

RURAL PLAN BY-LAW



BY-LAW NO. 65

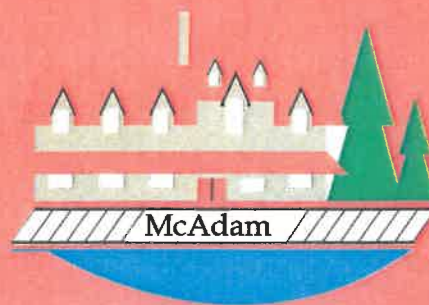


TABLE OF CONTENTS

<u>By-law</u>	page. 3
<u>Policies and Proposals</u>	page. 4-9
<u>Definitions</u>	page. 10-16
<u>Administrative Clauses</u>	page. 16-19
<u>General Provisions</u>	page. 19-25
<u>Special Use Standard</u>	page. 26
<u>Urban Zones</u>	page. 28-35
<u>Rural Zones</u>	page. 36-37
<u>Maps</u>	page. 39-40

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**VILLAGE OF MCADAM
BY-LAW NO. 65
RURAL PLAN BY-LAW**

The Council of the Village of McAdam under the authority vested in it under the Community Planning Act and the Local Governance Act enacts the following Rural Plan By-law:

0.0 BY-LAW

0.1 TITLE AND SCOPE

- (1) By-law No. 65, the Village of McAdam Rural Plan By-law, is hereby adopted.
- (2) This By-law may be cited as "The Village of McAdam Rural Plan By-law".
- (3) This By-law applies to the Village of McAdam municipal boundaries as outlined in Subsection 52 of Regulation 2022-50 under the Local Governance Act
- (4) This Rural Plan By-law:
 - (a) divides the Municipality into zones as described on a zoning map;
 - (b) prescribes, subject to powers reserved in the Advisory Committee;
 - (c) the purpose for that land, buildings and structures in any zone may be used;
 - (d) standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and
 - (e) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).
- (5) For the purposes of this By-law, the Village is divided into zones as shown on the Village of McAdam Zoning Map attached as 'Schedule A.'
- (7) For the purposes of this By-law, properties at risk of sea level rise or flooding are delineated on the water hazard Map attached as 'Schedule B.'
- (9) In the event of an inconsistency between provisions of the Municipal Plan and the provisions of this By-law, the provisions of the Municipal Plan will prevail.

0.2 REPEAL AND TRANSITION

- (1) By-Law No. 58, Village of McAdam Rural Plan By-law, enacted on January 14, 2019, and all amendments thereto, are hereby repealed.
- (2) The repeal of By-Law No. 58, Village of McAdam Rural Plan By-law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME: July 5, 2023
READ SECOND TIME: July 26, 2023
READ THIRD TIME AND ENACTED: Sept 6, 2023



Mayor, Ken Stannix



Village Clerk, Ann Donahue

1.0 POLICIES & PROPOSALS

1.1 GOALS

- Plan land use efficiently and sustainably.
- Conserve and preserve natural resources and ecosystems.
- Protect water, land, and air from pollution.
- Provide infrastructure systems that connect residents.
- Ensure that the use of municipal land provides high value for residents.
- Ensure sewage is safely collected, treated, and disposed of.
- Ensure potable water resources are safely treated and distributed efficiently.
- Ensure solid waste is safely disposed of.
- Encourage the development of educational and cultural institutions.
- Support the provision of high-quality recreational spaces and places to meet the needs of all
- Ensure community safety.
- Continual improvement of downtown and community spaces.
- Provide safe, affordable, and dignified housing to meet the needs of all residents.
- Preserve and celebrate local architectural and cultural heritage.
- Encourage the development of mental and physical health services for residents.
- Coordinate municipal development efforts.
- Encourage economic development.

1.2 GENERAL LAND USE

1.2.1 Policies

Land use policy

- (1) Urban Service Boundary – Council shall map the boundaries of the municipal sewer and/or water system in order establish separate urban development zones and rural development zones that generally correspond with the development capacity of the land. Council shall encourage the development and servicing of land within the urban service boundary, and it shall be prioritized for growth over land outside of the urban service boundary.
- (2) Expansion Areas – Council shall map the locations of planned expansion areas for new development (residential, commercial, and industrial) where public investment in municipal infrastructure may be given extra consideration by Council as these locations are particularly suited logical and efficient expansion now or in the future, depending on the infrastructure and service capacity. These expansion areas include:
 - (a) Residential – the purpose of the residential expansion area is to identify land in the municipality for this type of growth and encourage developments with diverse housing typologies.
 - (b) Industrial – the purpose of the industrial expansion area is to identify land in the municipality for this type of growth and encourage or facilitate eco-industrial developments and rail-based industry.
 - (c) Recreation – the purpose of the recreation expansion area is to identify land in the municipality for this type of growth adjacent to the existing campground on McAdam Lake.
- (3) Infrastructure Improvements – Council shall map specific infrastructure proposals as outlined in the Rural Plan on the zoning map but shall not be bound to initiate these infrastructure projects as shown or as detailed in the capital budget.
- (4) Council shall consider proposals to rezone properties where the applicant demonstrates how they will reasonably limit potentially negative impacts on adjacent land uses. In approving a rezoning application, the Council may establish reasonable terms and conditions to ensure that impacts are limited, having specific regard for:
 - (a) the massing and scale of the proposed buildings as compared with existing buildings on adjacent properties;
 - (b) the viability of nearby industrial, commercial, resource or agricultural operations in relation to a proposed new development;
 - (c) noise-mitigation, night-sky friendly lighting, visual screening of parking or loading areas, setbacks and buffering to limit any land use conflicts related to the new development proposal;
 - (d) environmental protection, landscaping and drainage plans that incorporate and pre serve any existing natural features to a reasonable extent; and,
 - (e) the capacity of municipal services or the land to accommodate the utility needs of the proposed development.

1.2.2 Proposals

General development proposals

- (1) Council proposes to restrict the development of any land that cannot be efficiently or sustainably serviced.
- (2) Council proposes to re-subdivide the "3rd" and "4th" Avenue area to the northwest of 2nd Ave. area into an orientation that matches its zone in the Zoning Provisions.

Zoning provisions

- (3) Council proposes to establish the following urban zones, through the Zoning Provisions, in order of increasing intensity, subject to pedestrian-oriented design and other performance-based standards:
 - (a) "U-1" Zone, a zone with lesser population density with residential, small-scale commercial, small-scale institutional, or small-scale agricultural uses.
 - (b) "U-2", a zone with medium population density with residential, medium-scale commercial, and institutional uses.
 - (c) "U-3" a zone with a higher population density with residential, large-scale commercial and institutional uses, and small-scale industrial uses.
 - (d) "I" Industrial Zone, which encompasses low population density with industrial, agricultural, forestry, resource uses.
- (4) Council proposes to establish the following rural zones, through the Zoning Provisions, in order of increasing intensity, subject to conservation design and other performance-based standards:
 - (a) "C" Conservation Zone, an unserviced zone for passive recreation, and other minimal impact land uses, to protect water sources and important natural areas.
 - (b) "RS" Rural Settlement Zone, an unserviced zone for agriculture, forestry, resource development, recreation, and secondary residential land uses.
- (5) Council may adopt a Secondary Rural Plan By-law or Development Scheme By-law to facilitate the coordinated development on a section of a priority or expansion area as indicated on the zoning map.
- (6) Council may establish overlay zones to accomplish area-specific goals that are consistent with the Rural Plan or a secondary Rural Plan.

1.3 ENVIRONMENT AND CLIMATE CHANGE

1.3.1 Policies

Climate change

- (1) Council shall plan the development of the community to be prepared for extreme weather events and act responsibly to reduce pollution by initiating sustainable community design and promoting energy conscious, low-impact developments;

Natural areas

- (1) Council shall collaborate with community groups, environmental organizations and First Nations to identify and protect and promote important natural areas.

1.3.2 Proposals

Climate change

- (1) Council proposes to educate residents and encourage building retrofit and renovation projects that increase energy efficiency by working with external agencies, such as NB Power, and by applying a development incentive policy, where necessary.

Natural Areas

(2) Council proposes to develop Village-owned green and open space into publicly accessible parks to increase urban tree cover and naturally shaded area with local, native plants, where feasible and appropriate, such as in new subdivisions land (up to 8%) is dedicated for public purposes.

1.4 HOUSING AND RESIDENTIAL DEVELOPMENT

1.4.1 Policies

(1) Council shall encourage the sustainable population growth of a working-age population cohort by permitting small-scale multi-unit housing and accessory dwelling units in all urban residential zones in compliance with the Rural Plan and the Zoning Provisions.

(2) Council may permit short-term rentals for tourism in all zones allowing residential uses subject to limitations in the Zoning Provisions to ensure that it does not significantly impact the long-term rental unit supply.

(3) Council shall encourage a wide variety of home-based businesses in zones allowing residential uses as secondary uses where they are not overly prominent on a lot and do not generate excessive impacts on surrounding residential uses.

(4) Council shall work together with other governmental and non-governmental partners to support the provision of safe, affordable, and dignified housing to meet the needs of all residents.

1.4.2 Proposals

(1) It is proposed that Council identify and make available appropriately located municipally owned land for the provision of affordable and workforce housing.

(2) It is proposed that Council limit residential development within certain distances of various rail infrastructure through the zoning provisions.

1.5 ECONOMY AND COMMERCIAL DEVELOPMENT

1.5.1 Policies

(1) Council shall pursue the development of a vibrant downtown by encouraging new commercial, retail, and service businesses to locate in the historic commercial area by applying permissive U-3 Zoning and design standards.

(2) Council shall encourage the establishment of new and diverse retail and commercial services throughout the municipality by applying permissive U-2 Zoning in high-visibility transportation corridors.

(3) Council shall implement development incentive programs that both have a return on investment through increased assessment values and also achieve the policies and objectives of the Rural Plan.

(4) Council shall pursue economic development through the development of mixed-income and affordable multi-unit housing in locations that are walkable to employment, recreational amenities, trails, and municipal services, and provide residents with an attractive place to live.

1.6 MUNICIPAL SERVICES AND INSTITUTIONAL DEVELOPMENT

1.6.1 Policies

Emergency Services

(1) Council shall regularly review the needs of the Fire Department with respect to services, equipment and training, and develop a schedule for acquiring or upgrading equipment and training personnel where necessary.

(2) Council shall maintain an Emergency Preparedness Plan for the community with special attention to residents within 300m of rail lines.

(3) Council shall support programs to educate residents on the use of the Sentinel Emergency Alert System.

Healthcare Facilities

- (4) Council shall work with other government and non-governmental partners to ensure that appropriate medical services and facilities are available and appropriately located.

Education Facilities

- (5) Council shall work with other government partners to ensure that appropriate educational facilities are available and appropriately located.

Cemeteries

- (6) Council shall support the provision of safe and dignified after-life services such as cemeteries, which may be permitted in any Zone subject to terms or conditions, or crematoria, which may be permitted in the Industrial Zone.

1.7 INDUSTRIAL DEVELOPMENT

1.7.1 Policies

General

- (1) Council shall provide development standards in the Zoning Provisions for industrial uses that help mitigate potential impact on adjacent land uses, natural features, and the community.

A Renewed and Expanded Business Park

- (2) Council shall coordinate management and expansion of the Business Park, primarily as an eco-industrial park, by encouraging industrial waste reuse and efficiency among Business Park tenants but also to strengthen the competitive advantage of the Park.
- (3) Council shall work towards establishing a diversified industrial portfolio to increase the Village's economic resilience and employment opportunities.
- (4) Council shall advocate for sustainable and climate-resilient industrial operations and collaborate with industrial partners to act on opportunities to reduce Greenhouse Gas (GHG) emissions from the industrial sector, such as LEED (leadership in Energy and Environmental Design), and industry-approved, sustainable operation standards, such as the ISO standards.

1.7.2 Proposals

- (1) Council proposes to collaborate with community groups, the provincial and federal governments, and other agencies to retain existing industrial operations and attract new and diverse industrial operations to the Village through incentive policies, or by extending municipal infrastructure and associated amenities, where it provides a return-on-investment to the Village over a period of five to ten years.
- (2) Council proposes to develop a site master plan or a similar management tool in support of the effective long-term management of the Business Park and consider future industrial needs in infrastructure and municipal asset management.

1.8 TRANSPORTATION & INFRASTRUCTURE

1.8.1 Policies

- (1) Council shall introduce Complete Streets and prioritize children and seniors walking, those in wheelchairs, and others who are not within a vehicle, when approving the construction or reconstruction of all residential streets, or on some main streets. These streets shall emphasize intersection design, walkway widths, the placement of trees and vegetation, and any number of other design items necessary to slow vehicles and enhance the overall experience of being in those places.
- (2) Council shall restrict the proliferation of street dead-ends and overly long cul-de-sacs in new subdivisions and consider the construction of new public roads with the aim of achieving an interconnecting grid-like network of both collector and local roads, providing good traffic circulation.

1.8.2 Proposals

Infrastructure improvements

- (1) Council proposes to develop Complete Streets on those streets indicated with a pink line (—) on the policy map.
- (2) Council proposes to construct new public roads in locations indicated with a dotted red line (· · ·) on the policy map.

1.9 AGRICULTURE & RESOURCE USES

1.9.1 Policies

- (1) Council shall prioritize building up local food security and access to fresh food by encouraging production of local food and innovative, sustainable, environmentally conscious agricultural practices.
- (2) Council shall provide development standards in the Zoning Provisions for agricultural and resource uses that help mitigate potential impacts on adjacent land uses, natural features, and the community.

1.9.2 Proposals

Agricultural

- (1) Council proposes to allow backyard farming in residential areas and create an open environment for residents to carry out appropriate scales and forms of urban agricultural practices.

Mining

- (2) Council proposes to consider surface mining developments subject to an amendment to the Zoning Provisions and to regulate any low-impact resource extraction (eg. gravel pit) in order to protect against potential land use conflicts between resource-based uses and other non-compatible land uses.
- (3) Council proposes to require the rehabilitation of lands after aggregate resources have been depleted, to a state that is environmentally safe, stable, and compatible with the adjacent areas.

