

# ST. STEPHEN'S ZONING BY-LAW

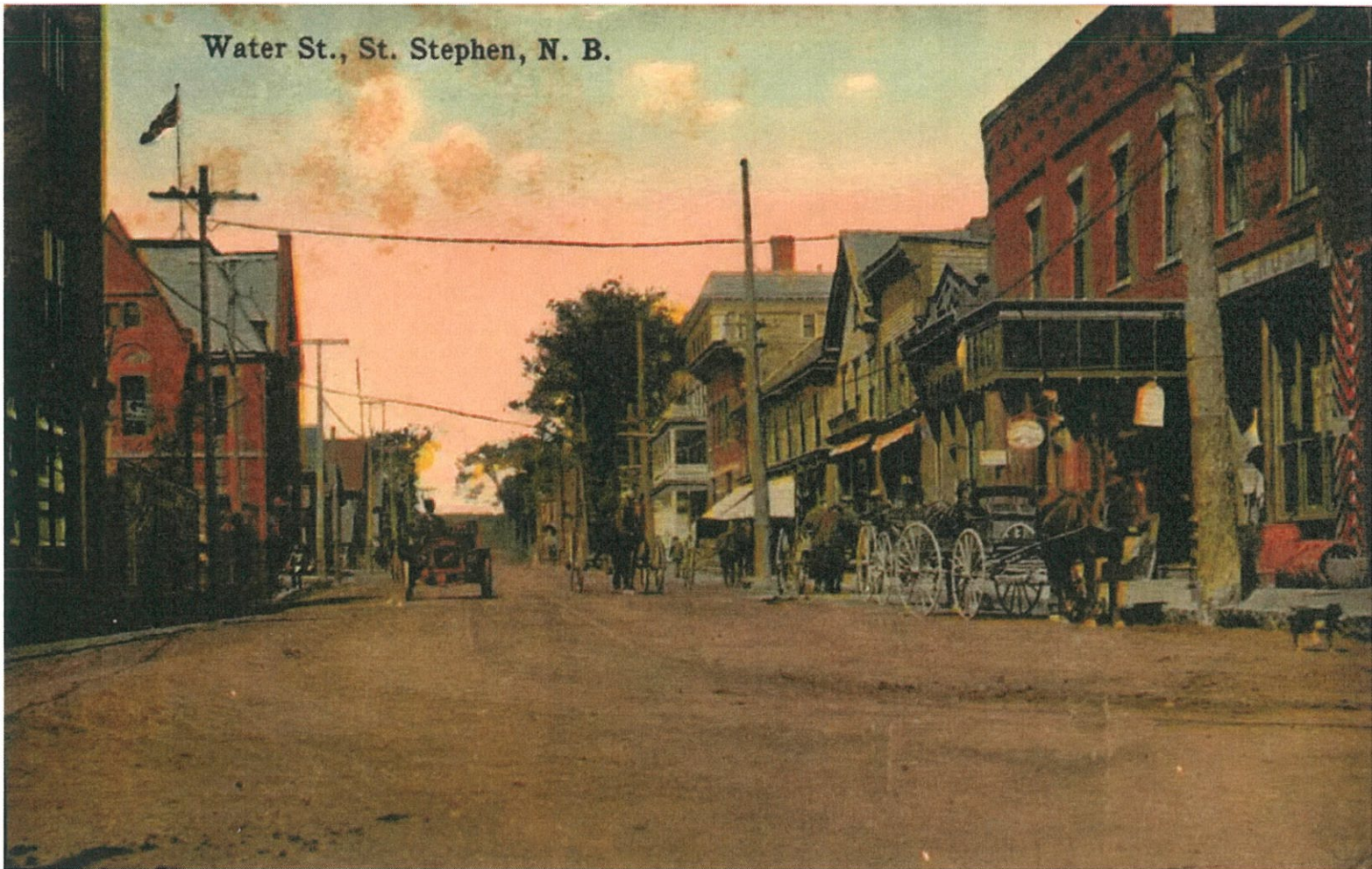


By-law Z-4

Zoning By-law for the Municipal District  
of St. Stephen



Water St., St. Stephen, N. B.



# PURPOSE OF THE BY-LAW

This Zoning By-law outlines the Municipal District of St. Stephen's zoning regulations to achieve the policies of St. Stephen's Municipal Plan in the community over ten-years with regard to changes of land use, subdivision of lands, and development of buildings or structures. This zoning by-law reflects the distinct differences between urban or rural zoning regulations. Urban zoning primarily deals with the issues of living in close proximity with other people/land uses, whereas rural zoning primarily deals with protecting environmental quality and the development of natural resources.

The local government territory is geographically divided into zones and overlay zones according to the schedules attached to and forming part of this By-law. These are the zones that divide the Municipal District into distinct development areas, both rural and urban. These zones permit different types of developments: urban development, industrial development, rural settlement, or rural resource development. There is also a conservation zone that prioritizes minimal development and is intended to protect groundwater recharge areas, environmentally sensitive areas, and mitigate/adapt to climate change risks. In addition to the above mentioned zones, there are also overlay zones, which are intended to address specific Municipal Plan policies for unique geographical locations within St. Stephen. For example, there is an overlay zone

for Downtown St. Stephen, which is intended to help preserve important historic urban design patterns as well as the look and feel of downtown. Another example is the overlay zone, that exists for the establishment of any temporary emergency shelters.

With the implementation of Local Government Reform in the Province of New Brunswick in 2022 came the establishment and new boundary alignments for local government units throughout the province. The new Municipal District of St. Stephen is one local government that was established under that legislation. The Municipal District of St. Stephen now includes the former Local Service Districts of Dennis Weston, Saint Stephen (Upper Mills), Dufferin, St. David, and Western Charlotte, as well as the former Town of St. Stephen.

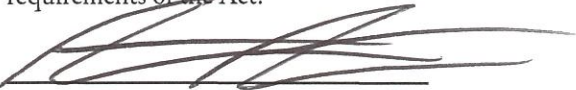


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Under section 44(2.3) of the Community Planning Act (the “Act”), I certify that the following content meets the requirements of the Act.



Alex Henderson, RPP (NB), MCIP Planning Director

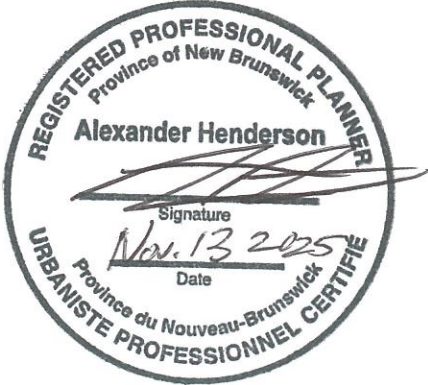
Co-Author: Alexander Gopen, RPP (NB), MCIP

Southwest New Brunswick Service Commission



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# ZONING BY-LAW

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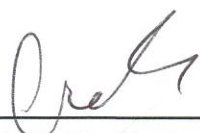
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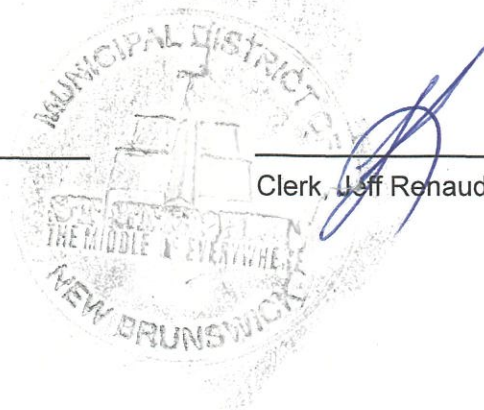
## 1.0 By-law Title & Scope


The Council of the Municipal District of St. Stephen, under the authority vested in it under the Community Planning Act makes the following Zoning By-law (herein called the "By-law" or "Zoning").

1. By-law Z-4, the Municipal District of St. Stephen Zoning By-law, is hereby adopted.
2. This By-law may be cited as "Zoning By-law for St. Stephen."
3. This By-law applies to the Municipal District of St. Stephen local government boundaries as outlined in Subsection 36 of Regulation 2022-50 under the Local Governance Act.
4. This Zoning By-law:
  - i. divides the Municipal District into zones as shown on a zoning map;
  - ii. prescribes powers reserved in the advisory committee;
  - iii. regulates how land, buildings and structures in any zone may be used;
  - iv. sets standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and,
  - v. prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clauses (i)-(iv).
5. For the purposes of this By-law, the Municipal District is divided into zones as shown on the Municipal District of St. Stephen Zoning Map attached as 'Schedule A.'
6. For the purposes of this By-law, the Municipal District is divided into overlay zones as shown on the Municipal District of St. Stephen Zoning Map attached as 'Schedule B,' 'Schedule C,' and 'Schedule D.'
7. The Town of St. Stephen Zoning By-law No. Z-3, enacted on September 28, 2022, and all amendments thereto, are hereby repealed.

READ FIRST TIME: July 30, 2025  
READ SECOND TIME: October 29, 2025  
READ THIRD TIME AND ENACTED: October 29, 2025

  
\_\_\_\_\_  
Mayor, Allan MacEachern



  
\_\_\_\_\_  
Clerk, Jeff Renaud



UNITED STATES



CANADA

INTERNATIONAL  
BOUNDARY LINE

CREATED BY THE INTERNATIONAL BOUNDARY COMMISSION OF 1882 UNDER U.S. AND CANADIAN ACTS





## 2.0 BY-LAW DEFINITIONS



## 2.0 Definitions

**ACCESSORY BUILDING** - means a detached building that:

- a. is not habitable, 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; and,
- d. includes a detached private garage or detached deck and above or below ground storage tanks.

**ACCESSORY DWELLING UNIT** - means a dwelling unit with no more than two bedrooms which is incidental to the principal dwelling unit. When contained within the main building, it is synonymous with a secondary suite, and when contained within an accessory structure it is synonymous with a garden suite. Under this by-law, an accessory dwelling unit is not a multi-unit residential use.

**ACCESSORY STRUCTURE** - means a detached structure that:

- a. is not habitable, 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. may include renewable energy devices less than 9.1 m in height, an individual vehicle charging station, a recreational pier, a detached private garage or detached carport and above or below ground storage tanks; and,
- e. does not include swimming pools with less than 1 m depth of water, play structures, or decks attached to a dwelling.

**ACCESSORY USE** - means a use of land, 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 habitable except in the case where an accessory dwelling unit is listed as a permitted use;
- c. is located on the same lot as the main use; and,
- d. in relation to a lot with a dwelling, includes incidental uses such as a market garden, greenhouse, personal fishing equipment, or the keeping of up to six (6) mature female chickens, female ducks, or equivalent smaller female fowl, but not including any male fowl that have reached maturation (e.g. roosters).

**ADVISORY COMMITTEE** - means the Planning Advisory Committee of the Municipal District of St. Stephen or the Regional Service Commission, as the case may be.

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

**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, after weaning or maturation, that equals one (1) animal unit as follows:

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- a. 1 horse, cow, steer, bull, mule, donkey, bison; or,
- b. 4 ostriches, emus, llamas, sheep, goats, hogs; or
- c. 7 alpacas, deer; or,
- d. 35 geese, foxes, minks, rabbits; or,
- e. 120 chickens (including layers, broilers), turkey broilers

**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 production of finished goods primarily by hand-held tools or small-scale, light mechanical equipment, and electronic tools, including the design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing products include, but are not limited to: ceramics, food and bakery; microbrewery; printmaking; jewelry; clothing; cabinetry and furniture.

**BARE-LAND CONDOMINIUM** - means a condominium property as defined under the *Condominium Property Act*, and is generally one lot consisting of separate units of land on which buildings may be located or constructed after purchase.

**BUFFER** - means landscaped areas, naturally treed areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or lot from another in order to mitigate the impacts of noise, light, or other nuisance.

**BUILDING** - means any roofed and walled 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 issue building permits and inspect construction under the *Building Code Administration Act*.

**CAMP** - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a seasonal basis by a maximum of one (1) of the following: a trailer, camper, truck camper, tent, dome, yurt, or similar transportable accommodation (e.g. a cabin on a non-permanent foundation), but does not include dwelling units. For the purposes of this by-law, more than one (1) camp on a lot shall be considered a campground.

**CAMPGROUND** - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a seasonal basis by multiple trailers, campers, truck campers, tents, domes, yurts, or similar transportable accommodation (e.g. a cabin on a non-permanent foundation), and includes campgrounds operated for tourism or commercial or non-commercial purposes, but does not include dwelling units.

**CANNABIS PRODUCTION** - means the cultivating, processing, extracting, warehousing, research and testing of cannabis, production of goods containing cannabis, and other uses that require a license under the *Cannabis Control Act* and its regulations for medical or non-medical purposes, but also including incidental uses, such as retail sales, where such incidental uses do not comprise more than 25% of the gross floor area.

**CANNABIS RETAIL** - means the retail sale of goods containing cannabis, and other products licensed under the *Cannabis Control Act* and its regulations.

**COMMERCIAL USE, LARGE-SCALE** - means the use of land, buildings, or structures for commerce purposes, and includes both:

- automobile-oriented commerce such as, but without limiting the generality of the following: gas stations, car washes, mechanic shops, drive-through restaurants, restaurants or retail with greater than twenty (20) off-street parking spaces, and automobile dealerships; and,

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- commerce that involves a large outdoor developed footprint such as, but without limiting the generality of the following: nurseries/garden centres, contractor yards, fuel depots, equipment leasing centers, building supply yards, and self-storage units.

A large-scale commercial use may include any use listed under the medium-scale commercial use or small-scale commercial use definition, and includes cannabis retail and warehousing, but it does not include other industrial uses, and it does not include a forestry use, campground, resource excavation use, utility use, or adult entertainment.

**COMMERCIAL USE, MEDIUM-SCALE** - means the use of land, buildings, or structures for commerce purposes, and includes both:

- downtown-oriented commerce such as, but without limiting the generality of the following: offices, grocery stores, pharmacies, retail stores, restaurants, licensed premises, microbreweries, distilleries, theaters/entertainment centers, artisan or craft studios, banks, government service centers, art galleries, artisan manufacturing, and any live-work dwelling unit used in connection therewith; and,
- tourist-oriented commerce such as, but without limiting the generality of the following: hotels/tourist accommodations with on-site guest services, short-term rentals, spas, tour/adventure outfitters, bike/scooter rentals, and amphitheaters.

A medium-scale commercial use may include any use listed under the small-scale commercial use definition, but this use does not include automobile oriented commerce, commerce that involves a large outdoor developed footprint, cannabis retail, industrial use, forestry use, campground, resource excavation use, utility use, warehousing, or adult entertainment.

**COMMERCIAL USE, SMALL-SCALE** - means the use of land, buildings, or structures for small scale commerce uses of that are compatible with predominately residential neighbourhoods, and includes, but without limiting the generality of the following: convenience stores, salons, cafes, small offices, small retail stores, small artisan or craft studios, small-scale food production and small bakeries. A small-scale commercial use does not include automobile oriented commerce, commerce that involves a large outdoor developed footprint, downtown commerce, tourist-oriented commerce, cannabis retail, industrial use, forestry use, campground, resource excavation use, utility use, warehousing, licensed premises or adult entertainment.

**COMMON WALL** - means a wall dividing two separate dwelling units, each with their own main entrance.

**CONDOMINIUM** - means any attached or non-attached dwelling regulated under the Condominium Property Act.

**CONSERVATION USE** - means a use of land that serves to protect, maintain, or improve an environmental resource or feature and may include passive recreation but does not include developing buildings or structures.

**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 developed area for a specific use of a lot above grade including all main, secondary, and accessory buildings or structures, cultivated fields or forests, enclosed pasture lands, resource excavation areas, parking or loading areas, and outdoor storage areas, but does not include parks & open space uses.

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

**DEVELOPMENT OFFICER** - means a development officer as defined by the Regional Services Delivery Act.

**DEVELOPMENT PERMIT** - means the permit issued by the development officer or the approval by

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a development officer of a building permit that is issued by the building inspector.

**DRIVEWAY ACCESS** - means that which is used to provide vehicular access from a street to a lot.

**DWELLING** - means a building, or portion thereof, that is used as a dwelling unit and may include a multi-unit dwelling, rooming house, and a mini-home, but does not include a residential care facility, camp, tourist accommodation, emergency shelter, or short-term rental.

**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 facilities 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.

**ENGINEER** - means a professional engineer licensed to practice in the Province of New Brunswick.

**EMERGENCY SHELTER** - means an establishment that provides temporary accommodations to people in crisis who require immediate lodging and may involve staff supervision, meals, and personal support services.

**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.

**EXTERNAL 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.

**EXTRACTIVE INDUSTRIAL USE** - means the use of land for mining as defined under the *Mining Act*, other than a 'resource excavation use' as defined under Section 2.0 for the purposes of this By-law, and includes the refinement and/or processing of minerals, ores, sand, gravel, stone or other aggregate resources, and includes tailing ponds, rock crushing plants, asphalt plants or concrete plants.

**FAÇADE** - means that exterior wall of a building or structure that oriented to be exposed to public view from a street.

**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.

**FORESTRY USE** - means any uses associated with commercial silviculture, such as the warehousing, sale or distribution of forestry products, any related vehicle and equipment repair, or sawmill use, and where the uses may be subject to a *Local Governance Act* by-law to regulate impacts on neighbours, but the use does not include any other industrial uses.

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

- a. in the case of a corner lot, the shorter lot line abutting the street, or another access in the case of no street, shall be deemed the front lot line;
- b. or in the case of a corner lot that has the same dimensions along the two streets (or other accesses) it abuts, the lot line where the building or structure has its principal entrance shall

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be the front lot line.

**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 line separating the front yard from the wider 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 lot.

**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.

**GOOSE NECK LIGHT** - means a sign light wherein the light is downward facing and the light extends away from the mounted fixture with a swooping, curved arm.

**GRADE, AVERAGE** - 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.

**GRADE, EXISTING** - means the elevation of the ground surface in its natural state, before development.

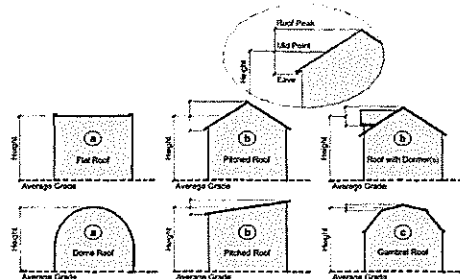
**GREEN SHORE PROTECTION** - means a nature-based solution for shoreline protection to help dissipate wave action and benefit the terrestrial and aquatic environments. Green shore protection involves planting or installing natural shoreline features such as riparian vegetation, large woody debris, shoreline materials (sand, cobble, and gravels) and avoids/limits the use of hard or structural shore protection works that may have an unintended effect of deflecting wave action onto neighbouring lots.

**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.

**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 outdoor pools, mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators and car parking areas.

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

**HEIGHT** - means, in relation to a building or structure, the vertical distance as measured from the average grade, unless otherwise specified, to the highest point of such building or structure, as follows:



- a. for flat or dome roofs, the highest point is the highest part of the building;

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- b. for pitched roofs, the highest point is the mid-point between the highest ridge of the building and the highest eave; and,
- c. for 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 a small-scale commercial use, artisan manufacturing, or child care facility that is either located inside of a main building that is used for a dwelling or located inside of an accessory structure where there is also a dwelling on the lot. If located within an accessory structure, the floor area used for the home-based business, except in the case of a child care facility, does not exceed 10% of the gross floor area of a main building on the lot. A home-based business does not have exterior storage or signs, other than small sign(s) exempted pursuant to section 3.8(2) of the By-law, and where any equipment is operated inside of a building or structure that is effectively sound-dampened.

**INDUSTRIAL USE** - means the use of land, buildings, or structures for warehousing, biological production, licensed cannabis production, manufacturing, processing, fabricating, assembly, servicing, treatment, or packaging of previously prepared or refined materials (or from raw materials that do not need refining). This use may include the raising, slaughter, processing, and storage of livestock or aquatic species. This use may include the servicing, treating, and recycling of articles or end products for a salvage use. This use may involve hazardous and commonly recognized offensive conditions, but does not include forestry uses, or the storage and disposal of untreated chemical, biological, explosive, and radioactive wastes as a main use.

