed to be an obsolete sign and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business;
 - (h) no sign, except for a billboard sign or a directory sign, shall be erected on a property unless the sign communicates a message related to the use conducted on the property or indicates the nature or ownership of a business conducted on the property upon which that sign is located; and
 - (i) no sign, except for a sandwich or portable sign, shall be placed or erected on a property unless the sign is permanently set into the ground or permanently affixed to a building.
- (4) Freestanding signs are permitted in general commercial, industrial, and village centre zones provided that no sign shall:
- (a) exceed a maximum height of 5 metres;
 - (b) exceed a maximum size of 6 square metres in gross surface area for a single business property and 9 square metres in gross surface area for a multiple- business property;
 - (c) exceed one sign for every 30 metres of lot frontage; or
 - (d) extend beyond the street right-of-way at the outermost point of the sign.
- (5) Projecting signs shall be permitted in all zones except residential zones, provided that no sign shall:
- (a) exceed a maximum size of 6 square metres in gross surface area;
 - (b) project more than 1 metre from the building wall;
 - (c) exceed a maximum of one sign per business on a property; or
 - (d) project more than 30 centimetres above the roof of a building.

- (6) Facia signs shall be permitted in all zones, provided that no sign shall:
- (a) cover more than 1 square metre per linear metre of the wall upon which the sign is affixed, with proportional allocations for each business in the case of multiple occupancy buildings;
 - (b) be painted on or cover a fence or roof;
 - (c) exceed 1 metre in height;
 - (d) exceed the length of the wall of the building on which the sign is displayed;
 - (e) project more than 25 centimetres from the wall on which the sign is located; or
 - (f) in residential and rural area zones, exceed 0.25 square metres in area or be illuminated or used for any purpose other than to identify the residents therein, to warn against trespassing, or to advertise a secondary use.
- (7) A sign may be illuminated by shielded lights positioned to shine directly onto the sign.
- (8) For the purpose of determining the total permitted area of any sign, the sign area shall be the area of the smallest rectangle, triangle, or circle which can totally circumscribe the sign face in the plane of its largest dimension.

5.34 Garden Suites

- (1) A garden suite shall be considered a secondary use, not a second main building.
- (2) Where permitted under this by-law, a garden suite shall:
- (a) not exceed 6 metres in height;
 - (b) be located in the rear yard;
 - (c) be located on a lot occupied by a single detached dwelling as a main use;
 - (d) not exceed 75 square metres of gross floor area;
 - (e) be located on a lot fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
 - (f) provide one parking space in addition to the parking required for the main use of the lot;
 - (g) require driveway access to the street be common to both the principal dwelling and the garden suite;
 - (h) not be rented for monetary purposes to a person who is not a member of the family residing in the main dwelling unit
 - (i) be removed when no longer in use for the intended purpose; and
 - (j) shall require a compassionate grounds application with the Commission.

5.35 Secondary Dwelling Units

- (1) A secondary dwelling unit shall be considered a secondary use, not a second main building.
- (2) Where permitted under this by-law, a secondary dwelling unit shall:
- (a) be contained in and have a shared entrance with the main dwelling unit;
 - (b) not result in more than two dwelling units contained in any converted single detached dwelling;

- (c) contain a maximum of two (2) bedrooms with the floor area of each bedroom not exceeding 20 square metres;
- (d) be secondary to the main dwelling unit and not exceed 35% of the dwelling's gross floor area;
- (e) shall be located on a lot fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
- (f) provide one parking space in addition to the parking required for the main use of the lot; and
- (g) require driveway access to the street be common to both the principal dwelling and the secondary dwelling unit.

5.36 Keeping of Livestock

- (1) With the exception of the RA, PRI, and OS zones, neither land nor any portion of land may be used for the keeping or breeding of livestock.
- (2) The keeping of livestock is subject to the *Livestock Operations Act and Regulation*, if exempt from the *Act and Regulation*, the keeping of livestock is subject to terms and conditions as may be imposed by the Commission, except on lots where the following conditions are met:
 - (a) manure shall be stored under cover, on an impervious pad. Liquid manure shall be stored in a covered tank. Manure storage shall not be located closer than 20 metres from any lot line or closer than 100 metres from any watercourse or well, other than that of the owner;
 - (b) fences and walls shall be maintained and kept in proper repair to keep all livestock on the property where the livestock facility and/or grazing field is located;
 - (c) a livestock facility must be located a minimum of 30 metres from any street line and 20 metres from any other lot line;
 - (d)

Animal Units	Minimum Lot Size	Separation*
1	4,000 square metres	90 metres
2 to 3	8,000 square metres	90 metres
4 to 6	12,000 square metres	90 metres
7 to 10	16,000 square metres	90 metres
11+	20,000 square metres	300 metres

*Separation distances are measured between the livestock facility and a pre-existing dwelling or well, other than a dwelling or well located on the same lot as the livestock facility.