1.10 RECREATION, CULTURE, AND ENTERTAINMENT

1.10.1 Policies

- (1) Council shall support the development of recreational facilities and programs that are feasible and beneficial for residents' physical, mental, and social well-being and are accessible by being within walking distance of residential areas and schools.
- (2) Council shall support the provision of year-round indoor and outdoor recreation facilities, events, and programs that are available and accessible to residents and visitors of all ages, with a special emphasis on winter activities.
- (3) Council shall encourage:
 - (a) The conservation of heritage resources in a manner that respects their value to the community, ensures their integrity, and enables their functional viability;
 - (b) The sensitive rehabilitation and reuse of valuable heritage structures and sites, archaeological areas and items of cultural importance; and,
 - (c) The ongoing cultural expression of local First Nations.

2.0 DEFINITIONS

Accessory Building - means a detached *building* or *structure* that:

- a) is not used for human habitation, except in the case of an accessory dwelling unit;
- b) contains a use that is incidental and subordinate to the main use, main building or structure;
- c) is located on the same lot as the main use, main building or structure;
- d) includes a detached private garage or detached carport and above or below ground storage tanks; and,
- e) does not include children's play structures or patios and decks attached to a dwelling.

Accessory Dwelling Unit - means a *dwelling unit* with no more than two bedrooms which:

- a) is secondary to the principal *dwelling unit*;
- b) when contained within a main *dwelling unit* does not exceed the lesser of 75 m² (807.3 ft²) or 75% of the floor area of one floor of the *main building*;
- c) when contained within a *single-unit dwelling* is synonymous with a rental suite;
- d) when contained within an *accessory structure* is synonymous with a garden suite.

Accessory Structure - means a detached *building* or *structure* that:

- a) is not used for human habitation, except in the case of an accessory dwelling unit;
- b) contains a *use* that is incidental and subordinate to the *main use, main building* or *structure*;
- c) is located on the same *lot* as the *main use, main building* or *structure*;
- d) includes a detached private *garage* or detached *carport* and above or below ground storage tanks; and,
- e) does not include children's play *structures* or patios and decks associated with a *dwelling*.

Accessory Use - means a *use* of land or a *building* or *structure* that:

- a) is naturally or customarily incidental and subordinate to the *main use* or *secondary use* of the land, *building* or *structure*;
- b) is not used for human habitation except in the case of an accessory dwelling unit; and,
- c) is located on the same *lot* as the *main use*.

Advisory Committee - means the Planning Advisory Committee as established by Council or the Regional Service Commission (RSC), as the case may be.

Agricultural Use - means the use of any land, building, or structure according to the definition of a 'agricultural operation' under the *Agricultural Operations Practices Act* and includes such uses as greenhouses, nurseries, fish hatcheries, outdoor *cannabis production*, retail, farmer's market outlets for the sale of agricultural goods, animal shelters, veterinary services, but does not include an abattoir.

Agricultural Use, Urban - means the use of any land, building, or structure for the small-scale production of food, fiber, or flora, or the housing of *small livestock* animals, a fish pond, a greenhouse, and, for the purposes of this By-law, such use does not include the marketing for sale or retail of perishable goods, raising or handling *livestock*, a fish hatchery, a kennel, or an abattoir.

Apiculture - also known as "beekeeping", means one or more of the regulated activities as identified by the Province of New Brunswick under the *Apiary Inspection Act* and other regulations.

Alter (alteration) - means, as applied to a building or structure or part thereof:

- a) a change or rearrangement in the structural parts or means of egress;
- b) an enlargement, whether by extending the side, front or rear of a building or structure;
- c) increasing the height; or,
- d) moving from one location or position to another.

Animal Unit - means the equivalent number of livestock or poultry that equals one (1) animal unit as follows:

- a) 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, fox, or mink, including offspring until weaning;
- b) 3 pigs, camelids, or deer, including offspring until weaning;
- c) 6 sheep or goats, including offspring until weaning;
- d) 10 ostriches, emu, or equivalent larger fowl;
- e) 10 non-predatory fur-bearing animals, excluding fox or mink, including any offspring until maturation; and
- f) 20 turkeys, chickens, ducks, geese, or equivalent smaller fowl, including any offspring until maturation.

Architect - means a professional who is registered and licensed as a full member with a Provincial or Territorial architectural regulator in Canada (e.g. Architects' Association of New Brunswick).

Artisan Manufacturing - means the shared or individual production of goods by the use of hand tools or small-scale, light mechanical equipment, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; *microbrewery*; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Average Grade - means, with reference to a *building* or *structure*, the average elevation of the finished surface of the ground where it meets or will meet the exterior of such *building* or *structure*, excluding localized

depressions such as *vehicle* or pedestrian entrances.

Beehive - means an enclosed structure holding up to twenty frames, in which honeybees live and raise their young.

Beekeeper - means a person who owns honeybees as identified under the *Apiary Inspection Act*.

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

Building Inspector - means the person responsible to approve and inspect construction under the *Building Code Administration Act* and the building by-law.

Building Permit - means a permit that is issued and monitored until the completion of a *building* or *structure* by the *Building Inspector*. In order to receive and retain a *Building Permit*, a *building* or *structure* must meet all applicable requirements of all *Village By-laws* to receive approval from the *Development Officer*.

Camp - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by a maximum of one (1) of the following: a trailer, camper, truck camper, tent, yurt, or similar accommodation. For the purposes of this by-law, a *camp* does not include a *campground*.

Campground - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by multiple trailers, campers, truck campers, tents, yurts, or similar accommodation, and includes campgrounds operated for tourism or commercial, or non-commercial purposes.

Cannabis Production - means the cultivating, processing, sales, warehousing, research, and testing of cannabis, cannabis extract, products that contain cannabis and other incidental activities involving cannabis for medical or non-medical purposes that require a license under the *Cannabis Act* and its regulations.

Commercial Use, Downtown - means the use a building or structure for the purpose of buying and selling commodities, offices or institutional uses, restaurants and bars, *artisan manufacturing* or *micro-brewery*, *entertainment area*, hotel, general retail or supply of business services, but distinguished from such uses as industrial, warehousing, vehicle repair, vehicle sales or leasing, contractor yards, utility and telecommunications stations, adult entertainment, or other similar uses.

Commercial Use, Large Format - means the use a building, structure, or lot for large scale commercial uses including for the purpose of buying and selling commodities, offices, restaurants and bars, entertainment, hotel, general retail or supply of business services, gas bars, warehousing, vehicle repair, vehicle

sales or leasing, contractor yards, wholesale establishments, and shopping centres or malls, but does not include *industrial uses*, utility and telecommunications stations, or adult entertainment.

Commercial Use, Neighbourhood - Means the use of land, buildings, or structures for small scale commercial uses that are compatible with predominately residential neighbourhoods, such as daycare centres, greenhouse/nursery, small-scale food production, retail uses, and *institutional uses*, but does not include a hotel or motel, vehicle repair, contractor yards, industrial uses, utility and telecommunications stations, or adult entertainment.

Condominium - means any attached or non-attached dwelling regulated under the *Condominium Property Act* (Chapter C-16.05 SNB and any amendments thereto).

Cornice - means any horizontal member, structural or non-structural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Developed Footprint - means the entire developed area of a lot above grade including all *main*, *secondary*, and *accessory buildings* or *structures*, *driveways*, *paved parking areas*, and outdoor storage and display of goods or equipment.

Development - means a *development* as defined by the *Community Planning Act*

Development Officer - means a *Development Officer* as defined by the *Community Planning Act*.

Development Permit - means a permit issued for a *development* and does not include a building permit issued under a building by-law.

Driveway Access - means that portion of a lot used to provide vehicular access from a *street* to a *parking space* or *parking aisle* or to an off-street parking or *loading space* located on the same lot.

Dwelling - means a *building* or portion thereof designed or used for residential occupancy and includes a *single-unit dwelling*, *semi-detached dwelling*, *two-unit dwelling*, *triplex dwelling*, *rowhouse dwelling* and *multi-unit dwellings*, but does not include a *hotel*, *motel*, or similar establishments.

Dwelling Unit - means a room or suite of two or more rooms for *use*, or intended for *use*, by one or more individuals in which culinary and sanitary conveniences are provided for the exclusive *use* of such individual(s), and with a private entrance from outside the *building* or from a common hallway or stairway inside, but does not include *hotel*, *motel*, *boarding* or *rooming house*, *recreational vehicle* or *mobile home*.

Entertainment Area - means a building or part of a building that involves commercial entertainment, amusement or relaxation and, without limiting the

generality of the foregoing includes a tavern, live performances, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall, and may include such activities in an outdoor setting, but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours.

Erect - means to build, construct, reconstruct, 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.

Exterior Lighting - means outdoor lighting, or lighting inside of a building directed outdoors, not including illuminated signs, for the purposes of illuminating any building, loading area, parking lot or yard. Does not include lighting that generates less than 315 lumens per light source.

Façade - means the exterior wall of a building or structure that is exposed to public view, or that wall viewed by persons not within the building.

Fence - means a structural barrier erected for the purpose of providing a boundary to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Flankage Yard - means the side yard of a corner lot, which abuts a street, and *required flankage yard* or *minimum flankage yard*, means the minimum side yard required by this By-law where the yard abuts a street.

Freight Yard - means a portion of a railway classified as Yard in the National Railway Network Database.

Forestry Use - means commercial silviculture and any uses associated with a silvicultural use, including sawmills, related vehicle and equipment storage and maintenance buildings, structures and yards, and includes retail of forestry products, but does not include a *heavy industrial use*.

Front Yard - 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. The *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.

Frontage - means in the case of:

- a) an interior lot, the measurement of the front lot line between the side lot lines;
- b) a corner lot, the measurement of the front lot line between the side lot line and flankage lot line; or,

- c) a through lot, the measurement of the lot lines separating the front yard from the wider public right of way. Where both right of ways are of equal width, then the front yard shall be the frontage where an existing driveway access is located or, if no access exists, the front yard shall be the same as any abutting property.

Garden Suite - synonymous with *accessory dwelling unit*, means an additional detached *dwelling unit* that is one storey, free standing, containing bathroom and cooking facilities and is equipped for year-round occupancy. A *garden suite* shall not include a *mobile home dwelling*, *mini-home dwelling*, recreational vehicle or any other trailer.

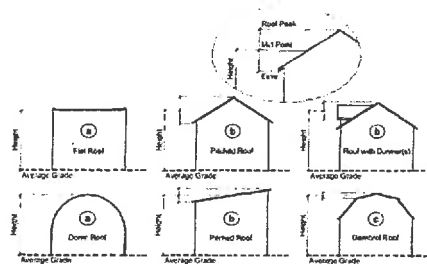
Gross Floor Area - means the aggregate of the floor areas of a building above and below *grade*, measured between the exterior faces of the exterior walls of the *building* at each floor level. *Gross floor area* does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators and car parking areas.

Ground Floor - means the lowest full *storey* that is located entirely above the *grade*; and with respect to the *street façade*, means the part of the *façade* that is within 4 m (13.1 ft) of the *grade*.

Habitable - means suitable for overnight residential occupancy to carry on normal living functions, including sleeping, living, cooking, and maintaining personal hygiene.

Hedge - means a row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

Height - means, in relation to a *building* or *structure*, the vertical distance as measured from the *average grade* level to the highest point of such *building* or *structure* and is determined as follows:



- a) for buildings with flat or dome roofs, the highest point is the highest part of the building;
- b) for buildings with pitched roofs, the highest point is the mid-point between the highest ridge of the building and the highest eave;
- c) for buildings with gambrel roofs, the highest point is deemed to be the mid-point between the mid-point between the ridge and the point immediately below the ridge where the pitch changes.

Home Based Business - means an occupation, trade, profession or craft carried on by the occupant of a residential *building* as a *secondary use* that is clearly subor-

dinate and incidental to the main residential *use* of the property, and which does not change the character, thereof or have any exterior evidence of such *secondary use* other than a small *sign* not exceeding a size prescribed by the Zoning Provisions.

Industrial Use, Heavy - means the use of land, buildings, or structures for the manufacturing, processing, fabricating, assembly, or cultivating of extracted or raw materials, slaughter and processing of *livestock*, and the servicing, treating, and recycling of articles or end products, a *salvage use*, and related *accessory uses* (such as office use), that potentially involves hazardous and commonly recognized offensive conditions, but does not include the storage and disposal of untreated chemical, biological, explosive, and radioactive wastes as a *main use*.

Industrial Use, Light - means the use of land, buildings, or structures for research and development, biological production, licensed *cannabis production* facilities, manufacturing, processing, fabricating, assembly, warehousing, servicing, treatment, or packaging of previously prepared or refined materials (or from raw materials that do not need refining), but does not include any *heavy industrial uses*.

Institutional Use - means the use of land, buildings, or structures for religious, educational, health, indoor or outdoor recreational facilities, child care, community centre, hospital, nursing home, seniors home, seniors congregate care facility, home for the aged or infirm, or a *residential care facility*.

Livestock - means any non-predatory animal raised and kept for agricultural purposes, but does not include domestic animals that are kept within a *dwelling unit*.

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;

Livestock, Small - means a small-sized, non-predatory, terrestrial animal with a gross weight of no more than 10 pounds (4.5 kilograms) raised and kept for agricultural purposes, but does not include roosters (male chickens) or include domestic animals that are kept within a *dwelling unit*.

Loading Area - means an off-street area, on the same lot as the *main use*, that is used for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public *street* by an appropriate access.

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 Coverage - means the percentage of lot area covered by buildings and structures above grade. This does not include uncovered swimming pools, unenclosed porches, patios, sundecks and above ground pool decks.

Lot Line - means a common line between a *lot* and: an abutting *lot*, or a *lot* and a *street* or body of water.

Lot Line, Front - The side of a lot that abuts a public street is the front of the lot. For lots abutting more than one street, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if all lot lines are equal length.

Lot Size - means the total horizontal area within the lot lines of a lot, excluding the horizontal area of a lot:
a) usually covered by water or marsh;
b) beyond the *ordinary high-water mark*.

Main Building - means the *building* in which the main or principal *use* of a *lot* is conducted.