**INSTITUTIONAL USE** - means the use of land, buildings, or structures for community or public purposes such as, but without limiting the generality of the following: a religious use, cemetery, an indoor or outdoor recreational facility, a childcare facility, a cultural use or community hall with an associated licensed premises, a residential care facility, a public utility use, a school or educational institution and dormitory, hospital, health-care office or clinic, a government office building or service center, but does not include a correctional facility or a supervised consumption site.

**LICENSED PREMISE** – means any premises licensed to serve alcoholic beverages as a regular part of operations pursuant to the *Liquor Control Act*, but does not include special occasion or non-commercial uses.

**LIVESTOCK** – means any non-predatory animal raised and kept for agricultural or aquaculture purposes, but does not include domestic animals that are kept within a dwelling unit or small livestock as defined in accessory use.

**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, and may also include a small-scale, non-industrial abattoir with a developed footprint less than 200 m<sup>2</sup>.

**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 DEPTH** - means the horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

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**LOT LINE** - means a common line between a lot and: a) an abutting lot, or b) a street or watercourse.

**LOT SIZE** - means the total horizontal area within the lot lines of a lot, excluding the horizontal area of a lot:

- a. that is within a marsh or any Provincially Significant Wetland as identified by the Province
- b. covered by Protected Area B under the Watershed Protected Area Designation - Clean Water Act;
- c. beyond the ordinary high-water mark.

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

**MAIN USE** - means the primary purpose for which a lot, building(s) and/or structure(s) is used but may not be the use with the greatest gross floor area.

**MINI-HOME** - means an individual dwelling unit, 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 Canadian Standards Association approved stamp and number and/or meeting the requirements of the National Building Code of Canada, but does not include any mobile home with a trailer hitch.

**MULTI-UNIT DWELLING** - means a main building comprising more than one dwelling unit which may have either shared or individual outside accesses; or dwellings attached to a building which is principally commercial.

**MUNICIPALITY** - means the municipal administration of the Municipal District of St. Stephen.

**MUNICIPAL DISTRICT** - means the territorial boundaries of the Municipal District of St. Stephen, as established under the Local Governments Establishment Regulation - Local Governance Act.

**ORDINARY HIGH-WATER MARK** – means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the shoreline. This is often indicated by destruction of terrestrial vegetation, the presence of marks on trees or debris deposits. It is usually the point at which natural vegetation shifts from predominately hydrophilic species to terrestrial species.

**OVERLAY ZONE** – means an overlay zone within the meaning of the Community Planning Act.

**PARKING LOT** - means an open area of land, other than a street, or an area within a structure intended to accommodate six (6) or more parking spaces.

**PARKING SPACE** – means a rectangular area reserved for the temporary parking or storage of motor vehicles, which may include portions of a driveway access but does not include any aisles within a parking lot.

**PARKS AND OPEN SPACE USE** - means an area of land either landscaped or natural, which is primarily used to meet a variety of human recreational needs, and may include accessory uses (such as, but not limited to the generality of the following: beach canteen, bathrooms, golf course club house, horticultural garden shop, or maintenance facilities), where the lot coverage by buildings, structures or impervious pavements does not exceed ten percent (10%). This use does not include a camp or campground use, except where that use is developed on land owned by the Municipal District of St. Stephen. This use may also include a conservation use as defined in this By-law.

**PRE-EXISTING USE** – means a pre-existing building, structure, or use of land, that was lawfully permitted prior to, and where the use was in existence and continued uninterrupted afterwards, the date of approval of the Municipal District of St. Stephen Zoning By-law.

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**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.

**RENEWABLE ENERGY DEVICE** - means a device that generates energy for a lot or buildings without the use of fossil fuels or where the power sources are not depleted by the use of the device.

**REGIONAL SERVICE COMMISSION** - means a regional service commission established under the *Regional Service Delivery Act*.

**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 (3) persons with social, health, legal, emotional, mental, or physical disabilities or problems, and includes such facilities as are licensed by the *Family Services Act*, or by other provincial legislation, and that may contain common facilities, but does not include multi-unit residential uses, rooming house, emergency shelter, supervised consumption sites, or a correctional facility.

**RESIDENTIAL CLUSTER DEVELOPMENT** - means a bare-land condominium or residential land lease community on a parcel of land that is not subdivided into lots within the meaning of the *Community Planning Act* and where the dwellings are clustered together on one part of the land in order to preserve, for a conservation use, at least seventy-five percent (75%) of the original parcel through conservation easements.

**RESIDENTIAL LAND LEASE COMMUNITY** - 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 camps or mobile homes with trailer hitches.

**RESOURCE EXCAVATION USE** – means the use of land for the excavation of sand, gravel, clay, shale, limestone or other mineral deposit for a development or for the sale or other commercial use of the material excavated, but does not include processing, or refinement of materials, or an extractive industrial use.

**ROOMING HOUSE** – means a dwelling with single room occupancy, that is synonymous with a 'boarding house,' where individual sleeping quarters are provided to more than (3) persons for compensation, and may include a combination of individual and shared habitable space in a dwelling unit, but does not include a institutional use, multi-unit dwelling, residential care facility, short-term rental, or emergency shelter.

**SALVAGE USE** – means the use of land, buildings, or structures, where there are stored or deposited three (3) or more unregistered motor vehicles that are no longer in condition for legal use on the public highways, or cut-up parts of vehicles equal in bulk to three (3) or more vehicles. A salvage use also includes a depot for the transfer or storage of discarded or recycled articles containing electronics, metals, plastics, rubber, metals, glass, paper, cordage, or other waste or second-hand material which has been a part of another product or building material. Such uses shall also include any land, buildings, or structures for the purpose of dismantling products, building materials, or vehicles, for salvaged components.

**SEA LEVEL RISE, PROJECTED** - Means the projected ordinary Higher High Water Large Tide by the year 2100 as delineated on Schedule B of this by-law as the O-NH-1 Zone, or below 5.1m Canadian Geodetic Vertical Datum 2013, or future projection as determined by the Province.

**SECONDARY USE** - means a use that cannot be developed without a permitted main use on a lot but may occupy a greater gross floor area than a main use unless otherwise prescribed by the By-law.

ZONING  
DEFINITIONS

**SERIES** - means a set of consecutively attached dwelling units of two (2) or more 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 By-law, between every building or structure and the lot lines of the lot on which it is proposed to be located.

**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.

**SHORE PROTECTION WORKS** - means any shore protection structure, including but not limited to wharves, piers, retaining walls, rip rap, and piles, but does not include groynes or other rigid structures built out perpendicularly from the shore.

**SHORT-TERM RENTAL** – means the use of an camp, dwelling unit or accessory dwelling unit, or portion thereof, for temporary accommodations of no more than thirty (30) days at a time.

**SIGN** - means any structure, device, light, painting, or other representation or natural object that is used to advertise 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, and which is intended to be seen from a street.

**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 wall sign(s) featuring individual letters affixed to a building, sign area shall be the sum of the combined areas of the smallest squares or rectangles that can wholly enclose the words being displayed. Unless otherwise specified, sign area is calculated by adding the total surface areas of each individual side or face of the sign.

**SIGN, BILLBOARD** - means a large sign affixed to the ground or a fascia sign that is not related to any business or use located on the lot or premises on which it is located.

**SIGN, COMMUNITY** - means a portable sign or banner sign that is temporarily displayed in an off-site location, or a permanent sign in an off-site or on-site location, where the sign is exclusively used for community announcements, directions, or advertisements of community events, as authorized by the municipality

**SIGN, FACE** - means each individual side or face of a freestanding or directory, projecting, sandwich board, or portable signs.

**SIGN, FLAG** – means a fabric material that has a sign imprinted on it and which is attached to a pole, and does not include national, provincial, municipal flags, or other similar types of flags.

**SIGN, FREESTANDING** – means a rigid sign, other than a portable sign, supported independently of a building and embedded in the ground. The sign may display multiple, separate advertisements.

**SIGN, ILLUMINATED** - means a sign lit with light(s) shining internally through the sign's material or light emitting diodes (LEDs), or small "open/ouvert" sign shining through neon, a sign illuminated with external lighting shining onto the sign.

**SIGN, INCIDENTAL** - means a sign giving directions, a name of a private residence, or limiting access, or one indicating accessory uses such as parking, washrooms, or information services. May include interpretive signs that give descriptions or information on historic, environmental, geological, or scientific features pertinent to the immediate area.

**SIGN, POINT-OF-PURCHASE** - means a sign to advertise goods on-site, such as a drive-thru menu.

**SIGN, PORTABLE** - means a sign that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a sign with one or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means.

**SIGN, PROJECTING** - means any sign, other than an awning, that is attached directly to a building wall, where the sign face is not parallel to the wall it is attached to.

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

**SIGN, WINDOW** - means a non-illuminated painted, gold leaf, or otherwise affixed signage on display windows or door windows.

**STORM WATER STORAGE AREA** - means a portion of a parcel of land which is utilized to provide an acceptable storm water dispersal point and may include a drainage easement on an abutting lot, or systems necessary to control storm water within an individual development site and located within the lot's boundaries, such as, but not limiting the generality of the following: bioswales, storm water detention areas, or storm water basins.

**STREET** - means the right of way of every highway or road vested in Council or administered by the Province of New Brunswick.

**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.

**TRANSPARENT GLAZING** - means the see-through portion of glass on a building's fenestration that is not made opaque by interior or exterior devices such as decals, tinting, or other structures.

**UTILITY USE** - means the use of land, buildings, or structures to provide telecommunication services, renewable and other electricity generation, electricity transmission, ports, marine access, landing infrastructure for aircraft or helicopters, drinking water, sewerage, composting facilities, or recycling depots, or any other services or utilities provided to the general public as authorized by either the municipality, the Province of New Brunswick, or the Government of Canada.

**URBAN SERVICE BOUNDARY** - as described on Schedule "C".

**TRADITIONAL BUILDING MATERIALS** - means materials consistent with construction techniques and architecture of settlements in the Canadian Maritimes in the pre-World War Two era and includes brick, stone, masonry, glass, wood, cedar shingle, or adequate facsimiles thereof (e.g. synthetically engineered clapboard siding with an authentic wood-grain and thick gauge/grade).

**WAREHOUSING** - means a building used primarily for the bulk storage of commodities, liquids, and materials and may include wholesaling and distribution.

**WATERCOURSE** – means a 'watercourse' as defined in the *Clean Water Act*.

**WETLAND** – means a 'wetland' as defined under the *Clean Water Act*.

## 3.0 Administrative & Interpretive Clauses

### 3.1 Zoning Classifications

1. For the purposes of this By-Law, the *Municipal District* is divided into zones as delineated on the map attached hereto, entitled "Municipal District of St. Stephen Zoning Map" and attached as Schedule "A", and *overlay zones* as depicted on Schedule "B" and "D" of this By-law.
2. The zones mentioned in subsection (1) are classified and referred to as follows:
  - a. Conservation Zones:
    - Conservation, High Priority (C-1)
    - Conservation, Low Priority (C-2)
  - b. Rural Zones:
    - Rural, Established (R-1)
    - Rural, Settlement (R-2)
    - Rural, Resource (R-3)
  - c. Urban Zones:
    - Urban, Low Intensity (U-1)
    - Urban, Medium Intensity (U-2)
    - Urban, High Intensity (U-3)
  - d. Industrial Zone:
    - Industrial (I)
  - e. Special & Overlay Zones:
    - Integrated Development (ID) Zone
    - Downtown Overlay (O-DT) Zone
    - Natural Hazard Overlay (O-NH)
    - Special Institutional Use Overlay (O-SIU)

### 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*.
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 a Conservation Zone (C-1) boundary is established around 30 m of a watercourse or wetland, and where a professional wetland delineator determines the mapped feature was incorrectly mapped, the zone boundary shall be within 30 m of the newly delineated feature.
4. 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.
5. In the event that a public street, as delineated on the zoning map, is closed, the land formerly within such *street* shall be included within the zone of the adjoining land 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*.
6. Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.
7. Notwithstanding anything contained in this By-law, where a *lot* on a *watercourse*, or portion thereof, is shown to not have a zone on the "Municipal District of St. Stephen Zoning Map," on Schedule A, the zone shall be determined by applying the nearest zone in proximity.

### 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 m<sup>2</sup>;
  - d. hectares or ha;
  - e. square feet or ft<sup>2</sup>;
  - f. inches or in;
  - g. centimeters or cm; and,
  - h. millimeters or mm.
2. Ranges are abbreviated in the following manner:
  - a. maximum or 'max.'; and,
  - 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 & DEFINITIONS

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 the event 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.
2. Definitions are provided in these 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. Words in bold italics are words with specific definitions and may be found in Section 2.0 of this By-law. Words that are italicized and underlined may denote specific Provincial and/or Federal regulations or legislation. Words that are not italicized or bolded may still be subject to a definition under section 2.0.

## 3.3 Special Powers of Council or the Crown

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. Notwithstanding anything else contained in this By-law, land, *buildings*, or *structures* in the *municipality*, may be authorized to be used by Council for any *utility use*.
3. Notwithstanding anything else contained in this by-law, *development* on Crown Lands (submerged or terrestrial) 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 Crown Lands).

## 3.4 Powers of the Advisory Committee

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 *advisory committee*, the site is marshy,

- subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
2. The *advisory committee* 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 *advisory committee*, no *development permit* or any *development officer* approval shall be given until the *advisory committee* 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 *advisory committee* 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.
  5. Where requested to permit a proposed use or variance under subsection (4) above, the *advisory committee* 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 *advisory committee* 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 *advisory committee* may be delegated to the *Development Officer* or their delegate.

### 3.5 Non-conforming Uses

Non-conforming uses, unless otherwise provided for in this By-law, 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 make a written and signed application describing the purpose of the amendment;
  - b. shall, where the application involves rezoning an area of land from one type of zone to another, include therewith the signatures of at least one owner of each parcel of land to be rezoned; and
  - c. shall pay an application fee of \$1,500.
2. An rezoning application under this section shall include such information as may be required by the Council or the *Development Officer* for the purpose of adequately assessing the desirability of the proposal according to the policies of the Municipal Plan and the *Statements of Public Interest Regulation*.
3. Where an application for zoning amendment or a rezoning of a *lot* has been refused within the previous twelve (12) months, Council will not consider the same application unless the proposal is substantially different from the previous application.

### 3.7 Development Permits

1. Except as otherwise provided in this section, no person shall undertake a *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* and its regulations;
  - b. the Zoning by-law;
  - c. the Municipal Plan or a Secondary Municipal Plan, if applicable;
  - d. a deferred widening or controlled access by-law, if applicable.
2. 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* of land that does not change the *existing grade* by greater than 1 m (3.3 ft);
  - b. the erection of any *fence* that is under 2 m in *height* and is located in *side yard* or *rear yard* or any *fence* located outside of the *Urban Service Boundary*;
  - c. in the C-2, U-1, U-2, and U-3 Zones, the *development* of an *accessory use* in an *accessory building* or *structure* with less than 10 m<sup>2</sup> (over 107.6 ft<sup>2</sup>) of *gross floor area* and less than 3 m (9.8 ft) in *height*;
  - d. in the R-1, R-2, R-3, and I Zones, the *development* of an *accessory use* in an *accessory building* or *structure* with less than 20 m<sup>2</sup> (over 215.3 ft<sup>2</sup>) of *gross floor area* and less than 3 m (9.8 ft) in *height*;
  - e. the cutting or removing of trees, except for the removal of healthy trees in the C-1 or C-2 Zones (Conservation Zones) which do not pose a reasonable risk to safety of life or property that are subject to tree preservation standards under sections 5.2.1 or 5.2.2;
  - f. establishment of a *parking lot* for five (5) or less vehicles; and,
  - g. installation of *shore protection works* that do not change the *existing grade* by greater than 1 m (3.3 ft).
3. An application under this section shall include such information as may be required by the *Development Officer* for the purpose of adequately assessing the compatibility of the *development* proposal according to the Zoning 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 except where a fee is payable for a building permit issued by the *building inspector*.
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 a *development permit* for one or more of the following reasons unless the applicant immediately proceeds to rectify the situation in a manner acceptable to the *Development Officer*:
  - a. There is a violation of any condition under which the *development permit* was issued;
  - b. The *development* proposed in the *development permit* is not started, or is discontinued, for a period in excess of one year.
  - c. The *development* undertaken exceeds the scope of the *development permit*; or,
  - d. The *development permit* was issued by reason of incorrect, false, or misleading information.

### 3.8 Sign Permits

1. Subject to section 3.8(2)(a), no *sign* shall be displayed without a *sign* permit first having been obtained from the *Development Officer* in accordance with the zoning provisions of this By-law, and no *sign* permit shall be issued for a *sign* constructed on a permanent foundation without a *building permit* having first been issued by the *Building Inspector*, where required under the *Building Code Administration Act*.
2. While it does not exempt a person from complying with all other provisions of this By-law or any other by-laws or regulations, *sign* permits are not required for the following types of *signs*:
  - a. A *sign* displayed on any *lot* outside of the *Urban Service Boundary* that complies with the provisions of section 4.19 that is also exempt from the *Building Code Administration Act*.
  - a. In the *Urban Service Boundary*, one or more small *wall signs* with a combined total *sign area* of less than 0.28 m<sup>2</sup> (3 ft<sup>2</sup>);
  - b. In the *Urban Service Boundary*, one or more *window signs* that comply with the provisions of section 4.19;
  - c. One or more *incidental sign* not exceeding 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) in *sign area*;
  - d. Any *community sign*, flag, banner, artistic mural, traffic or directional *sign*, as authorized by the *municipality*, Government of New Brunswick, or the Government of Canada.
  - e. Temporary on-site or off-site *signs* with information related to legal notices, public health, construction projects, real estate, or elections, are permitted subject to the following conditions:
    - i. such *signs* do not exceed 3 m<sup>2</sup> (32.3 ft<sup>2</sup>) in *sign area*;
    - ii. the *sign* is not illuminated;
    - iii. the *signs* are setback a minimum of 3 m (9.8 ft) from the traveled portion of any *street* except as authorized by the *municipality*; and,
    - iv. the *sign* is not permanent and is removed at most fourteen (14) days after the conclusion of the occurrence, event, or *development*, to which the *sign* pertained to.
3. An application for a *sign* 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.
4. An application for a *sign permit* shall contain information as the *Development Officer* may require for the purpose of determining compliance with this By-law.
5. A *sign* approved under a *sign* permit shall be displayed, unless otherwise approved by the *Development Officer*, in compliance with the specifications contained in the application for the *sign* permit.
6. Where a *sign* permit has been issued, the *Development Officer* or the *Building Inspector* may inspect the installation, construction, locating or relocating, demolishing, altering, or replacing of a *sign*, to determine its compliance with this By-law.
7. The *Development Officer* may revoke a *sign permit* for one or more of the following reasons unless the applicant immediately proceeds to rectify the situation in a manner acceptable to the *Development Officer*:
  - a. There is a violation of any condition under which the *sign permit* was issued;
  - b. The *sign* displayed exceeds the scope of the *sign permit*; or,
  - c. The *sign permit* was issued by reason of incorrect, false, or misleading information.



# 4.0 GENERAL PROVISIONS

## 4.0 General Provisions

### 4.1 Required Services for Building Lots

1. No *building* may be erected on any *lot*, where in the opinion of Council, satisfactory arrangements have not been made for the supply of one or more of the following: electrical power, water, sewerage, on-site septic disposal, or any other services or facilities to the *lot* that may be required to carry-out the *development*.

### 4.2 Limits on Light Pollution

1. The requirements of this By-law with respect to the *development* of new *exterior lighting* are as follows:
  - a. No *exterior lighting* shall be used in a manner that 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 *street*; and,
  - c. All *exterior lighting* shall be shielded and directed downward to limit light pollution and protect the view of the night sky.

### 4.3 Infilling or Changing Lot Elevations & Shoreline Protections

1. Except in the I Zone, or where an *engineer's* plan is approved pursuant to section 4.22(4), a change from the elevation of *existing grade* involving the cutting or filling land to a depth in excess of 1 m (3.3 ft) shall be subject to the terms and conditions of the *advisory committee*.
2. Notwithstanding section 4.3(1), the *development* of *shore protection works* that involve a change in the *existing grade* greater than 1 m (3.28 ft), is a particular use that is subject to such terms and conditions as the *advisory committee* considers necessary, including incorporating *green shore protection*.

