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The Town of Nackawic Zoning By-Law

By-law No. 51-17

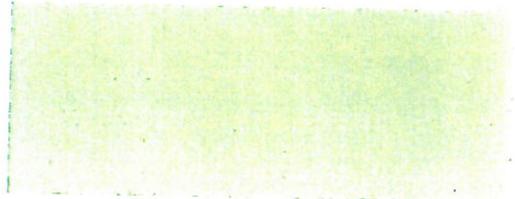
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Margaret Scott
of Registrar-Conservateur

2017

Prepared by
Regional Service Commission 11



CERTIFICATION:

This is to certify that By-Law 51-17, "The Town of Nackawic Zoning By-Law" has been enacted by the Council of the Town of Nackawic and repeals and replaces the previous Town of Nackawic Zoning By-Law #51-2002; and that said By-Law was:

Read for the first time by title on March 20th 2017,

Read for the second time by title on April 3rd 2017,

Read for the third time in entirety on April 3rd, 2017,

And that said readings have been carried out in accordance with the provisions of Section 12 of the Municipalities Act R.S.N.B 1973 C.M. 22, and the amendments thereto


Ian Kitchen, Mayor


Randy Wilson, Clerk



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The Council of the Town of Nackawic, under authority vested in it by section 34 of the *Community Planning Act*, enacts as follows:

1. Interpretation

1.1 In this By-law,

“Agricultural use” means any use of land for the purpose of producing of crops and livestock;

“Alter” means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;

“Bachelor Apartment” means a dwelling unit, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities;

“Building” means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels;

“Building, accessory” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

“Building, main” means a building in which is conducted the main or principle use of the lot on which the building is located;

“Development” means:

a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines defined in the *Pipeline Act, 2005* except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices,

b) where the purposes for which land, buildings and structures may be used are set out in a regional plan, municipal plan, rural plan, basic planning statement, development scheme, urban renewal scheme, zoning by-law or regulation, any change in the purpose for which any land, building or structure is used,

c) any excavation of sand, gravel, clay, shale, limestone or other deposit for a development mentioned in paragraph (a) or for purposes of the sale or other commercial use of the material excavated, or

d) the making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the *Pipeline Act, 2005*;

“Dwelling” means a main building or a portion thereof containing one or more dwelling units;

“Dwelling, multiple” means a dwelling containing more than one dwelling unit;

“Dwelling, single-family” means a dwelling containing only one dwelling unit;

“Dwelling, terrace” means a dwelling containing at least three and no more than six dwelling units, such units being constructed adjoining common walls, and not one above the other, with individual entrances from the street level directly;

“Dwelling Unit” means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;

“Erect” means to construct, build, assemble or relocate a building or structure, and any physical operation preparatory thereto;

“Family” means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;

“Garage, public” means any building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire, but not including body shops;

“Garden suite” means a portable or demountable one storey, one or two bedroom, self-contained dwelling, intended to be occupied by an individual or couple who are able to live independently in it on a temporary basis, and where the house on the same property is occupied by children, grandchildren, family members, or relatives of the occupant of the portable dwelling;

“Grade” means the finished level of the ground at the exterior walls of a building or structure;

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

“Home Occupation” means a secondary use conducted in a dwelling for gain or profit;

“House, boarding” means a dwelling or part thereof in which rooms and meals are provided to lodgers for compensation;

“House, rooming” means a dwelling or part thereof in which rooms are provided to lodgers for compensation;

“Lot” means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

“Lot, corner” means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets, and “lot, interior” means a lot other than a corner lot;

“Lot Line” means a common line between a lot and an abutting lot, land or street;

“Lot Line, Side” means a lot line extending from the street line to the rear of the lot;

“Mini Home” means a dwelling not exceeding 4.88 meters in width, which does not have a steel frame for wheels, and has a pitched roof;

“Mobile Home” means a mobile home as defined in the *Municipalities Act*;

“P.R.A.C.” means the Planning Review and Adjustment Committee of Regional Service Commission 11, established by the *Regional Service Delivery Act*;

“Service Station” means a building or space where gasoline, oil, grease, antifreeze, tires and accessories for motor vehicles are stored or kept for sale and where minor repairs of motor vehicles are performed;

“Shopping Centre” means an area of at least 6,000 square meters of land, planned and controlled as a unit, containing such retail stores, service shops and other establishments as permitted by this By-law, in a unitary type building or buildings at least 1500 square meters in size, together with at least 3000 square meters of customer parking area, and at least 1200 square meters for circulation, service and planting;

“Sign” means any display of advertisement, placard, boarding, bill board or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose;

“Storey” means:

- i) that portion of a building between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it; or
- ii) a basement and cellar, if the average vertical distance from grade to the ceiling thereof is over 1.5 meters (5 feet) and is used for business purposes or for dwelling purposes;

“Yard” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line;

“Yard, Front” means, in relation to a main building structure or use on a lot, that part of the lot between such building, structure or use and the street line at the front of the lot;

“Yard, Rear” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a rear lot line;

“Yard, Side” means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a side lot line;

2. Measurements

2.1 In this By-law

- a) all measurements of distance and dimensions are expressed in metric terms and for purposes of comparison and guidance and to aid in understanding this by-law, the approximate equivalent measurements in inches and feet, as the case may be, have been placed in brackets immediately following the metric measurement but such inches or feet, as the case may be, are not operative provision of this by-law;
- b) the abbreviations
 - i) “cm” means centimetre or centimetres;
 - ii) “ft” means foot or feet;
 - iii) “in” means inch or inches;
 - iv) “m” means meter or meters; and
 - v) “sq” means square.