Main Front Entrance - means an ingress and egress to and from a building or structure that is oriented towards and has proper access to a public *street*.

Microbrewery - means the small-scale manufacturing of beer, wine, spirits or other alcoholic beverages occupying a total floorspace of 500 m² or less. This use includes the sale of alcoholic beverages to the public for consumption within the premises as well as the preparation and sale of food, incidental storage, packaging, bottling, canning and shipping of products manufactured within the premises. This use does not include outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

Mini-home - means a *dwelling*, other than a *mobile home* or *modular dwelling*, fabricated in an off-site manufacturing facility for installation or assembly at the *building* site, and provided with a Canada Standards Association approved stamp and number and/or meeting the requirements of the *National Building Code of Canada*.

Multi-Unit Residential Use (Multi-unit Dwelling) - means a building comprising three or more *dwelling units* which generally has shared outside access; or *dwellings* attached to a *building* which is principally commercial in a commercial zone.

Mobile Home - means a transportable building designed for residential occupancy that must be moved over roads on its own chassis and is certified under the Z240 provisions of the Canada Standards Association for mobile homes.

Modular Dwelling - means either:
(a) a 'modular building' designed for residential occupancy that leaves the factory on a flatbed truck

in the form of complete modules or boxes which are joined together at the site to form a complete dwelling;

- (b) a 'panelized component building' designed for residential occupancy that is constructed on site from a series of factory-produced wall, floor and roof panels. Modular dwellings must be provided with a Canadian Standards Association approved stamp and number and/or meet the requirements of the National Building Code of Canada and be of compatible appearance with traditional stick-built housing.

Municipality - Means the administration staff of the Village as headed by the Chief Administrative Officer of the Village of McAdam or a delegate.

Nucleus Colony - means a colony of not more than five (5) removable frames primarily used for rearing and storing Queen Bees.

Personal Service Shop - means a use that provides personal care services and includes, without limiting the generality of the foregoing, such establishments as barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

Porches - means a roofed open area, which may be glazed or screened, usually attached to a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.

Park and Open Space Use - means an area or portion of land, either landscaped or natural and which is used to meet human recreational or spatial needs, to protect water, air, or plant areas, or to separate uses, with a combined *developed footprint* of less than 10% for the total area or portion of land.

Private Utility Use - means a utility use provided by a private entity, that may or may not serve the public.

Public Utility Use - means a utility use provided by the Village of McAdam or the Province of New Brunswick.

Rear Yard - 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.

Regional Service Commission - means a regional service commission established under the Regional Service Delivery Act.

Renewable Energy Device - means any facility or installation that is designed and intended to generate electricity from natural forces such as wind, water, sunlight, or geothermal heat.

Residential Care Facility - means a residential building or part of a building in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three persons with social, health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licenced by the Family Services Act, or by other provincial legislation, and that may contain common facilities, such as but not limited to:

- a) the preparation and consumption of food;
- b) an accessory personal service shop;
- c) a retail store;
- d) amenity space; and/or
- e) recreational uses for the residents;

but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

Residential Land Lease Community Uses - Any area, lot, parcel, or tract held in common ownership, and on which individual portions of said area, lot, parcel, or tract are leased for the placement of *mini-homes* as a primary residence. Residential land lease communities do not include fee simple subdivisions or *mobile homes*.

Residential Use, High Density - means *rowhouse dwelling, townhouse dwelling, a multi-unit residential use, a dwelling unit(s) attached to a non-residential use, rooming house or boarding house, or a residential care facility*; but does not include a recreational vehicle, *mini-home, mobile home, hotel, or motel*.

Residential Use, Medium Density - means a single-unit dwelling, a semi-detached dwelling, a two-unit dwelling, *rowhouse dwelling, townhouse dwelling, a multi-unit residential use, a rooming house or boarding house, or a residential care facility*; but does not include a recreational vehicle, *mini-home, mobile home, hotel, or motel*.

Resource Excavation Use - means any excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes for the sale or other commercial use of the material excavated, but does not include mining, processing, or refinement of materials.

Rowhouse Dwelling - synonymous with a *townhouse*, means a series of more than two individual dwelling units, attached in a row, separated from each other by *common wall(s)*, each on a fee simple lot on which each dwelling unit has its own amenity space, entrance at grade level, and parking area.

Salvage Use - means the use of land, buildings, or structures, where there are stored or deposited three or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron,

metal, glass, paper, cordage, or other waste or discarded, or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such uses shall also include any land, buildings, or structures for the storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials that are parts of a motor vehicle or cut up the parts thereof.

Secondary Use - means a use other than a main or accessory use that is secondary to a main use; and that is conducted, unless otherwise provided (expressly or by definition), entirely within a building or structure containing the main use on the lot.

Series - means a set of consecutively attached row-houses or condominiums of more than 2 units where the dwelling unit on both ends of the series do not share one of the side walls with other units.

Setback - means the required distance, in accordance with the provisions of the bylaw, between every building or structure and the lot lines of the lot on which it is proposed to be located.

Side Yard Setback - 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 lot line and the nearest main wall of any building or structure on the lot.

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

Sight Triangle - means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot at a prescribed distance as required by this By-law.

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.

Sign, Canopy - means any sign erected upon but not above a roof, or on top of, or above the parapet of a building.

Sign, Fascia - means a sign, other than a roof sign or projecting sign, which is attached to and supported by a wall of a building located above doors and windows.

Sign, Roof - means any sign erected upon but not above a roof, or above the parapet of a building.

Sign, Sandwich Board - means a sign less than 1 m² (10.8 ft²) in sign area (includes both sides) which is constructed of two boards connecting at one end and which shall be taken on and off a site on a daily basis.

Sign Area - means the area per side of the smallest triangle, square, rectangle, circle or semi-circle that can wholly enclose the surface area of the sign. In the case of fascia sign(s) featuring individual letters affixed to a building; sign area shall be the sum of the combined areas of the smallest triangles, squares, rectangles, circles, or semi-circles that can wholly enclose each individual letter.

Single-Unit Dwelling - synonymous with 'single-detached dwelling' and means a detached dwelling other than a mobile home, mini-home, recreational vehicle, travel trailer or motor home containing only one main dwelling unit, designed and is used exclusively for residential purposes.

Small-scale Secondary Use - means any kind of secondary use that not aggregately occupy more than twenty-five per cent (25%) of the main building or shall take place in an accessory building not exceeding twenty-five per cent (25%) of the gross floor area of the main building. A small-scale secondary use is a use that does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, where outside storage of goods or materials is properly screened from view, and does not generate significant amounts of traffic.

Short-term Rental - Means a dwelling unit, or portion thereof, used as an accommodation for travellers for no more than thirty (30) days at a time. The use does not include hotels, motels, or bed and breakfasts.

Storey - means that portion of a building included between the surface of any floor and the surface of the floor directly above it, or if there is no floor above it, then the space between such floor and the ceiling directly above it.

Street - synonymous with street right-of-way and 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 Town.

Street line - means the boundary line of a street or road.

Structure - means anything constructed or erected on or below the ground, or attached to something on the ground, and may include all buildings.

Swimming Pool - means any exterior structure with a capacity to hold a 1-meter depth of water and is used for swimming, wading, or recreational bathing.

Village- means the Village of McAdam.

Townhouse Dwelling – synonymous with a *rowhouse*, means a series of more than two individual *dwelling units*, attached in a row, separated from each other by common wall(s), each with its own separate entrance at grade level, except that all dwelling units are located on one *lot* together and they may have shared amenity space and shared parking areas.

Traditional Building Materials - means materials consistent with construction techniques and architecture of the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, shingle, stucco, or adequate facsimiles (such as authentic wood-grain fibre cement board).

Triplex Dwelling – means a building on one lot containing three dwelling units divided into separate dwelling units each of which has an independent entrance, either directly from the outside or through a common vestibule.

Two-Unit Dwelling - synonymous with duplex, means a building on one lot containing two dwelling units divided into separate dwelling units each of which has an independent entrance, either directly from the outside or through a common vestibule.

Utility Use - means any component of a transportation, water, sewerage, storm water, solid waste disposal, cable internet, electric power, natural gas, or telecommunication systems. The use may also include a fire station, police station, municipal yards, or community service depot such as a food bank or other drop-off location.

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

Watercourse – means a watercourse as identified by the Province of New Brunswick under the *Clean Water Act*.

Wetland – means a wetland as identified by the Province of New Brunswick under the *Clean Water Act*.

Yard - means that part of a developed *lot* that is not covered by *buildings, structures, driveways* or parking areas.

Zone - means a designated area of land *use* shown on the Zoning Map (Schedule A) of this By-law.

3.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES

3.1 Zoning Classifications

- 1) For the purposes of this By-Law, the municipality is divided into zones as delineated on the map attached hereto, entitled “Village of McAdam Zoning Map” dated March, 2023.
- 2) The zones mentioned in subsection (1) are classified and referred to as follows:
 - a) U-1 Zone;
 - b) U-2 Zone;
 - c) U-3 Zone;
 - d) Industrial “I” Zone;
 - e) Conservation “C” Zone
 - f) Rural Settlement “RS” Zone
- 3) U-1, U-2, and U-3, and I zones, collectively, are referred to as Urban Zones.
- 4) C and RS zones, collectively, are referred to as Rural Zones.

3.2 Interpretation

3.2.1 Zone Boundaries

- 1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- 2) 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 the bank.
- 3) Where zone boundaries are indicated as generally following an existing or a proposed street line, alley line, public utility right-of-way, easement, fence, or building wall, the zone boundary shall be construed as following such lines.
- 4) In the event that a public street, as delineated on the zoning map, is closed, the property formerly within such street shall be included within the zone of the adjoining property on either side of such closed street. Where a closed street is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.
- 5) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.

3.2.2 Metric Measurements

- 1) All numerical requirements in this by-law are provided in metric units of measurement. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall

prevail. Measurements are abbreviated in the following manner:

- a) meters or m;
- b) feet or ft;
- c) square meters or sq. m or m²;
- d) square feet or ft²;
- e) inches or in;
- f) centimeters or cm; and
- g) millimeters or mm.

2) Ranges are abbreviated in the following manner:

- a) maximum or max.;
- b) minimum or min.;

3.2.3 Uses Permitted

1) Uses permitted within any zone shall be determined as follows:

- a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone; and,
- b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

3.2.4 Diagrams

1) Diagrams may be used to help visualize the Zoning Provisions and provide a way to generally interpret the by-law's requirements or depict its dimensional standards. In a case of any discrepancy between a diagram and the definitions or other provisions of the by-law, the written text of the by-law shall prevail.

3.2.5 Definitions

- 1) Definitions are provided in this Zoning Provisions as an authoritative interpretation on the meaning and scope of a variety of different land uses and terminologies being employed in this document.
- 2) Words in bold italics are words with specific definitions and may be found in Section 2.0 of this By-law;
- 3) Words that are italicized and underlined may denote specific Provincial and/or Federal regulations or legislation.
- 4) Words that are not italicized or bolded may still be subject to a definition under section 2.0 of this Zoning Provisions.

3.3 Special Powers of Council

1) Notwithstanding anything else contained in this By-law, no *building* or *structure* may be erected in the municipality, where in the opinion of the Council, satisfactory arrangements have not

been made for the supply of electrical power, water, sewerage, streets, access, other services, and facilities.

2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may acquire the parcel of land that such building or structure is located.

3) Notwithstanding anything else contained in this By-law, Council may designate and use any land to for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, or other *public utility use*.

3.4 Powers of the Regional Service Commission

1) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this By-Law when, in the opinion of the *Regional Service Commission*, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

2) The *Regional Service Commission* may, subject to such terms and conditions as it considers fit:
a) authorize, for a temporary period in accordance with the *Community Planning Act*, a development otherwise prohibited by this By-Law; and
b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

3) Where uses are listed as being subject to any terms and conditions that may be imposed by the *Regional Service Commission (RSC)*, no *development permit* or *building permit* application shall be approved until the RSC has reviewed the application and approved it as proposed, or approved it subject to specific terms and conditions, or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected.

4) The *Regional Service Commission* may permit, subject to such terms and conditions as it considers fit:
a) a proposed use of land or a building that is otherwise not permitted under the Zoning Provisions if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated; or
b) such reasonable variance from the requirements of the Zoning Provisions as provided by the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of

the By-law and any plan or statement affecting such development.

- 5) Where requested to permit a proposed use or variance under subsection (4) above, the *Regional Service Commission* (RSC) may give notice to owners of land in the immediate neighbourhood:
 - a) describing the land;
 - b) describing the use proposed or variance requested; and
 - c) giving the right to make representation to the RSC in connection therewith within the time limit set out in the notice.
- 6) Where permitted under the *Community Planning Act* or *Regional Service Delivery Act*, powers of *Regional Service Commission* may be delegated to the *Development Officer* or his/her delegate.

3.5 Non-Conforming Uses

Non-conforming uses, unless otherwise provided, shall be subject to Sections 60 and 61 of the *Community Planning Act*.

3.6 Amendments

- 1) A person who seeks to have this By-Law amended:
 - a) shall address a written and signed application to Council;
 - b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith the signatures of at least one owner of each parcel of land to be rezoned; and
 - c) shall pay a fee of \$1,500, payable to the *Regional Service Commission*.
- 2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- 3) An application under this section shall include such information as may be required by the Council or the *Regional Service 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 *Regional Service Commission* may carry out such investigation as it deems 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 is substantially different from the previous application.