### 4.4 General and Child Safety Standards 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 all setback requirements for *accessory structures* on a lot.
2. Where a portion of a wall of a *building* forms part of an enclosure mentioned in 4.4(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 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 4.4(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
4. A fence mentioned in 4.4(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 less than 5.5 cm (2.1") from

- average grade..*
5. Gates forming part of an enclosure mentioned in 4.3(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. Notwithstanding section 4.4(1), a fence adding vertical *height* to the top of a wall 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 *average grade* 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 overhead electrical power line shall be placed over the area of a *swimming pool* enclosed by a *fence* or *structure* and no *swimming pool* or *swimming pool* enclosure may be placed, erected, or altered so that it is located underneath an existing overhead electrical power line.

#### 4.5 Pre-existing Buildings & Undersized Lots

1. 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, including section 4.23.
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;
  - b. All other applicable provisions of this By-law are satisfied; and,
  - c. A septic system is approved by the Department of Public Safety, or a public works approval is granted by the *municipality*.

#### 4.6 Height Exceptions

1. Notwithstanding building *height* requirements established in the various zones of this by-law, elements of a *building* or *structure* that are designed to project above *height* requirements such as church spires, water tanks, elevator enclosures, heating ventilation air conditioning (HVAC) units, *agricultural uses*, 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, shall:
  - a. For heights less than 15 m, be developed in conformity with the standards of section 4.6(2); or,
  - b. Be developed subject to terms and conditions as may be established by the *advisory committee*, or be prohibited where compliance with the imposed terms and conditions cannot reasonably be expected, such as *height* limitations imposed due to an airport.
2. Pursuant to section 4.6(1)(a), an exempted structural elements shall:
  - a. Be set back from the perimeter of a *building's* roof line by a minimum of 3 m; and,

- b. Not be visible from any location on a *street* within a 30-m horizontal radius as measured projecting outward from the façade of the *ground floor* of the *building* or *structure*.

#### 4.7 General Setback Standards

1. Where any *lot* or *building* is developed for a new *large-scale commercial use, utility use, industrial use, or a institutional use*, that use is subject to the following terms and conditions:
  - a. A 5-m wide treed *buffer* and/or a 2-m tall opaque wooden fence shall be maintained long any *lot* line that abuts another *lot* where a *main use* of that adjacent *lot* is a *dwelling*.
2. In the R-3 Zone, except for altering a *dwelling* that was in existence prior to the time that of this By-law was adopted, no *dwelling* may be built, placed, or relocated, unless it is setback from any of following uses on another *lot*:
  - a. 150 m in the case of a *resource excavation use* in the form of a quarry or *extractive industrial use*; and,;
  - b. 60 m in the case of a *livestock facility* approved under the Livestock Operations Act.
3. Notwithstanding sub-section 4.7(2), a reciprocal setback shall not be required from any use that is not permitted in its respective zone.

#### 4.8 Required Access for Building 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 a *driveway access* or another form access to a *street* that is satisfactory to the *advisory committee*.
2. Notwithstanding 4.8.1, in the case of an island, a navigable body of water may be used for the purposes of an access in the absence of a public *street*, subject to any firefighting requirements of the *National Building Code of Canada* or of the *municipality*.
3. No driveway shall meet the traveled portion of a *street* at an angle less than sixty (60) degrees.

#### 4.9 Standards for Additional Buildings on a Lot

1. A *building* or *structure* for a *accessory* or *secondary use* shall not be placed or erected on a *lot* prior to the approval of the *main use* of land or *buildings* on the *lot*:
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* developed pursuant to the requirements of sub-section 4.9 (3);
  - b. Within the *urban service boundary*, exceed the height of the main building;
  - c. Have a total combined *gross floor area* exceeding 10% of the total *lot size*; and,
  - d. Within the *urban service boundary*, be located within a required *side* or *rear yard setback* or be located closer to a *front* or *flankage lot line* than the exterior wall of a *main building*.
3. Notwithstanding the *population density* standards of the R-1 and R-2 Zones, and in every zone that permits an *accessory dwelling unit* as a *secondary use*, the use is permitted subject to the following conditions:
  - a. When contained within any portion of a *main building*, an *accessory dwelling unit's gross floor area* shall not exceed 75% of the *gross floor area* of the *ground floor* of the *main building*;
  - b. When contained within a detached *accessory building*, a *accessory dwelling unit* is subject to the same dimensional standards as other *accessory buildings and structures* as per sub-section 4.9(2), and the *accessory dwelling unit's gross floor area* shall not exceed 75% of the *gross floor area* of the *ground floor* of the *main building*; and,
  - c. Where permitted, 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*.

#### 4.10 Standards for Parking & Loading Spaces

1. In the C-1, C-2, R-1, R-2, R-3, and I Zones, where developed, a *parking lot* or *loading area* is subject to the following standards:
  - a. Shall not be located closer than 7.5 meters from a *street* lot line shared with an arterial or collector highway;
  - b. Shall conform with the *Barrier-Free Design Building Code Regulation – Building Code Administration Act*.
  - c. Any *loading areas* shall not be less than 9.14 m (30 ft) long, 3.66 m (12 ft) wide and 4.26 m (14 ft) high, with *driveway access* thereto, and must be provided for every *building* or *structure* used for any purpose involving the use of vehicles for the receipt or distribution of materials.
2. In the *Urban Service Boundary*, where developed, a *parking lot* or *loading area* is subject to the following standards:
  - a. Shall conform with the *Barrier-Free Design Building Code Regulation – Building Code Administration Act*.
  - b. Any *loading areas* shall not be less than 9.14 m (30 ft) long, 3.66 m (12 ft) wide and 4.26 m (14 ft) high, with *driveway access* thereto, and must be provided for every *building* or *structure* used for any purpose involving the use of vehicles for the receipt or distribution of materials.
  - c. Where a *parking lot* is developed for six (6) or more *parking spaces*, following standards shall apply:
    - i. one (1) road salt-tolerate deciduous tree, such as a cherry tree, shall be planted for each 400 m<sup>2</sup> of *parking lot* area in landscaped strips located between rows of *parking spaces* or between the *parking lot* and the *street*;
    - ii. the *parking lot* and its approaches or *driveways* shall be paved or covered with a durable, all-weather and dust-proof material and be graded and drained in such a manner as to ensure that the run-off is directed into a *storm water storage area* and not directly onto an abutting *lot* or on to a *street*;
    - iii. approaches or *driveways* to the lot must have a curbing radius of 10 m (32.8 ft) where they meet a *street*, must be defined by a curb of Portland Cement concrete and the limits of the *parking lot* shall be defined by a *fence*, curb or other suitable obstruction designed to provide a neat appearance;
    - iv. 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;
    - v. entrance and exit *driveways* to the parking lot must not exceed two (2) in number at the street line and edge of pavement;
    - vi. notwithstanding sub-section 4.10(2)(c)(v.), the *advisory committee* may consider the creation of more than two (2) *driveways*, as a use subject to terms and conditions;
    - vii. a *driveway* shall be located at least 3 m (9.8 ft) from the side lot line or rear lot line;
    - viii. for every six (6) off-street vehicle parking spaces, one (1) bicycle parking space shall be provided in the form of a bike rack;
    - ix. a *parking lot* shall be screened from the view of any adjoining *lots* (except where a *parking lot* directly abuts another *parking lot*) through a 2 m (6.6 ft) wide hedge or by a opaque wooden *fence* or some other screening facility of equal screening value; such screening facility to be between 1.5 m (4.9 ft) and 2 m (6.6 ft) in *height*;
    - x. poles and fixtures for the *exterior lighting* of *parking lots* shall not exceed 3 m (9.8 ft) in *height* and they shall be shielded and arranged downwards to meet section 4.2 of the By-law; and,

- xi. other than a *parking space* designed to meet the mobility requirements of the *Barrier-Free Design Building Code Regulation – Building Code Administration Act*, every off-street *parking space* shall meet the dimensional requirements outlined in 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)

#### 4.11 Standards for Garbage Enclosures & Clothing Donation Bins

1. Except in the I and R-3 zones, if any area of the *lot* exterior to the *main building* is to be used for garbage storage consisting of either compactors, large bins, or commercial dumpsters, such areas shall be located within a *building* or *structure* or fully screened by a surrounding fence at least 2 m (6.56 ft) in *height* designed so as to be opaque and shall not be located within 6 m (19.7 ft) of a *street* or within 2 m (6.56 ft) of a *dwelling unit*.
2. In the *Urban Service Boundary*, a permanent garbage storage enclosure for *dwelling(s)* shall not be located between the *main building* and the *street*, except where that structure complies with a *By-law to Regulate the Collection and Disposal of Garbage and Other Material*.
3. In the *Urban Service Boundary*, no clothing donation or other drop-off bin shall be located between a *main building* and the *street*, but may be located in a *side* or *rear yard* as an *accessory use* and shall be maintained in a neat appearance.

#### 4.12 Standards for Agricultural Uses, Livestock, or Backyard Hens

1. Where *agricultural uses* are permitted as *main* or *secondary uses* of a *lot*, they are subject to the following conditions:
  - a. *Agricultural uses* with *livestock* may be conducted on a *lot* and may contain:
    - i. Up to one (1) *animal unit* per 4,000 m<sup>2</sup>; or,
    - ii. A number of *livestock* as approved under the *Livestock Operations Act*.
  - b. Any *livestock facility* shall be located more than 60 meters (196.9 ft) from any potable water source, natural *watercourse*, or an existing *dwelling unit* on an adjacent *lot*.
  - c. Where *agricultural uses* are developed adjacent to a *lot* in the R-1 or R-2 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 *lot* owners, in writing, at the time of the *development permit* application.
  - d. any *livestock* shall not be permitted to roam within 30 m (98.42 ft) of a natural *watercourse*, a *dwelling unit* on an adjacent *lot*, or beyond *lot lines* (except where mutually-agreed by the relevant *lot* owners in-writing); and,
  - e. *Agricultural uses* shall be conducted in conformity with acceptable farm practices as defined under the *Agricultural Operations Practices Act*.
2. In any zone, mature female chickens, turkeys, ducks, or equivalent smaller fowl may be kept as *accessory uses* of a *lot*, but are subject to the following conditions:
  - a. A combined total of six (6) mature female chickens, female ducks, or equivalent smaller female fowl may be kept on one (1) *lot*, but no male fowl that have reached maturation (e.g. roosters) may be kept except where permitted by sub-section 4.12(1) of this By-law.
  - b. Any kept fowl require an enclosure and shall not be permitted to roam beyond *lot lines* and, within the *Urban Service Boundary*, the enclosure shall not be located in the *front* or *flankage yard* and must be at least 10 m from any *lot line*.
  - c. Manure from the fowl shall not be permitted to accumulate so as to create odours detectable at any lot line.

- d. Feed provided to the fowl shall be stored and distributed in a manner so as to not attract rodents (e.g. sealed containers, rodent-proof feeders).

#### 4.13 Standards for All Resource Excavation Uses

1. A *resource excavation use* must meet the following minimum standards:
  - a. No excavation shall be undertaken:
    - i. within 30 m of any *wetland* or *watercourse*;
    - ii. within 30 m of a *street* or highway; and,
    - iii. below the groundwater table, except subject to section 4.15.
  - b. The excavation site shall be of a minimum distance of 30 m from all lot lines, 7.5 m from power lines, and 150 m from any *dwelling* on any *lot*;
  - c. A treed *buffer* of at least 15 m in width shall be maintained between the final perimeter of any excavation site and any public *street* or adjacent property;
  - d. A *driveway access* to the site shall have a barrier to control entry to the site;
  - e. All excavation sites shall have adequate signs warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes or open holes; such signs shall be posted around the perimeter and any *driveway access*;
  - f. All surface water shall either be contained within the site limits, or the resource excavation development shall require the necessary approval from the Department of Environment and Local Government;
  - g. The excavation site shall not serve as a storage place or a dump for toxic materials, scrap iron, domestic wastes, construction residue or any other material likely to be harmful to the environment;
  - h. Any *driveway access* within 100 m of an existing *dwelling* on another *lot* shall not be used for transporting excavated materials; and,
  - i. Prior to the commencing of an excavation upon any lands, a copy of an Archaeological Impact Assessment (AIA), as approved by the Department of Tourism, Heritage, and Culture, shall be submitted to the Development Officer, where that Department determines a need for an AIA.

#### 4.14 Standards Specific to Gravel Pits

1. In addition to the requirements of section 4.13, a *resource excavation use* in the form of a gravel pit is subject to this section and the following minimum standards:
  - a. The land shall not be used for temporary or permanent asphalt production;
  - b. No excavations involving any blasting of aggregate, or mining shall be permitted; and,
  - c. The land shall not be used for aggregate crushing.

#### 4.15 Standards Specific to Quarries or Mines

1. In addition to the requirements of section 4.13, a *resource excavation use* in the form of a quarry, or an or an *extractive industrial use*, is subject to this section and the following minimum standards:
  - a. Prior to the commencing of an excavation upon the lands, a copy of a rehabilitation plan, as approved by the Department of Environment and Local Government, shall be submitted to the *Development Officer*, where applicable;
  - b. If the use involves a slope steeper than one and one-quarter (1¼) meters horizontal, the excavation site shall be surrounded by a *fence* or barrier, a 10-meter buffer of cleared of vegetation from the edge of all slopes, and brightly-coloured 1 m<sup>2</sup> warning signs placed at 20-meter intervals along the top length of that slope;
  - c. Prior to the commencing of an excavation upon the lands, all *development* and activities

- shall comply with all applicable acts, permits and approvals as required, including but not limited to the: Mining Act, Air Quality Regulation – Clean Air Act, Environmental Impact Assessment Regulation, Water Quality Regulation – Clean Environment Act, Approval to Operate, Approval to Construct, Watercourse and Wetland Alteration Regulation, Water Well Regulation – Clean Water Act, Quarriable Substances Act, and the Species at Risk Act.
- d. Except with the written consent from the owner of a *lot* with a *dwelling*, *extractive industrial use* or a *resource excavation use* involving the blasting, crushing, or processing of rocks or minerals, shall not take place within 600 m of a *dwelling* on another *lot*.

#### 4.16 Standard for Campgrounds

1. Notwithstanding sections 5.2.1, 5.4.1, and 5.5.1, in the C-2, R-1, and R-2 Zone, where a *lot* is used for more than one (1) *camp* it shall be considered a *campground* and the *development* is subject to the following terms and conditions:
- That the *lot* maintains a 20 m wide *buffer* along all *lot lines* shared with any adjacent *lot* containing a *dwelling unit*;
  - That the *lot* contains a *main building* with a *dwelling unit*; and,
  - If nine (9) or more *camps* are *developed*, that a water supply assessment prepared by a professional geoscientist is provided to the *Development Officer* demonstrating adequate water supplies exist for the *development*.

#### 4.17 Standards for Subdivisions in Low Intensity Zones

1. Subject to section 3.2.1 but notwithstanding anything else contained in this By-law, any *lot*, block, or other parcel of land, or portion thereof, that falls within the boundaries of the R-1, C-1, C-2 zones, or within the O-NH overlay zone, shall not be subdivided, except according to one of the following circumstances:
- A *lot*, block, or other parcel of land was in existence prior to this By-law coming into effect, may be subdivided up to a maximum of three (3) *lots* subject to the minimum *lot* dimensions of the zone; or,
  - In the case of a parcel of land that is being created for the purpose of being added to and forming part of an adjoining parcel; or,
  - Where a *lot*, block, or other parcel of land was in existence prior to this By-law coming into effect, up to twenty-five percent (25%) of the total area of land may be subdivided into separate *lots* that meet the minimum *lot* dimensions of the zone, subject to the following conditions:
    - that the remnant *lot* equating to seventy-five percent (75%) of the original *lot*, block, or parcel, is wholly encumbered under a conservation easement, under the Conservation Easements Act, and the use of such remnant of land is limited to *developments* for a *conservation use* or a *parks and open space use*; and,
    - that prior to approval of plans for subdivision, evidence is presented to the development officer that a conservation easement pursuant to subsection 4.17(1)(c) (i.) has been registered in accordance with the Conservation Easements Act in the Provincial Land Registration Office.

#### 4.18 Standards for Mini-home Parks or Bare-land Condominiums

1. In the C-2, R-1, and R-2 Zones, a *lot* may be *developed* as a *residential cluster development*, in the form of a *bare-land condominium* or *residential land lease community*, that consists of four (4) or more *dwellings* or *mini-homes*, respectively, subject to the following conditions:
- If developed as a *bare-land condominium*, that it complies with all Provincial regulations and registration requirements under the Condominium Property Act;

- b. If developed as a *residential land lease community*, that it complies with all Provincial regulations and *mini-home* registration requirements under the *Assessment Act*;
- c. That it has a shared, private *driveway access* with no dead-end portion of the access, such as cul-de-sac, exceeding 365 m in length from an interception with a public *street* and that *driveway access* meets the firefighting requirements of the *National Building Code of Canada*;
- d. That a water supply assessment prepared by a professional geoscientist is provided to the *Development Officer*, that demonstrates adequate water supplies for the *development*;
- e. That the wastewater services are approved by the appropriate Provincial agencies or by *municipality*, as required;
- f. That at least seventy-five percent (75%) of the total of the parcel of land is permanently set aside for a *conservation use* or a *parks and open space use* under a conservation easement, under the *Conservation Easements Act*, and in accordance with the principles of *residential cluster development*;
- g. That the minimum *lot size* for whole *residential cluster development*, including the lands under conservation easement, is not less than 4,000 m<sup>2</sup> of land multiplied by the number of *dwelling units* to be permitted; and,
- h. Prior to approval of the *development*, evidence has been supplied to the *development officer* that a conservation easement pursuant to subsection 4.18(1)(f) has been registered in accordance with the *Conservation Easements Act* in the Provincial Land Registration Office.

