

## **TOWN OF BERESFORD**

### **BY-LAW NO. 25-2010**

#### **TOWN OF BERESFORD ZONING BY-LAW**

Under the power vested in it by the *Community Planning Act*, the town of Beresford enacts as follows:

#### **ADMINISTRATION**

##### **Section 1: Interpretation**

- (1) The following by-law may be cited as the “Town of Beresford Zoning By-law”, hereinafter referred to as “this by-law”.
- (2) All words used in this by-law shall retain their customary meaning. If a word or expression is not specifically defined in subsection (10) or in the *Community Planning Act*, it is to be taken in its customary sense as defined in the dictionary.
- (3) The use of the present tense also includes the future tense, and vice versa.
- (4) The use of the singular form also includes the plural and vice versa except if the meaning clearly indicates that this cannot logically be the case as in the use of a number expressed in figures.
- (5) In any given zone, only the uses, buildings and structures permitted in this particular zone under this by-law are permitted.
- (6) A use, building or structure not expressly allowed under this by-law is by this very fact prohibited.
- (7) A use, building or structure which is specifically permitted in a given zone is by this very fact prohibited in all other zones in which it is not listed as a permitted use.
- (8) This by-law is enacted in its entirety and also section by section, subsection by subsection, paragraph by paragraph, sub-paragraph by sub-paragraph. If any section, subsection, paragraph or sub-paragraph of this by-law were declared void for any reason, the remainder of the by-law would remain in force in as much as this is possible.
- (9) The use of the words “shall” and “may not” is mandatory and not permissive.

(10) In this by-law

“**Abut**” (*donner sur*) means being adjacent to or having access thereto directly;

“**Access driveway**” (*accès charretier*) means the lowered portions of sidewalks and curbs allowing vehicular access from the travelled portion of the roadway to access and egress lanes and parking areas;

“**Aggregate**” (*agrégats*) means sand, gravel, sandstone, clay, shale, limestone, earth, stone, marble, granite, and rock other than metallic ore;

“**Assembly of recreational vehicles**” (*rassemblement de véhicules récréatifs*) means an assembly organized by a federation or an association of caravans which travels from one locality to another for brief periods of time;

“**Attached carport**” (*abri d’auto attenant*) means a construction having a roof supported by columns which is intended to provide shelter for a parked motor vehicle. The carport and main building shall share a common wall while the opposite and back walls shall be open to the extent of 75% of the potential total wall area. The back wall shall provide access to the back yard;

“**Bed and breakfast**” (*gîte du passant*) means the use of any land, building or structure to provide sleeping accommodations and breakfast to transient travelers but does not include a boarding house, rooming house, group home, hotel, motel or inn;

“**Building**” (*bâtiment*) means a freestanding work with a solid roof and walls which is used or intended to be used to house, hold or shelter humans, activities, animals, chattels or property. Buildings do not include “structures” as defined in this by-law;

“**Building, accessory**” or “**Accessory building**” (*bâtiment accessoire*) means a detached building located on the same lot as an existing main building or structure, the use of which is clearly incidental, subordinate and complimentary to that of the main use of the land, building or structure. No accessory building may be erected, placed, relocated, structurally altered or replaced on a vacant lot. For example private garages, storage sheds, and gazebos are accessory buildings normally associated with a main building used for residential purposes;

“**Building, main**” or “**Main building**” (*bâtiment principal*) means the building that constitutes, by reason of its use, the primary purpose for which the lot is used. This use must be permitted under this by-law and the *Community Planning Act*. The main building is therefore the chief or main building on the lot in respect to the use, intent, purpose and occupation that is made of it. In certain Commercial zones, where this is expressly permitted under this by-law, a main building may house several main uses;

“**Building inspector**” (*inspecteur des constructions*) means a building inspector employed by the *District of Belledune Planning Commission*;

“**Building permit**” (*permis de construction*) means a permit signed by the building inspector and issued by the planning commission in conformity with the provisions of the municipality’s *Building by-law*. A building permit may be issued in conjunction with a development permit;

“**Cabin**” (*cabine*) means a small vacation dwelling with a maximum floor area of 55 square meters, containing kitchen and bathroom facilities and is rented to tourists for very short stays. For the purpose of this by-law, cabins are only permitted as part of a cabin establishment;

“**Cabin establishment**” (*complexe de villégiature*) means a hotel-type establishment composed of a group of cabins which are rented to tourists. A cabin establishment may also include a number of secondary uses such as a spa, conference room, restaurant and recreational and sporting activities;

“**Canadian construction codes**” (*codes nationaux de construction*) means the current versions of the *National Building Code of Canada*, the *National Fire Prevention Code of Canada*, the *National Plumbing Code of Canada*, the *Agricultural Building Construction Code of Canada* and all other user’s guides published by the Canadian Research Council;

“**Cord of wood**” (*corde de bois*) means a volumetric unit of measurement of 3.6 cubic meters which is equivalent to 1.2 meters in height x 1.2 meters in width x 2.4 meter in length;

“**Cottage**” (*chalet*) means a small vacation dwelling usually used during the summer containing a maximum of one (1) dwelling unit. For the purpose of this by-law, cottages are only permitted in the Coastal zones (CL zones);

“**Council**” (*conseil*) means the municipal council of the town of Beresford;

“**Develop**” (*aménager*) means to erect, place, relocate, remove, demolish, structurally alter, repair or replace;

“**Development officer**” (*agent d’aménagement*) means a development officer employed by the District of Belledune Planning Commission;

“**Development permit**” (*permis d’aménagement*) means a permit signed by the development officer and issued by the planning commission on the condition that the development project conforms with all of the provisions of the municipal plan, this by-law, and the *Community Planning Act*. A building permit may be issued in conjunction with a development permit;