3.7 Development Permits & Fees

- 1) Except as otherwise provided in this section, no person shall undertake a *development* and no

development permit shall be issued for the *development* unless the *development officer* having jurisdiction approves the *development* as conforming with, if it applies to the land on which the *development* is located:

- a) the *Community Planning Act*;
 - b) the rural plan by-law;
 - c) a secondary rural plan by-law, if applicable;
 - d) a deferred widening or controlled access by-law, if applicable.
- 2) Except where approval is given by the *Development Officer* on a *building permit*, a person shall be required to obtain a development permit prior to carrying out any development involving the following:
 - a) the change of a *main use* to another *main use* of any land, building, or structure;
 - b) the *development* of a new *main use* in or upon of any land, building, or structure;
 - c) the change of a *secondary use* to another *secondary use* of any land, building, or structure;
 - d) the *development* of a new *secondary use* in or upon of any land, building, or structure;
 - e) the infill or cutting of any soil to a depth or height exceeding 1 m in any zone, pursuant to section 4.4;
 - f) the establishment of a *swimming pool* or parking facilities where more than six (6) parking spaces is provided, pursuant to section 4.13; and,
 - g) the *development* of a *building* or *structure* greater than 9.3 m² (over 100 ft²) in *gross floor area* or greater than 3.05 m (10 ft) in *height*, or attached/abutting a *building* or *structure* greater than 9.3 m² (over 100 ft²) in *gross floor area*, and exempt from the National Building Code under the *Building Code Administration Act*; and,
 - h) the *development* of any *dwelling unit*, such as an *accessory dwelling unit*, that may be exempt from the National Building Code under the *Building Code Administration Act*.
 - 3) While it does not exempt a person from complying with all other provisions of this By-law or any other by-laws or regulations, a *development permit* is not required prior to carrying out the *development* of any of the following:
 - a) the *development* of an *accessory use*, pursuant to section 3.7(1);
 - b) the installation of *landscaping* that does not change elevations by more than 1 m;
 - c) the *development* of parking facilities where less than six (6) parking spaces is provided;
 - d) the installation of *driveway accesses*, private accesses, *streets* or *public utility uses*, subject to the approval from the *Village*; and,
 - e) the *development* of a *building* or *structure* less than 9.3 m² (over 100 ft²) in *gross floor area* and less than 3.05 m (10 ft) in *height*, and not attached/abutting a *building* or *structure* greater than 9.3 m² (over 100 ft²) in *gross floor area*, and exempt from the National Building

Code under the *Building Code Administration Act*, but not exempt from otherwise complying with the requirements of this Rural Plan By-law.

- 4) An application for a development permit shall be made to the *Development Officer* in the form provided by the *Regional Service Commission* and be subject to a fee of \$50.00.
- 5) An application for a development permit shall contain information as the *Development Officer* may require for the purpose of determining compliance with this By-law.
- 6) The work mentioned in the *development permit* shall be carried out, unless otherwise approved by the *Development Officer*, in compliance with the specifications contained in the application for the *development permit*.
- 7) Where a *development permit* has been issued, the *Development Officer* may inspect the establishment, building, locating or relocating, demolishing, altering, or replacing of a *use*, building, or structure, to determine compliance with this By-law.
- 8) The *Development Officer* may revoke, suspend or refuse to issue a *development permit* where, in opinion of the *Development Officer*, the findings of the inspection referred to in section 3.7 (7) demonstrates that the *development* does not meet the requirements of this By-law or a *development* proceeds contrary to the provisions of this By-law.
- 9) The *Development Officer* shall reinstate the *development permit* when the *development* meets the requirements of this By-law.
- 10) The work mentioned in the *development permit* shall be commenced within six (6) months from the date of issue of the *development permit*;
- 11) The work mentioned in the *development permit* shall not be discontinued or suspended for a period in excess of one (1) year.

3.8 Enforcement

- 1) A person who carries out a *development* or displays a *sign* contrary to the provisions of this By-law, whether any permit is required or not, shall be liable of an offence under the *Community Planning Act* and may be subject to the financial penalties, charges, or other court-ordered enforcement actions, thereunder.
- 2) The Council may appoint a By-law Enforcement Officer to enforce the provisions of this By-law and to serve orders of compliance on behalf of the *municipality* to anyone who violates this By-law.

4.0 GENERAL PROVISIONS

4.1 Required Services

- 1) No building or structure may be erected on any lot, unless arrangements, to the satisfaction of Council, have been made for the supply of electrical power, water, sewerage, streets, driveway access, other services, and facilities.

4.2 Height Exceptions

- 1) Notwithstanding *building height* requirements established in the various zones of this by-law, elements of a *structure* that are designed to project above *height* requirements such as church spires, cupolas, water tanks, elevator enclosures, heating ventilation air conditioning (HVAC) units, silos, flagpoles, telecommunications devices, skylights, chimneys, clock towers, monuments, lightning rods, or renewable energy devices, but not including parts of the *structure* which comprise the roof or a building *storey*, but shall:
 - a) Be developed in conformity with the standards of section 3.2(2); or,
 - b) Be developed subject to terms and conditions as may be established by the *advisory committee*; or,
 - c) Be developed subject to the approval of the *municipality* for services designed for *public utility use*.
- 2) Pursuant to section 4.2(1)(a), any exempted structural elements shall:
 - a) be set back from the perimeter of the roof-line a minimum of 3 meters; and,
 - b) not be visible from any location on the *street* within a 30-meter horizontal radius as measured projecting outward from the *façade* of the *ground floor* of the *building* or *structure*.

4.3 Exterior Lighting or Illumination Devices

- 1) The requirements of this By-law with respect to the use of *exterior lighting* are as follows:
 - a) No *exterior lighting* shall be used in a manner that it emits a bright flashing light usually associated with danger or those used by emergency vehicles;
 - b) Any *exterior lighting* shall be located and arranged so that rays of light are not directly aimed at any adjoining *lots* or the public right-of-way; and,
 - c) All *exterior lighting* shall be shielded and directed downward so as to limit light pollution and protect the view of the night sky.

4.4 Change of Lot by Infilling or Excavation

- 1) In any *zone*, any change in the elevation of existing ground involving the cutting or filling to a depth in excess of 1 m (3.28 ft) shall be subject to such terms and conditions as the *Advisory Committee* considers necessary.

4.5 Building and Structure Permitted Projections

- 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 0.61 m (2 ft) into any yard;
 - b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in) into any yard;
 - c) the ordinary projection of skylights;
 - d) window or door awnings which project not more than 1.02 m (3.3 ft) into any yard;
 - e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (3.3 ft) into any required yard;
 - f) chimneys, smoke stacks or flues, which project not more than 0.457 m (1.5 ft);
 - g) balconies of upper stories of buildings, provided they are not enclosed above the building's maximum height, which project not more than 1.83 m (6 ft) into a front yard or rear yard or not more than 1.22 m (4 ft) into a side yard;
 - h) floors in the main building above the ground floor, which project not more than 1.83 m (6 ft) into a front yard or rear yard or not more than 1.22 m (4 ft) into a side yard;
 - i) wheelchair ramps and lifting ramps may be located in any yard;
 - j) steps providing access at the ground floor may be located in any front yard, rear yard or flankage yard;
 - k) window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the main wall into a required front, rear or flankage yard;
 - l) swimming pools may encroach within 1.2 m (3.9 ft) of the property line in any rear or side yard but shall not encroach on any required front or flankage yard;
 - m) air conditioning or heat pump units may project up to 0.61 m (2 ft) into a required side yard; and
 - n) exterior staircases providing access to the basement or any floor above the first storey, balconies, porches, verandas and sun decks shall be permitted to project a maximum of 2 m (6.6 ft) into any required front yard, rear yard or flankage yard; and,
 - p) no exterior staircase giving access to any floor above the first storey level shall be permitted between the façade of any building and the street line, except subject to such terms and conditions as the Advisory Committee consid-

ers necessary.

4.6 Enclosures for Swimming Pools

- 1) No land may be used for purposes of a *swimming pool* capable of containing a depth more than 1 meter (3.3 ft) of water unless the *swimming pool* is enclosed by a *fence*, or by a wall of a *building* or *structure*, or by a combination of walls and fences, at least 1.5 m (5 ft) in *height* and meeting the requirements of this section.
- 2) Where a portion of a wall of a *building* forms part of an enclosure mentioned in 4.6(1),
 - a) no main or service entrance to the *building* may be located therein; and
 - b) any door therein, other than a door to a *dwelling* or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 m (5 ft) above the bottom of the door.
- 3) An enclosure mentioned in 4.6(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 4) A fence mentioned in 4.6(1) shall not be electrified or incorporate barbed wire or other dangerous material; and shall be located:
 - a) at least 1 m (3.3 ft) from the edge of the *swimming pool*;
 - b) at least 1 m (3.3 ft) from any condition that would facilitate its being climbed from the outside; and so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above *grade*/ground level.
- 5) The design and construction of a fence under this section shall provide
 - a) in the case of chain link construction:
 - i) no greater than 38 mm (1.5 in) diamond mesh,
 - ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.
 - b) in the case of wood construction:
 - i) vertical boarding, not less than 19 mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.5 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
 - ii) supporting wood posts at least 10 cm (4 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below *grade* treated with a wood preservative, and with a top horizontal rail at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and

iii) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.

- 6) Gates forming part of an enclosure mentioned in 3.6(1):
 - a) shall be equivalent to the fence in content, manner of construction and *height*;
 - b) shall be supported on substantial hinges; and
 - c) shall be self-closing and equipped with a self-latching device at least 1.3 m (4.2 ft) above the bottom of the gate.
- 7) The vertical walls of a permanent above-ground pool can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.5 m (5 ft) in *height* above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground pool, must be enclosed by a *swimming pool* enclosure as defined within this section.
- 8) No *swimming pool* enclosure may be located within any portion of the *front yard* or within the required *flankage yard* of a *lot*.
- 9) No water shall be placed in the *swimming pool* until a closure has been completed and inspected by the *Development Officer*, or a qualified delegate of the *Development Officer*, including a *Building Inspector* appointed by the *Municipality*.
- 10) The installation of a *swimming pool* and/or enclosure is not to *alter* the existing *grade* or drainage pattern otherwise approved by the *Development Officer*.
- 11) No person is to *alter* or replace a *swimming pool* enclosure without a *development permit*.
- 12) No person shall allow sections of the *swimming pool* enclosure to be removed or become dilapidated so that it no longer conforms to this By-law; and
- 13) No person is to allow materials to be placed, piled, attached, hung or leaned against or near the *swimming pool* enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

4.7 Existing Lots & Buildings

- 1) Notwithstanding anything contained in this By-law, where a *lot* has been in existence before the effective date of this By-law having less than the minimum lot dimensions than is required by this By-law, a *building* or *structure* may be developed provided that:
 - a) the erection of a new *building* or *structure* can

meet all other dimensional requirements of the zone in which it is located; and,
b) all other applicable provisions of this By-law are satisfied.

- 2) Notwithstanding anything contained in this By-law, where a building or structure has been in existence before the effective date of this By-law having less than the minimum lot size, lot frontage, lot depth, *front yard*, *flankage yard*, *side yard* or *rear yard* than is required by this By-law, or exceeding the maximum *lot coverage* or building *height*, such *building* or *structure* may be enlarged, reconstructed, repaired, or renovated provided that:
 - a) the enlargement, reconstruction, repair or renovation of an existing *building* or *structure* does not further reduce the required minimum *front yard*, *flankage yard*, *side yard*, or *rear yard*, and does further exceed the required maximum *lot coverage* or building *height*, that does not conform to this By-law; and,
 - b) all other applicable provisions of this By-law are satisfied.

4.8 Standards for Mini-Homes

- 1) Except in *residential land lease community uses*, a *mini-home* shall only be placed, erected or altered in accordance with the following:
 - a) A *mini-home* shall be situated on a concrete foundation.
 - b) A *mini-home* must be 4.8 m (16 ft.) wide at its narrowest point.
 - c) The longest side of the mini-home shall be arranged parallel to and have the *front main entrance* face the *front lot line*;
 - d) Notwithstanding section 4.8 (1) (c), where the *mini-home* is proposed to not be in conformity with Section 4.8 (1) (c), it is a particular purpose that is subject to terms and conditions as established by the advisory committee;
 - e) The *mini-home* shall have at least been manufactured in the previous ten (10) years;
 - f) Notwithstanding section 4.8(1)(e), an existing mini-home that has been placed prior to the date of this By-law coming into force, may be altered where the use is permitted and the alteration complies with all other applicable provisions of this By-Law.
 - g) Except as part of an approved *residential land lease community use* no *mini-home* shall be placed on a lot that shares an abutting property line with the following public right of ways:
 - i) that portion of Route 4 north of the intersection of Farm Road to that portion west of the NB Southern railway crossing;
 - ii) Georgia Pacific Drive;
 - iii) Foster Court;
 - iv) Wauklehegan Court;
 - v) St. Croix Street; and
 - vi) Modsley Court.

4.9 Residential Land Lease Community Use Special Standards

- 1) Notwithstanding anything else contained in this by-law, a *residential land lease community use* may be permitted subject to terms and conditions as may be applied by the *Advisory Committee* in the U-1, U-2 zones, or prohibited where compliance with terms and conditions cannot be reasonably expected.
- 2) Subject to section 4.9(1), a *residential land lease community use* shall only be developed in accordance with the special use standards of section 5.
- 2) Zoning standards that apply to fee simple *lots*, do not apply to individual leased units of land pursuant to section 5.

4.10 Access to Lots

- 1) No person shall use a lot or erect or use a building or structure on a lot, unless the lot abuts or fronts on a public street or otherwise has access to a public street satisfactory to the *Advisory Committee*.

4.11 Line of Vision at an Intersection

- 1) Except in the U-3 zone, no *building, structure, fence, sign, hedge, shrub, bush, or tree foliage* may obstruct the line of vision at a *street* intersection between the *heights* of 1.0 and 3.0 meters (3 and 10 feet) above the *grade* of the *streets* within the *sight triangle* which is the triangular area included within the right-of-way edges for a distance of 4.6 m (15.1 ft) from their point of intersection.

4.12 Accessory Uses, Buildings or Structures

- 1) An accessory use, building or structure may not be placed or erected on a lot prior to the placement or erection of the main building or structure.
- 2) Accessory uses, buildings and structures will be permitted in all Zones but they shall not:
 - a) be used for human habitation, except as an *accessory dwelling unit* pursuant to the requirements of sub-section 4.12 (3);
 - b) exceed 4.6 m (15 ft) in *height* or, if it is located in a I or RS Zone, the permitted *height* of the *main building* of that zone;
 - c) except in the I or RS Zone, have a total combined gross floor area exceeding 10% of the total lot area;
 - d) be placed, erected or altered so that it is closer to the front lot line than the main building;
 - e) be placed, *erected* or *altered* so that is closer to the side *lot line* or rear *lot line* than the minimum required *side yard* and *rear yard*; and,
 - f) with regards to each *accessory building, or structure* on the *lot*, except in the I or RS Zone,

occupy more than 100 m² (1067 ft²) in total gross floor area.