5.37 Wellfield Protected Areas

- (1) No activity shall occur in a designated wellfield that is not permitted by the *Wellfield Protected Area Designation Order – Clean Water Act*.

SECTION 6: ZONES

6.1 Residential - R Zone

6.1.1 R Zone Permitted Uses

- (1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within the R 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;
 - (iv) a multiple-unit dwelling to a maximum of four (4) units; and
 - (v) a park;
 - (b) the following main uses subject to terms and conditions as may be imposed by the Commission:
 - (i) a mini-home park on a serviced lot only; and
 - (ii) a multiple-unit dwelling to a maximum of six (6) units;
 - (c) the following secondary uses in conjunction with a single unit dwelling:
 - (i) a home occupation, subject to section 5.25;
 - (ii) an early learning and childcare home, subject to section 5.24;
 - (iii) a garden suite, subject to sections 5.34; and
 - (iv) a secondary dwelling unit, subject to section 5.35; and
 - (d) any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure, subject to section 5.6.

6.1.2 R Zone Lot Requirements

- (1) Within the R Zone, no development shall be permitted, and no main building or structure may be used on a lot unless the following standards are met:

	R Zone Requirements			
Lot serviced by both water and sewer system for public use	Single Unit or Mini-Home Dwelling	Two Unit or Semi-Detached Dwelling	Three Unit Dwelling	Multiple Unit Dwelling
Minimum Lot Area	560 square metres	818 square metres	1,090 square metres	1,272 square metres
Minimum Lot Frontage	18 metres	23 metres	27 metres	36 metres
Minimum Lot Depth	30 metres			
Maximum Lot Coverage	50%			
Maximum Building Height	11 metres			
Lot serviced by a sewer system, but not a water system	Single Unit or Mini-Home Dwelling	Two Unit or Semi-Detached Dwelling	Three Unit Dwelling	Multiple Unit Dwelling
Minimum Lot Area	672 square metres	1,022 square metres	1,363 square metres	1,545 square metres, plus 102 square metres for each dwelling unit in excess of four
Minimum Lot Frontage	23 metres	27 metres	32 metres	36 metres
Minimum Lot Depth	30 metres			
Maximum Lot Coverage	50%			
Maximum Building Height	11 metres			
Unserviced Lot	Single Unit or Mini-Home Dwelling	Two Unit or Semi-Detached Dwelling	Three Unit Dwelling	Multiple Unit Dwelling
Minimum Lot Area	4,000 square metres			
Minimum Lot Frontage	54 metres			
Minimum Lot Depth	38 metres			
Maximum Lot Coverage	50%			
Maximum Building Height	11 metres			

6.2 Village Centre - VC Zone

6.2.1 VC Zone Permitted Uses

(1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within the VC Zone for any purpose other than:

(a) the following main commercial uses:

- (i) special care home;
- (ii) a full-time early learning and childcare centre, subject to section 5.24;
- (iii) a part-time early learning and childcare centre, subject to section 5.24;
- (iv) a boarding or rooming house, subject to section 5.26;
- (v) a conservation use;
- (vi) a museum;
- (vii) a clinic;
- (viii) an institutional use;
- (ix) an assembly hall;
- (x) an artisan shop;
- (xi) a retail commercial establishment up to 233 square metres in floor area;
- (xii) an office;
- (xiii) a funeral home;
- (xiv) a personal service shop;
- (xv) a service shop;
- (xvi) a veterinary clinic;
- (xvii) a laundromat;
- (xviii) a railway use;
- (xix) a park;
- (xx) a health and wellness centre;
- (xxi) a residential care facility; and
- (xxii) a recycling depot, subject to section 5.28;