**“Display”** (*étalage*) means to expose a product for the purpose of selling it;

**“Dwelling”**(*habitation*) means a building or portion thereof, containing one or more dwelling units which is used or intended to be used for permanent human habitation. For the purpose of this by-law, a dwelling shall not include the followings types of housing:

- (a) mini-home,
- (b) mobile-home,
- (c) community placement residential facility,
- (d) shelter for women and/or children,
- (e) nursing home,
- (f) cabin,
- (g) recreational vehicle, or
- (h) hotel, motel, or inn;

**“Dwelling complex”** (*complexe d’habitation*) means a lot containing at least two multiple-unit dwellings sharing a number of common facilities such as parking, interior streets, and recreational areas. Nursing homes and residential community placement facilities are permitted in a dwelling complex;

**"Dwelling, two unit" or "Two-unit dwelling "**(*habitation à deux logements*) means a dwelling containing two dwelling units each having a separate entrance or a common vestibule;

**"Dwelling, multiple unit" or "Multiple-unit dwelling"**(*habitation à logements multiples*) means a detached building containing three or more dwelling units located on one or more floors and which each have a separate entrance or a common vestibule or hallway;

**"Dwelling, semi-detached” or "Semi-detached dwelling"**(*habitation semi-détachée*) means a building that is divided vertically by a common wall into two dwelling units side by side, under one roof, and each of which has a separate entrance from the front yard;

**"Dwelling, single-unit " or "Single-unit dwelling"**(*habitation à logement unique*) means a detached building containing a single dwelling unit occupied by a single family or a single household;

**“Dwelling unit”** (*unité de logement*) means a dwelling composed of one or more rooms connected together that constitutes a separate, independent housekeeping establishment with independent kitchen and bathroom facilities intended for the use of a single family or household. With the exception of an intergenerational dwelling, all dwelling units shall have a direct access to the outside by a door or a common vestibule without having to pass through another dwelling;

**“Erect”** (*édifier*) means to build, construct, dig a foundation, assemble or relocate a building or structure on a lot and includes all work preparatory thereto;

**“Event, motorized-sporting” or “Motorized-sporting event”** (*événement de sport motorisé*) means the use of any land, building or structure to hold a public event related to a race, competition or show involving all types of motor vehicles. Without limiting the generality of the preceding sentence, motorized-sporting events include, but are not limited to, races, competitions or shows involving motocross, motorcycles, race cars, snowmobiles, speed boats, regattas, mud races or tractor pulls;

**“Event, public” or “Public event”** (*événement public*) means the use of any land, building or structure to hold an event having the potential of gathering a large number of people such as a party, fair, carnival, circus or outdoor concert;

**“Façade”** (*façade*) means each of the elevations, faces and walls of a building including the main façade, side façades and rear façade;

**“Façade, main” or “Main façade”** (*façade principale*) or frontispiece means the façade containing the main entrance to the building. In general, the main façade of a building faces the street;

**“Floor area”** (*aire de plancher*) means the total horizontal area contained within the exterior walls of all storeys of a building including the basement;

**“Front opening waste bin”** (*conteneur à déchets à benne frontale*) means a container used for disposing of waste which is to be emptied and collected by a specially designed truck equipped with a mechanical arm intended for this purpose;

**“Garage commercial” or “Commercial garage”** (*garage commercial*) means the use of any land, building or structure for repairing and servicing motor vehicles for payment. Body repair, collision repair, body filling and paint shops are not included in this definition;

**“Garage sale”** (*vente de garage*) means the sale of surplus household items belonging to the occupant of the dwelling located on the lot where the objects are displayed and sold and whose number and quantity do not exceed the normal needs of the occupant;

**“Garage, portable” or “Portable garage”** (*abri d’auto temporaire*) means a temporary building which can be dismantled and removed and is used during the winter months for the purpose of temporarily storing automotive vehicles;

**“Garage private” or “Private garage”** (*garage privé*) means any building which is accessory to a main building used for residential purposes, which is equipped with a garage door and intended solely to store private motor vehicles and household goods belonging to the owner of the garage. No mechanical work may be carried out in a private garage with the exception of very light maintenance work on vehicles belonging to the owner of the garage;

**“General contracting business”** (*entreprise générale de construction*) means any business whose main activity is to execute or cause to be executed, in whole or in part, construction work involving buildings, structures or infrastructures. Included in this definition are excavation, landscaping, carpentry, woodworking, masonry, air-conditioning, ventilation, electrical, pipefitting, painting and siding contractors. Asphalt and cement plants are not included in this definition;

**“Goods and services retail business”** (*entreprise de vente de biens et service*) means a commercial establishment where commonly used goods and services are sold or provided such as convenience store, grocery store, clothing store and retail store;

**“Gross weight”** (*poids nominal brut*) means the net weight of a vehicle to which is added the maximum load the vehicle can transport;

**“Ground floor”** (*rez-de-chaussée*) means the storey of a building located at ground level or slightly above ground level;

**“Gross surface occupancy area”** (*aire d’occupation du sol*) means the area of a lot occupied by the vertical projection of a building or structure, excluding cornices and eaves;

**“Height”** (*hauteur*) means, in respect to a building, the vertical distance between the pinnacle or highest point of the roof and the average ground elevation measured at each corner of the foundation;

**“High water mark” or “Ordinary high water mark of a river, watercourse, or expanse of water or wetland”** (*repère des hautes eaux ordinaires de toute rivière, de tout cours d’eau, de toute étendue d’eau ou de toute terre humide*) 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 landscape. This mark is usually located at the natural line or “mark” impressed on the shore, that is

- (a) at the point where natural vegetation shifts from predominantly aquatic species to predominantly terrestrial species, or in the absence of aquatic

plants, it is the point where the growth of terrestrial plants stops in proximity to the body of water or wetland;

- (b) where there is a reservoir, the high water mark will correspond to the “full pool” or “full supply” level or corresponding elevation,
- (c) in the case of a lawfully erected retaining wall, the top of the structure,
- (d) where the information is available, at the 2-year flood elevation, which is considered equivalent to the HWM line based on the botanical criteria defined in paragraph (a);

**"High tide mark » or « Ordinary High tide mark of Nepisiguit Bay"** (*repère des hautes marées ordinaires de la Baie Népisiguit* » means the highest level reached by the tide which was maintained for a sufficient period of time to leave evidence on the landscape.