- 3) *Accessory dwelling units* are permitted in the U-1, U-2, U-3, and RS Zones but they shall conform with the following standards:
 - a) when contained within a *main building*, not occupy more than 75 m² (807.3 ft²) total combined gross floor area, or not occupy more than 75% of the gross floor area of one floor of the *main building*;
 - b) when contained within a detached *accessory building*, be subject to the same dimensional standards as other accessory uses and structures, pursuant to sub-section 4.12 (2), and be so located that the *main front entrance* of the accessory dwelling unit faces a *street*;
 - c) No more than one *accessory dwelling unit* may be placed or erected on a *lot* and no *building* or *structure* may be altered to become or contain a second *accessory dwelling unit* on a *lot*.

4.13 Parking Lot and Driveway Requirements

- 1) Except in the U-3, I, and Rural Zones, one vehicle parking space is required for every 100 m² (1076 sq. ft) of gross floor area for the *main building*;
- 2) Where a parking lot for more than six (6) vehicles is used or developed the following standards shall apply:
 - a) no gasoline pumps or other automobile service station equipment can be located or maintained on the parking lot with the exception of electric vehicle charging stations.
 - b) approaches or driveways to the lot must have a curbing radius of 10 m (32.8 ft) where they meet a public street, must 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 m (49.2 ft) from the limits of the right-of-way at a *street* intersection;
 - d) entrance and exit driveways to the parking lot must not exceed two (2) in number at the street line and edge of pavement;
 - e) notwithstanding 4.13(2)(d), the *Advisory Committee* may consider the creation of more than two driveways, subject to terms and conditions;
 - f) the driveway and parking lot must 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.
 - g) the parking lot must be graded, drained and finished with a durable, all-weather and dust proof material.
 - h) driveways must be located at least 3 m (9.8 ft)

- from the side lot line or rear lot line.
- i) for every six (6) off-street vehicle parking spaces, one (1) bicycle parking space shall be provided in the form of a bike rack.
 - j) parking lots must be designed and have sufficient number of parking spaces to meet the mobility requirements of the Barrier-Free Design Building Code Regulation.
 - k) other than parking spaces designed to meet the mobility requirements of the Barrier-Free Design Building Code Regulation, every off-street parking space shall meet the dimensional requirements outlined in the Table 1.1.

	90 Degrees	45 Degrees	Parrallel
Min. Width	2.75 m (9 ft.)	2.75 m (9 ft.)	2.75 m (9 ft.)
Min. Length	5.5 m (18 ft.)	5.3 m (17.1 ft)	6 m (19.7 ft)
Min. Parking Aisle Width	6 m (19.7 ft)	3.5 m (11.5 ft)	6 m (19.7 ft)
Min. Height Clearance	2.2 m (7.2 ft)	2.2 m (7.2 ft)	2.2 m (7.2 ft)

- 3) Where parking lots or facilities are illuminated by lighting fixtures or standards, they must be arranged so that light from the fixture is shielded and/or directed away from other residential uses.
- 4) No driveway can meet the travelled portion of a street at an angle less than sixty degrees.
- 5) Other than the entrance or the driveway, a parking area shall be screened from the view of any adjoining U-1 Zone, or the *street* in the U-2 or U-3 Zones, through a 2 m (6.6 ft) wide planting strip of landscaped open space or by a wall or decorative wooden fence or some other screening facility of equal screening value; such screening facility to be at least 1.5 m (4.9 ft) and not more than 2 m (6.6 ft) in height, and so located as not to conflict with any *sight triangle* requirements.
- 6) Where the screening in 4.13 (6) is in the form of a 2 m (6.6ft) wide planting strip, the planting strip shall consist of coniferous or deciduous trees and shrubs, to be perpetually maintained, along the lot line fronting or abutting U-1 zone or use; such trees to be spaced no further than 3 m (9.8 ft) apart, and such shrubs to be spaced no further than 1.5 m (4.9 feet) apart.
- 7) Notwithstanding 4.13 (6), no screening is required where a parking lot abuts another parking lot on an adjacent property.

4.14 Vehicle Bodies

- 1) A motor vehicle, boat, tractor trailer, recreational vehicles, tractor, machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be located or used on a *lot*, in any Zone, without a *main building* except for a *public utility use*.
- 2) Pursuant to section 4.14 (1), the required *front* or

flankage yard shall not be used for the storage or display of any tractor trailer, recreational vehicle, tractor, machine, boat, or other chattel.

- 3) Except in the Industrial Zone, a container designed for commercial transport shall not be used or located on a lot as a building or accessory structure.
- 4) Notwithstanding sub-section 4.14 (3), a container designed for commercial transport may be used as a *building* or *accessory structure* where it is modified into a *dwelling unit* or another *use*, not including a storage or warehousing *use*, where a *permit* is issued on the basis of approved plans that are stamped and designed by a licensed professional *architect*.

4.15 Loading Standards

- 1) Off-street *loading spaces* not less than 9.14 m (30 ft) long, 3.66 m (12 ft) wide and 4.26 m (14 ft) high, with access thereto, must 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.

4.16 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, subject to the following standards:
 - a) Except for a security fence of chain link construction in any Rural Zone or the I Zone, no fence, *hedge*, or wall located within a required front and flankage yard shall exceed 1 meter in height;
 - b) Except in the U-3 Zone, fences, *hedges*, or walls are subject to the section 4.16;
 - c) No fence or wall shall exceed 2.5 meters (8.2 feet) in height in any Zone;
 - d) Except for a security fence of chain link construction in a *large format commercial use*, or in any Rural Zone or the I Zone, no fence in any zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction;
 - e) Fences or walls in the U-3 shall be constructed of wood, wrought iron, stone, brick, or adequate facsimiles;
 - f) Fences, walls and hedges must be set back either:
 - i) a minimum of 18 inches (.46 metres) from the property line; or
 - ii) on the property line if a documented mutual agreement with the abutting property owner is provided to the Town.
 - iii) any fence in the front yard of a house running parallel with a *street line* shall be set back 1.5 metres (5 feet) from the property line.

4.17 One Main Building Per Lot

- 1) Except for the U-3, I, and Rural Zones, or *residential land lease community uses* subject to section 4.9, no more than one *main building* may be placed or *erected* on a *lot* and no *building* or *structure* may be *altered* to become a second *main building* on a *lot*.
- 2) Notwithstanding 4.17(1), in the U-1 and U-2 Zones, more than one *main building* may be placed or *erected* on a *lot* and *building* or *structure* may be *altered* to become a second *main building* on a *lot* subject to such terms and conditions deemed necessary by the *Advisory Committee*.

4.18 Agriculture and Apiculture

- 1) *Urban agricultural uses* are permitted in all Urban Zones and the RS Zone, as an *accessory use*, subject to the following:
 - a) The total area designated for *urban agricultural uses* shall not take place in any required *yard*;
 - b) Keeping *small livestock* is permitted, subject to the following conditions:
 - i) A maximum of six (6) such animals are permitted per *lot*;
 - ii) No male chickens or roosters are permitted;
 - iii) Animals must be kept in an enclosure or fenced area at all times and shall be secured within an enclosed *accessory structure* during non-daylight hours;
 - iii) The *small livestock* enclosure and fenced area shall be located at least 10 m (33 feet) from any adjacent *dwelling unit*;
 - iv) Animals must not be kept in, upon, or under any *dwelling unit*; and,
 - v) No offensive odour shall be produced, detectable at any adjacent property line, through the accumulation of animal waste.
 - c) No motorized equipment associated with *agricultural uses* shall have an engine horsepower (hp) capacity in excess of 35 hp.

- 2) Where *agricultural uses* are permitted, they are subject to the following conditions:
 - a) *Agricultural uses* may be conducted on a *lot* over 10,000 m² (1 hectare) in size may contain:
 - i) Up to one (1) *animal unit* per 4,000 m² or,
 - ii) A number of *livestock* as may be approved in a license under the *Livestock Operations Act*.
 - b) Any *livestock facility* must be located at least 60 meters (196.9 ft) from any potable water source, waterbody, or an existing *dwelling unit* on an adjacent *lot*.
 - c) Where developed adjacent to a *lot* in a U-1, U-2, or U-3 Zone, a naturally vegetated or treed buffer of 5 m (16.4 ft) width is required at or near the entire shared *lot line* or as mutually agreed-to by the relevant property owners, in writing, at the time of the *development permit* application.

- c) *Livestock* must be kept in an enclosure or fenced area at all times and shall be at least 60 m (196.9 ft) from any *dwelling unit* on an adjacent *lot* or any water body and potable water source;
- e) No offensive odour shall be produced, detectable at any adjacent property line, through the accumulation of animal waste, except where it is produced in conformity with acceptable farm practices as defined under the *Agricultural Operations Practices Act*; and,
- e) *Livestock* must not be kept in, upon, or under any structure used for human habitation.

- 3) Apiculture uses are subject to the following:
 - a) All *apiculture* practices must follow provincial regulations and be registered with the appropriate provincial agencies. In the event of conflict between provisions of this Regulation and those of the *Apiary Inspection Act* and related regulations, the provisions of the latter prevail.
 - b) All *apiculture* practices shall be authorized in writing by the property owner if they are not the entity engaging in *apiculture*. Where the main use is a two-family dwelling or a lot a lot with multiple main uses, *beekeepers* shall obtain written approvals from the co-habitants of the lot where *apiculture* activities take place.
 - c) *Apiculture* uses shall not be developed within 15m of a daycare center.
 - d) The maximum number of *beehives* and *nucleus colonies* permitted are

Lot size	Number of beehives and nucleus colonies
557.4 sqm – 836.1 sqm (6,000 sqft – 9,000 sqft)	2 beehives or nucleus colonies
836.1 sqm – 2,023 sqm (9,000 sqft – 0.5 acre)	4 beehives or nucleus colonies
Over 2,023 sqm (0.5 acre)	6 beehives or nucleus colonies
In RS Zone	15 beehives or nucleus colonies per 4,046.9 sqm (acre)

- e) Notwithstanding (a), where a lot has been in existence before the effective date of this By-law having less than the minimum lot dimensions than is required by this By-law, a maximum of one (1) beehive is permitted.
- f) Any beehive shall:
 - i) be located in the rear yard of the main building or structure;
 - ii) be at least 3m (10 ft) away from any lot line; and
 - iii) be at least 7.6m (25 ft) away from any street line.
- g) Notwithstanding anything contained in this By-law, a beehive shall be located behind a solid fence or hedge that is 1.8 m (6 ft) high, except in the RS zone.
- h) Notwithstanding anything contained in this

By-law, in the RS zone, a beehive shall be located behind a bear-resistant barrier, such as an electric fence or equivalent in the opinion of the Development Officer.

4.19 Home Based Businesses

- 1) Pursuant to section 4.19(2), in any Zone where a *main use* of a *building* includes a *dwelling unit*, a *home based business* may also be permitted as a *small scale secondary use*, subject to the following standards:
 - a) a *home based business* shall not occupy a gross floor area greater than 25 per cent (%) of the *gross floor area* of the *main building*;
 - b) a bed and breakfast or *short-term rental* may not exceed a maximum of five (5) guest rooms;
 - b) a *home based business* shall have no exterior storage of equipment, materials, or products, in either the *front* or *flankage yard* or visible from the *street*;
 - d) a *home based business* is limited to one (1) business identification *sign* pursuant to section 4.22;
 - e) a *home based business* shall not generate electrical interference, dust, noise or smoke, perceptible at any property line;
 - f) a *home based business* is limited to having only one (1) commercially licensed vehicle parked on the premises at any one time.

4.20 Garbage Storage

- 1) In any Urban Zone, where any area of the lot exterior to the building is to be used for the storage of garbage, including areas for the location of compactors or commercial waste bins, such areas shall conform to the following standards:
 - (a) be fully screened by a surrounding fence at least 2 m (6.5 ft) in height designed so as to be opaque;
 - (b) in the U-3 zone, the materials used to screen and surround the garbage storage unit or dumpster are subject to section 4.16(1)(e);
 - (c) no garbage storage area shall be located in any required yard, nor shall it be located within 6 m (20 ft) of a street or within 2 m (6.56 ft) of a residential *use*;
 - (d) no garbage storage area shall be located in any front or flankage yard; and,
 - (e) no garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence.

4.21 Lot Landscaping & Drainage

- 1) On any vacant *lot* developed for a new *main use*, a landscaping plan shall be required and show how the following areas of the *lot* will be landscaped:
 - (a) Any required *front* or *flankage yard*;
 - (b) Any required *side yard*; and,
 - (c) Any required *rear yard*.

- 2) For the purposes of this section, landscaping shall include:
 - (a) All grading necessary to:
 - (i) to divert surface drainage away from the *main building*;
 - (ii) to provide a means of directing surface drainage to an acceptable storm sewer or other acceptable dispersal point; and,
 - (iii) to contour the *average grade* to adjoining *streets* or *lots*.
 - (b) Natural vegetation, trees, swales, ditches, ornamental stones, shrubs, or grasses.
 - (c) Notwithstanding 4.21 (1), up to 40% of any required yard may be used for the purposes of parking and driveway areas;
 - (d) The landscaping under this section must be completed no later than one year from the date of the granting of the *building permit* for the *main building* located thereon.