#### 4.19 Standards for Advertising Signs

- 1. 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, for any motorists or pedestrians using a *street*;
  - b. Displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - c. Extends or is located above *building's* roof or obstructs a fire escape, door, window or other egress;
  - d. Projects over or rests upon any part of the traveled portion of a public *street*, except where expressly permitted under this By-law;
  - e. Exceed a maximum *height* of 5 m (16 ft); and,
  - f. Is an off-site *sign*, such as a *billboard sign*, but exempting any *sandwich board sign*, or a traffic control device, or a *community sign* that is authorized by the *municipality*.
- 2. The provisions of this By-law with respect to existing *signs* that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a nonconforming *sign* that is relocated, *altered*, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of any *sign*.
- 3. A *sign* shall be anchored and installed in a manner so that it does not become unsightly, defective, or dangerous, and it shall be designed by an *engineer* if the supporting *structure* and the *sign* together weighs more than 75 kg (165 lbs) or the *height* exceeds 3 m (9.8 ft).
- 4. In the R-2, R-3, U-3, and I Zones, an *illuminated sign* or *point of purchase sign* is permitted subject to section 4.2 and according to the following special standards to reduce light pollution:
  - a. Shall not have a total *sign area* exceeding 2 m<sup>2</sup> (21.5 ft<sup>2</sup>);
  - a. All light shining through a translucent or coloured material or 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 incorporate sufficient shielding to prevent light from being emitted upwards into the night sky.
5. Notwithstanding sub-section 4.19(4), one (1) small *illuminated sign* may display the words "open" and/or "ouvert" on any entrance to any *building* outside of the U-1 and U-2 Zones where the small *illuminated sign* is a non-flashing, non-moving sign, no larger than 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) in total *sign area*;
6. Notwithstanding sub-section 4.19(4), in the O-DT Zone, an *illuminated sign* shall be permitted only by way of external illumination through *goose neck lights*.
7. Where permitted, *projecting signs* or *flag signs* are limited to one (1) *sign* of either *sign* type per *building* entrance on a *lot*, and each *sign* shall not exceed a maximum size of 0.75 m<sup>2</sup> (8 ft<sup>2</sup>) in *sign area* nor project more than 2 m (6.5') from the main wall of a *building*.
8. Where permitted, *wall signs* shall not have a *sign area* greater than 60 cm (2') tall nor cover a surface greater than 12% of the *facade* it is displayed upon, nor project more than 25 cm (10") from the main wall of a *building*, and shall be located above any *ground floor* doors or windows but shall also be located below any second storey windows, if applicable.
9. Notwithstanding sub-section 4.19(8), one (1) small *wall sign* with a total *sign area* less than 0.5 m<sup>2</sup> (5.3 ft<sup>2</sup>), but potentially greater than 60 cm (2') tall, may be located on any part of main wall of *building* if no more than 12% of that total *facade* surface would be covered by *signs*.
10. Notwithstanding sub-section 4.19(8), in the O-DT Zone, a *wall sign* shall be constructed of wood or long lasting synthetic products which simulates the properties and appearance of wood, and may be painted and routed, or may consist of laser-cut synthetic lettering on a wall.
11. Where permitted, awning *signs* shall have their *sign area* confined to the hanging valance of an awning and that valance shall not longer than 30 cm (12"), and the awning shall not project more than 1/3<sup>rd</sup> into the traveled portion of a sidewalk nor hang lower than 2.5 m (8.2 ft) above the sidewalk's surface.
12. Where permitted, *sandwich board signs* shall not have a *sign area* exceeding 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) of any one side of a board, and *sandwich board signs* are limited to one (1) *sign* per *lot*, and no *sandwich board sign* shall be permitted to obstruct pedestrian or vehicular traffic along publicly owned land such as a sidewalk, square, or within the *street* right-of-way.
13. Where permitted, *window signs* shall not have a *sign area* exceeding 10% of the total combined window or door surface area of the *façade* and shall only displayed on the *ground floor* of a *building*.
14. In the C-2, R-1, R-2, R-3, U-3, and I Zones, *freestanding signs* are limited to one (1) *freestanding sign* per 30 m (98 ft) of *lot frontage* and shall not exceed 6 m<sup>2</sup> (64 ft<sup>2</sup>) in *sign area*, nor exceed a maximum *height* of 5 m (16 ft), and shall not extend over the *street*. Any posts shall maintain a *lot line setback* of 1 m (3.3 ft).
15. In the C-1, C-2, U-2, and O-DT Zones, *freestanding signs* are limited to one (1) *freestanding sign* per 30 m (98 ft) of *lot frontage* and shall not exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in *sign area*, nor exceed a maximum *height* of 2.5 m (8.2 ft), and shall not extend over the *street*. Any posts shall maintain a *lot line setback* of 1 m (3.3 ft).
16. Where permitted, *portable signs* may be displayed for a maximum of fourteen (14) days and shall be removed immediately thereafter. *Portable signs* shall not have a *sign area* exceeding 4 m<sup>2</sup> (43 ft<sup>2</sup>) of any one side of a board, shall be limited to one (1) *portable sign* per *lot*, and shall be setback a minimum of 1 m (3.3 ft) of any *lot line* and shall be setback a minimum of 7.5 m (24.6 ft) from the point on a *lot line* that closest to the intersection of any public *street*.
17. No *sign* shall be displayed on any land, *building* or *structure* except where the *sign* is permitted in that *zone* according table shown in 'Table 2.1':

ZONING  
GENERAL PROVISIONS

**Table 2.1**

SIGN TYPES	C-1	C-2	R-1	R-2	R-3	U-1	U-2	U-3	O-DT	I
Signs exempted in the Zone pursuant to section 3.8(2)	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
<b>Window signs</b>	Green	Green	Green	Green	Green	Red	Red	Green	Green	Green
Small <i>wall sign</i> ( <i>sign area</i> less than 0.5 m <sup>2</sup> )	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Large <i>wall sign</i> (max. 12% of building façade, 60 cm tall)	Green	Green	Green	Green	Green	Red	Red	Green	Green	Green
<b>Projecting sign</b>	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green
<b>Awning sign</b>	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green
<b>Flag sign</b>	Green	Green	Green	Green	Green	Red	Red	Green	Green	Green
<b>Sandwich board sign</b>	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green
<b>Point of purchase sign</b>	Red	Red	Red	Green	Green	Red	Red	Green	Red	Green
Small <i>free-standing sign</i> ( <i>sign area</i> less than 1.5 m <sup>2</sup> )	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green
Large <i>free-standing sign</i> ( <i>sign area</i> less than 6 m <sup>2</sup> )	Red	Green	Green	Green	Green	Red	Red	Green	Red	Green
<b>Portable sign</b>	Green	Green	Green	Green	Green	Red	Red	Green	Red	Green
Small <i>illuminated sign</i> ( <i>sign area</i> less than 0.18 m <sup>2</sup> and may display "open/ouvert")	Green	Green	Green	Green	Green	Red	Red	Green	Green	Green
Large <i>illuminated sign</i> ( <i>sign area</i> less than 2 m <sup>2</sup> )	Red	Red	Green	Green	Green	Red	Red	Green	Red	Green
<b>Billboard sign</b>	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
LEGEND										
Sign permitted in Zone - Green										
Sign not permitted in Zone - Red										

## 4.20 Urban Standards for Permitted Encroachments

1. Any *setbacks* of this By-law with respect to the placing, erecting or altering of a *building* or *structure* in relation to a *lot line* apply to all parts of the *building* or *structure* except for:
  - a. Eaves, *cornices*, and steps that project not more than 0.61 m (2 ft) into any setback;
  - b. Sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in) into any setback;
  - c. Window or door awnings which project not more than 1.02 m (3.3 ft) into any setback;
  - d. Open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (3.3 ft) into any required setback;
  - e. Chimneys, smokestacks, or flues, which project not more than 0.457 m (1.5 ft) into any setback;
  - f. 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* setback or not more than 1.22 m (4 ft) into a *side yard* setback;

- g. 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* setback or not more than 1.22 m (4 ft) into a *side yard* setback;
- h. Wheelchair ramps or lifting ramps into a *ground floor* may be located in any required setback;
- i. Steps providing access at the *ground floor* may be located in any *front yard*, *rear yard* or *flankage yard* setback;
- j. Window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the main wall of a *building* into a required *front*, *rear* or *flankage yard* setback;
- k. *Swimming pools* are permitted to encroach 1.2 m (3.9 ft) into a *rear* or *side yard* setback but shall not encroach into any required *front* or *flankage yard* setback;
- l. Air conditioning or heat pump units may project up to 0.61 m (2 ft) into a required *side yard* setback;
- m. Subject to sub-section 4.11(1)(n), exterior staircases providing access to the basement or any floor above the *ground floor*, balconies, unenclosed porches, verandas, and sundecks, shall be permitted to project a maximum of 2 m (6.6 ft) into any required *front yard*, *rear yard*, or *flankage yard* setback; and;
- n. Except in the O-DT zone, exterior staircases providing access to any floor above the *ground floor* may be permitted between the *façade* of any *building* and the *street* line, except subject to such terms and conditions as the *advisory committee* considers necessary.

#### 4.21 Urban Standards for Fences

- 1. In the *Urban Service Boundary*, a *fence* may be erected up to 0.45 m (18") from a *lot line* or up to 1.5 m (5') from any *lot line* shared with a *street*.
- 2. Notwithstanding section 4.21(1), where a documented agreement exists between the applicant and an abutting *lot* owner, a *fence* may be placed up to that abutting *lot line*.
- 3. In the *Urban Service Boundary*, the erection of *fences* is subject to the following conditions:
  - a. A *fence* shall not exceed 2 (6.6 ft) in *height* or be constructed to be sharp or dangerous.
  - b. A *fence* located within the *front yard* or *flankage yard* of *lot* containing a *dwelling* shall not exceed 1 m (3.3 ft) in *height*.
  - c. A *fence* located on any *lot* for any use in the O-DT zone shall be constructed of wood, wrought iron, brick, stone, or adequate facsimiles.
  - d. Notwithstanding section 4.21(3)(a), in the I Zone or U-3 Zone, a security *fence* may be established for a *large scale commercial use*, *industrial use* or *public utility use*, not exceeding 2.5 m (8.2 ft) in *height*.

#### 4.22 Urban Standards for Lot Landscaping and Drainage Plans

- 1. On any vacant *lot developed* for a new *main use* within the *Urban Service Boundary*, a landscaping and drainage plan shall be required and show how the following areas of the *lot* will be landscaped and drained:
  - a. Any required *front* or *flankage yard*, with up to 40% of these yards used for *driveways*;
  - b. Any required *side yard*; and,
  - c. Any required *rear yard*.
- 2. For the purposes of this section, a landscaping and drainage plan for a *lot* within the *Urban Service Boundary* shall include:
  - a. All grading necessary to:
    - i. divert surface drainage away from the *main building*;
    - ii. provide a means of directing surface drainage to a drainage point acceptable to the *municipality* or *storm water storage area* on the *lot*;
    - iii. contour the average grade to adjoining *streets* or *lots*; and,

- iv. Natural vegetation, trees, bioswales, ditches, ornamental stones, shrubs, or grasses.
3. The landscaping and drainage works under sub-section 4.22(2) must be completed no later than one year from the date of the granting of the *building permit* or *development permit* for the *main building* or *main use* located thereon.
4. Notwithstanding sections 4.3(1) or 4.22(2), a landscaping or drainage plan involving a change in the elevation of *existing grade* involving the cutting or filling land to a depth in excess of 1 m (3.3 ft), shall be prepared by the applicant's *engineer* and approved to the satisfaction of the *municipality* and presented to the *development officer*.

#### 4.23 Urban Standards for Higher Density & Institutional Residential

1. Where permitted in the *Urban Service Boundary*, a *multi-unit dwelling* with more than eight (8) *dwelling units*, or any *residential care facility*, or any *rooming house*, may be developed where the following standards are met:
  - a. At least one (1) *main building* entrance shall be orientated towards the *front lot line* and shall:
    - i. be a covered entrance with weather protection, such as a portico or awning; and,
    - ii. be directly connected to any public sidewalk or *street* via a paved or dust-free pedestrian walkway that does not traverse through a *parking lot* other than where necessary to cross a *driveway access*.
  - b. Except for any north-facing walls, the *façade(s)* of the *ground floor* of the *main building* shall include a minimum of 18% coverage by *transparent glazing*.
  - c. Any *main building* with a flat roof shall include a *cornice*.
  - d. A landscaped outdoor amenity space shall be provided with at least 56 m<sup>2</sup>, plus an additional 7 m<sup>2</sup> for every 100 m<sup>2</sup> of *gross floor area*.
  - e. The landscaped outdoor amenity space(s) shall not be located in a *front* or *flankage yard* but shall be fully enclosed by a minimum 2 m tall, opaque *fence* and gate, and include a waste bin and a cigarette disposal container located in compliance with the *Smoke-free Places Act*.
  - f. A garbage enclosure shall be provided on the *lot* in accordance with section 4.11(1).
  - g. Any *external lighting* shall be shielded and directed downwards in accordance with section 4.2.
3. Notwithstanding anything contained in this By-law, a *residential care facility* or a *rooming house* shall not be developed in the in the U-1 Zone without an amendment to this By-law.
4. Notwithstanding anything contained in this By-law, a *residential care facility* for more than eight (8) occupants, or a *rooming house* for more than eight (8) occupants, shall not be developed in the U-2 Zone without an amendment to this By-law.

#### 4.24 Urban Standards for Townhouse Developments

1. In the U-2 or U-3 Zone, a *series* of more than two (2) individual *dwelling units*, attached in a *series*, may be developed subject to the following standards:
  - a. The *building façade* shall be articulated to denote individual *dwelling units*;
  - b. Garages shall not have a door that exceeds 75 % of the *ground floor* building *façade* of each *dwelling unit* and garages shall be recessed from the *façade* by at least 1 m (3.3 ft);
  - c. Notwithstanding sub-section 4.24(1)(b), a garage opening may face the *rear lot line*;
  - d. No *series* of attached dwelling units shall exceed:
    - i. Eight (8) *dwelling units* with the same approximate *front lot line*;
    - ii. 68.68m (225 ft.) in continuous length;
2. Notwithstanding the minimum *lot size*, *lot frontage*, and *side yard setback* Zone standards of sub-sections 5.8.2(1)(b) and 5.9.2(1)(b), the following *lot* standards apply to each townhouse *dwelling unit*:

Minimum <i>Lot Size</i>	180 sq. m. (1, 937.5 sq. ft.)
Minimum <i>Lot Frontage</i>	6 m (19.7 ft.) per <i>dwelling unit</i>
Minimum Required <i>Side Yard</i>	3 m (9.8 ft.); None where a <i>common wall</i> exists

- Where townhouse *dwelling*s are developed as a condominium, the standards of sub-section 4.24(2) apply as if each *dwelling unit* in the townhouse condominium unit was on its own *lot*.

#### 4.25 Urban Standards for Vehicle Bodies

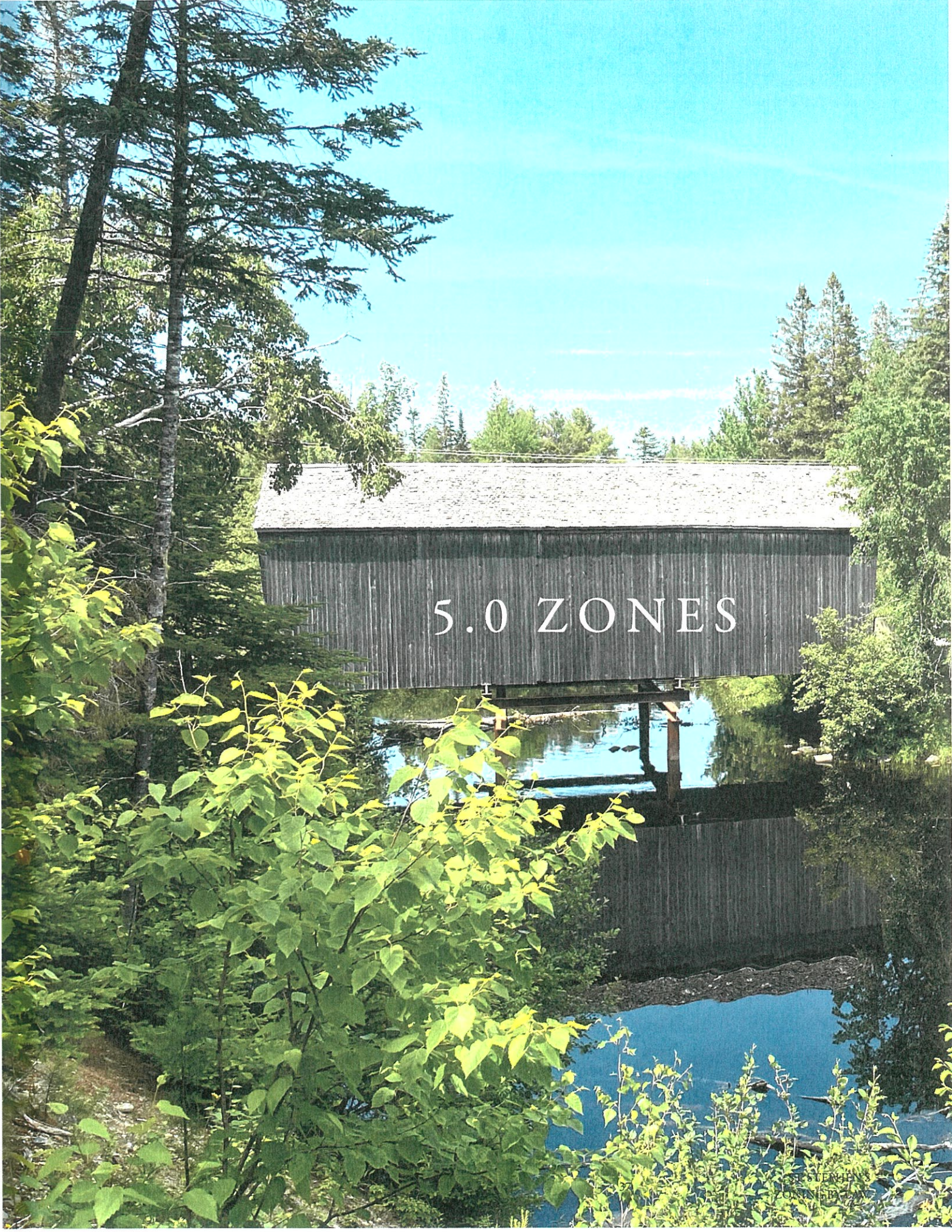
- Within the *Urban Service Boundary*, a motor vehicle, boat, tractor trailer, recreational vehicles, tractor, machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used on a lot, without a *main building* except for a public *utility use*.
- Within the *Urban Service Boundary*, a tractor trailer, recreational vehicle, tractor, construction equipment, or boat, shall not be located in the required *front* or *flankage yard* setback.
- Within the *Urban Service Boundary*, a shipping container designed for commercial transport shall not be used or located on a lot as a *building* or *accessory structure* except in the Industrial Zone or with plans stamped by an *architect* for a *medium-scale commercial use* or a *dwelling*.

#### 4.26 Urban Standards for Pre-fabricated Structures

- Where permitted in the *Urban Service Boundary*, a *mini-home* may be placed on a *lot* as a *dwelling* if the *mini-home's* main entrance faces parallel to a *lot line* shared with any *street*, if the *mini-home* has been manufactured in the previous two (2) years, and if the *mini-home* is attached to a permanent foundation or is permanently anchored and skirted.

#### 4.27 Urban Standards for Industrial Zones

- Any *development* within the Industrial (I) Zone in the *Urban Service Boundary* that may involve the emission of excessive noises or noxious odours, dust, fumes, and smoke, as part of the *main use*, other than an *accessory use*, transportation or loading activities, is a use subject to the following conditions:
  - If an activity involved in a *main use* may make excessive noises or noxious odours, fumes, and smoke, and it is to be located within 150 m radius of a pre-existing *dwelling* on a *lot* in a zone outside of the I Zone, that activity shall take place within a sound-dampened *building* or *structure* that is ventilated with an exhaust system using a filtration medium (e.g. HEPA) that can mitigate the exterior impacts.
  - Notwithstanding sub-section 4.27(1)(a), any emission of noise, odours, dust, fumes, and smoke may be permitted where it is required to obtain an approval under the *Clean Air Act*.
- Any *dwelling*s or *rooming houses* developed in the Industrial Zone, shall not be used except where they are incidental to another permitted *main use*, such as employer-provided housing.



5.0 ZONES

## 5.1 High Priority Conservation Zone (C-1)

### 5.1.1 C-1 Zone Permitted Uses

1. Subject to general provisions under section 4, and any applicable regulations under the [Clean Water Act](#), any land, *building* or *structure* in the C-1 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more the following *main uses*:
  - i. *conservation*;
  - ii. *public utility use*; and,
  - iii. *pre-existing use*.

#### SECONDARY USES

- b. One or more of the following *secondary uses* where they are developed within an existing *building* containing a *pre-existing use*:
  - i. *short-term rental*; and,
  - ii. *home based business*.

#### ACCESSORY USES

- c. One or more *accessory uses*, *buildings*, and *structures*.