**"Household"** (*ménage*) means all the occupants of the same dwelling unit whether they are related or not (as in the case of cohabitation for example). A household can be composed of a single person;

**"Kennel"** (*chenil*) means the use of land, buildings or structures for the keeping, boarding, training or breeding of dogs for commercial or private purposes;

**"Land"** (*terrain*) means a lot, a parcel of land or two or more contiguous parcels of land in one ownership and used or intended to be used as the site of a main building or construction;

**"Lane, access" or "Access Lane"** (*allée d'accès*) means the lane that connects a parking lot to the travelled portion of the roadway;

**"Lot"** (*lot*) means a parcel of land described in a deed or in a subdivision plan registered at the Registry Office;

**"Lot depth"** (*profondeur*) means, in the case of a lot, the horizontal distance between the mid-point of the front lot line and the mid-point rear lot line;

**"Lot, corner" or "Corner lot"** (*terrain de coin*) means a lot abutting a street corner or the intersection of two or more streets;

**"Lot, interior" or "Interior lot"** (*terrain intérieur*) means any lot except a corner lot;

**"Lot line, front" or "Front lot line"** (*limite avant*) means the common line separating the lot from the street line of a designated street or main access lane to the lot;

**"Lot line rear" or "Rear lot line"** (*limite arrière*) means the lot line opposite and most distant from the front lot line and extending along the rear of the lot.

**"Lot line, side" or "Side lot line"** (*limite latérale*) means any lot line which is not a front lot line or a rear lot line.

**"Lot vacant" or "Vacant lot"** (*terrain vacant*) means a lot on which there is no main building or main structure.

**"Lot width"** (*largeur*) means, in respect to a lot

- (a) where the side lot lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines, or
- (b) where the side lot lines are not parallel, the distance between the side lot lines as measured across the lot along a line drawn parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, and through the point at which the line of minimum setback intersects a line drawn perpendicular to and through the mid-point of the line referred to above;

**"Mini-home"** (*mini-maison*) means a factory built detached structural unit designed to be transported after fabrication on a flatbed truck. A mini-home can only be used for human habitation and cannot be used in part or in whole as an accessory building. For the purpose of this by-law, a mini-home is not included in the definition of a dwelling;

**"Mini-home park"** (*parc de mini-maisons*) means a lot under single management intended to provide more than one (1) site for mini-homes;

**"Mobile-home park"** (*parc de maisons mobiles*) means a lot under single management intended to provide more than one (1) site for mobile-homes;

**"Mobile-home"** (*maison mobile*) means a factory built, detached structural unit designed to be transported after fabrication on its own chassis and wheel system. A mobile-home can only be used for human habitation and cannot be used in part or in whole as an accessory building. For the purpose of this by-law, a mobile-home is not included in the definition of a dwelling;

**"Municipal infrastructure"** (*infrastructure municipale*) means any infrastructure, equipment, structure or building belonging to the municipality and used

- (a) for the provision, storage, treatment and distribution of water, and



- (b) for the collection, treatment, elimination and discharge of sanitary and storm sewers;

**“Municipality”** (*municipalité*) means the town of Beresford, a municipal corporation duly incorporated in accordance with the laws of the Province of New Brunswick;

**“Nursing home”** (*foyer de soins*) means an institution constructed and operated in accordance with the *Nursing Home Act*;

**“Park” or “Public park”** (*parc public*) means a park or playground requiring a minimum of equipment and development and includes a nature conservation or interpretation park, an open green space, a park for leisure activities, a hiking or cycling trail, or any other development which is unlikely to disturb the natural environment and the tranquility of the neighborhood;

**“Parking aisle”** (*allée de circulation*) means the area within a parking lot which is designed or intended for internal vehicular circulation or maneuvering between parking compartments, parking spaces and access lanes;

**“Parking lot”** (*aire de stationnement*) means an off street parking area used for parking one or more vehicles which contains parking spaces, parking compartments and parking aisles;

**“Person”** (*personne*) means a physical person or legal representative of a person to whom the context can apply according to the law;

**“Pet animal”** (*animal familier*) means a domestic animal that can commonly be kept as a pet in a family household, exterior yard or accessory building and includes dogs, cats, small birds, small rodents and other similar animals sold in pet shops. For more certainty without limiting the generality of the preceding sentence, pets do not include bees, fur bearing animals (ex: mink, fox), bovines (ex: cattle, sheep, goat), camelidae (ex: llama), cervidae (ex: deer), equidae (ex: horse, donkey), poultry (ex: chicken, turkey, goose), swine (ex: pig, boar), leporidae (ex: rabbit, hare) and the struthioniformes (ex: ostrich);

**“Place”** (*mettre en place*) means installing an existing or prefabricated building or structure, and the work preparatory thereto. For example, a mobile-home or mini-home is placed on a site for mobile-homes or mini-homes. An existing dwelling which is moved from a former lot is placed on a new lot;