4.22 Signs

- 1) Any permitted illuminated *sign* shall be subject to the following standards to reduce light pollution:
 - a) all internally illuminated signs, including signs that are lit internally with all light shining through a translucent or coloured material and signs using Light Emitting Diode (LED), shall not emit a blue-rich light with a colour temperature exceeding 3000 Kelvins during any nighttime hours, evening to morning;
 - b) both externally and internally illuminated signs shall be tilted downward and/or incorporate sufficient shielding, to prevent light from being emitted upwards into the sky.
 - c) Notwithstanding sections 4.22(1) & (2), an illuminated sign may be permitted in the U-3 zone where the sign is illuminated externally by a gooseneck light.
- 2) No *sign* shall be *erected*, operated, used or maintained which,
 - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the *Development Officer*.
 - b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - c) obstructs the use of a fire escape, door, window or other required exit;
 - d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a *fascia sign*, *sandwich board sign*, or *canopy sign*;
 - e) extends more than 45 cm (17.7 in) above the roof line or parapet of the *building*;
 - f) is attached to a tree;
 - g) is a *roof sign*;
 - h) is a *portable sign*; and
 - i) is an off-site *sign*, except a *sign* giving general warning or direction to the public.

4.23 Development on Crown Lands

Notwithstanding anything else contained in this by-law, development on Crown Lands is subject to all relevant Acts and the approval of the Minister of the Department of Natural Resources and Energy Development (or the Minister responsible for the administration of Crown Lands).

5.0 SPECIAL USE STANDARDS

5.1 Residential Land Lease Communities

5.1.1 Use Requirements

Where permitted in a zone, a *residential land lease community use* may consist of the following land uses, buildings, and structures:

- (a) One or more of the following main uses:
 - (i) *mini-home* of up to a maximum of 20 *dwelling units* per hectare.
- (b) One or more of the following secondary uses:
 - (i) *parks and open space use*;
 - (ii) *home based business*;
 - (iii) *neighbourhood commercial use*.
- (c) One or more of the following accessory uses:
 - (i) an 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.

5.1.2 Dimensional Standards for Use

No development of a *residential land lease community use* shall be undertaken unless the following dimensional standards are complied with:

- (a) Dimensional standards as numbered on the diagram 'Figure 1. Site Requirements,'
- (b) *Height* maximum is 5 m.

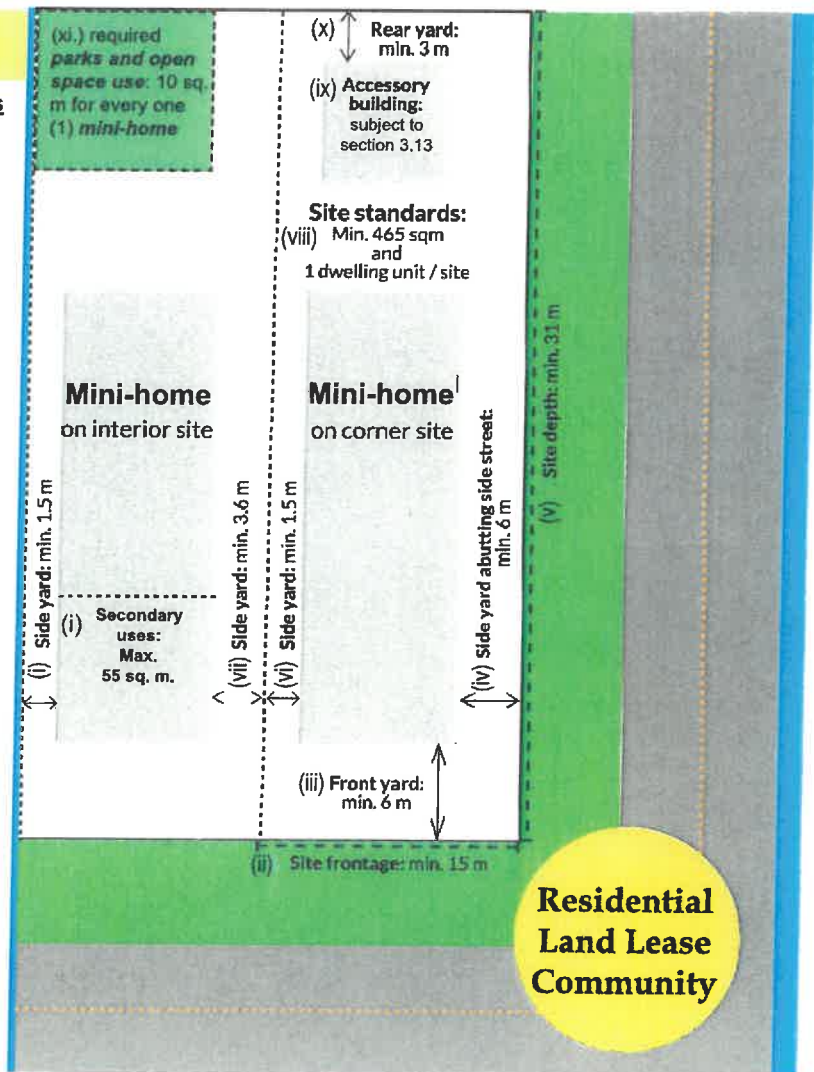


Figure 1. Site Requirements

ZONES

6.0 URBAN ZONES

6.1 U-1 Zone

6.1.1 U-1 Permitted Uses

Any land, building or structure in the U-1 Zone may be used for the purposes of:

- (a) One of the following main uses:
 - (i) *medium density use* of up to a maximum of six (6) dwelling units;
 - (ii) *neighbourhood commercial use*, subject to terms and conditions as may be applied by the *Advisory Committee*; and
 - (iii) *institutional use*, subject to terms and conditions as may be applied by the *Advisory Committee*;
 - (iv) a *mini-home* subject to Section 4.8.
- (b) One of the following secondary uses:
 - (i) a *neighbourhood commercial use* with a *gross floor area* up to a max. of 200 m²;
 - (ii) a *institutional use* with a *gross floor area* up to a max. of 200 m²;
- (c) One or more of the following accessory uses:
 - (i) An accessory building, structure or use; and,
 - (ii) An *accessory dwelling unit*.

6.1.2 U-1 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-1 Zone unless the following standards are met:

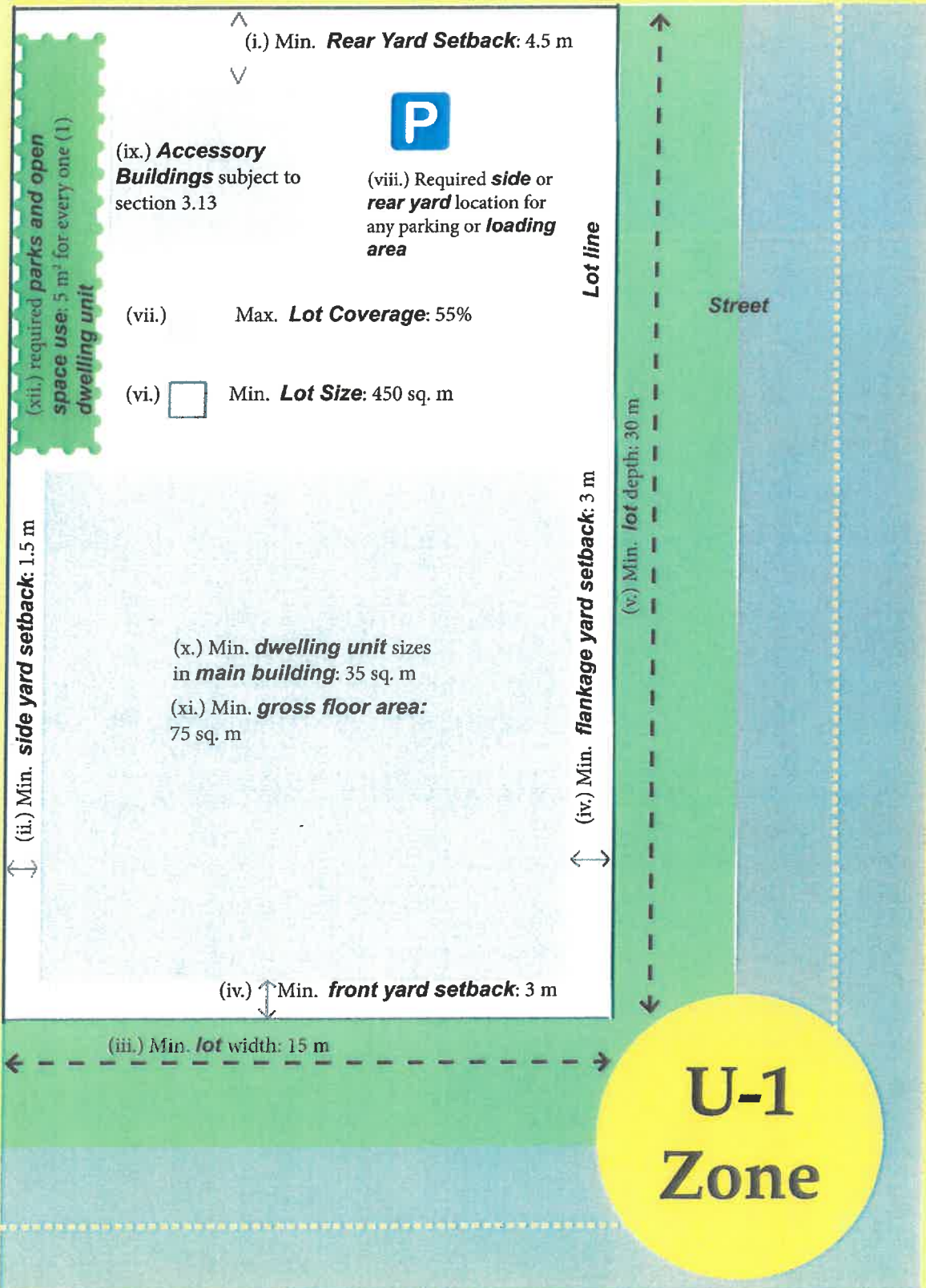
- (a) Zoning standards as numbered on the diagram 'Figure 2. Building Requirements'
- (b) Zoning standards as numbered on the diagram 'Figure 3. Site Requirements.'

- (i.) At least one (1) **main front entrance** facing front or flankage **lot line** for each **dwelling unit** or **neighbourhood commercial use** located on the **ground floor**



Figure 2. Building Requirements

Figure 3. Site Requirements



U

-

2

6.0 URBAN ZONES

6.2 U-2 Zone

6.2.1 U-2 Permitted Uses

Any land, building or structure in the U-2 Zone may be used for the purposes of:

- (a) One or more of the following main uses:
 - (i) *medium density use* of up to a maximum of ten (10) dwelling units;
 - (ii) a *neighbourhood commercial use*;
 - (iii) an *institutional use*
- (b) One or more of the following main uses subject to terms and conditions as may be applied by the *Advisory Committee*:
 - (i) a *light-industrial use*
 - (ii) a *large-format commercial use*;
 - and
 - (iii) a *downtown commercial use*.
- (c) One or more of the following accessory uses:
 - (i) An accessory building, structure or use; and,
 - (ii) An *accessory dwelling unit*.

6.2.2 U-2 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-2 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 4. Building Requirements'
- (b) Zoning standards as numbered on the diagram 'Figure 5. Site Requirements.'

Figure 4. Building Requirements

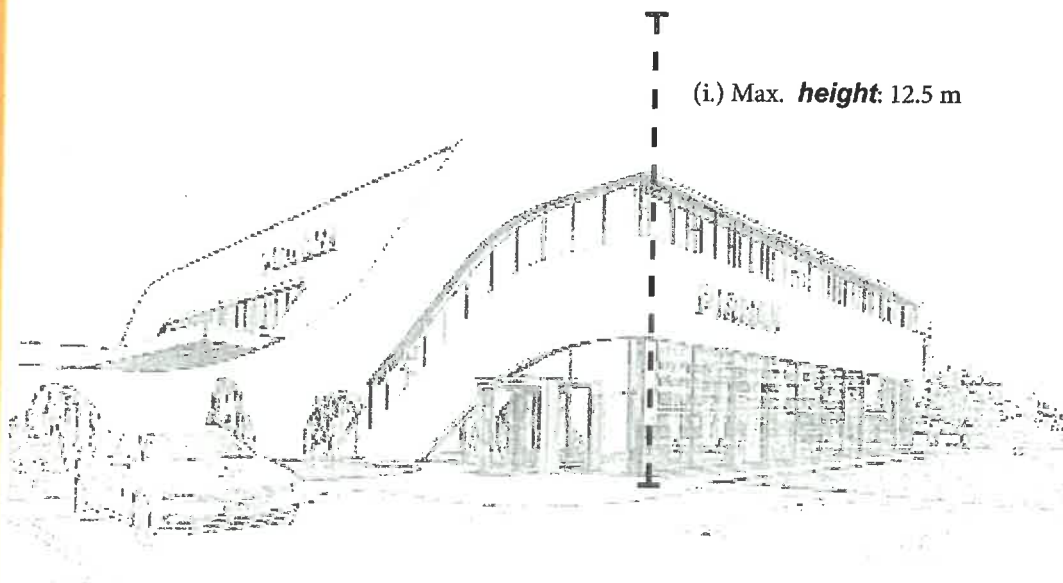
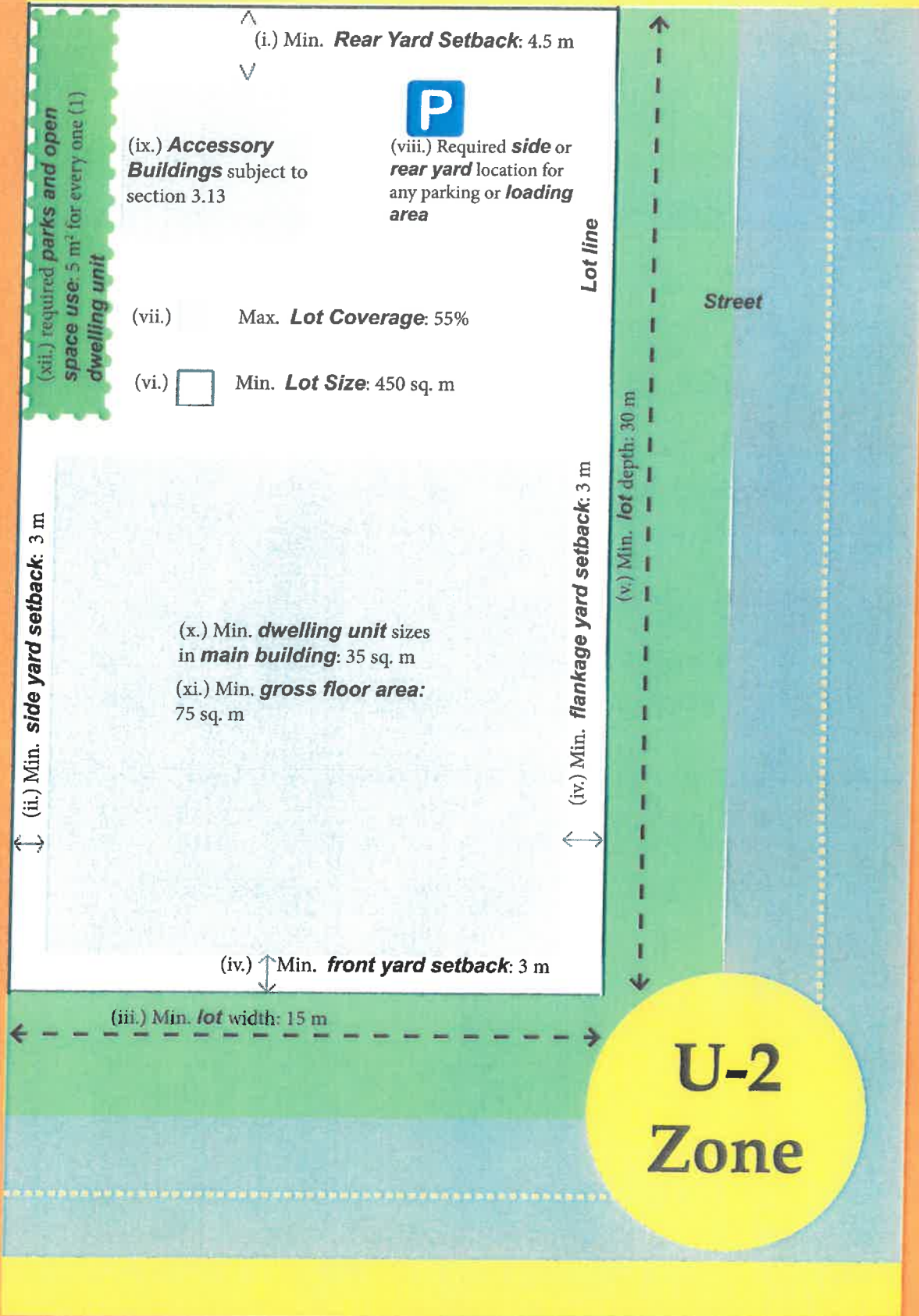