3. Scope

3.1 This By-law

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

ADMINISTRATION

4. Powers of the Council

- 4.1 No building may be erected in the municipality in respect of which, in the opinion of the Council satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

- 4.2 Subject to subsection (1), within any zone mentioned herein, the Council may
- a) designate land to be used for the location or erection of any installation for the supply of electricity, water or sanitary or storm sewers or for the treatment or disposal of sewerage wastes; and
 - b) use land designated under clause (a) for a purpose therein mentioned.
- 4.3 No land may be designated or used for the purposes of subsection (1) unless, in the opinion of the Council,
- a) such land is essential to the operation of the service concerned; and
 - b) any development thereon in an R zone is adequately screened from public view.

5. Special Powers of the Planning Review and Adjustment Committee (P.R.A.C.)

- 5.1 No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the P.R.A.C., the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- 5.2 The P.R.A.C. may, subject to such terms and conditions as it considers fit,
- a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
 - b) to authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by the by-law if
 - i) the applicant holds an authorization under subparagraph (a) that is to expire or has expired;
 - ii) an application with respect to the land has been made to amend the zoning by-law; and
 - iii) the P.R.A.C. has received a resolution from the council confirming that the council will consider the application referred to in clause (ii); and
 - c) to require the termination or removal of a development authorized under subparagraph at the end of the authorized period;

6. Amendments

6.1 A person who seeks to have this by-law amended shall

- a) address a written and signed application to the Regional Service Commission; and
- b) pay a fee of \$1,500.00 payable to Regional Service Commission 11 on commencement of the amendment process.

6.2 The Fee mentioned in section 1(b) may be changed by Resolution of Council.

6.3 An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal.

6.4 The Council may refuse to consider an application under this section if such application

- a) seeks to rezone an area of land from one type of zoning to another.

6.5 Unless, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application

- a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
- b) not being in relation to re-zoning, is similar to the original application.

GENERAL PROVISIONS

7. Home Occupations

7.1 Where permitted, a home occupation may be conducted in a residential dwelling subject to the following conditions:

- a) the home occupation shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-based business, except for a sign permitted under this By-Law or future Signage By-Law;
- b) with the exception of vehicles designed and used primarily for travel on public highways, there shall be no outdoor storage of goods, equipment, or materials associated with the home occupation;
- c) the premises shall not be used for auto repair, painting or washing, machinery repair or rental, welding or any other industrial use, a convenience store, restaurant, tanning centre, laundry services, sharpening services, or any rental or retail operation, except where retail is accessory to the production of goods or crafts produced on the premises or the provision of a service; and
- d) the home occupation shall not produce any smoke, fumes, obnoxious odours, noise, vibration, heat, humidity, glare, or electronic interference so as to be easily observed beyond the limits of the property in which the home-based business is conducted or create issues of excessive traffic or on street parking, other than what is natural for a residential area.

8. Garden Suites

8.1 Where permitted, a garden suite may be located on a lot containing a single family dwelling subject to terms and conditions and provided:

- a) that the lot meets applicable minimum size requirements;
- b) the garden suite shall be located so as not to infringe on the privacy of neighbouring residents;
- c) the garden suite must be located so as to be easily removed from the site;
- d) the garden suite is provided with adequate water and sewer systems, as acceptable to the Department of Health, or other agency having jurisdiction;
- e) the garden suite shall be removed from the property within six months should it cease to be occupied by the person or persons intended; and
- f) the garden suite shall be reasonably consistent with the character and aesthetics of the neighbourhood in which it is located.

9. Gravel Pits and Quarries

9.1 New gravel pits and quarries may be permitted via amendment to the Municipal Plan and Zoning By-Law pursuant to a section 39 agreement to address matters such as: public safety, reclamation, signage, hours of operation, noise, dust and other matters as may be desired by council.

10. Commercial and Industrial Development Abutting a Residential Zone

10.1 Notwithstanding any other provision of this By-law, in the case of a lot in a C or I zone and abutting an R zone, no building or structure may be placed or erected thereon unless the yard adjoining the R zone has a depth or width equal to twice the height of the main building or structure.

11. Number of Main Buildings or Structures on a Lot

11.1 Except as herein provided, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure on a lot.

12. Building and Structure Projections

12.1 The requirements of this by-law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of

- a) 15 cm (6 in) for sills, leaders, belt courses or similar ornamental features;
- b) 46 cm (18 in) for chimneys, smoke stacks or flues;
- c) 61 cm (24 in) for cornices or eaves;
- d) 101 cm (40 in) for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes;
- e) subject to subsection (2)
 - i) 1.5 m (4 ft) for steps or unenclosed porches; or
 - ii) 1.8 m (6 ft) for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.

12.2 Projections mentioned in clause (e) of subsection (1) may not extend into a required side yard to a greater extent than one-half the required width of the yard.

13. Vehicular Off-Street Parking

13.1 Subject to this section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.

13.2 Off-street vehicular parking spaces mentioned in subsection (1) shall be provided on the following basis:

- a) for dwelling units: not less than one space for each dwelling unit;
- b) for retail stores and service shops, or similar establishments: not less than one space for each 18 sq m (193 sq ft) of retail sales floor space.
- c) for restaurants and taverns: not less than one space for every 4 patrons for whom accommodation is provided.
- d) for offices: not less than one space for every 36 sq m (387 sq ft) of gross floor area.
- e) for recreational and entertainment buildings, INST buildings including churches, clubs and places of assembly: not less than one space for every 10 fixed seats, or not less than one space for each 9 sq m (97 sq ft) of gross floor area, whichever is greater.
- f) for hotels and motels: not less than one space for each habitable unit.
- g) for schools and youth clubs: not less than one space for every classroom or club room and, where an auditorium or place of assembly is included therein, an additional space for every 9 sq m (97 sq ft) of auditorium or assembly area; and
- h) for industrial buildings, warehouses, storage yards or buildings and servicing and repairing establishment: not less than one space for every 5 employees or not less than one space for every 93 sq m (1000 sq ft) of gross floor area, whichever is the greater.