**“Planning Commission”** (*Commission d’aménagement*) means the Belledune District Planning Commission;

**“Pinnacle”** (*faîte*) means the highest point of any building, including the roof, but excluding church steeples;

**“Property” (or premises)** (*propriété*) is synonymous to land;

**“Province”** (*province*) means the Crown in Right of the Province of New Brunswick, including its departments and agencies;

**“Ratio”** (*ratio*) means the product obtained by dividing one number by another, notably a dimension. For example, a building having a depth of 25 meters and a width of 10 meters has a ratio of depth/width of 2.5;

**“Recreational vehicle”** (*véhicule récréatif*) means a travel trailer, a tent trailer, a motorized home, or any other motorized vehicle of this nature commonly known as a camper, RV or Winnebago. For the purpose of this by-law, a recreational vehicle is neither a dwelling nor a building;

**“Recycling centre”** (*centre de recyclage*) means the use of land, buildings or structures for retrieving, separating and processing recyclable and used materials such as paper, glass, metal, automobile parts and cloth;

**“Relocate”** (*replacer*) means to move an existing building or structure to another location on the same lot;

**“Repair”**(*réparer*) means to restore an existing building or structure without altering its form, size or dimensions;

**“Replace”** (*remplacer*) means to remove a building or structure and immediately replace it with a similar building or structure in the same location on the property;

**“Residential community placement facility”** (*installation de placement communautaire de type résidentiel*) means a group home, a residence or a residential centre as defined in Regulation 83-77 of the Province of New-Brunswick, entitled “*Community Placement Residential Facilities Regulation-Family Services Act*”, but does not include nursing homes, hostels, half-way homes for ex-convicts, homeless shelters, and medical, educational or correctional facilities;

**“Scrapyard”** (*cimetière d’auto*) means the use of land, buildings or structures for the storage, retrieval, or processing of scrapped or damaged motor vehicles, or automotive parts;

**“Setback”** (*marge de retrait*) means the least horizontal distance permitted between a lot line or a street line and the nearest portion of any building or structure on such lot;

**“Shelter for women and/or children”** (*maison d’hébergement pour femmes et/ou enfants*) means a passage house offering temporary emergency shelter to women and children dealing with family problems;

**“Sign”** (*enseigne*) means any medium, form, device or structure which is erected, placed, affixed, or painted and which is used or intended to be used to advertise, inform, notify, identify or promote a business, a profession, a service, an establishment, an activity, a place, a destination, an event, a product, a project, an idea, a message an opinion or a property;

**“Sign, facia” or “Facia sign”** (*enseigne apposé à plat*) means a sign attached to, placed or erected upon or against a wall or other surface of a building with the display area of the sign parallel to and not exceeding 30 cm. from such wall or surface;

**“Sign, freestanding” or “Freestanding sign”** (*enseigne sur structure autonome*) means a freestanding sign permanently affixed to the ground in a concrete or brick base or any other base which may be constructed above ground or partially below the surface of the ground. Freestanding signs include signs which are supported on a base, by brackets, or bipods;

**“Sign, mobile readograph” or “Mobile readograph sign”** (*enseigne portative à message interchangeable*) means a sign which is designed in such a manner that it can be readily relocated and which includes copy that can be changed manually through the use of attachable characters, message panels or other means;

**“Site for mini-homes” or “Mini-home site”** (*emplacement pour mini-maison*) means any site or space within a mini-home park which is clearly delineated and used or intended to be used as a permanent address for a mini-home;

**“Site for mobile-homes” or “Mobile-home site”** (*emplacement pour maison-mobile*) means any site or space within a mobile-home park which is clearly delineated and used or intended to be used as a permanent address for a mobile-home;

**“Site for recreational vehicles” or “Recreational vehicle site”** (*emplacement pour véhicule récréatif*) means any site or space which is occupied or intended to be occupied by a recreational vehicle;

**“Stable, private” or “Private Stable”** (*écurie privée*) means the use of land, buildings or structures for the breeding and keeping of horses for the exclusive use of the owner of the property on which it is located;

**“Storage”** (*remisage*) means the temporary storage or parking of a vehicle, piece of machinery, merchandise, goods, tool, product or material or any other equipment for a period of time exceeding 12 consecutive hours;

**“Storage shed”** (*remise*) means an accessory building, other than a private garage, for storing household objects and goods;

**“Storey”** (*étage*) means that portion of a building which is situated between the top of any floor and the bottom of the floor immediately above it, and if there is no floor above it, the portion between the top of such floor and the ceiling. Basements, cellars, crawl spaces or attics are not considered storeys for the purpose of this definition;

**“Storey, one-half” or “Half-storey”** (*demi-étage*) means any storey located directly under the roof, having a floor area of less than 60 % of the storey located immediately below it and which is contained under a roof whose slope is between 1 : 2 and 3 : 2;

**“Street, designated” or “Designated street”** (*rue désignée*) means the entire street right-of-way of all public or private streets that receive services from the municipality and which are designated as such on the “Street designation map of the town of Beresford” which is part of the Municipal Plan;

**“Street, designated serviced” or “Designated serviced street”** (*rue désignée desservie*) means a designated street which is serviced by the municipality’s water and sewer system;

**“Street, designated non-serviced” or “Designated non-serviced street”** (*rue désignée non-desservie*) means a designated street which is not serviced by the municipality’s water and sewer system;

**“Street, public” or “Public Street”** (*rue publique*) means the entire street right-of-way of any road that has been conveyed to the province or the municipality;

**“Street right-of-way”** (*emprise*) means in the case of a highway, road or street, a strip of land occupied or intended to be occupied by the travelled portion of the roadway, the shoulder, the ditch (if this is the case) and an additional strip usually occupied by municipal and public utilities;