Figure 5. Site Requirements



U-3

6.0 URBAN ZONES

6.3 U-3 Zone

6.3.1 U-3 Permitted Uses

Any land, *building* or *structure* in the U-3 Zone may be used for the purposes of:

- (a) One or more of the following *main uses*:
 - (i) *downtown commercial use*;
 - (ii) a *high density residential use*, not located within ten (10) meters of any *façade* on the *ground floor*;
 - (iii) a *institutional use*;
 - (iv) a *single or two-unit dwelling* in existence prior to the coming into force of this Rural Plan; and
 - (v) a *light-industrial use*, subject to terms and conditions as may be applied by the *Advisory Committee*.
- (c) One or more of the following *accessory uses*:
 - (i) An accessory building, structure or use; and,
 - (ii) An *accessory dwelling unit*.

6.3.2 U-3 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-3 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 6. Building Requirements.'
- (b) Zoning standards as numbered on the diagram 'Figure 7. Site Requirements.'

Figure 6. Building Requirements

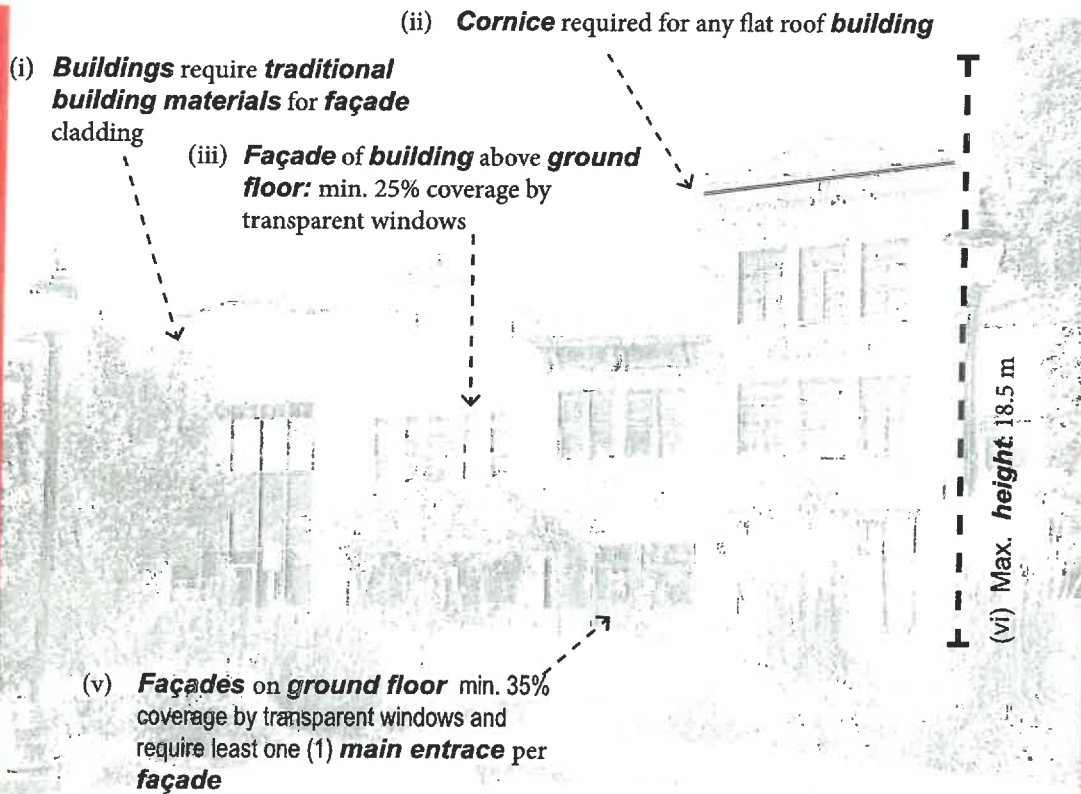
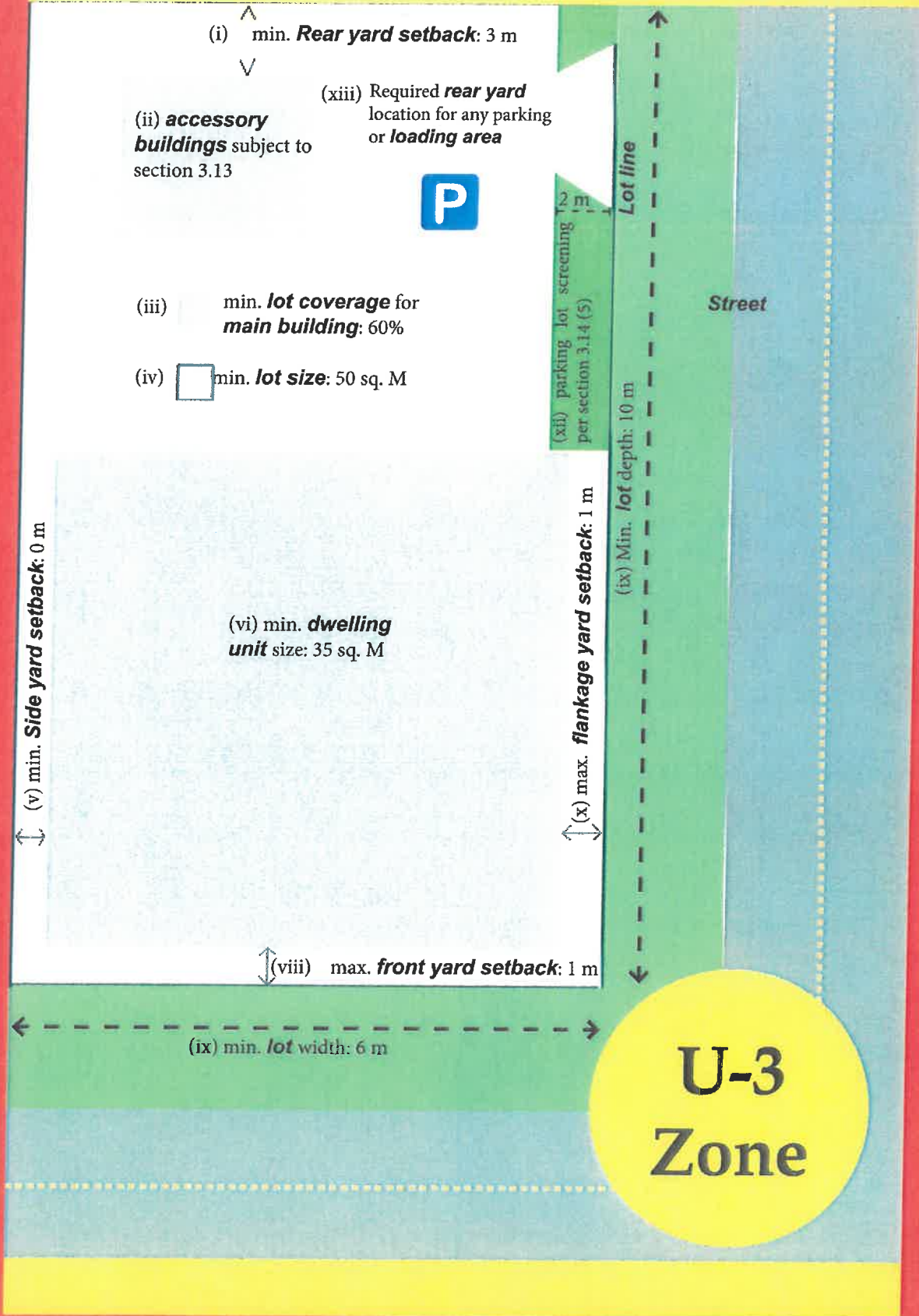


Figure 7. Site Requirements



6.0 URBAN ZONES

6.4 Industrial (I) Zone

6.4.1 | Permitted Uses

Any land, *building* or *structure* in the I Zone may be used for the purposes of:

- a) One or more of the following main uses:
 - (i) *heavy industrial use* subject to terms and conditions as may be applied by the *advisory committee*;
 - (ii) a *resource excavation use* subject to terms and conditions as may be applied by the *advisory committee*;
 - (iii) a *light industrial use*;
 - (iv) *public utility use*;
 - (v) *private utility use*; and
 - (vi) a railway.
- (b) An 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.

6.4.2 | Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the I Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 8. Building Requirements.'
- (b) Zoning standards as numbered on the diagram 'Figure 9. Site Requirements.'

Figure 8. Building Requirements

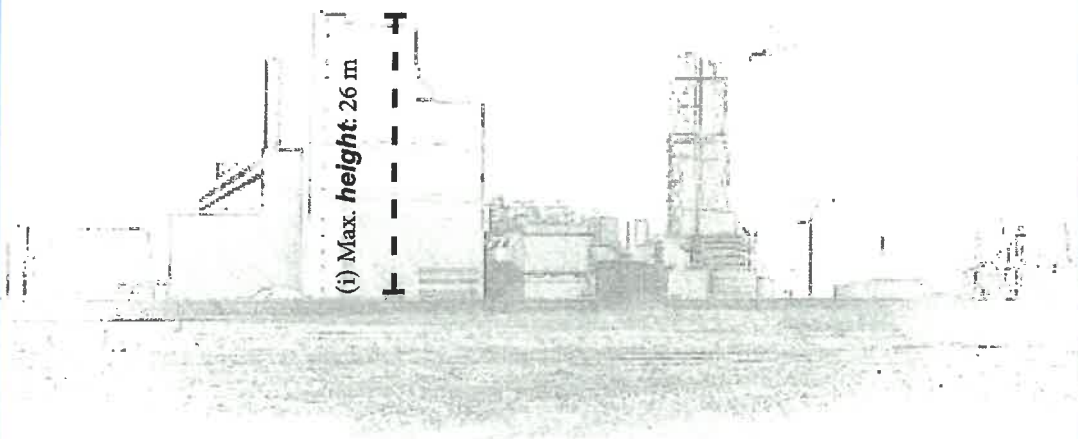
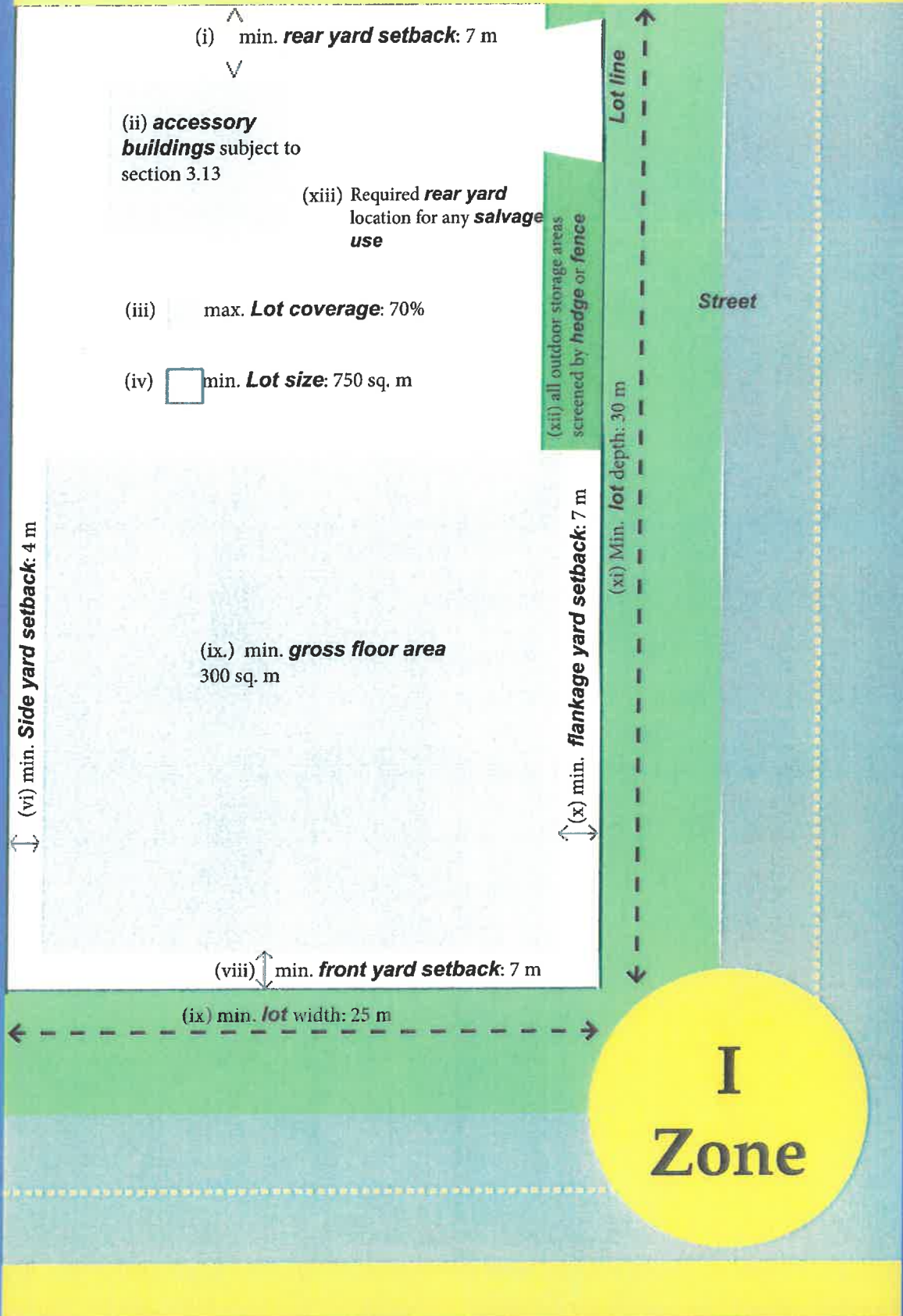