(b) the following main residential uses:

- (i) a single unit dwelling;
- (ii) a two unit dwelling;
- (iii) a semi-detached dwelling; and
- (iv) a multiple unit dwelling of up to four (4) units;

(c) the following main uses, subject to terms and conditions that may be set out by the Commission:

- (i) a group home;
- (ii) a hotel or motel;
- (iii) a tourist establishment;
- (iv) an eating establishment;
- (v) an entertainment use;
- (vi) an automobile service station;
- (vii) a retail commercial establishment over 233 square metres; and

- (viii) a multiple unit dwelling of five (5) units or more;
- (d) the following secondary uses in conjunction with a single unit dwelling:
 - (i) a garden suite, subject to section 5.34;
 - (ii) a secondary dwelling unit, subject to section 5.35;
 - (iii) a home occupation, subject to 5.25; and
 - (iv) an early learning and childcare home, subject to section 5.24; and
- (e) any accessory building, structure, or use incidental to the main use of the land, building, or structure, if such main use is permitted in this section, subject to section 5.6.

6.2.2 VC Zone Requirements

- (1) Subject to any provincial health requirements that may require larger lot dimensions, no main building or structure may be placed, erected, or altered on a lot, unless the lot is serviced by a sewer system for public use and complies with the following:

Serviced Lot Components	VC Zone Requirements				
	Single Unit Dwelling	Two Unit Dwelling	Three Unit Dwelling	Multiple Unit Dwelling	All Other Uses in the VC Zone
Minimum Lot Size	560 square metres	818 square metres	1,090 square metres	1,272 square metres and an additional 70 square metres for each dwelling unit in excess of 3	540 square metres
Minimum Lot Frontage	18 metres	23 metres	27 metres	36 metres	36 metres
Minimum Lot Depth	30 metres				
Minimum Separation Between Buildings	3 metres				
Maximum Building Height	9 metres				

6.3 General Commercial - C Zone

6.3.1 C Zone Permitted Uses

(1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within a C 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 dwelling to a maximum of four (4) units;
- (v) an office;
- (vi) a retail commercial establishment;
- (vii) a restaurant, including a drive thru or take out;
- (viii) a personal service shop;
- (ix) an institutional use;
- (x) a hotel or motel;
- (xi) a farmer's market;
- (xii) an entertainment use, wholly enclosed within a building;
- (xiii) an assembly hall;
- (xiv) a printing establishment;
- (xv) a food processing operation;
- (xvi) a laundromat;
- (xvii) an automobile sales or rental establishment; and
- (xviii) a special care home;

(b) the following secondary uses:

- (i) a residential use to a maximum of three (3) dwelling units; and

(c) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to section 5.6.

6.3.2 C Zone Requirements

(1) No development shall be permitted, and no main building or structure may be located on a lot unless the lot is serviced by a sewer system for public use and complies with the following:

C Zone Lot Requirements	
<i>Serviced Lots</i>	
Minimum Lot Area	700 square metres
Minimum Lot Frontage	23 metres
Minimum Lot Depth	30 metres
Maximum Lot Coverage	50%
Maximum Building Height	11 metres

6.3.3 C Zone Other Requirements

- (1) 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) a permitted residential use shall not occur on the same lot as a permitted commercial use unless access 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.
- (2) Except for a single unit, two-unit, or semi-detached dwelling, no portion of any lot in a C Zone shall be used for the collection or storage of refuse, unless the refuse is stored in a refuse container, and the refuse container is screened by an opaque fence or similar structure.

6.4 Industrial - I Zone

6.4.1 I Zone Permitted Uses

- (1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within an I Zone for any purpose other than:
- (a) one or more of the following main uses:
 - (i) an automobile sales or rental establishment;
 - (ii) an automobile repair establishment;
 - (iii) an automobile service station, subject to terms and conditions as may be set out by the Commission;
 - (iv) an industrial use;
 - (v) a recycling depot;
 - (vi) a resource extraction, subject to terms and conditions as may be required by the commission;
 - (vii) a salvage yard, subject to section 5.28;
 - (viii) a warehouse;
 - (ix) a cannabis production facility, subject to terms and conditions as may be set out by the Commission;
 - (x) a contractor's yard; and
 - (xi) an outdoor display court; and
 - (b) any accessory building, structure, or use, incidental to any permitted main use of the land, building, or structure, subject to sub-section 5.6.