**“Street, secondary” or “Secondary Street”** (*rue secondaire*) in reference to a corner lot, means the street that is not facing the main façade of the building;

**“Structurally alter”** (*modifier*) means to make structural or other modifications to a building or structure excluding those that qualify as maintenance work;

**“Structure”** (*construction*) means any assemblage of materials buried in the ground, on the surface of the ground or suspended in the air and which is not intended to house, shelter or receive persons, animals, activities, objects or goods. Structures do not include “buildings” as defined in this by-law. A structure may include, but is not limited to a sign, reservoir, gas pump, fence, swimming pool, radio communication tower, patio, retaining wall, flag pole, antenna, post;

**“Structure, accessory” or “Accessory structure”** (*construction accessoire*) means a separate structure located on the same lot as a main building or main structure, the use of

which shall be clearly incidental, subordinate and complimentary to that of the main use of the land, building or structure. An accessory structure may not be erected, placed, relocated, structurally altered or replaced on a vacant lot. For example, television antennas, flag poles, fences and swimming pools are accessory constructions generally associated with a main building used for residential purposes;

**“Structure, main” or “Main Structure”** (*construction principale*) means a structure which is considered to be the main use of the lot and which is permitted under this by-law and the *Community Planning Act*. For example, a radio communication tower built and operated by a public utility company for cell phones is considered a main structure;

**“Swimming pool”** (*piscine*) means an in-ground or above-ground pool, including a collapsible inflatable pool, designed to contain a level of 760 mm. or more of water;

**“Use”** (*usage*) means the purpose for which a lot, a building or a structure or a combination of these elements has been developed, used, conceived, arranged, perceived, occupied or maintained;

**“Use, accessory” or “Accessory Use”** (*usage accessoire*) means a use which is naturally, usually and normally secondary or complementary to the main use of a lot or building and which is located on the same lot as the main use or main building;

**“Use, agricultural” or “Agricultural use”** (*usage agricole*) means the use of any land, building or structure for the production of agricultural products such as dairy products, livestock, produce, maple products, pond aquaculture, forestry operations, and horticulture, but definitely excludes the raising of pigs, poultry and fur bearing animals and the spreading of manure, including liquid manure of any kind. The storing, processing, and sale by the owner of products grown or raised on the farm are permitted. An agricultural activity may include the following accessory buildings and structures; barns, stables, pens, silos, buildings and structures normally associated with a maple sugar operation, tool sheds and storage sheds;

**“Use, forestry” or “Forestry use”** (*usage forestrier*) means the use of any land, building or structure for wood harvesting, tree plantations and/or Christmas tree production, maple syrup operation and general forestry activities;

**“Use, intermittent” or “Intermittent use”** (*usage intermittente*) means any use that ceases and resumes its activities on a recurring or seasonal basis;

**“Use, main” or “Main use”** (*usage principal*) means the main purpose for which a lot, building or structure is utilized. In some commercial zones, where this is expressly permitted under this by-law, a main building may house several main uses;

**“Use, secondary” or “Secondary use”** (*usage secondaire*) means a use, other than a main or accessory use, permitted under this by-law only if the main use to which it is secondary continues to be conducted and maintained;

**“Wetland”** (*terre humide*) means a designated habitat under the *Conservation of New Brunswick Wetlands Policy* and protected under the applicable provincial acts;

**“Yard”** (*cour*) means that portion of a lot that is open, uncovered and unobstructed by buildings or structures, from the ground to the sky;

**“Yard, front” or “Front yard”** (*cour avant*) means that part of a lot which extends across the full lot width between the front lot line or street line, and the nearest wall or supporting member of a main building or structure including any rectilinear projections to the side lot lines;

**“Yard, rear or “Rear yard”** (*cour arrière*) means that part of a lot which extends across the full lot width between the rear lot line and the nearest wall or supporting member of a main building or structure including any rectilinear projections to the side lot lines;

**“Yard, side” or “Side yard”** (*cour latérale*) means the space remaining once the area occupied by the front and back yards and the main building have been subtracted;

## **Section 2: Purpose**

- (1) The purpose of this by-law is
  - (a) to divide the town of Beresford into zones;
  - (b) to prescribe, subject to powers reserved to the council and the planning commission,
    - (i) the purposes for which land, buildings and structures in any zone may be used, and
    - (ii) standards for the development, occupation and use of land, buildings and structures; and
  - (c) to prohibit any use of land, buildings or structures that do not conform to the purposes and standards mentioned in subsection (b).

## **Section 3: Powers of the Council**

- (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 provision of electric power, water, sewerage, street or other services or facilities.
- (2) Subject to section 32, the council may, authorize a public utility enterprise to erect a building or structure on land in any of the zones mentioned in this by-law for the following purposes:
  - (a) telephone, cellular telephone, internet;
  - (b) hertzian and cable television;
  - (c) electricity;
  - (d) natural gas; and
  - (e) radio communication.

#### **Section 4: Powers of the Planning Commission**

- (1) The planning commission may, subject to such terms and conditions as it deems fit,
  - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law;
  - (b) authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this by-law; if
    - (i) the applicant holds an authorization under paragraph (a) that is to expire or has expired,
    - (ii) an application in respect to the land has been made to amend the applicable zoning by-law,
    - (iii) the planning commission has received a resolution from the council confirming that the council will consider the application referred to in sub-paragraph (ii); and
  - (c) require the termination or removal of a development authorized under subsections (a) or (b) at the end of the authorized period.
- (2) The planning commission may delegate the power vested in it under paragraph (1) (a) to a development officer in its service.