13.3 A parking space shall be

- a) an area of not less than 6 m (20 ft) in length and not less than 3 m (10 ft) in width;
- b) readily accessible from the nearest street; and
- c) not more than 150 m (492 ft) from the building which it serves.

13.4 Provided the area is not less than the minimum area required for all buildings which the spaces are to serve, collective provision for off-street parking spaces may be made for two or more buildings on the same parking lot.

13.5 Where collective provisions for off-street parking is made under subsection (4), the parking area shall

- a) be screened from public view, if practicable;
- b) be surfaced with a durable and dust proof material;
- c) have points of ingress and egress located, in the opinion of the Advisory Committee with due regard to topography and general traffic conditions; and
- d) not be used for automotive repair work or servicing except in the case of an emergency.

13.6 Barrier-Free Parking Spaces shall be

- a) a minimum width of 2400 mm plus a 1500 mm wide adjacent access aisle for car parking spaces. Where paved, the access aisle should be clearly marked;
- b) an even larger space in the case of vans in order to provide clearance for the side lift. To accommodate van parking, spaces shall be a minimum of 4600 mm wide; and
- c) at least 2600 mm wide by 7400 mm long for parallel parking spaces.

14. Vehicular Off-Street Loading and Unloading

14.1 The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain on lands appurtenant to such building, structure or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses
 - i) not less than one space if the gross floor area thereof is 455 sq m (4900 sq ft) or less;
 - ii) not less than two spaces if the gross floor area thereof is in excess of 455 sq m (4900 sq ft), but less than 2,272 sq m (24,446 sq ft);
 - iii) an additional space for each 2,272 sq m (24,446 sq ft), or fraction thereof, of gross floor area in excess of the first 2,272 sq m (24,466 sq ft); and
- b) for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises
 - i) not less than one space; and
 - ii) an additional space for each 2,272 sq m (24,446 sq ft), or fraction thereof, of gross floor area in excess of 2,272 sq m (24,446 sq ft).

- 14.2 A loading and unloading space mentioned in subsection (1) shall
- a) be not less than 10m (32 ft) in length and not less than 4 m (13 ft) in width, with 5 m (16 ft) overhead clearance;
 - b) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - c) be provided with adequate facilities for ingress and egress and constructed manoeuvring aisles; and
 - d) be surfaced with a durable and dust proof material.

15. Signs

15.1 Other than a traffic control device as defined by the *Motor Vehicle Act*, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only if approved by the P.R.A.C. and only on compliance with such terms and conditions as may be imposed by such committee. For this section gross area means the area of one face of a sign.

15.2 Subject to subsection (3), in any zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign

- a) advertises the sale, rental or lease of such land, building or structure;
- b) identifies by name the property or the residents thereof;
- c) indicates a home occupation permitted hereunder; or
- d) warns against trespass.

15.3 Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed

- a) in number, one for each purpose mentioned therein; or
- b) in size,
 - i) .6 sq m (6 sq ft) for a sign mentioned in clause (a) thereof; or
 - ii) .2 sq m (2 sq ft) for a sign mentioned in clause (b), (c) or (d) thereof.

15.4 In a C, HC or I Zone, the following signs may be placed, erected or displayed:

- a) a sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area of such sign does not exceed
 - i) the lineal frontage of the lot on which the building is located, multiplied by two, in the case of a non-illuminated sign; or

- ii) one-half the size permitted under sub-clause (i), in the case of an illuminated sign; or
- b) a free-standing sign not exceeding 3.7 sq m (40 sq ft) in gross surface area, in the case of a service station.

15.5 In a rural zone the following signs may be placed, erected or displayed:

- a) one sign not exceeding 3.7 sq m (40 sq ft) in gross surface area indicating the name of a farm; and
- b) one sign not exceeding 1.6 sq m (18 sq ft) in gross surface area indicating the sale or rental of the property on which it is placed.

15.6 No sign may

- a) be an imitation of a traffic control device or contain the words “stop”, “go”, “go slow”, “caution”, “danger”, “warning”, or similar words;
- b) have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or
- c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

16. Fences

16.1 Notwithstanding any other provisions of this by-law, subject to this section, a fence may be placed or located in a yard.

16.2 Except for a security fence of chain link construction, no fence in a required front yard may exceed .8 m (2 and one half ft) in height.

16.3 Subject to subsection (2), no fence may exceed in height

- a) 1.8 m (6 ft) in an R Zone; or
- b) 2.5 m (8 ft) in a zone other than an R Zone.

17. Line of Vision at an Intersection

17.1 Except in a Commercial Zone, no building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of 1 and 3 m (3 and 10ft) above the grade of the streets within an area bounded by the centre lines thereof and a line joining a point on each centre line 24 m (78 ft) from their intersection.

18. Lighting Facilities and Illuminating Devices

18.1 No lighting facilities or illuminating devices for any purpose may be arranged in such manner as to cause a nuisance.

19. Stripping of Top Soil

19.1 Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot.

19.2 Where there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

19.3 Notwithstanding subsection (1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land.

Zones

20. Classification

20.1 For the purposes of this by-law, the municipality is divided into zones as delineated on the plan attached hereto as Schedule “A”, entitled “Town of Nackawic Zoning Map” dated February 2017.

20.2 The zones mentioned in subsection (1) are classified and referred to as follows:

- a) Single Family Residential R1 Zone
- b) Multiple Family Residential R2 Zone
- c) Mobile & Mini Home Park RM Zone
- d) Core Area Commercial C Zone
- e) Highway Commercial HC Zone
- f) Industrial I Zone
- g) Institutional INST Zone
- h) Public Recreation P1 Zone
- i) Private Recreation P2 Zone
- j) Rural RUR Zone
- k) Wellfield Protection Area WP Zone

20.3 R1, R2 and RM Zones, collectively, are referred to as R Zones.

20.4 C and HC collectively are referred to as C Zones.

20.5 P1 and P2 collectively are referred to as P Zones.

R Zones

21. R-1 Zone Single Family Residential

Permitted Uses

21.1 Any land, building or structure zoned “Single Family” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) a single-family detached dwelling;
 - ii) a park or playground; or
 - iii) public utility;
- b) subject to section 7 a home occupation;
- c) subject to section 8 a garden suite;
- d) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

21.2 The following additional uses are only permitted if approved by the Planning Review and Adjustment Committee, subject to such terms and conditions as may be imposed by such Committee:

- a) a church;
- b) a special care home;
- c) a small scale day care;
- d) a bachelor apartment.