6.4.2 I Zone Requirements

- (1) Within any I Zone, no development shall be permitted, and no main building or structure may be located on a lot unless it conforms with the following:

I Zone Lot Requirements		
	Serviced Lots	Unserviced Lots
Minimum Lot Area	1,000 square metres	4,000 square metres (1 acre)
Minimum Lot Frontage	30 metres	70 metres
Maximum Lot Coverage	50% of the lot area	50% of the lot area
Maximum Building Height	15 metres	15 metres

6.4.3 I Zone Other Requirements

- (1) 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 I Zone abuts a residential, institutional, or parkland use or zone, the minimum side yard within the I Zone from the abutting lot line shall be 5 metres.

6.4.4 Storage and Screening of Refuse Containers

- (1) No portion of any lot in an I Zone shall be used for the collection or storage of refuse unless the refuse is stored in a refuse container, and the refuse container is screened by an opaque fence or similar structure.

6.5 Park, Recreational, Institutional - PRI Zone

6.5.1 PRI Zone Permitted Uses

- (1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within a PRI Zone for any purpose other than:
- (a) one or more of the following main uses:
 - (i) a community recreation centre;
 - (ii) a commercial recreation facility;
 - (iii) a park;
 - (iv) a recreation use;
 - (v) a full-time early learning and childcare centre, subject to section 5.24;
 - (vi) a part-time early learning and childcare centre, subject to section 5.24;
 - (vii) a health and wellness centre;
 - (viii) a membership organization;
 - (ix) an institutional use;
 - (x) a funeral home;
 - (xi) an agricultural use that does not include permanent buildings or structures, subject to sections 5.36 and 5.37; and
 - (xii) a private recreational or tourism use that does not include permanent buildings or structures, subject to terms and conditions as may be imposed by the commission; and
 - (b) any accessory building, structure, or use incidental to the permitted main use of the land, building, or structure, subject to subsection 5.6.

6.5.2 PRI Zone Requirements

- (1) Within any PRI Zone, no main building or structure may be placed, erected, or altered, and no building shall be altered to become a main building on a lot unless it complies with the following:

PRI Zone Lot Requirements		
	Serviced Lots	Unserviced Lots
Minimum Lot Area	675 square metres	4,000 square metres
Minimum Lot Frontage	23 metres	54 metres
Maximum Lot Coverage	50%	50%
Maximum Building Height	11 metres	11 metres

6.6 Rural Area - RA Zone

6.6.1 RA Zone Permitted Uses

- (1) No development shall be permitted, nor shall any land, building, or structure be used on a lot within an RA 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) an agricultural use, subject to sections 5.36 and 5.37; and
 - (v) a forestry use, subject to applicable Provincial and Federal regulations.
 - (b) one of the following secondary uses in conjunction with any permitted main use:
 - (i) a home occupation, subject to section 5.25; and
 - (ii) a boarding or rooming house, subject to section 5.26; and
 - (iii) an early learning and childcare home, subject to section 5.24; and
 - (c) any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure, subject to section 5.6.

6.6.2 RA Zone Requirements

- (1) Within any RA Zone, no development shall be permitted, and no main building or structure may be used on a lot unless it complies with the following:

RA Zone Lot Requirements		
	Serviced Lots	Unserviced Lots
Minimum Lot Area	675 square metres	4,000 square metres
Minimum Lot Frontage	22.5 metres	54 metres
Maximum Lot Coverage	50%	50%
Maximum Building Height	11 metres	11 metres

6.7 Open Space - OS Zone

6.7.1 OS Zone Permitted Uses

(1) No development shall be permitted, nor shall any land be used on a lot, within an OS zone for any purpose other than:

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

- (i) a park;
- (ii) a conservation use;
- (iii) a passive recreational use;
- (iv) an agricultural use that does not include permanent buildings or structures, subject to sections 5.36 and 5.37;
- (v) a trail;
- (vi) a public work associated with flood control or sewage treatment or other similar use;
- (vii) a boat launch; and
- (viii) an aquaculture use; and

(b) any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure, subject to section 5.6.

6.7.2 OS Zone Requirements

(1) No habitable buildings or developments shall be permitted in any OS Zone.