**Section 5: Amendments to the By-law**

- (1) A person who seeks to have this by-law amended shall
  - (a) address a written and signed application to the council; and
  - (b) pay a fee of one thousand dollars (\$1,000.00) to the municipality.
- (2) The council may, if it deems fit, return all or any part of the fee mentioned in subsection (1) (b).
- (3) An application to amend this by-law shall
  - (a) include all information, plans and documents that may be required by the council or the planning commission for the purpose of adequately assessing the desirability of the proposal; and
  - (b) be signed by the owners of each property within the area affected by the amendment.
- (4) Before giving its views to the council with respect to an application under this section, the planning commission may carry out such investigation as it deems necessary.

**Section 6: Development Permit and Service Fees**

- (1) No person shall undertake or continue a development without having first obtained a development permit.
- (2) No development permit may be issued unless the proposed development conforms to all the provisions of this by-law and the *Community Planning Act*.
- (3) The development officer may suspend a development permit if the work mentioned in the development permit
  - (a) has not begun within six (6) months from the date of emission of the development permit,
  - (b) is discontinued for a period in excess of six (6) consecutive months; or
  - (c) does not conform with the drawings, specifications and conditions contained in the application for the development permit.
- (4) A development permit that is suspended or revoked may be renewed upon request on the condition that the request is filed within a delay of three (3) months from



the date of suspension. Such a request is subject to a review by the development officer.

- (5) A person seeking to obtain a development permit shall make an application in writing to the development officer and such application shall
- (a) be made according to the procedure established by the development officer;
  - (b) be signed by the applicant or his designated agent;
  - (c) describe the development and state the intended use of the land, building or structure, as the case may be; and
  - (d) unless waived by the development officer, include the site plans, the scale drawings and the specifications of the proposed development containing all information required by the development officer for the purpose of determining compliance with this by-law.
- (6) Unless there is reasonable cause to believe that the designated agent is acting without the knowledge of the owner, the development officer shall not question the legitimacy of a development permit application made by a designated agent on behalf of a property owner under paragraph (5)(b).
- (7) Pursuant to the provisions of subsection 64.1(1) of the *Community Planning Act*, the following fees are prescribed by the municipality for the planning and development services provided by the planning commission:

(a)	Providing a zoning confirmation letter	\$25.00
(b)	Providing a letter confirming that use of land, a building or structure is in compliance with the development by-law.	\$100.00
(c)	Processing and considering applications for an authorization pursuant to a by-law under paragraph 34(3)(h) of the <i>Community Planning Act</i> .	\$100.00
(d)	Processing and considering requests under section 35 of the <i>Community Planning Act</i> .	\$100.00

(e)	Examining an instrument under paragraph 44(1)(l) of the <i>Community Planning Act</i> . (Note: The prescribed rate applies to each multiple of 30 minutes of research time).	\$25.00 plus expenses
(f)	Issuing a development permit. (Note: This fee is in addition to the cost of a building permit established under the building by-law).	\$25.00

- (8) No provision of this by-law shall release a person from conforming to any of the provisions of the *Building by-law*, the *Subdivision by-law* or of any other by-law in force in the municipality.

## **GENERAL PROVISIONS OF AN ENVIRONMENTAL NATURE**

### **Section 7: Development near a Watercourse**

- (1) Subject to subsection (4), to particular provisions applicable to type-1 Coastal zones (CL-1 zones) and to provincial standards, no main building or main structure may be erected, placed, relocated, or replaced so that it is
  - (a) less than 15 meters from the ordinary high water mark of a river, stream or other body of water or wetland; or
  - (b) less than 20 meters from the ordinary high tide mark of Nepisiguit Bay.
- (2) Subject to subsection (4), to particular provisions applicable to type-1 Coastal zones (CL-1 zones) and to provincial standards, no accessory building or accessory structure may be erected, placed, relocated, or replaced so that it is
  - (a) less than 15 meters from the ordinary high water mark of a river, stream or other body of water or wetland; or
  - (b) less than 20 meters from the ordinary high tide mark of Nepisiguit Bay.
- (3) No main building or main structure may be erected, placed, relocated, or replaced so that the ground floor is less than 1 meter above the ordinary high water mark of a river, stream or any other body of water or wetland or the high tide mark of Nepisiguit Bay.
- (4) The following land, buildings or structures may be developed within the limits prescribed in subsections (1) and (2) on the condition that they have been approved by the Province where such approval is required:
  - (a) a transportation or highway infrastructure;
  - (b) a seaport, a wharf, a boat dock, a boat ramp, a marina and other navigational systems;
  - (c) a dam and other water retention infrastructure for the control of water level and erosion;
  - (d) a pedestrian boardwalk;
  - (e) a municipal or public utility infrastructure;
  - (f) a wildlife preservation infrastructure;

- (g) a public park, playground or beach; and
- (h) erosion control structures.

**Section 8: Residential Development near a Lagoon or Treatment Plant**

- (1) Notwithstanding any other provision of this by-law, no dwelling or institution may be erected, placed, relocated, or replaced within 150 meters of a sewage lagoon or treatment plant.

## **GENERAL PROVISIONS RELATING TO LOTS AND LAND**

### **Section 9: Direct Access to a Designated Street**

- (1) Subject to sub-section 3 (1), no main building may be erected or placed on a lot unless the lot abuts a designated street.

### **Section 10: Connection to the Public Sanitary Sewer System and Water Supply System**

- (1) A main building that is erected, placed or replaced on a lot abutting a serviced designated street must be connected to the public water and sewer systems unless it has been exempted by the municipal council.