21.3 Lot Sizes

- a) No building or structure may be placed, erected or altered unless the lot is serviced by public sewer, has and contains
 - i) a width of at least 20 m (65 ft);

- ii) a depth of at least 35 m (115 ft); and
 - iii) an area of at least 835 sq m (8985 sq ft).
- b) If the lot is not serviced by public sewer, the lot shall have and contain:
- i) a width of at least 54 m (177 ft);
 - ii) a depth of at least 38 m (125 ft); and
 - iii) an area of at least 4100 sq m (44131 sq ft).

21.5 Size of Dwellings and Dwelling Units

- a) No single-family dwelling may be placed, erected or altered so that it has a ground floor area less than
- i) 90 sq m (969 sq ft), in the case of one-storey dwelling;
 - ii) 54 sq m (581 sq ft), in the case of a one and one-half storey dwelling;
 - iii) 54 sq m (581 sq ft), in the case of a two-storey dwelling; and
 - iv) 6.5 m in width for more than 25% of its total floor space.

21.6 For the purposes of this section, ground floor area or floor area does not include garages, carports, porches, verandas, breeze ways, approach halls, or except for those completely contained in a dwelling unit, stairways.

21.7 Yards for Main Building or Structure

- a) Subject to section 12, no main building or structure may be placed, erected or altered so that it is;
- i) within 7.5 m (25 ft) of a street property line;
 - ii) within 2 m (6 ft) of a side lot line; or
 - iii) within 10m (32 ft) of the rear lot line.

21.8 Height of a Main Building or Structure

- a) No main building or structure may exceed 8.5 m (28 ft) in height.

21.9 Accessory Buildings and Structures

- a) No accessory building or structure may
- i) exceed one storey or 4.5 m (14 ft) in height;

- ii) be placed, erected or altered so that it is within
 - 1) the front yard of the main building or structure; or
 - 2) 1.5 m (5 ft) of a side or rear lot line;
- iii) in the case of an accessory building, exceed 57 sq m (624 sq ft) in area or have a horizontal dimension greater than 10 m (32 ft);
- iv) be used
 - 1) for agricultural purposes;
 - 2) for the keeping of animals other than household pets.
- b) Accessory buildings and structures may not occupy more than 10 per cent of the area of a lot.

21.10 Lot Occupancy

- a) Buildings and structures on a lot shall not occupy a greater portion of the area of a lot than
 - i) 50 per cent, in the case of an interior lot; or
 - ii) 45 per cent, in the case of a corner lot.

21.11 Landscaping

- a) Subject to this section, the owner of a lot developed for residential purposes shall landscape
 - i) the front yard of the main building; and
 - ii) that portion of the lot within 1.6 m (5 ft) of any building thereon.
- b) For the purposes of this section, landscaping
 - i) shall include all grading necessary to divert surface water from the dwelling and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of three inches of topsoil; and
 - ii) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other by-law, rule or regulation.
- c) Notwithstanding subsection (1) the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or

other use on the lot.

22. R2 Zone - Multiple Family Residential

Permitted Uses

22.1 Any land, building or structure zoned “Multiple Family Residential Dwelling” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) a multiple dwelling (varying from two to twelve dwellings);
 - ii) a single family dwelling;
 - iii) a park or playground;
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section;
- c) higher forms of residential density shall require the negotiations of a land use agreement between the developer and council in accordance with the provisions of section 39 of the *New Brunswick Community Planning Act*.

22.2 No building or structure may be placed, erected or altered unless the lot contains

- a) if serviced by public sewer,
 - i) a width of at least 40 m (131 ft) plus 5 m (16.5 ft) for each dwelling unit in excess of two;
 - ii) a depth of at least 35 m (115 ft); and
 - iii) an area of at least 1600 sq m (17216 sq ft) plus 102 sq m (726 sq ft) for each dwelling in excess of two.
- b) if serviced by a private sewage disposal system and has been approved by the department of public safety, the lot contains,
 - (i) a two family dwelling:
 - (1) a width of at least 59 metres abutting a public street, and
 - (2) an area of at least 5,350 square metres;
 - (ii) a three family dwelling:
 - (1) a width of at least 63 metres abutting a public street, and

- (2) an area of at least 6,700 square metres;
- (iii) a multiple family dwelling:
 - (1) a width of at least 68 metres abutting a public street, and
 - (2) an area of at least 8,050 square metres.

22.3 Size of Dwellings and Dwelling Units

- a) No multiple dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than
 - i) 32 sq m (344 sq ft), for a bachelor apartment;
 - ii) 41 sq m (441 sq ft), for a one-bedroom dwelling unit;
 - iii) 57 sq m (613 sq ft), for a two-bedroom dwelling unit; or
 - iv) 64 sq m (688 sq ft), for a dwelling unit containing three or more bedrooms.

22.4 No dwelling or main building may be placed or erected unless its minimum ground floor area conforms to section 21.5.

22.5 For the purposes of this section, ground floor area or floor area does not include garages, carports, porches, verandas, breeze ways, approach halls or, except for those completely contained in a dwelling unit, stairways.

22.6 Yards for a Main Building or Structure

- a) Subject to section 12, no main building or structure may be placed, erected or altered so that it is
 - i) within 7.5 m (25 ft) of a street property line;
 - ii) within 3 m (10 ft) of a side lot line; or
 - iii) within 7.5 m (25 ft) of the rear lot line.