### 5.1.2 C-1 Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-1 Zone unless the following standards are met:
  - a. The C-1 Zone standards as numbered on the diagram 'Figure 1. Main Building Height Requirements' are complied with;
  - b. The C-1 Zone standards as numbered on the diagram 'Figure 2. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 1. MAIN BUILDING HEIGHT REQUIREMENTS

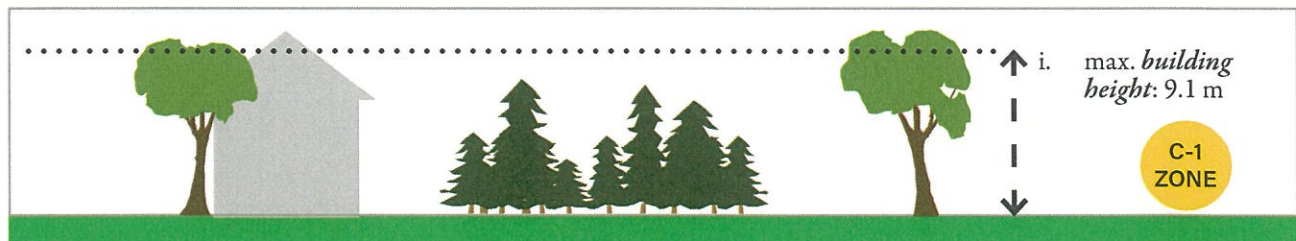
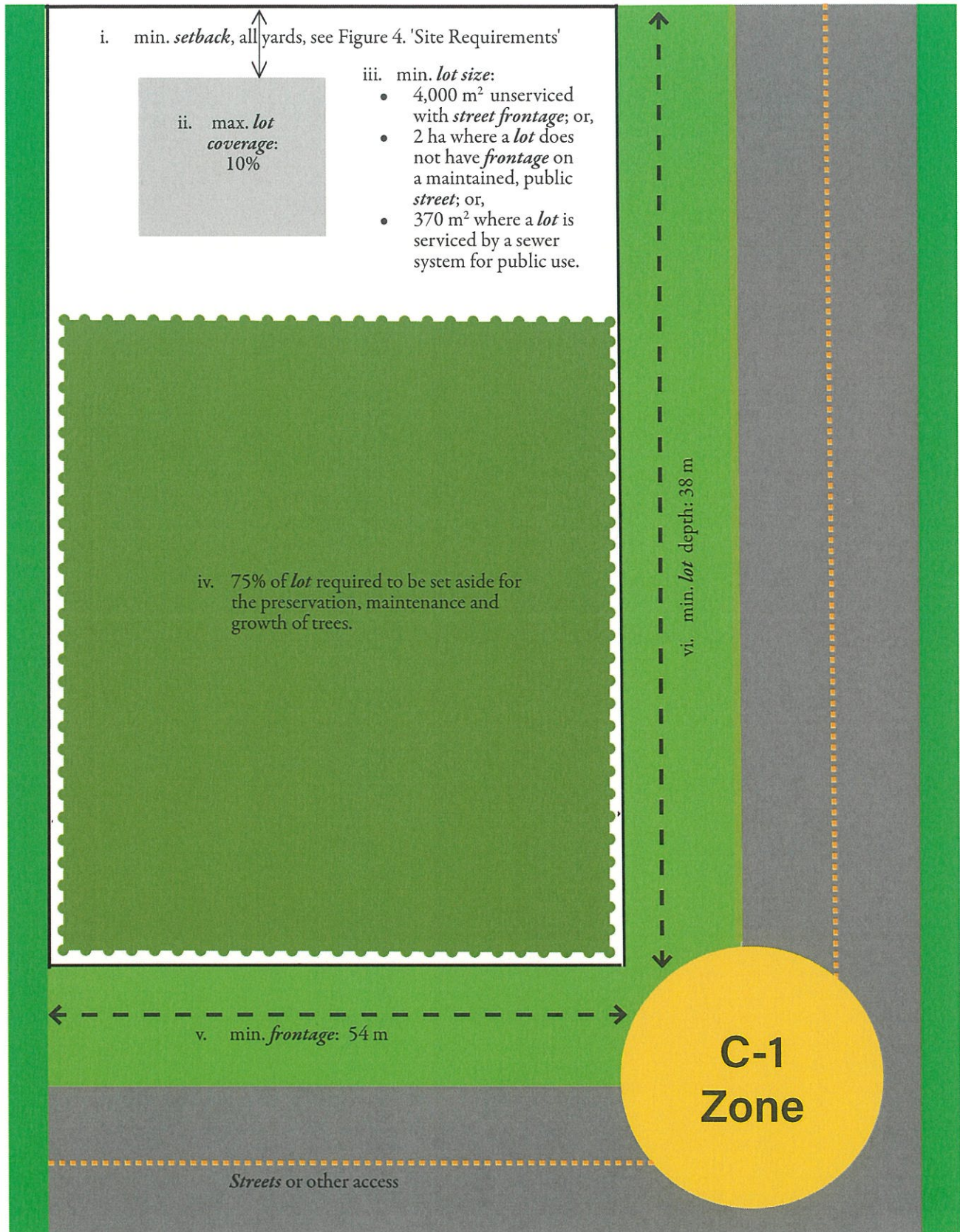


FIGURE 2. SITE REQUIREMENTS



## 5.2 Low Priority Conservation Zone (C-2)

### 5.2.1 C-2 Zone Permitted Uses

1. Subject to general provisions under section 4, and any applicable regulations under the [Clean Water Act](#), any land, *building* or *structure* in the C-2 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *camp*;
  - ii. *conservation*;
  - iii. *dwelling(s)*;
  - iv. *parks & open space use*; and,
  - v. *residential cluster development*.
- a. In addition to *main uses* permitted under section 5.2.1(a), one or more of the following *main uses* with a combined *gross floor area* of less than 200 m<sup>2</sup>:
  - i. *institutional use*;
  - ii. *forestry use*; and,
  - iii. *small-scale commercial use*.

#### SECONDARY USES

- b. One or more of the following *secondary uses*:
  - i. *accessory dwelling unit*;
  - ii. *short-term rental*; and,
  - iii. *home based business*.

#### ACCESSORY USES

- c. One or more *accessory uses, buildings, and structures*.

### 5.2.2 C-2 Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-2 Zone unless the following standards are met:
  - a. The C-2 Zone standards as numbered on the diagram 'Figure 3. Main Building Height Requirements' are complied with;
  - b. The C-2 Zone standards as numbered on the diagram 'Figure 4. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 3. MAIN BUILDING HEIGHT REQUIREMENTS

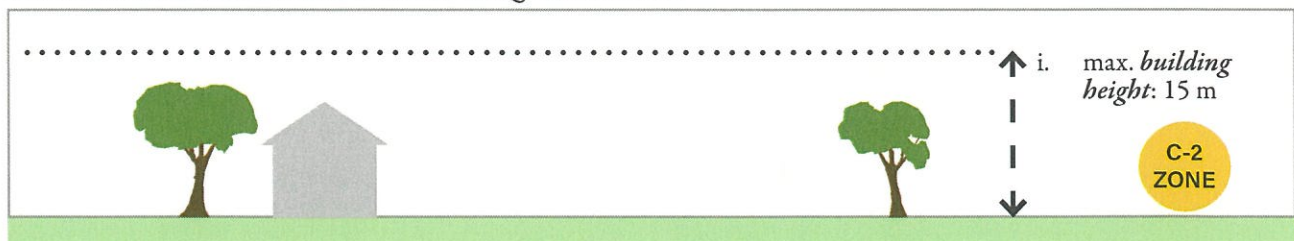
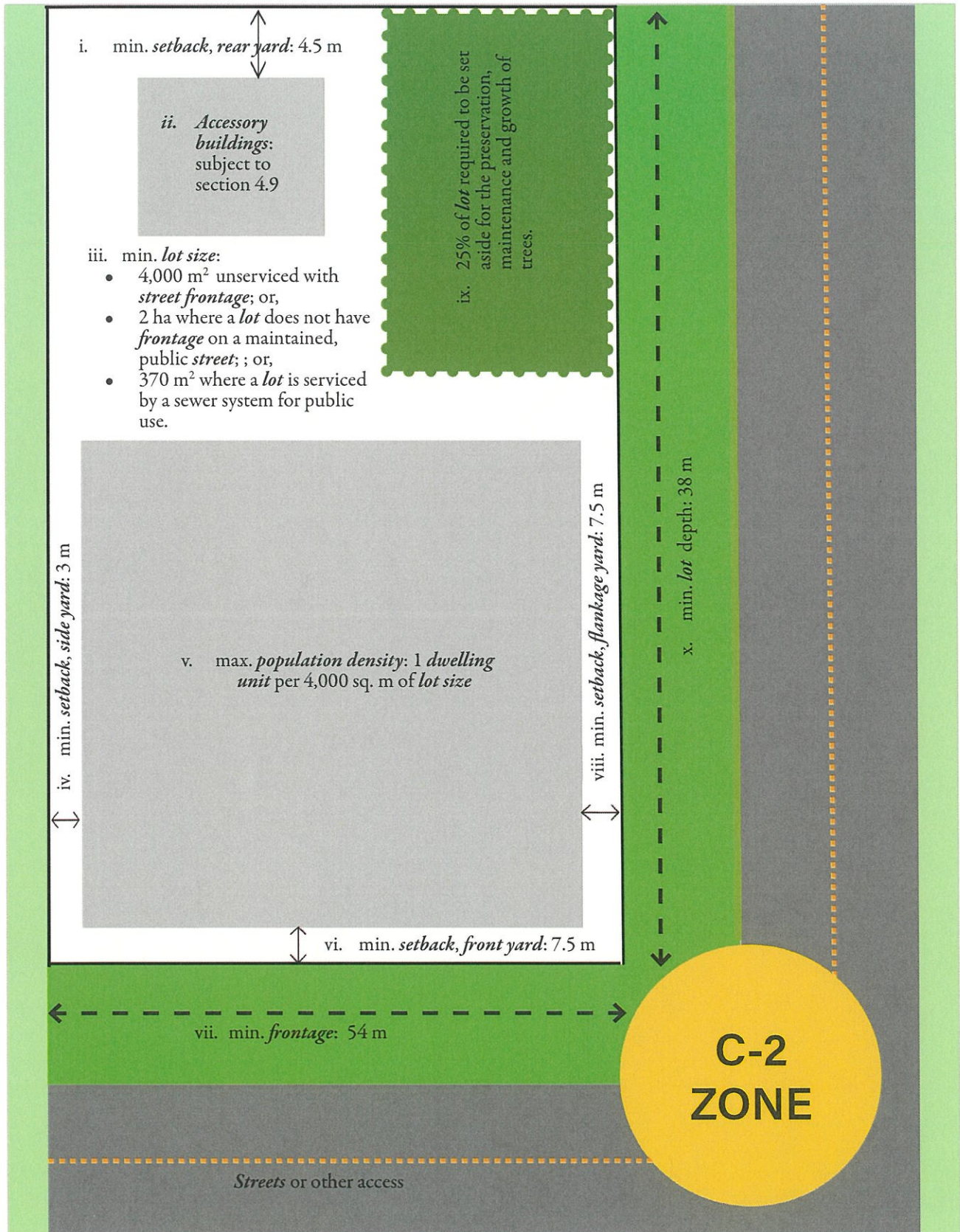


FIGURE 4. SITE REQUIREMENTS



## 5.3 Industrial Zone (I)

### 5.3.1 I Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the I Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *agriculture*;
  - ii. *forestry*;
  - iii. *industrial*;
  - iv. *utility use*; and,
  - v. *resource excavation*.

#### SECONDARY USES

- b. One or more of the following *secondary uses*:
  - i. *large-scale commercial use*;
  - ii. *dwelling(s)*; and,
  - iii. *institutional use*.

#### ACCESSORY USES

- c. One or more *accessory uses*, *buildings*, and *structures*.

### 5.3.2 I Zone Standards

1. 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. The I Zone standards as numbered on the diagram 'Figure 5. Main Building Height Requirements' are complied with;
  - b. The I Zone standards as numbered on the diagram 'Figure 6. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 5. MAIN BUILDING HEIGHT REQUIREMENTS

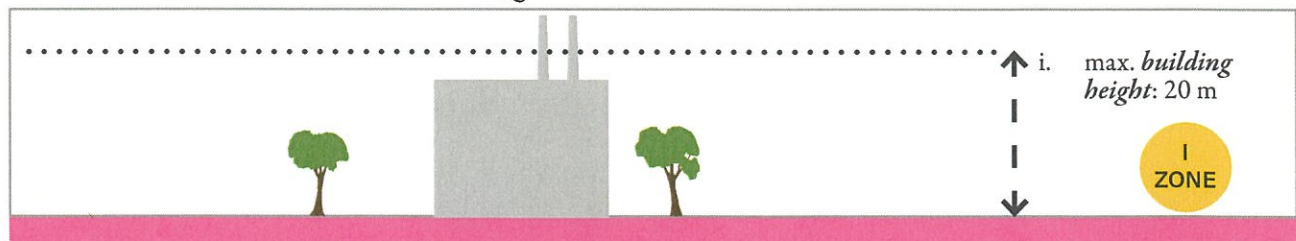
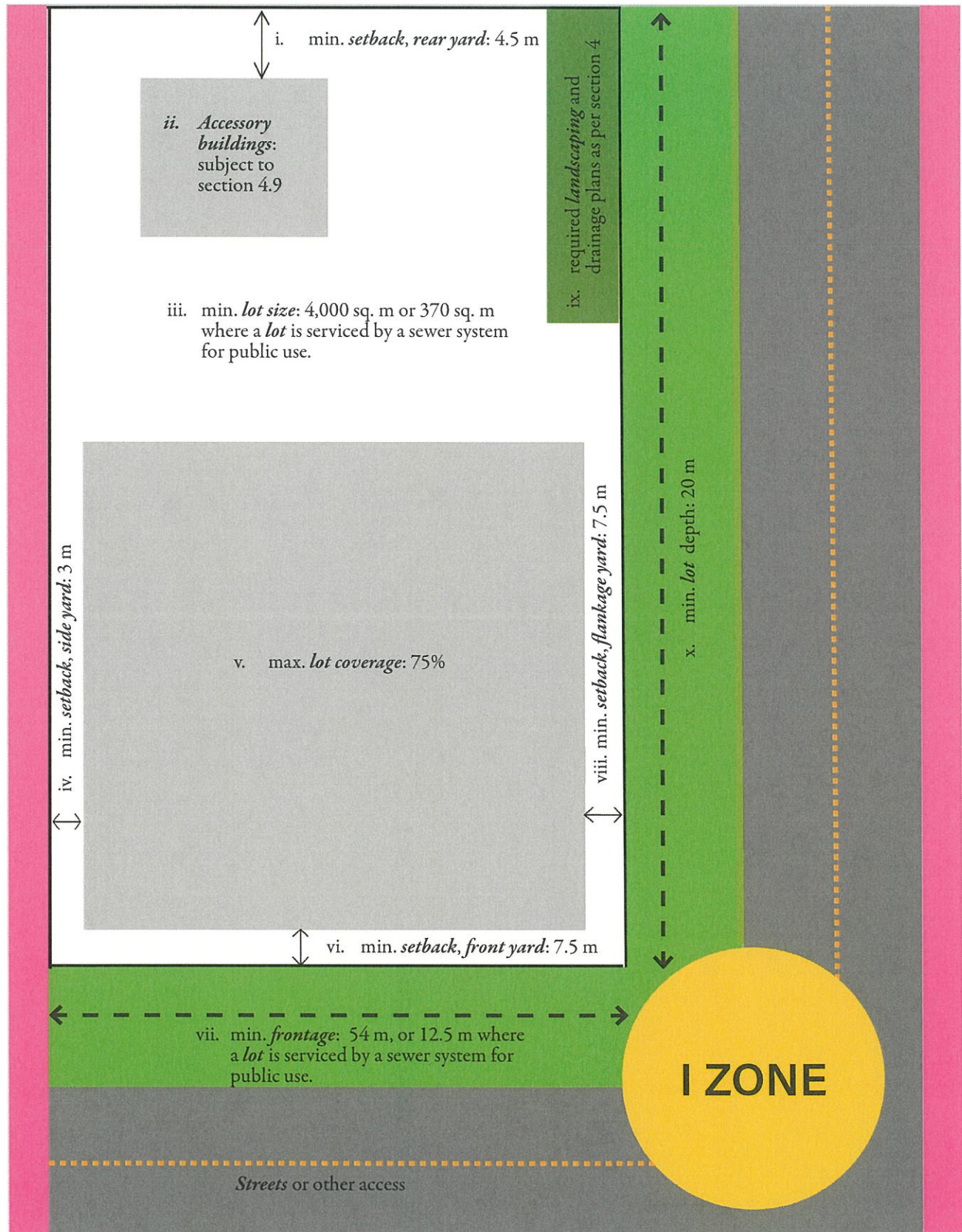


FIGURE 6. SITE REQUIREMENTS



## 5.4 Low Intensity Rural Zone (R-1)

### 5.4.1 R-1 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the R-1 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *camp*;
  - ii. *dwelling(s)*;
  - iii. *parks & open space*; and,
  - iv. *residential cluster development*.
- b. In addition to *main uses* permitted under section 5.4.1(a), one or more of the following *main uses* with a combined *gross floor area* of less than 200 m<sup>2</sup>:
  - i. *agriculture*;
  - ii. *forestry*; and,
  - iii. *institutional use*; and,
  - iv. *small-scale commercial use*.

#### SECONDARY USES

- c. One of the following *secondary uses*:
  - i. *accessory dwelling unit*;
  - ii. *home based business*; and,
  - iii. *short-term rental*.

#### ACCESSORY USES

- d. One or more *accessory uses, buildings, and structures*.

### 5.4.2 R-1 Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the R-1 Zone unless the following standards are met:
  - a. The R-1 Zone standards as numbered on the diagram 'Figure 7. Main Building Height Requirements' are complied with;
  - b. The R-1 Zone standards as numbered on the diagram 'Figure 8. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 7. MAIN BUILDING HEIGHT REQUIREMENTS

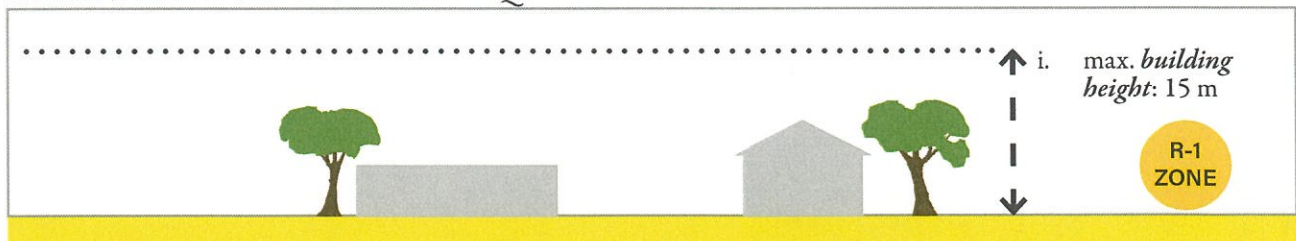
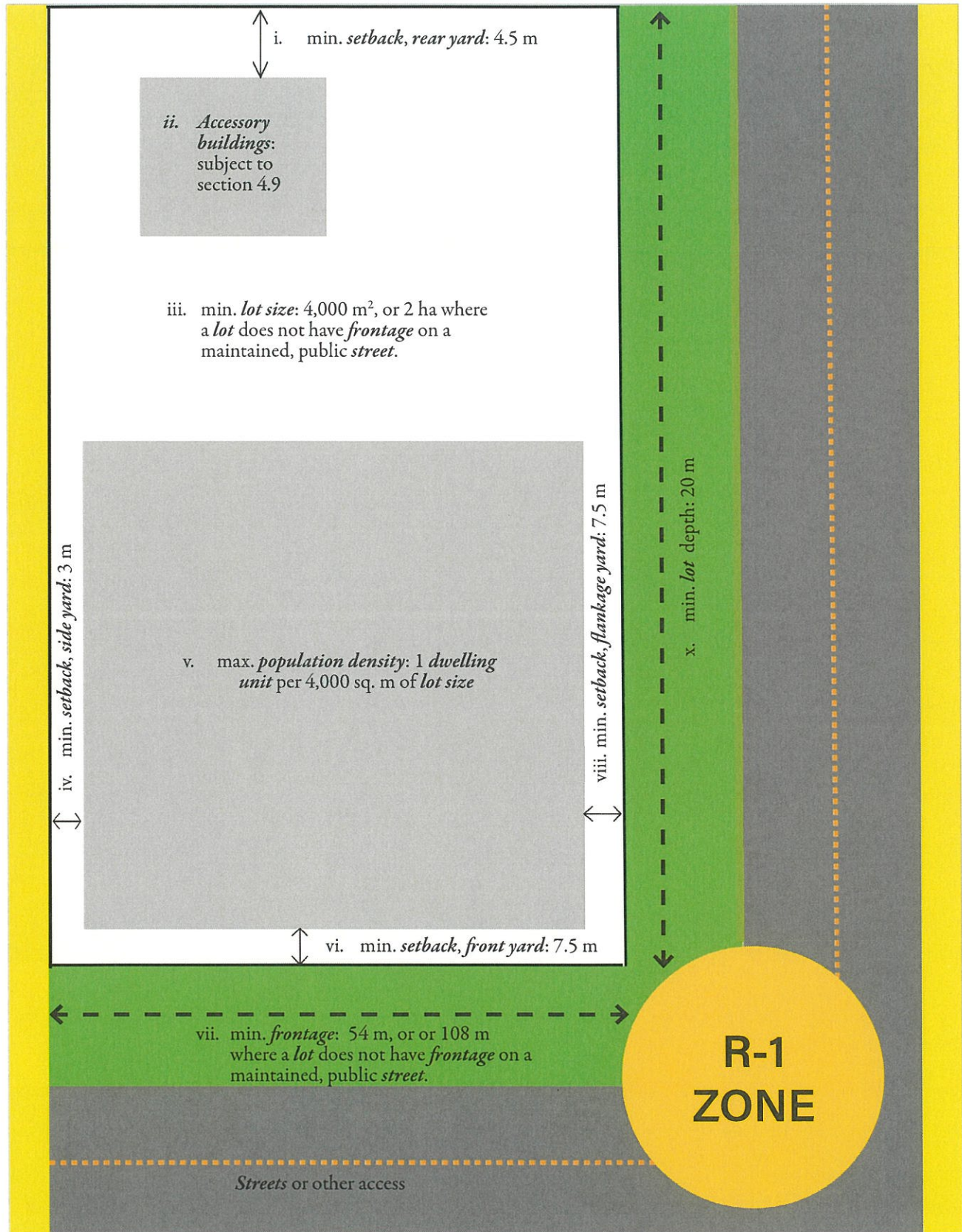


FIGURE 8. SITE REQUIREMENTS



## 5.5 Rural Settlement Zone (R-2)

### 5.5.1 R-2 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the R-2 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *camp*;
  - ii. *dwelling(s)*;
  - iii. *institutional use*;
  - iv. *parks & open space*; and,
  - v. *residential cluster development*.
- b. In addition to *main uses* permitted under section 5.5.1(a), one or more of the following *main uses* with a combined *gross floor area* of less than 500 m<sup>2</sup>:
  - i. *agriculture*;
  - ii. *forestry*; and,
  - iii. *large-scale commercial use*.