### **Section 11: Lot Size**

- (1) No single-unit dwelling nor building, other than those mentioned in subsections (2), (3), (4) and (5), may be erected, placed, relocated or replaced on a lot unless this lot has
- (a) in the case of a lot serviced by both a public water and sewer system
    - (i) a lot width of at least 18 meters for an interior lot and 23 meters for a corner lot,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 540 square meters for an interior lot and 690 square meters for a corner lot;
  - (b) in the case of a lot serviced by a public sewer system only
    - (i) a lot width of at least 23 meters,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 692 square meters, or
  - (c) in the case of a lot not serviced by a public sewer system
    - (i) a lot width of at least 54 meters,
    - (ii) a lot depth of at least 38 meters, and

- (iii) a lot area of at least 4000 square meters.
- (2) No two-unit dwelling may be erected, placed, relocated or replaced on a lot unless this lot has
  - (a) in the case of a lot serviced by both a public water and sewer system
    - (i) a lot width of at least 21 meters for an interior lot and 23 meters for a corner lot,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 630 square meters for an interior lot and 690 square meters for a corner lot;
  - (b) in the case of a lot serviced by a public sewer system only
    - (i) a lot width of at least 27 meters,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 1022 square meters; or
  - (c) in the case of a lot serviced by a private sewage disposal system
    - (i) a lot width of at least 59 meters,
    - (ii) a lot depth of at least 38 meters, and
    - (iii) a lot area of at least 5350 square meters.
- (3) No three-unit dwelling may be erected, placed, relocated or replaced on a lot unless this lot has
  - (a) in the case of a lot serviced by both a public water and sewer system
    - (i) a lot width of at least 23 meters,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 690 square;
  - (b) in the case of a lot serviced by a public sewer system only
    - (i) a lot width of at least 32 meters,

- (ii) a lot depth of at least 30 meters, and
  - (iii) a lot area of at least 1363 square meters; or
- (c) in the case of a lot serviced by a private sewage disposal system
  - (i) a lot width of at least 63 meters,
  - (ii) a lot depth of at least 38 meters, and
  - (iii) a lot area of at least 6700 square meters.
- (4) No four-unit dwelling may be erected, placed, relocated or replaced on a lot unless this lot has
  - (a) in the case of a lot serviced by both a public water and sewer system
    - (i) a lot width of at least 24 meters,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 720 square meters;
  - (b) in the case of a lot serviced by a public sewer system only
    - (i) a lot width of at least 36 meters,
    - (ii) a lot depth of at least 30 meters, and
    - (iii) a lot area of at least 1545 square meters; or
  - (c) in the case of a lot serviced by a private sewage disposal system
    - (i) a lot width of at least 68 meters,
    - (ii) a lot depth of at least 38 meters, and
    - (iii) a lot area of at least 8050 square meters.
- (5) No dwelling containing five or more dwelling units may be erected, placed, relocated or replaced on a lot unless this lot has
  - (a) in the case of a lot serviced by both a public water and sewer system

- (i) a lot width of at least 25 meters plus 1 meter for each dwelling unit in excess of five,
  - (ii) a lot depth of at least 30 meters, and
  - (iii) a lot area of at least 750 square meters plus 30 square meters for each dwelling unit in excess of five;
- (b) in the case of a lot serviced by a public sewer system only
  - (i) a lot width of at least 37.5 meters plus 1.5 meters for each dwelling unit in excess of five,
  - (ii) a lot depth of at least 30 meters, and
  - (iii) a lot area of at least 1647 square meters plus 102 square meters for each dwelling unit in excess of five;
- (6) No dwelling containing five or more dwelling units may be erected, located, relocated, or replaced on a lot serviced by a private sewage disposal system.
- (7) A lot that is serviced by both a public water and sewer system, but is inferior to the prescribed standards prescribed in paragraph (1) (a) shall only be used for a single-unit dwelling on the condition that
  - (a) the lot was created prior to the enactment of this by-law;
  - (b) a separate deed for this lot has been registered at the registration office for the county in which said lot is located; and
  - (c) a single-unit dwelling is a permitted use in the zone in which the lot is located.
- (8) A lot that is serviced by a private sewage disposal system, but is inferior to the prescribed standards prescribed in paragraph (1) (c) shall only be used for a single-unit dwelling on the condition that
  - (a) the lot was created prior to January 1976;
  - (b) a separate deed for this lot has been registered at the registration office for the county in which said lot is located;
  - (c) the public health inspector has approved the installation of a private sewage disposal system on the lot; and



- (d) a single-unit dwelling is a permitted use in the zone in which the lot is located.
- (9) A building or dwelling, which is being altered or renovated in view of adding one or more dwelling units, shall comply with the standards relating to lot size prescribed for the total number of dwelling units intended once the work has been completed.

**GENERAL PROVISIONS RELATING TO DESIGN,  
CHARACTER AND APPEARANCE**

**Section 12: Landscaping**

- (1) The front yard of a lot developed in a Residential zone (R zone) shall be landscaped in conformity with the provisions of this section.
- (2) The landscaping requirements mentioned in subsection (1)
  - (a) shall include seeding;
  - (b) may include the development of paths, walkways, ornamental shrubbery or trees; and
  - (c) shall be maintained, at all times, in keeping with the general character of nearby residential properties.
- (3) Up to forty percent (40%) of the area of the front yard may be used for a parking area, driveway and parking aisle.
- (4) Landscaping, as described in subsection (2), shall be completed no later than eighteen (18) months following the date of emission of the development permit for the main building.