22.7 Height of a Main Building or Structure

- a) No main building or structure may exceed 11 m (35 ft) in height.

22.8 Accessory Buildings and Structures

- a) The provisions of section 21.9 with respect to accessory buildings and structures apply.

22.9 Landscaping

- a) The provisions of section 21.11 with respect to landscaping apply.

23. RM Zone - Mobile & Mini Homes

Permitted Uses

23.1 Subject to this section, any land zoned “Mobile & Mini Homes” may be used for the purposes of, and for no other purpose,

- a) a mobile home and or mini home lot or park;
- b) any accessory building, structure or use incidental to the main use of the land and permitted by in section 14; and
- c) a park or playground.

23.2 Lots

- a) a person shall not use any land for a purpose mentioned in subsection (1) unless such land is serviced by municipal sewer and water services and paved streets;
- b) no mini home may be located on a lot unless such lot has and contains
 - i) internal lots - an area of 370 sq m with a minimum width of 12 m;
 - ii) corner lots - an area of 460 sq m with a minimum width of 15 m;
 - iii) a depth of at least 30.8 m;
- c) no lot may be used for the purpose of a park or playground unless it has and contains dimensions at least as great as those mentioned subsection (2b).

23.3 Size of Dwellings and Dwelling Units

- a) No mobile home or mini home may be located on a lot unless such home has a gross floor area of at least 70 sq m.

23.4 Set-Back and Side Yards

- a) No mobile home or mini home may be located on a lot so that it is within
 - i) 7.5 m of the boundary of a street line; or
 - ii) 2.0 m from a side line or rear line.

C Zones

24. C Zone - Core Area Commercial

Permitted Uses

24.1 Any land, building or structure may be used for the purposes of, and for no other purpose,

- a) retail or wholesale commercial stores;
- b) an office;
- c) a library;
- d) a financial institution;
- e) a restaurant or take out;
- f) a service shop;
- g) a tavern or lounge;
- h) a fitness centre;
- l) a medical or Dental Clinic; or
- J) a park or community garden;

24.2 Except for gasoline pumps at a service station or gas bar, or for short-term promotion, no use permitted under this section may be established or conducted other than in a completely enclosed building;

- a) exceptions to this may be made for food trucks, or restaurant patios.

24.3 Any other use which is similar to a use mentioned in subsection (1) will be permitted if approved by the P.R.A.C. and subject to terms and conditions as may be imposed by the P.R.A.C.

24.4 Where applicable, all general commercial development shall be serviced by municipal water and sewage.

25. HC Zone - Highway Commercial

Permitted Uses

25.1 Any land, building or structure zoned "Highway Commercial" may be used for the purposes of, and for no other purpose,

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

- i) an automobile sales room or sales lot;
 - ii) a motel;
 - iii) a restaurant;
 - iv) a service station or public garage;
 - v) a retail business in an individual structure on a separate site;
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

25.2 Any other use which is similar to a use mentioned in subsection (1) will be permitted if approved by the P.R.A.C. and subject to terms and conditions as may be imposed by the P.R.A.C.

25.3 Lot Sizes

- a) No main building or structure may be placed, erected or altered, and no building or structure may be altered to become a main building or dwelling on a lot unless the lot has and contains
- i) a width of at least 54 m (177 ft);
 - ii) a depth of at least 73 m (240 ft); and
 - iii) an area of at least 4,000 sq m (43,040 sq ft).

25.4 Yards for a Main Building or Structure

- a) Subject to section 12 no main building or structure may be placed, erected or altered so that it is
- i) within 15 m (49 ft) of a street line;
 - ii) within 3 m (10ft) of a side lot line;
 - iii) within 15 m (49 ft) of the rear lot line; or
 - iv) within 30 m (100 ft) from a shoreline.

25.5 Height of a Main Building or Structure

- a) The provisions of section 21.8 and 21.9 apply to the height of a main building or structure and to accessory buildings.

25.6 Landscaping

- a) The provisions of section 21.11 with regards to landscaping apply.

26. I Zone - Industrial

Permitted Uses

26.1 Any land, building or structure zoned “industrial” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) warehouse or wholesaling establishment;
 - ii) subject to subsection (2), a manufacturing or processing establishment;
 - iii) a heavy trucking garage or mechanical maintenance shop;
 - iv) oil storage tanks; or
 - v) auto body shops.

26.2 A use mentioned in subclause (ii) of clause (a) of subsection (1) is permitted only if approved by the P.R.A.C. and only on compliance with such terms and conditions as may be imposed by such committee.

27. INST Zone - Institutional

Permitted Uses

27.1 Any land, building or structure zoned “institutional” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) a building intended for public assembly or for social, cultural or recreational activities;
 - ii) an educational building;
 - iii) a hospital or health building;
 - iv) a library or museum;
 - v) a municipal or governmental building;
 - vi) a religious or secular building;
 - vii) a graveyard and/or a crematorium; and

- viii) a park or community garden
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

P Zones

28. P1 - Public Recreation

Permitted Uses

28.1 Any land, building or structure zoned “Public Recreation” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) public open space for the aesthetic or other use of the general public;
 - ii) a public park or public playground; and
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

29. P2 - Private Recreation

Permitted Uses

29.1 Any land, building or structure zoned “Private Recreation” may be used for the purposes of, and for no other purpose,

- a) one or more of the following main uses:
 - i) open space for aesthetic use;
 - ii) a private park or private playground; and
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

30. RUR Zone - Rural

Permitted Uses

30.1 Subject to subsection (2), any land, building or structure zoned “Rural” may be used for the purposes of, and for no other purpose,

- a) one of the following main uses:
 - i) a single-family dwelling;
 - ii) a mini or mobile home;
 - iii) a forestry or agricultural use;
 - iv) a recreational use; and
- b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

30.2 A dwelling shall not be placed, erected or altered so that it contains more than one dwelling unit.

30.3 Lot Sizes

- a) No main building or structure may be placed, erected or altered, and no building or structure may be altered to become a main building or a dwelling on a lot unless the lot has and contains
 - i) a width of at least 54 m (177 ft);
 - ii) a depth of at least 73 m (240 ft); and
 - iii) an area of at least 4,000 sq m (43040 sq ft).