#### SECONDARY USES

- c. One or more of the following *secondary uses*:
  - i. *accessory dwelling unit*;
  - ii. *home based business*; and,
  - iii. *short-term rental*.

#### ACCESSORY USES

- d. One or more *accessory uses, buildings, and structures*.

### 5.5.2 R-2 Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the R-2 Zone unless the following standards are met:
  - a. The R-2 Zone standards as numbered on the diagram 'Figure 9. Main Building Height Requirements' are complied with;
  - b. The R-2 Zone standards as numbered on the diagram 'Figure 10. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 9. MAIN BUILDING HEIGHT REQUIREMENTS

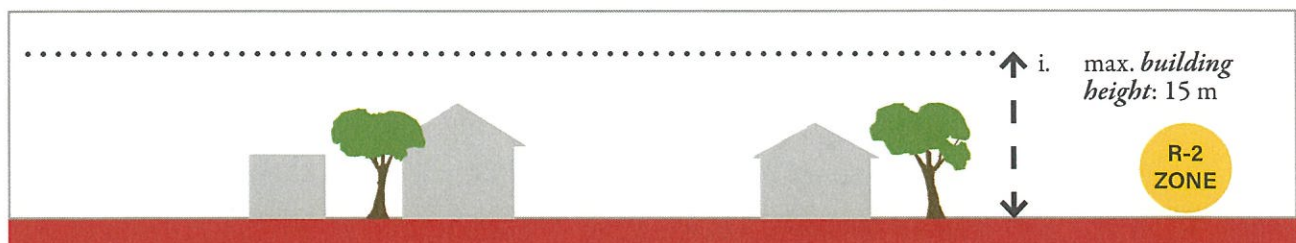
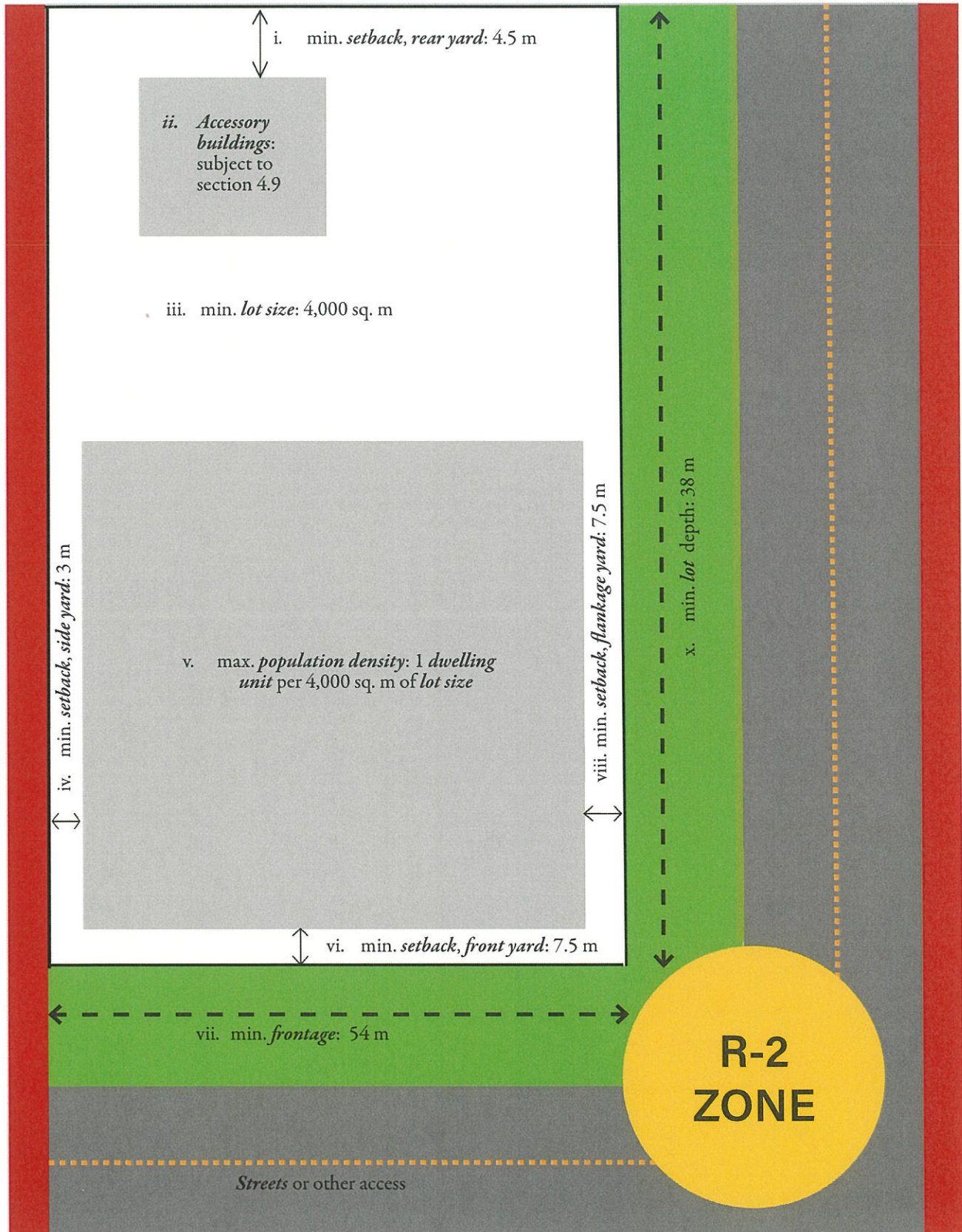


FIGURE 10. SITE REQUIREMENTS



## 5.6 Rural Resource Zone (R-3)

### 5.6.1 R-3 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the R-3 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *agriculture*;
  - ii. *conservation*;
  - iii. *forestry*;
  - iv. *pre-existing use*;
  - v. *resource excavation use*, and,
  - vi. *utility use*.

#### SECONDARY USES

- b. One or more of the following *secondary uses*:
  - i. *camp*;
  - ii. *dweilling(s)*;
  - iii. *institutional use*; and,
  - iv. *small-scale commercial use*.

#### ACCESSORY USES

- c. One or more *accessory uses*, *buildings*, and *structures*.

### 5.6.2 R-3 Zone Standards

1. No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the R-3 Zone unless the following standards are met:
  - a. The R-3 Zone standards as numbered on the diagram 'Figure 11. Main Building Height Requirements' are complied with;
  - b. The R-3 Zone standards as numbered on the diagram 'Figure 12. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 11. MAIN BUILDING HEIGHT REQUIREMENTS

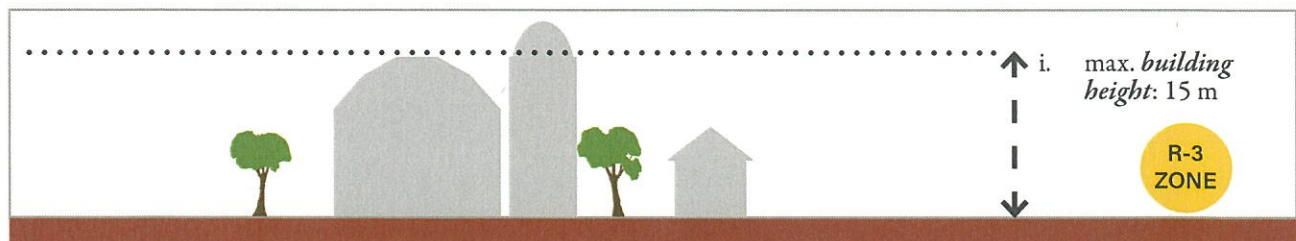
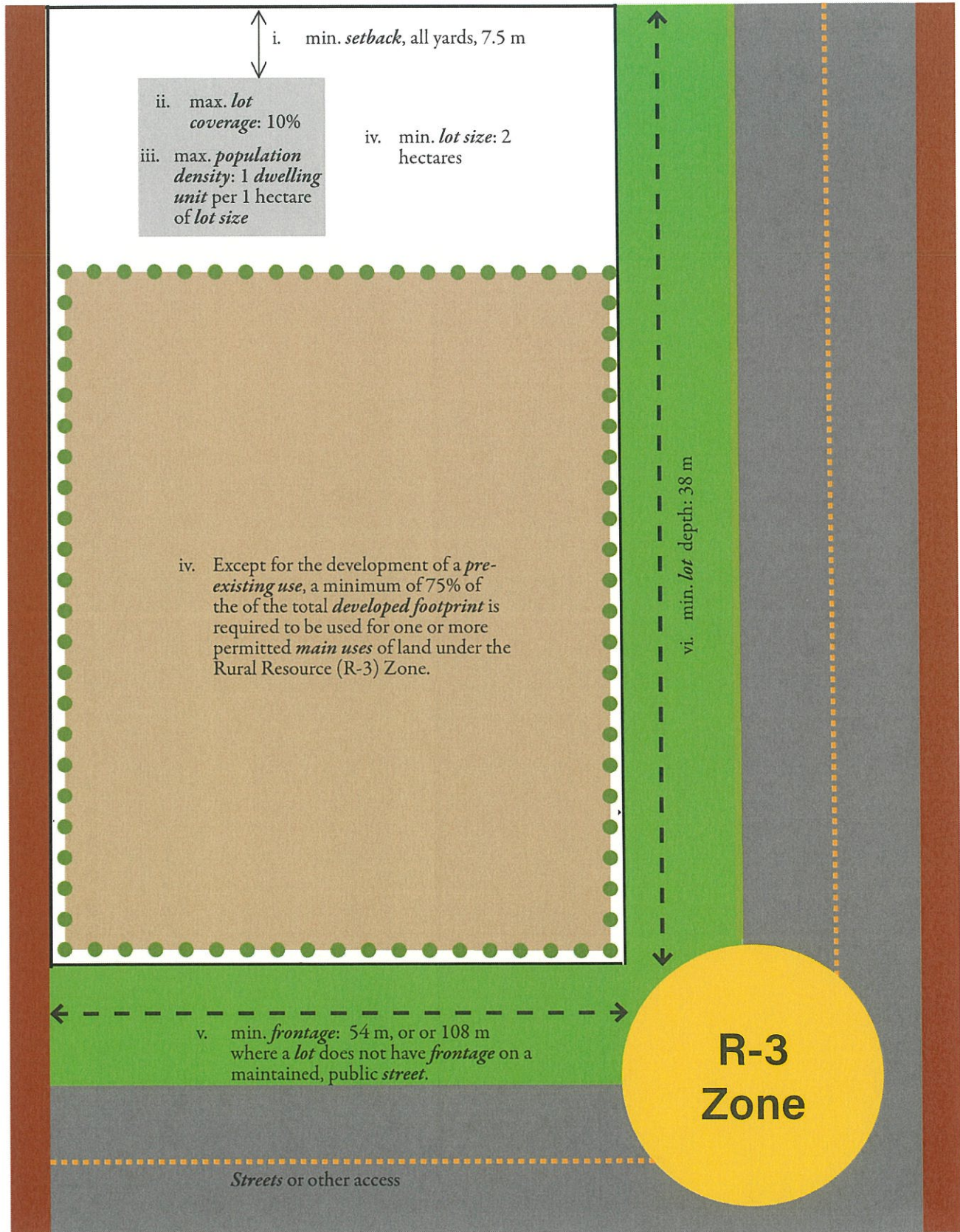


FIGURE 12. SITE REQUIREMENTS



## 5.7 Low Intensity Urban Settlement Zone (U-1)

### 5.7.1 U-1 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the U-1 Zone may be used for the purposes of:

#### MAIN USES

- a. One of the following *main uses*:
  - ii. *dwelling(s)*; and,
  - iii. *parks & open space use*.

#### SECONDARY USES

- b. One of the following *secondary uses*:
  - i. *accessory dwelling unit*; and,
  - ii. *short-term rental*.
- c. In addition to secondary uses permitted under section 5.7.1(b), one or more of the following *secondary uses* with a combined *gross floor area* of less than 200 m<sup>2</sup>:
  - i. *institutional use*; and,
  - ii. *home based business*.

#### ACCESSORY USES

- d. One or more *accessory uses, buildings, and structures*.

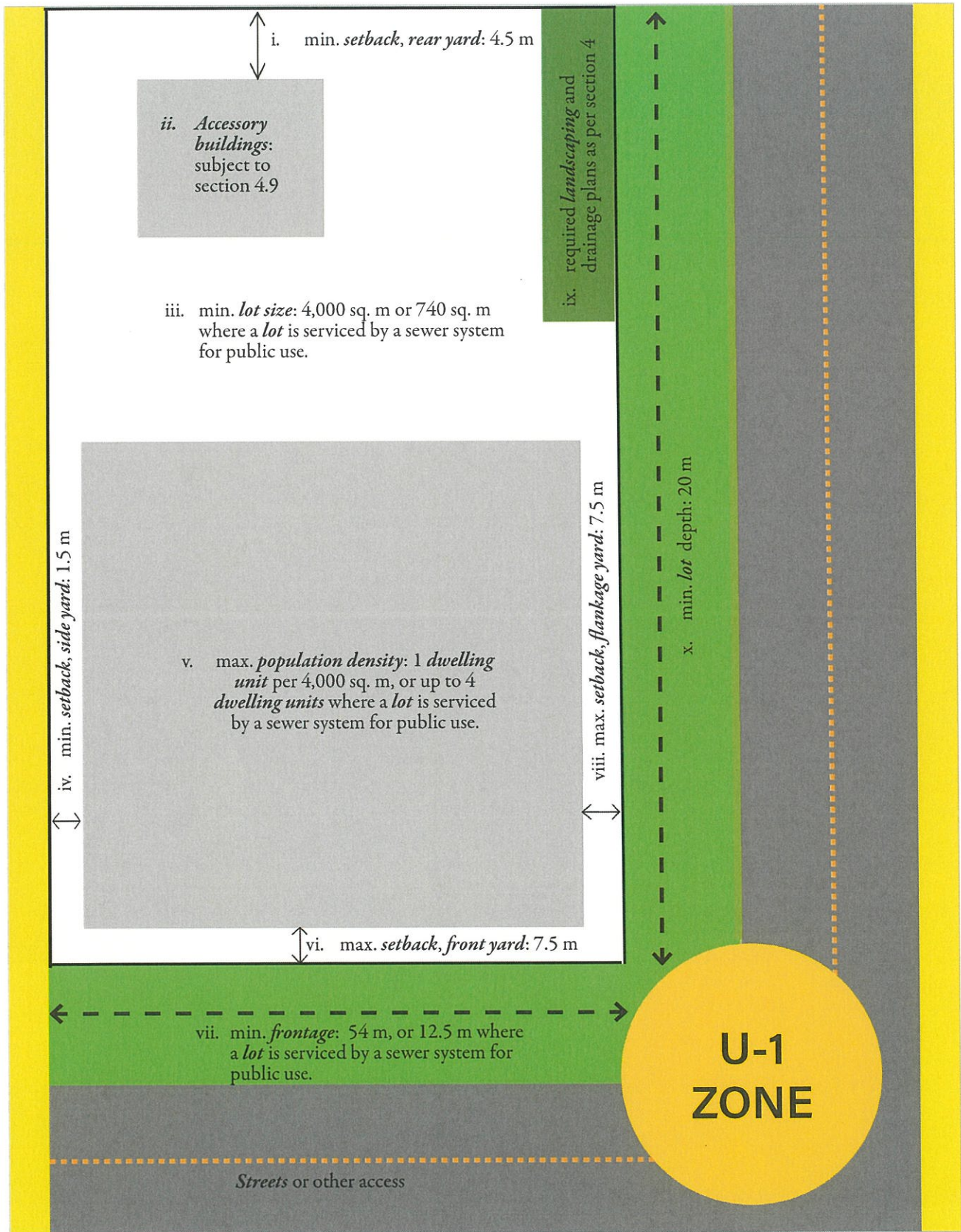
### 5.7.2 U-1 Zone Standards

1. 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. The U-1 Zone standards as numbered on the diagram 'Figure 13. Main Building Height Requirements' are complied with;
  - b. The U-1 Zone standards as numbered on the diagram 'Figure 14. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 13. MAIN BUILDING HEIGHT REQUIREMENTS



FIGURE 14. SITE REQUIREMENTS



## 5.8 Medium Intensity Urban Settlement Zone (U-2)

### 5.8.1 U-2 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the U-2 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *dwelling(s)*;
  - ii. *institutional use*; and,
  - iii. *parks & open space use*.
- b. In addition to *main uses* permitted under section 5.8.1(1)(a), one of the following *main uses* with a combined *gross floor area* of less than 200 m<sup>2</sup>:
  - i. *small-scale commercial use*.

#### SECONDARY USES

- c. One of the following *secondary uses*:
  - i. *accessory dwelling unit*;
  - ii. *short-term rental*; and,
  - iii. *home based business*.

#### ACCESSORY USES

- d. One or more *accessory uses, buildings, and structures*.