Figure 9. Site Requirements



C

7.0 RURAL ZONES

7.1 Conservation (C) Zone

7.1.1 C Permitted Uses

Any land, building or structure in the C Zone may be used for the purposes of:

- (a) One or more of the following main uses:
 - (i) *institutional use*, subject to terms and conditions as may be applied by the *Advisory Committee*;
 - (ii) *park and open space use*.
- (b) An 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.

7.1.2 C Zone Standards

No *development* shall be undertaken nor shall any land, building or structure be used within the C Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 10. Site Requirements;' and,
- (b) *Height* maximum is 5 m.



Figure 10. Site Requirements

RS

7.0 RURAL ZONES

7.2 Rural Settlement (RS) Zone

7.2.1 RS Permitted Uses

Any land, building or structure in the RS Zone may be used for the purposes of:

- (a) One or more of the following main uses:
 - (i) *a dwelling, including a mini-home in existence prior to the coming into force of this Rural Plan;*
 - (ii) *agricultural use;*
 - (iii) *a forestry use;*
 - (iv) *an outdoor recreation use including a campground;*
 - (v) *neighbourhood commercial use with a gross floor area up to a max. of 125 m²; and*
 - (vi) *a cemetery*
- (b) One or more of the following main uses subject to terms and conditions as may be applied by the *Advisory Committee*:
 - (i) *light-industrial use*
 - (ii) *resource excavation use.*

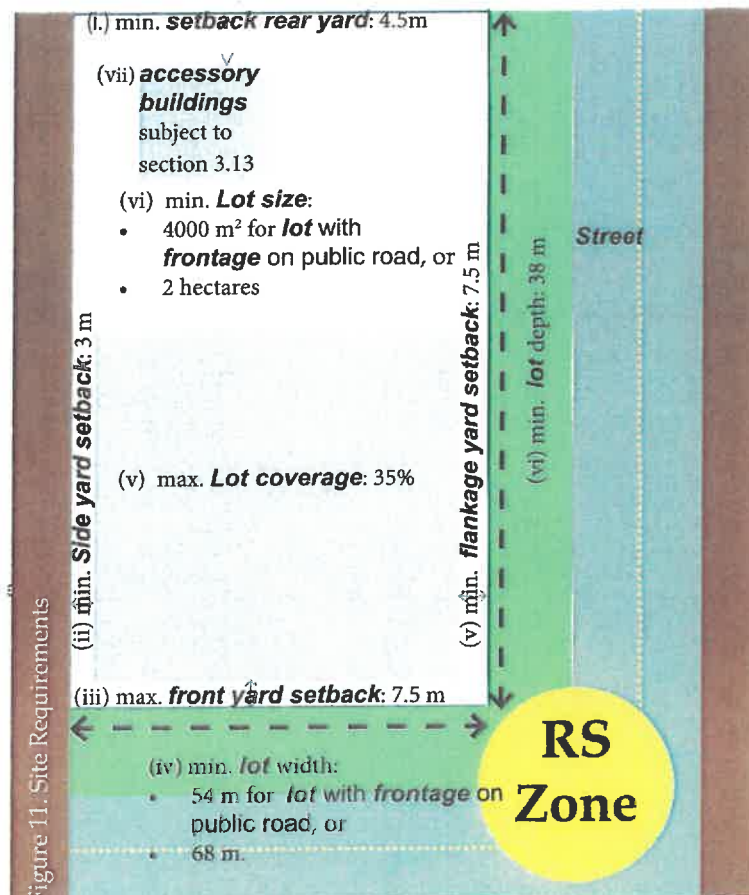
- (c) The following secondary use:
 - (i) *a dwelling, including a mini-home*

- (d) One or more of the following accessory uses:
 - (i) An accessory building, structure or use; and,
 - (ii) An *accessory dwelling unit.*

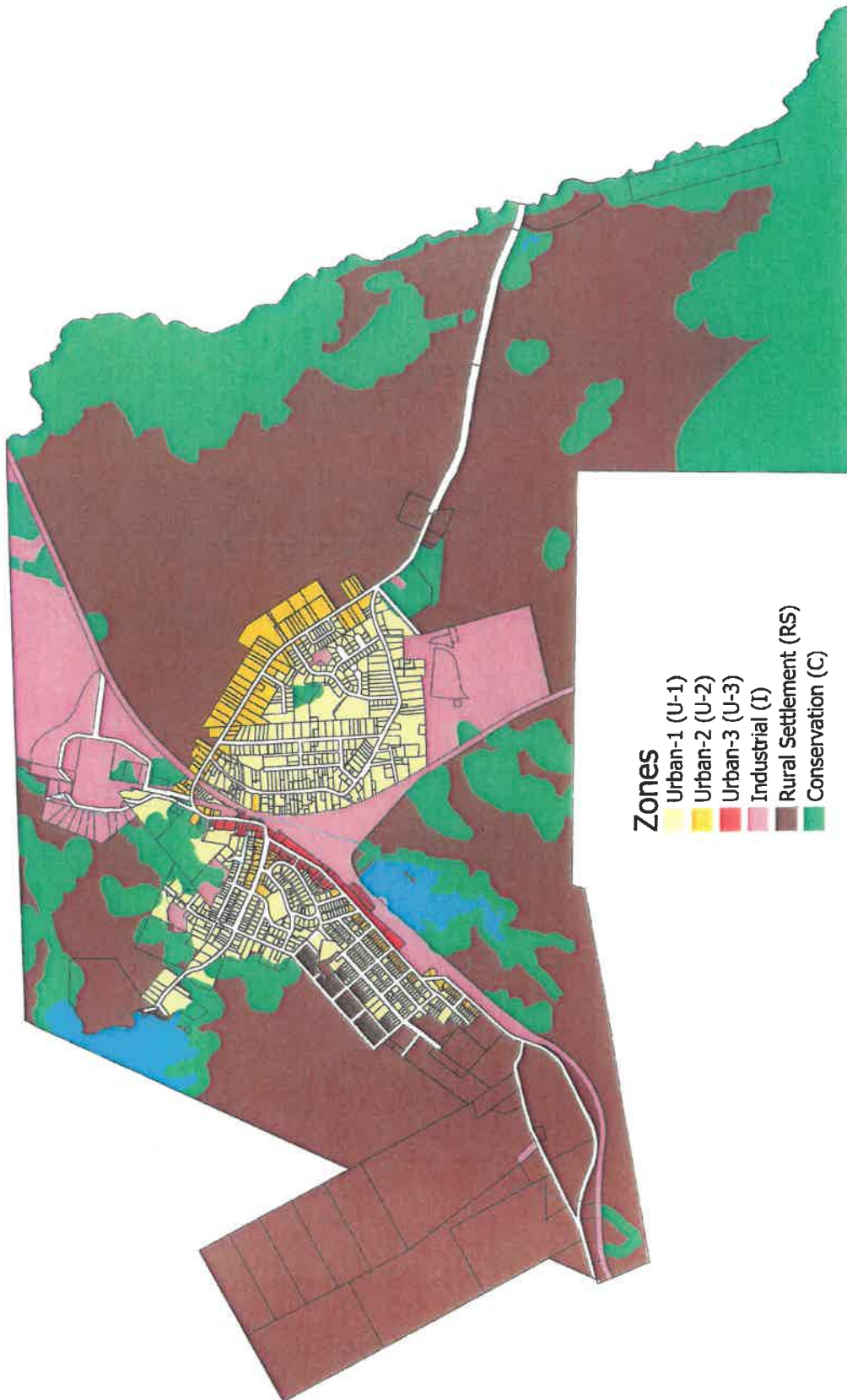
7.2.2 RS Zone Standards

No *development* shall be undertaken nor shall any land, building or structure be used within the RS Zone unless the following standards are met:

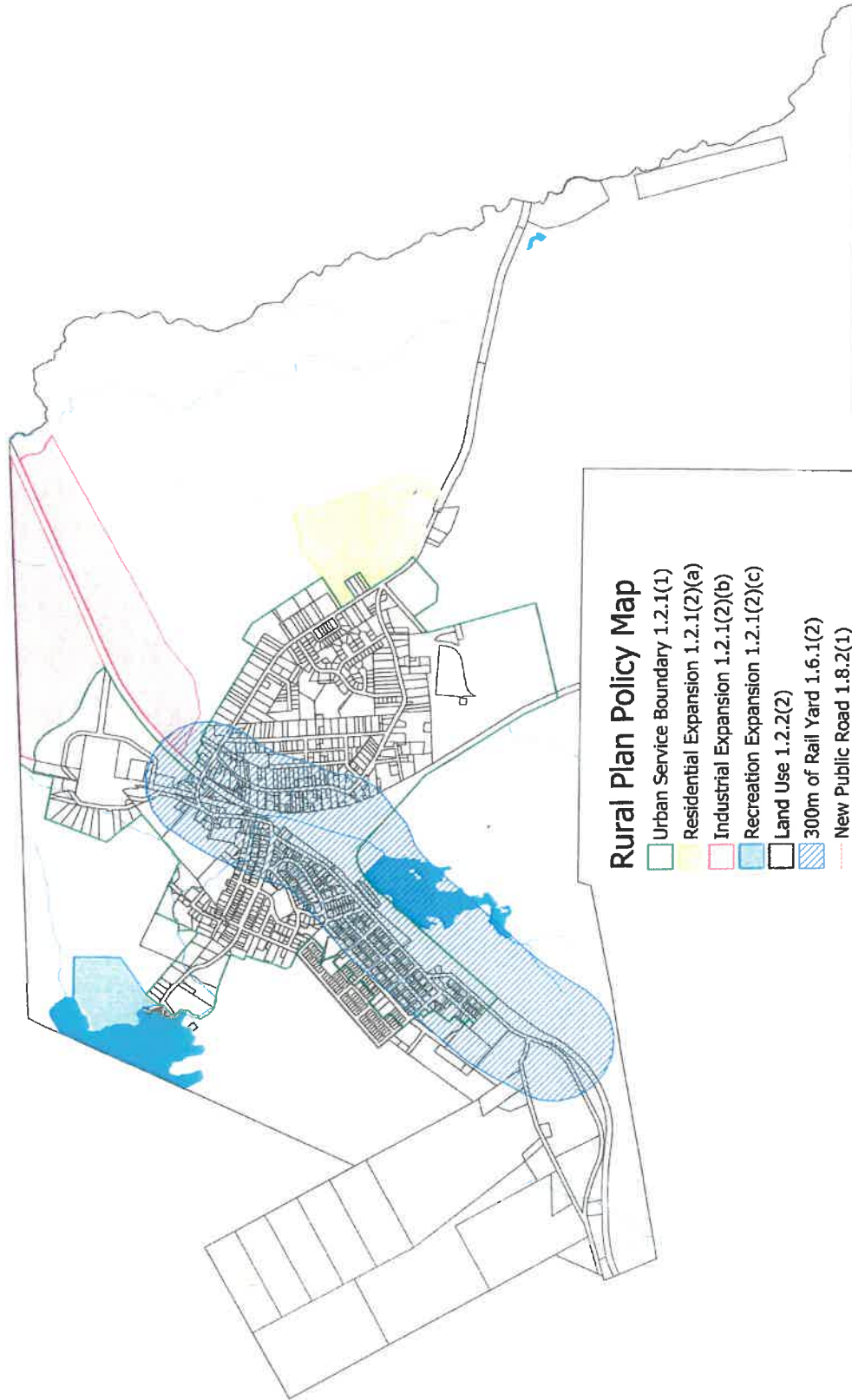
- (a) Zoning standards as numbered on the diagram 'Figure 11. Site Requirements;' and,
- (b) *Height* maximum is 12.5 m.



SCHEDULE A



SCHEDULE B



Rural Plan Policy Map

- Urban Service Boundary 1.2.1(1)
- Residential Expansion 1.2.1(2)(a)
- Industrial Expansion 1.2.1(2)(b)
- Recreation Expansion 1.2.1(2)(c)
- Land Use 1.2.2(2)
- 300m of Rail Yard 1.6.1(2)
- New Public Road 1.8.2(1)
- Complete Streets 1.8.2(2)