30.4 Size of Dwellings

- a) The provisions of subsection (a) of section 21.5 with respect to size of dwellings apply.

30.5 Yards for a Main Building or Structure

- a) The provisions of section 21.7 shall apply.

30.6 Height of a Main Building or Structure

- a) The provisions of section 21.8 with respect to the height of a main building or structure apply.

30.7 Accessory Buildings or Structures

- a) The provisions of section 21.9 with respect to accessory buildings and structures apply.

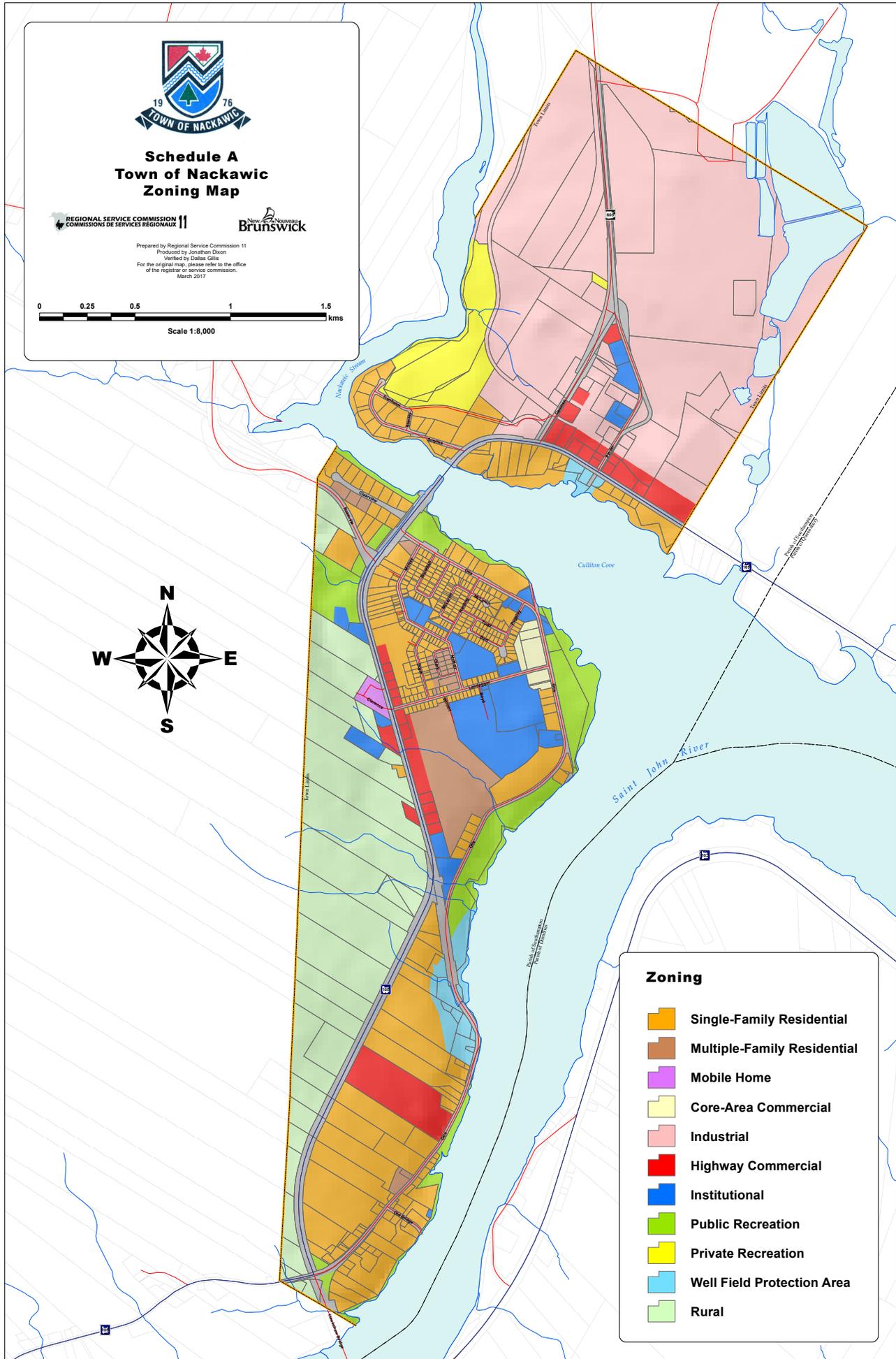
31. WP Zone - Wellfield Protection Area

Permitted Uses

31.1 Lands surrounding the Town's water wells and sewage treatment plants have been designated as "Wellfield Protection Area" on the zoning map. Notwithstanding any other provisions of this by-law;

- a) no new residential development shall be permitted within the wellfield protection area;
- b) only facilities directly related to water production or sewage treatment shall be permitted within this zone;
- c) the following uses of the land therein may be permitted with the notification of the provincial department of Public Health and upon such terms and conditions as may be imposed by the Regional Service Commission 11 Planning Review and Adjustment Committee provided no permanent structures other than fences are required for the described use:
 - i) Agriculture;
 - ii) Park Land;
 - iii) Recreation.