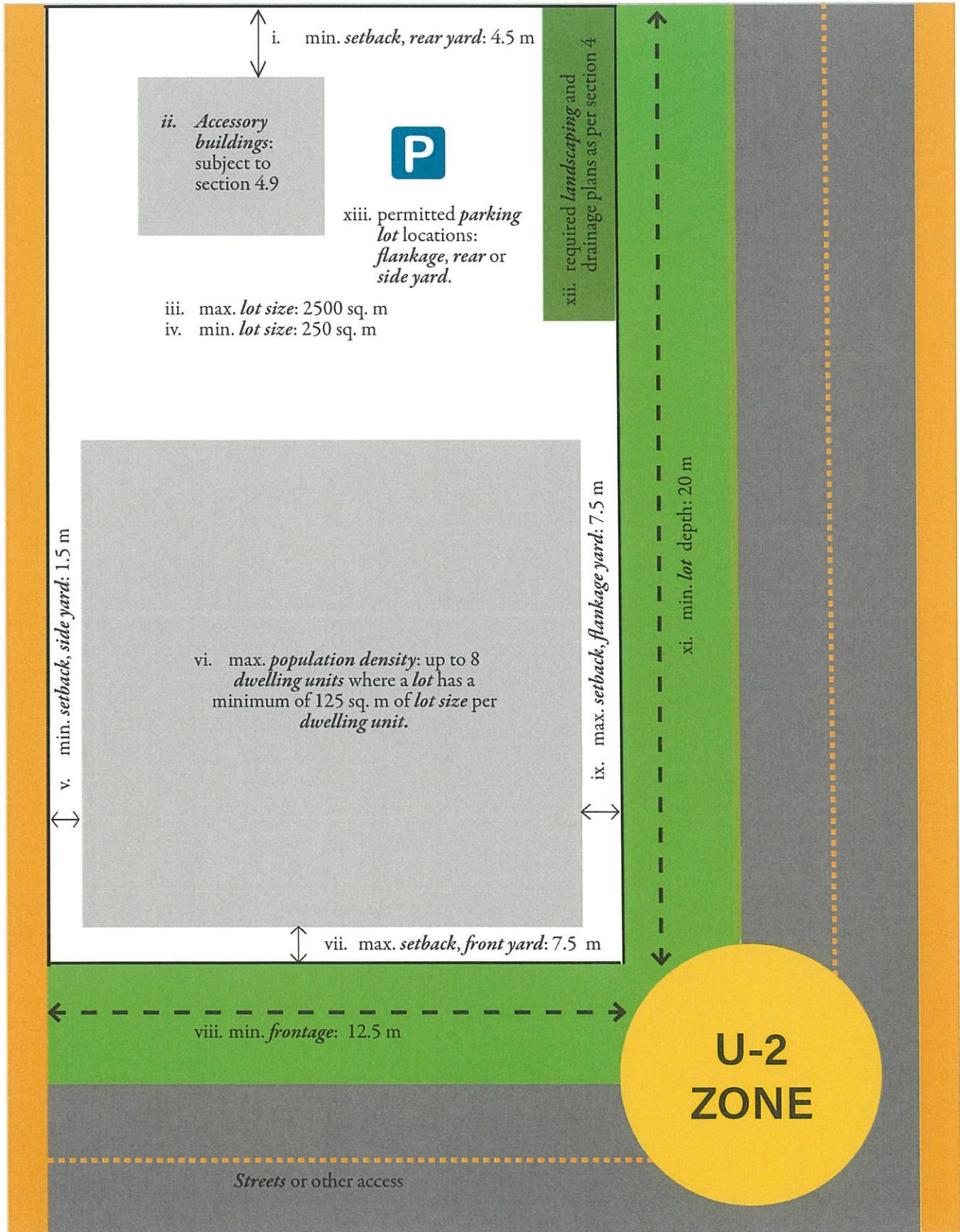
### 5.8.2 U-2 Zone Standards

1. 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. The U-2 Zone standards as numbered on the diagram 'Figure 15. Main Building Height Requirements' are complied with;
  - b. The U-2 Zone standards as numbered on the diagram 'Figure 16. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 15. MAIN BUILDING HEIGHT REQUIREMENTS



FIGURE 16. SITE REQUIREMENTS



## 5.9 Higher Intensity Urban Settlement Zone (U-3)

### 5.9.1 U-3 Zone Permitted Uses

1. Subject to general provisions under section 4, any land, *building* or *structure* in the U-3 Zone may be used for the purposes of:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *dwelling(s)*;
  - ii. *institutional use*;
  - iii. *large-scale commercial use*; and,
  - iv. *parks & open space use*.

#### SECONDARY USES

- b. One of the following *secondary uses*:
  - i. *accessory dwelling unit*;
  - ii. *short-term rental*; and,
  - iii. *home based business*.

#### ACCESSORY USES

- c. One or more *accessory uses, buildings, and structures*.

### 5.9.2 U-3 Zone Standards

1. 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. The U-3 Zone standards as numbered on the diagram 'Figure 17. Main Building Height Requirements' are complied with;
  - b. The U-3 Zone standards as numbered on the diagram 'Figure 18. Site Requirements' are complied with; and,
  - c. The general provisions under section 4 are complied with.

FIGURE 17. MAIN BUILDING HEIGHT REQUIREMENTS

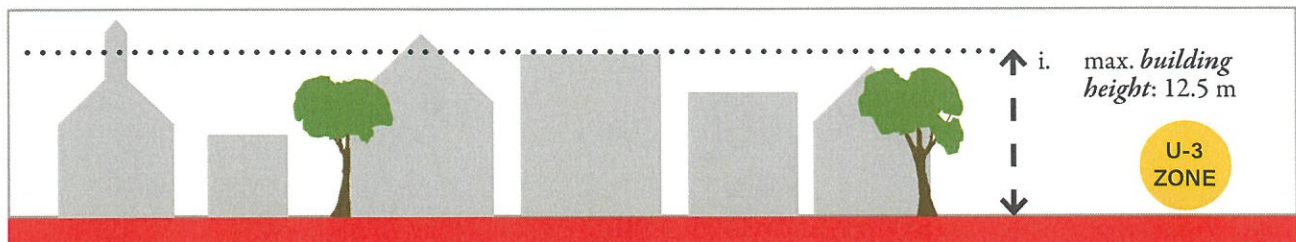
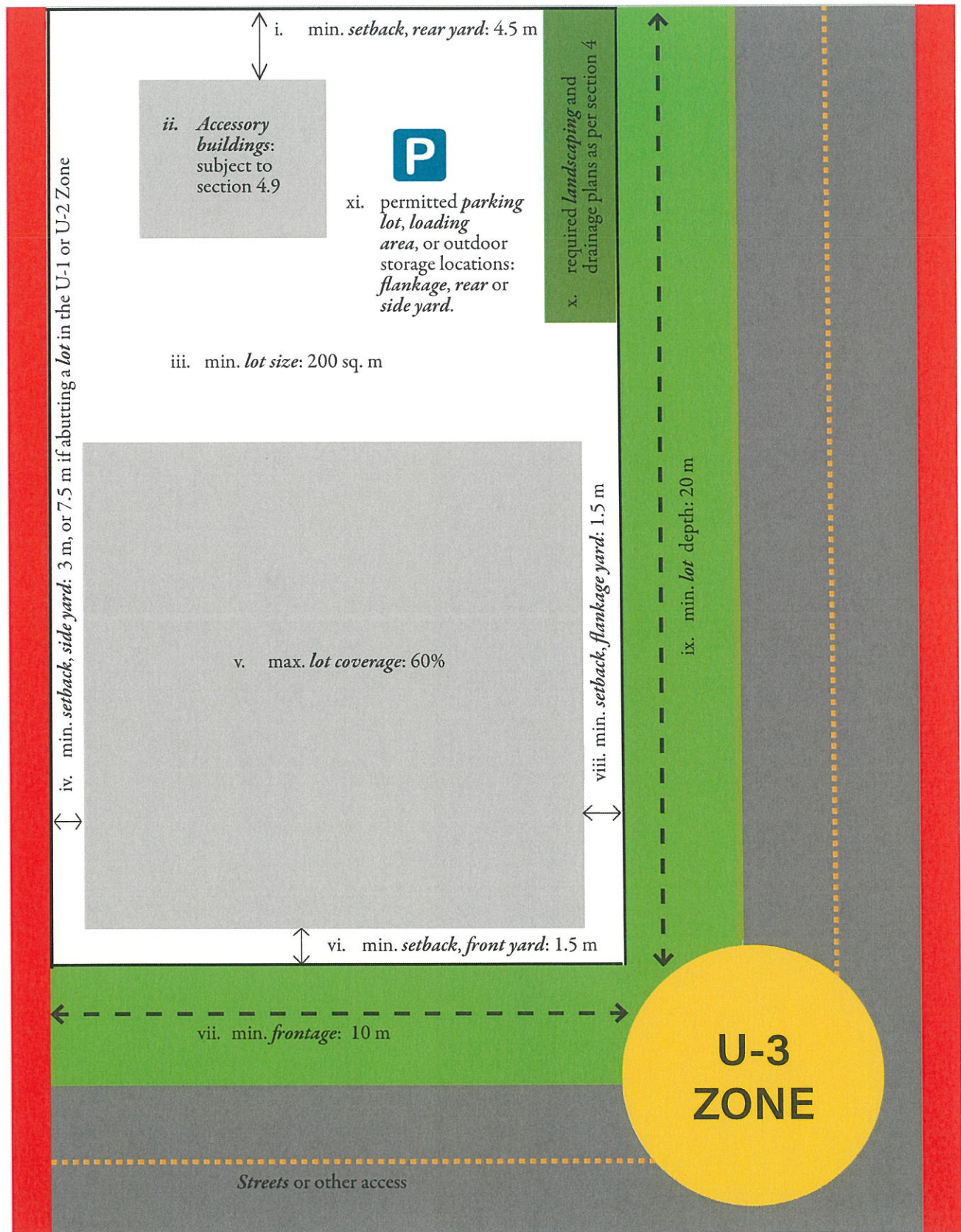


FIGURE 18. SITE REQUIREMENTS



# 5.10 Summary of Permitted Uses by Zone

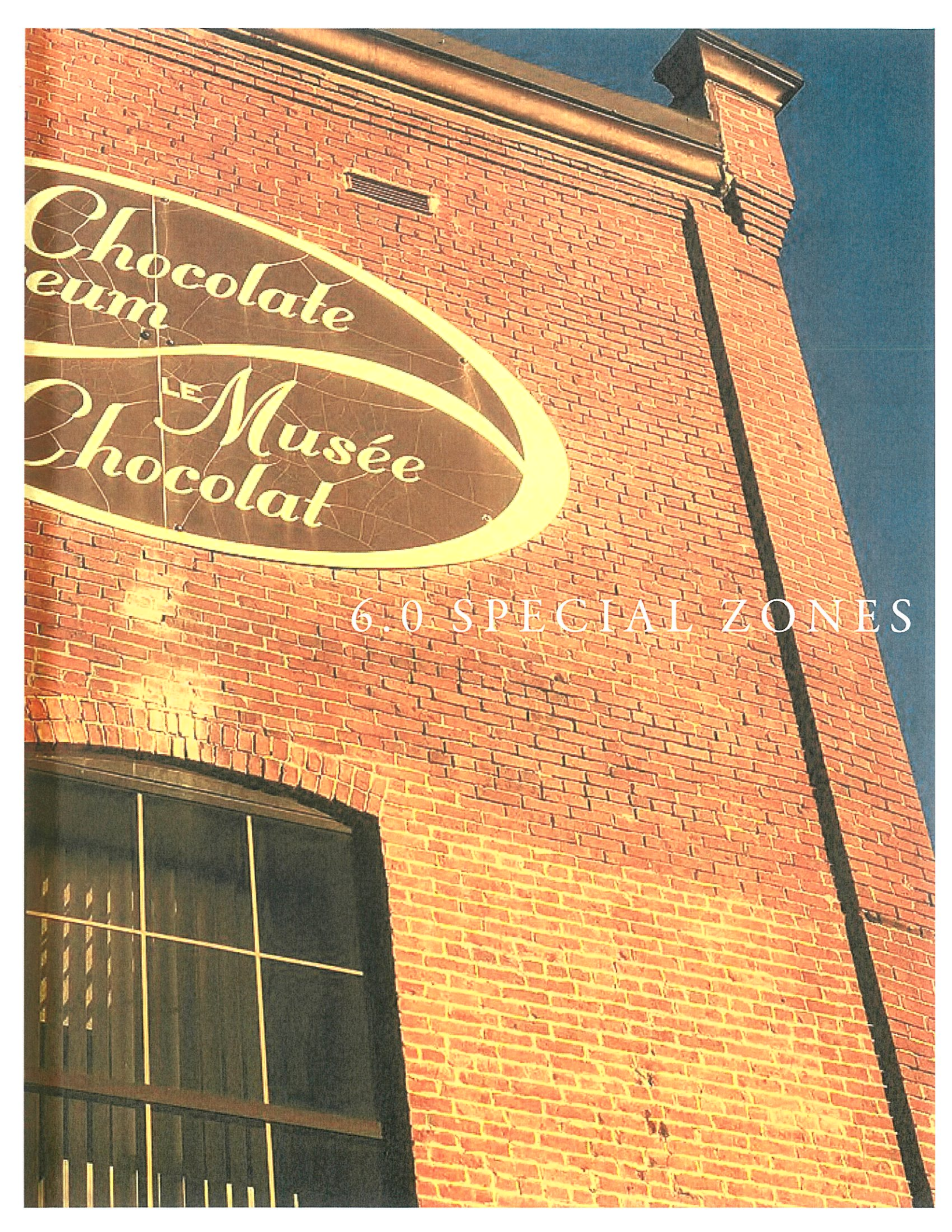
## 5.10.1 Quick Reference Table

1. Subject to sections 5.1 through section 5.9 of this By-law, a *development* may be permitted in a zone subject to the general provisions of section 4.0 of this By-law and as shown on 'Table 3.1' below:

Uses	C-1	C-2	R-1	R-2	R-3	U-1	U-2	U-3	O-DT	I
Utility Use	(*) public utility use	(*) public utility use <= 200m2	(*) public utility use <= 200m2	(*) public utility use		(*) public utility use <= 200m2	(*) public utility use	(*) public utility use	(*) public utility use	
Conservation										
Parks & Open Space Use										
Dwellings									(*) except 10 m of ground floor	
Residential Care Facility		<= 200m2	<= 200m2				(*) occupancy, max. 8		(*) subject to term/conditions	
Rooming House							(*) occupancy, max. 8		(*) except 10 m of ground floor	
Accessory Dwelling Unit										
Home based business						<=200m2				
Institutional Use		<= 200m2	<= 200m2			<=200m2			(*) subject to term/conditions	
Short-term Rental										
Residential Cluster Dev.										
Camp										
Agriculture (Large Livestock)			<= 200m <sup>2</sup>	<= 500m <sup>2</sup>						
Forestry		<=200m <sup>2</sup>	<=200m <sup>2</sup>	<= 500m2						
Small-scale Commercial Use		<= 200m2	<= 200m2	<= 500m <sup>2</sup>			<= 200m2			
Medium-scale Commercial Use				<= 500m <sup>2</sup>						
Resource Excavation Use										
Campground						(*) if owned by municipality	(*) if owned by municipality	(*) if owned by municipality		
Large-scale Commercial Use				<= 500m <sup>2</sup>						
Pre-existing Use										
Industrial										

LEGEND	
Main use permitted in Zone - Green	
Use permitted in Zone only as a secondary use to a permitted main use - Yellow	
Use not permitted in Zone - Red	



Chocolat  
Le Musée  
du Chocolat

6.0 SPECIAL ZONES

## 6.1 Integrated Development (ID) Zone

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### 6.1.1 ID Zone Permitted Uses

1. No *development* shall be permitted nor shall any land, *building* or *structure* be used on a *lot* within the ID Zone except in conformity with a specific proposal adopted by Council pursuant to Section 58 and 59 of the *Community Planning Act*.

### 6.1.2 ID Zone Standards

1. Notwithstanding any provision in this By-law, any land, *building* or *structure* may be developed within the ID Zone in conformity with specific terms and conditions adopted in development agreement or resolution of Council. Those terms and conditions may establish zoning standards for the design or dimensional requirements of *main buildings*, *accessory buildings*, *building height*, *lot size*, *lot coverage*, lot depth, lot *frontage*, yards, *setbacks*, *driveway access*, and any other zoning requirement that Council applies to the specific *development* proposal. See Figure 19. for an example of site-specific zoning requirements.



## 6.2 Downtown Overlay (O-DT) Zone

### 6.2.1 O-DT Zone Provisions

1. The O-DT Zone applies as a overlay zone as delineated in Schedule D.
2. Subject to general provisions under section 4, but notwithstanding the permitted main uses of the U-3 Zone of section 5.9.1, any land, *building* or *structure* in the O-DT Zone may be used for the following *main uses*:

#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *dwelling(s)*; and,
  - ii. *medium-scale commercial use*.
- b. In addition to *main uses* permitted under section 6.2.2(a), one or more of the following *main uses* where the use is subject to terms and conditions as may be applied by the *advisory committee*:
  - i. *institutional use*.

### 6.2.2 O-DT Zone Standards

1. Notwithstanding the U-3 zone standards of sections 5.9.2, no *development* shall be undertaken nor shall any land, *building* or *structure* be used within the O-DT overlay zone unless the following standards are met:
  - a. The O-DT Zone standards as numbered on the diagram 'Figure 20. Building Height and Façade Requirements' are complied with;
  - b. The O-DT standards as numbered on the diagram 'Figure 21. Site Requirements' are complied with.

FIGURE 20. BUILDING AND FAÇADE REQUIREMENTS

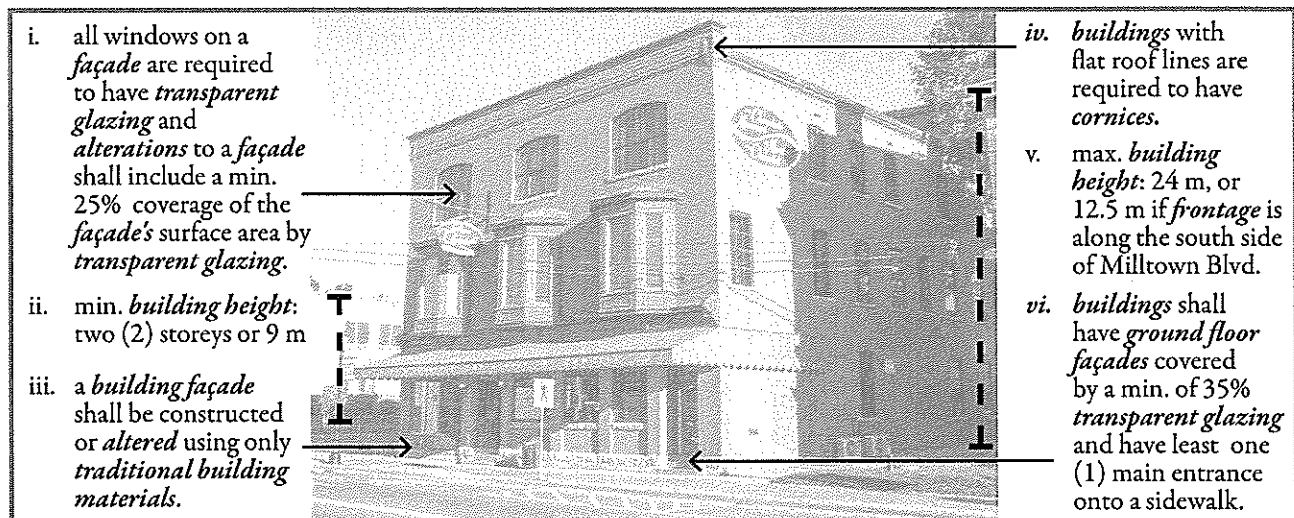
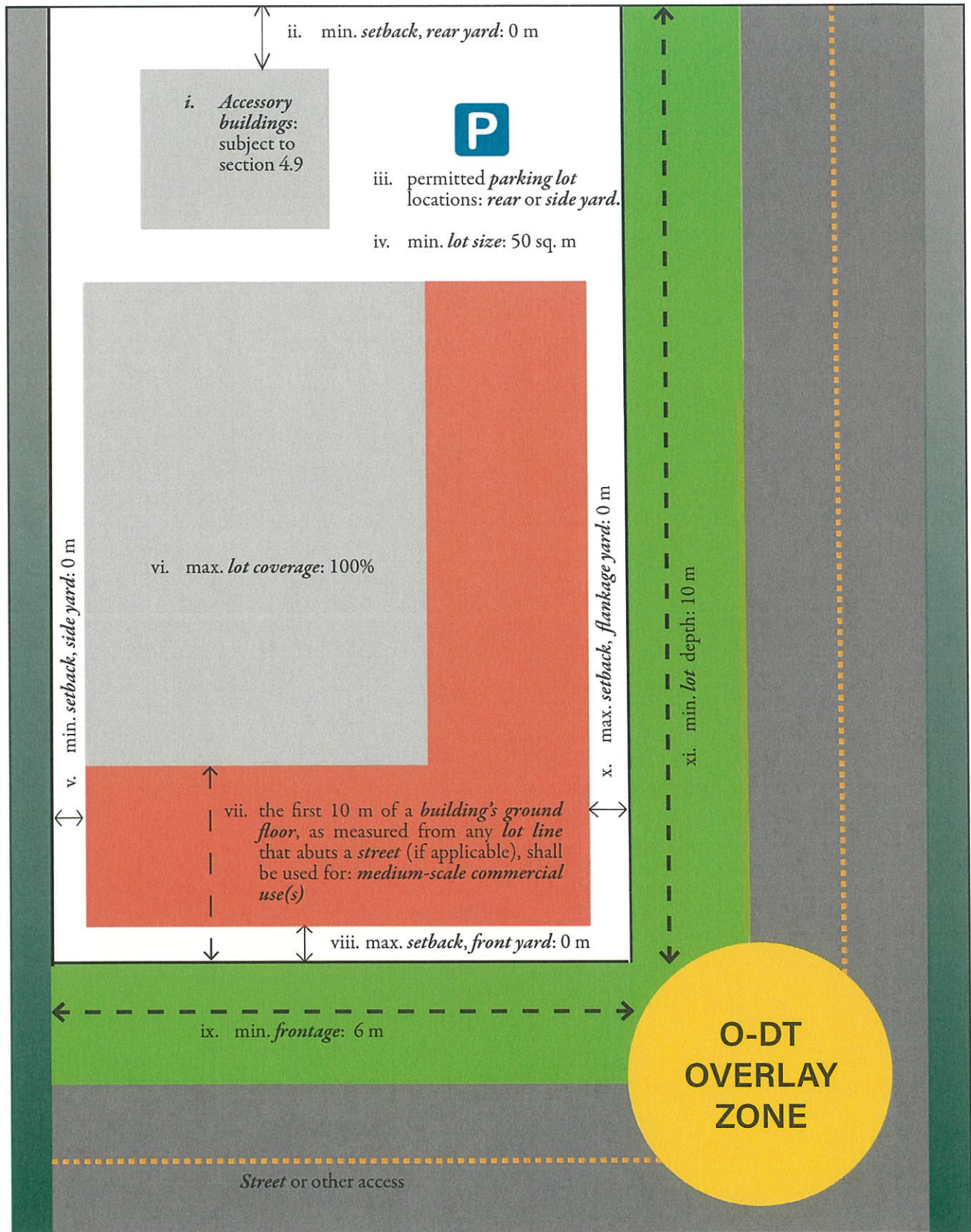