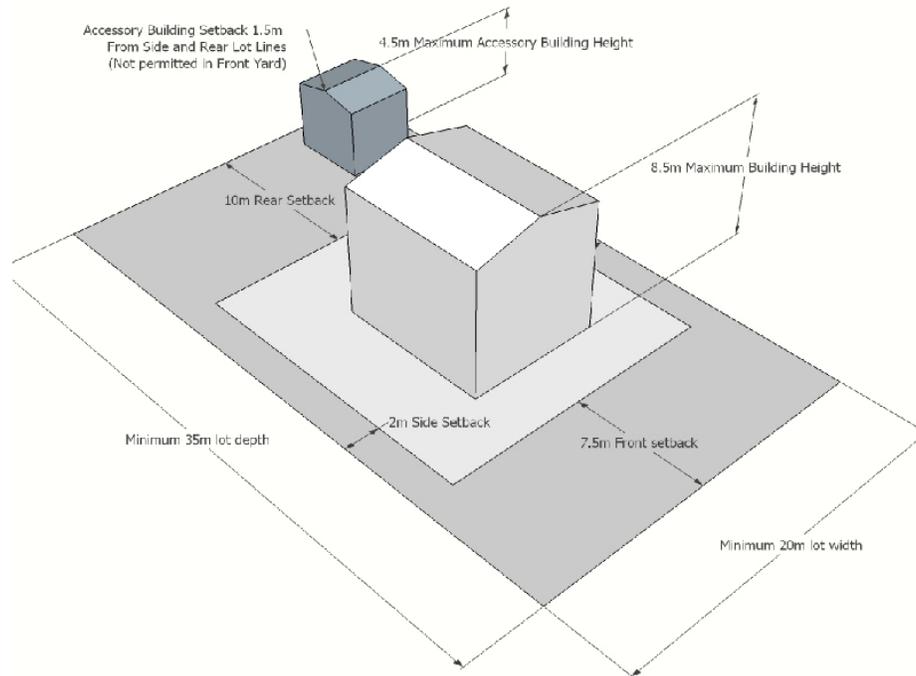
Schedule A: Zoning Map



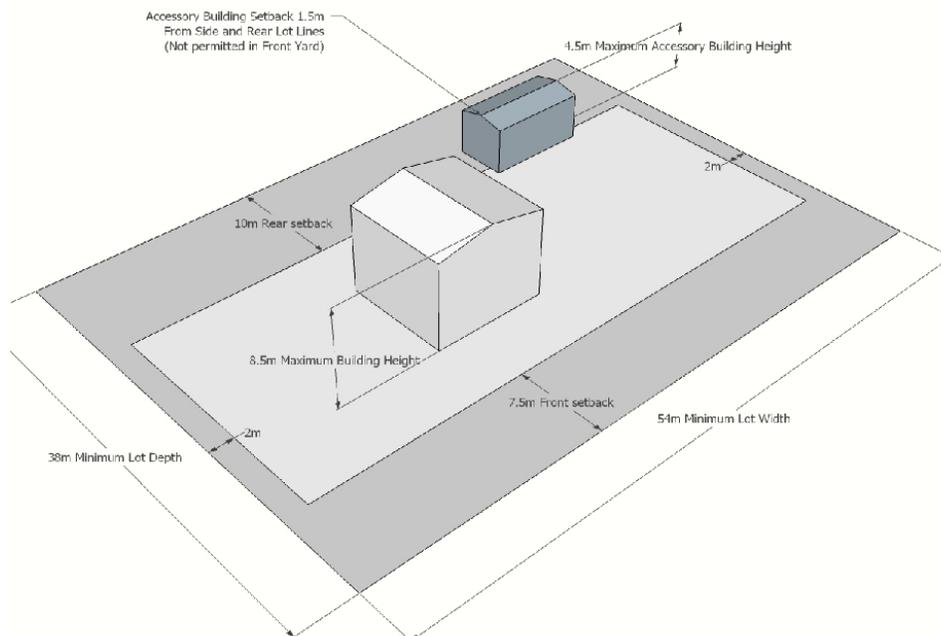
Schedule B: Setbacks Diagram

The following illustrations demonstrate minimum lot sizes, setbacks, and the maximum heights of buildings and structures. For additional specifications regarding minimum dwelling sizes, minimum lot area, maximum lot occupancy, and other considerations, please view the relevant sections of the Zoning By-Law.

Single Family Residential Zone (with public sewer connection):

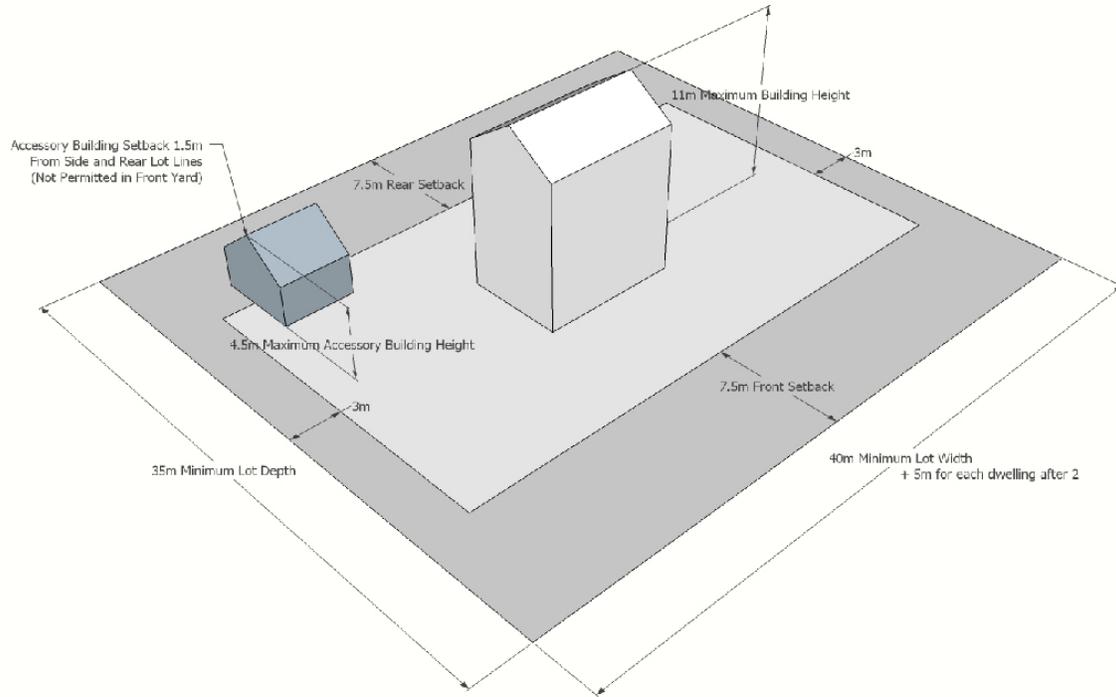


Single Family Residential Zone (without public sewer connection):

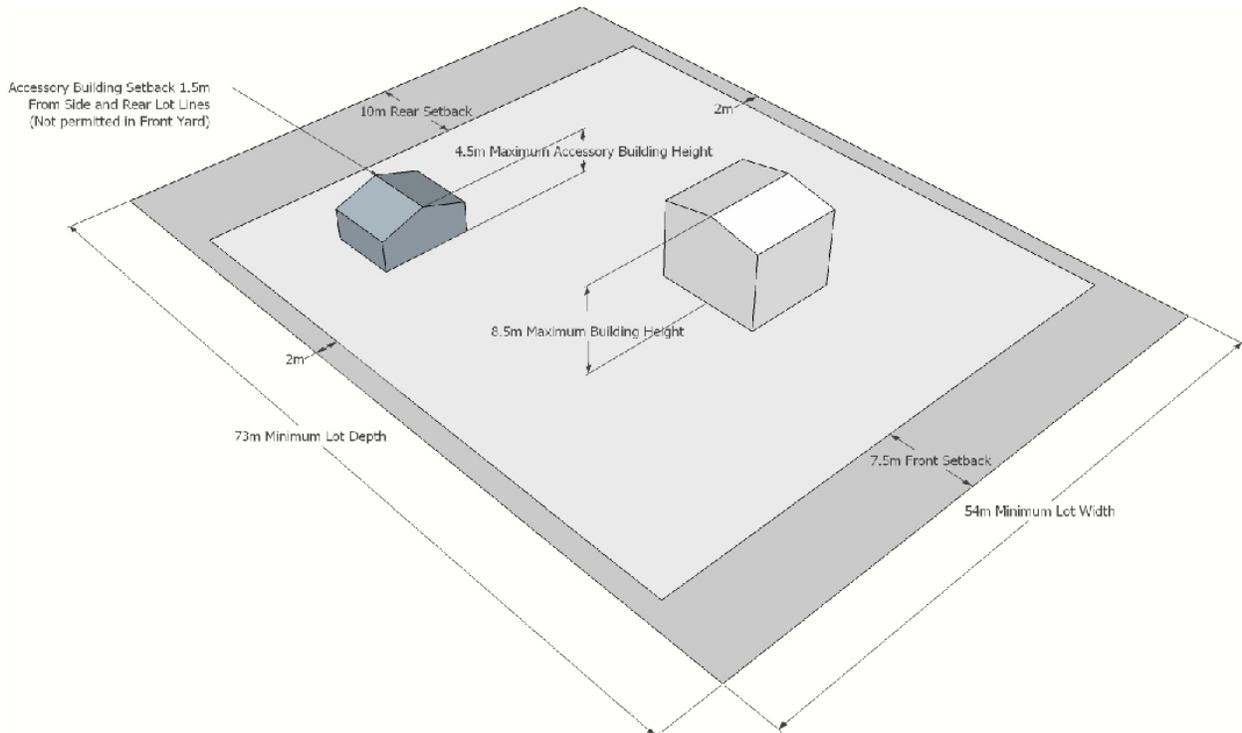


Schedule B Continued

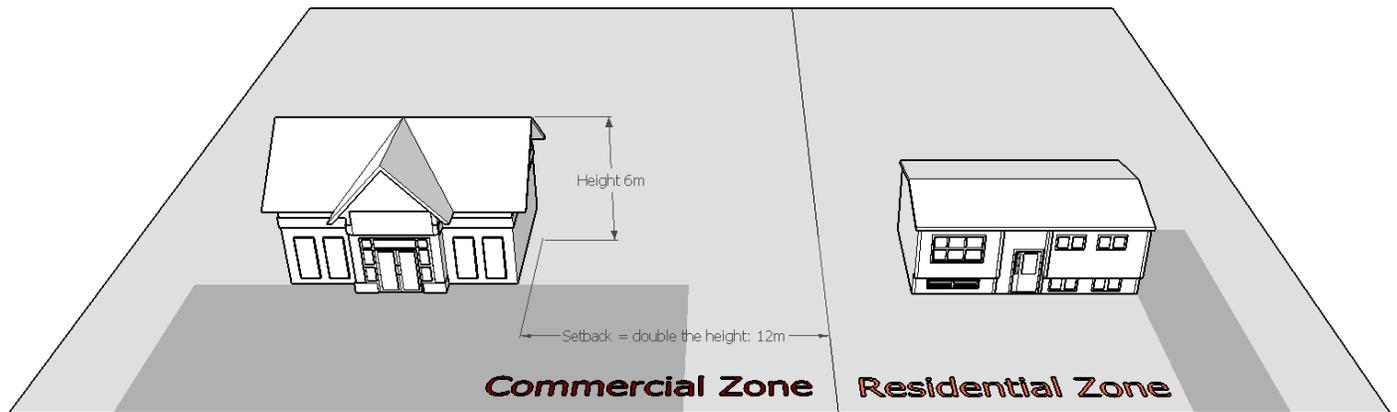
Multiple Family Residential Zone:



Rural Zone:



Schedule C: Commercial and Industrial Development Diagram



Illustrated example of the Commercial and Industrial Development Abutting a Residential Zone requirements. For further information, see section 10, on page 8.