FIGURE 21. SITE REQUIREMENTS



## 6.3 Natural Hazard Overlay (O-NH) Zone

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### 6.3.1 O-NH Zone Provisions

1. The O-NH Zone, as delineated in Schedule B of this By-law, is intended to limit the *development* of intensive uses in areas subject to high risks related to *sea level rise*.
2. Notwithstanding any provision in this By-law except sub-section 6.3.1(3), *development* of a permanent new *main building* within the O-NH Zone is subject to the following condition:
  - a. prior to the issuance of a development approval, engineered plans shall be provided to the *development officer* which ensure that the elevation of the *habitable* part of the proposed *building*, including all electrical, mechanical, and plumbing are at least 60 cm above projected *sea level rise*.
3. Notwithstanding section 6.3.1(2) of this By-law, following types of *developments* do not require engineered plans and may be approved by the *development officer* where it is permitted by the zone that it is to be located within:
  - a. *accessory structures* under 55 square meters (592 sq. ft.) in gross floor area not designed for overnight accommodation;
  - b. *accessory use(s)* of land;
  - c. *alteration*, repairs, change of use, to existing *buildings* or *structures* that do not increase the *gross floor area*, such as, but not limited to, new exterior wheelchair ramps, stairs, decks, and stairwells;
  - d. *conservation use*;
  - e. *green shore protection works*;
  - f. *parks & open space use*;
  - g. *shore protection works* that do not change the elevation of the existing ground by either the cutting or filling to a depth of less than 1 m (3.28 ft);
  - h. *utility use*, with the exception of electrical substations, municipal water facilities, and wastewater lagoons.

## 6.4 Special Institutional Use Overlay (O-SIU) Zone

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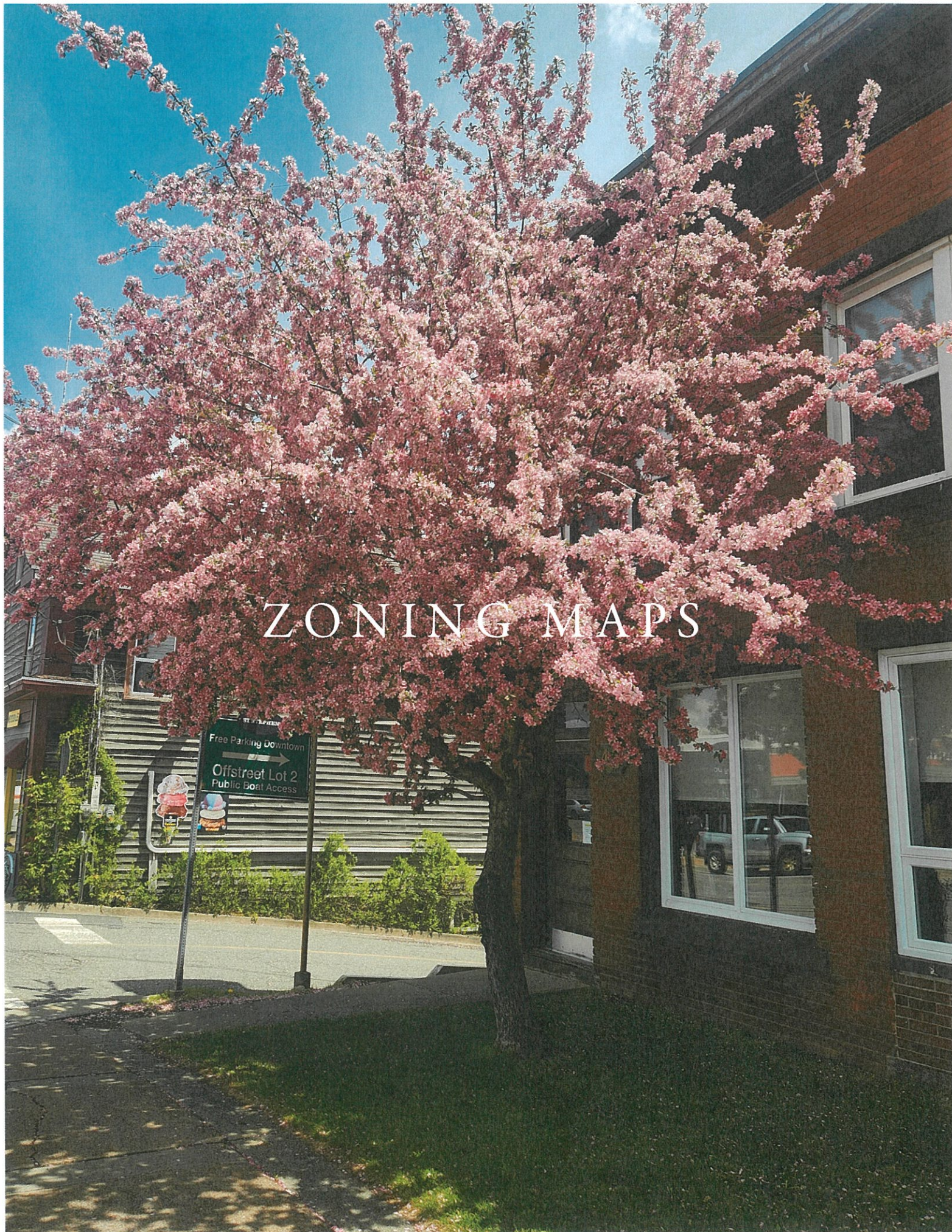
### 6.4.1 O-SIU Zone Provisions

1. The purpose of the O-SIU Zone, as delineated in Schedule E of this By-law, is intended to phase out all existing *emergency shelter* location(s) by no longer zoning these sites for the continued development as an *emergency shelter*. The O-SIU Zone also serves as an overlay zone to limit the development of any necessary *emergency shelters* in the future to specific locations that meet the requirements of municipal plan policy 1.7.1.20.
2. Subject to general provisions under section 4, in addition to any of the permitted main uses and zone standards of section 5.9.1, any land, *building* or *structure* in the O-SIU Zone may be used for the purposes of:

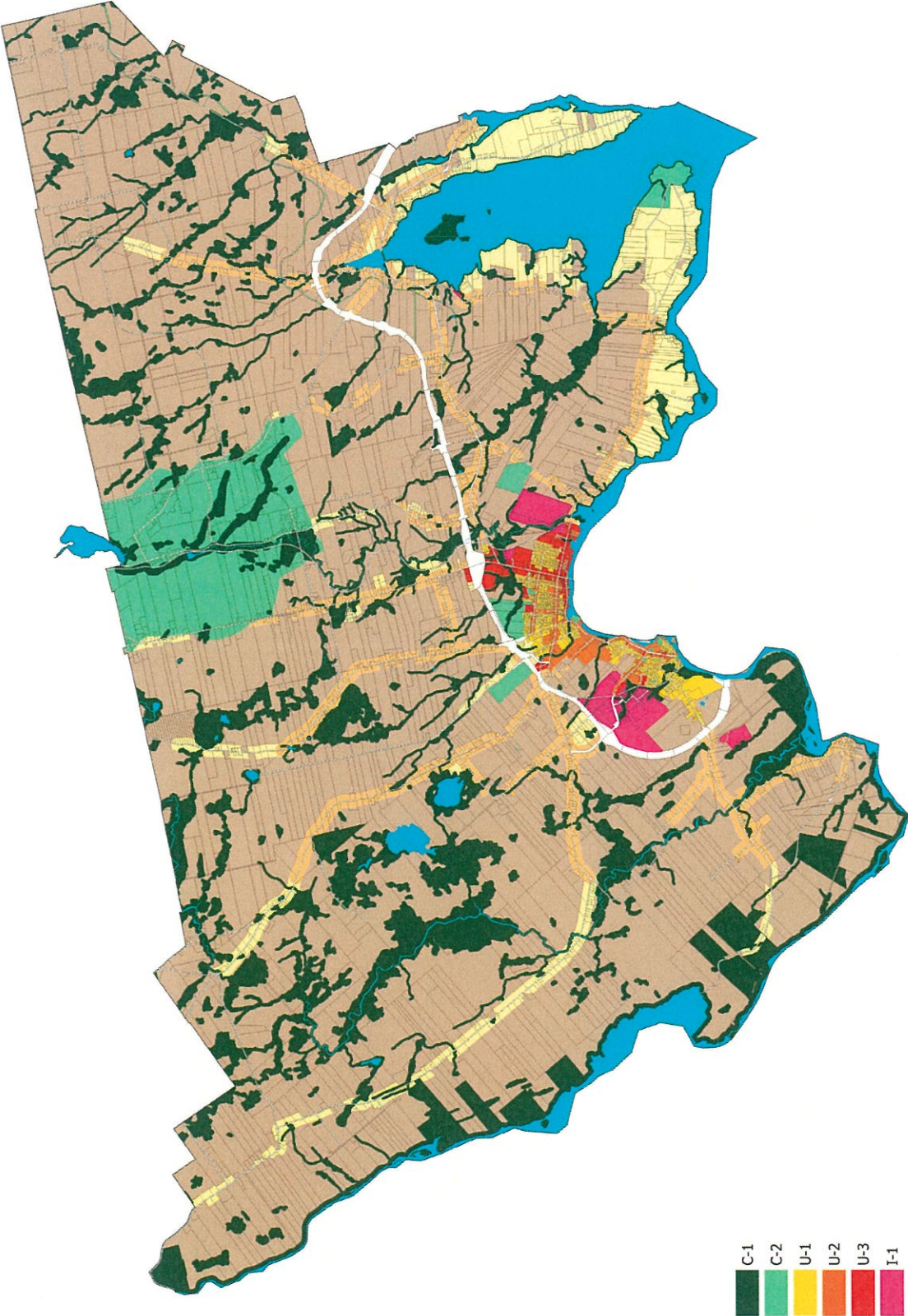
#### MAIN USES

- a. One or more of the following *main uses*:
  - i. *emergency shelter*; and
  - ii. *institutional use*.
4. Pursuant to section 6.4.1(2) of this By-law, the *development* of an *emergency shelter* is subject to the following standards:
  - a. that there shall be staff people present at all times that the use operates to provide supervision and care of the people being accommodated;
  - b. other than a gate for a *driveway access*, a minimum 2.5 m tall, opaque privacy *fence* shall be established around the perimeter of any *parking lot*, exterior storage, or outdoor amenity spaces established for the use; and,
  - c. a 10 m wide treed *buffer* shall be established or maintained to provide separation and visual screening between any *building*, exterior storage, *parking lot* or outdoor amenity space that is developed for the use.

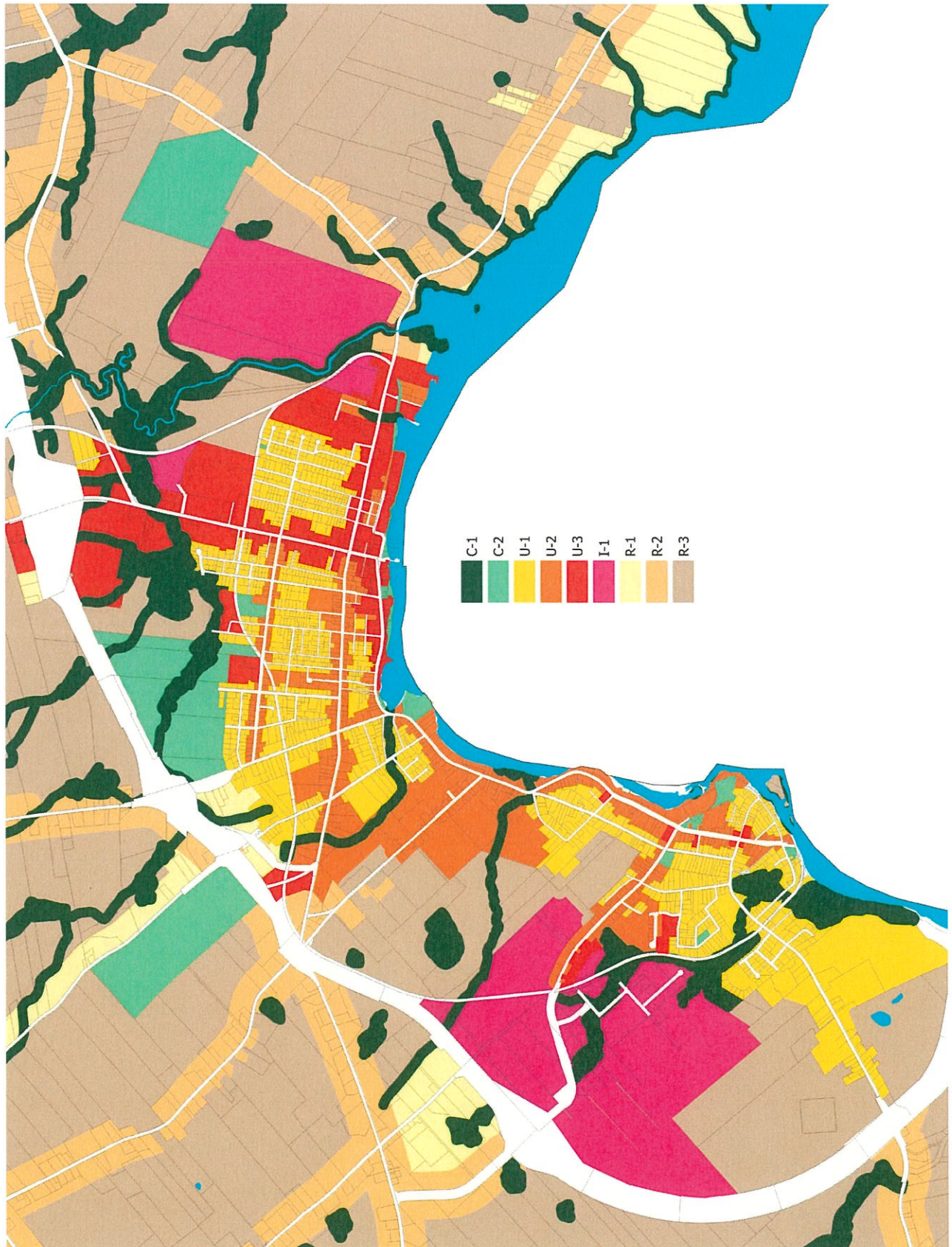
# ZONING MAPS



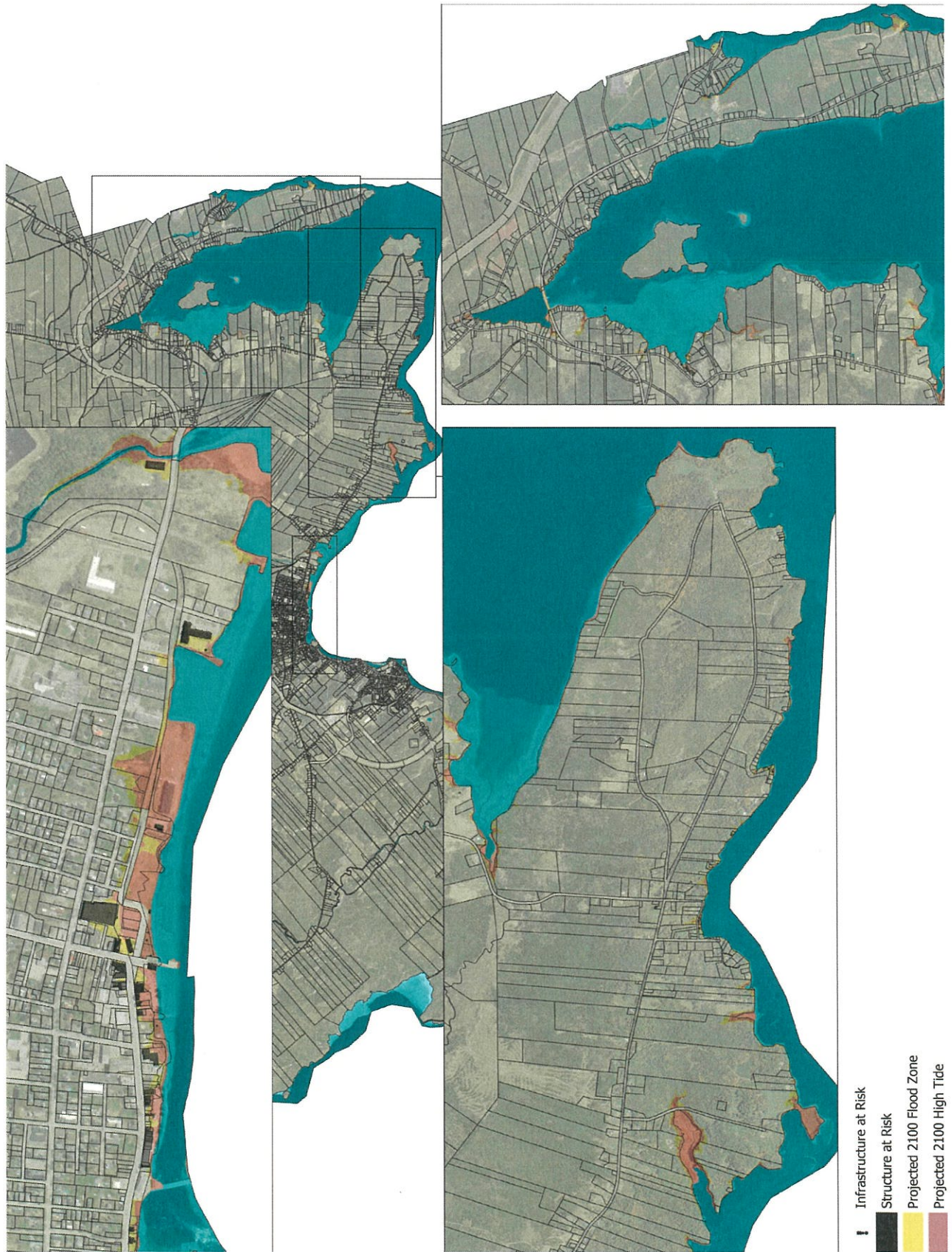
# SCHEDULE A



# SCHEDULE A (zoomed-in)



# SCHEDULE B



# SCHEDULE C



# SCHEDULE D



# SCHEDULE E