**Section 13: Size, Dimensions and Ratio of Buildings**

- (1) No single-dwelling unit may be erected, located, relocated, structurally altered or replaced so that the gross surface occupancy area is less than
  - (a) 72 square meters, in the case of a one-storey dwelling;
  - (b) 60 square meters, in the case of a one and one-half (1 ½) storey dwelling, or a split-level; or
  - (c) 55 square meters, in the case of a two-storey dwelling.
- (2) No two-unit dwelling or multiple unit dwelling may be erected, placed, relocated, structurally altered or replaced so that the floor area of any of the units is less than
  - (a) 32 square meters, in the case of a bachelor apartment,
  - (b) 40 square meters, in the case of a one-bedroom dwelling unit,

- (c) 56 square meters, in the case of a two-bedroom dwelling unit, or
  - (d) 63 square meters, in the case of a three-bedroom dwelling unit.
- (3) No cottage may be erected, placed, relocated, structurally altered or replaced so that the gross surface occupancy area is less than 44 square meters.
- (4) Subject to subsection (5), no façade of a main building may have a horizontal dimension of less than 6 meters.
- (5) The provisions of subsection (4) do not apply to
- (a) buildings used as municipal or public utility infrastructures;
  - (b) subject to subsections (6) and (7), to mobile-homes and mini-homes; and
  - (c) cabins.
- (6) No mobile-home may have
- (a) a façade of less than 3 meters measured horizontally; or
  - (b) a floor area of less than 46 square meters.
- (7) No mini-home may have
- (a) a façade of less than 4.2 meters measured horizontally, or
  - (b) a floor area of less than 60 square meters.
- (8) No single-unit dwelling or cottage may have a width/depth or depth/width ratio in excess of 2.75.

#### **Section 14: Building Projections**

- (1) No building projection may extend beyond an exterior wall of a building by more than
- (a) 15 cm. for gutters and down spouts;
  - (b) 50 cm. for windows, chimneys, smoke stacks or flues;
  - (c) 60 cm, for cornices or eaves;

- (d) 1 meter, for window or door awnings, or open or lattice-enclosed balconies or fire escapes; or
- (e) subject to subsection (3) and section (19)
  - (i) 3 meters, for porches, verandahs, steps and landings, abutting a front yard,
  - (ii) 2 meters, for open balconies over 1 meter in height for storeys above the ground floor of multiple dwelling buildings, or
  - (iii) 4 meters, for wheelchair ramps and lifting devices abutting front or side yards.
- (2) Subject to subsection 3, projections mentioned in subsection (1) may encroach into the prescribed set-backs in all zones.
- (3) No projection mentioned in subsection (1) (e) may extend into a regulation side yard for a greater distance than one-half of the prescribed set-back for that yard.

**Section 15: Number of Main Buildings or Structures on a Lot**

- (1) No lot may contain more than one main building or more than one main structure.
- (2) No accessory building or accessory structure may be converted into a main building or main structure.
- (3) Notwithstanding subsection (1) and subject to section 34, a mobile-home or mini-home park may contain a number of mobile-homes or mini-homes according to the terms applicable in the zone where it is located.
- (4) Notwithstanding subsection (1), a cabin complex may contain a group of rental cabins according to the terms applicable in the zone where it is located.
- (5) Notwithstanding subsection (1), a dwelling complex may contain a number of multiple-unit dwellings according to the terms applicable in the zone where it is located.

**Section 16: Site Plan for Land Used for Major Projects**

- (1) A request for a permit to erect, place, relocate, structurally alter or replace the following developments shall be accompanied by a complete set of site plans:
  - (a) a building or structure having a gross surface occupancy area of more than 200 square meters; or

- (b) a dwelling complex.
- (2) The site plan mentioned in subsection (1) shall
- (a) be drawn to scale;
  - (b) show the dimensions, shape, location, setbacks and use of all existing and proposed buildings and structures;
  - (c) show the dimensions and the area of the lot or site to be developed;
  - (d) show the location, the size and layout of parking areas, parking compartments and spaces, parking aisles, access lanes and access and egress driveways;
  - (e) indicate the location, the size and layout of loading and unloading areas;
  - (f) indicate pedestrian walkways, electrical systems, railways and wharfs;
  - (g) indicate the elevations and slopes of the land to be developed and of the abutting lots and streets;
  - (h) indicate the grade of all abutting sanitary and storm sewer systems;
  - (i) subject to subsection (3), provide a drainage plan for surface water, an estimate of the flow of surface water or storm water drained outside the property, and the proposed measures to prevent erosion, sedimentation and flooding of neighboring infrastructures and streets;
  - (j) indicate the location of fences, signs, buffer zones, retaining walls, and landscaping arrangements;
  - (k) indicate the location, the dimensions and the nature of all easements and right-of-ways;
  - (l) indicate any natural or environmental characteristics such as watercourses, wetlands, ravines and areas that are subject to landslides; and
  - (m) indicate any other elements deemed appropriate by the development agent or the building inspector to assess the conformity of the project with existing codes and by-laws.

- (3) A development which is subject to an approved implementation plan under this section shall guarantee the drainage of surface waters in the public storm sewer or in a natural drainage system in accordance to existing by-laws and regulations. Where these systems are insufficient or non-existing, the owner shall, at his own expense, provide the necessary infrastructure to assure proper drainage of surface water without negatively impacting nearby streets, municipal infrastructures or properties. A surface water drainage plan must be reviewed and approved by the municipality. A surface water drainage plan may not be developed on private land and connected to the public storm sewer system without the approval of the municipality.

**Section 17: Standards relating to the Design, Character and Appearance of Land, Yards, Buildings and Structures**

- (1) No freestanding arched, domed or semi-cylindrical shaped structure may be erected, placed, relocated, altered or replaced in any zone.
- (2) No main building constructed prior to 1980 may be erected or placed on a lot located in a Residential zone (R zone) unless
  - (a) the building is no more than ten years older than the average age of the existing dwellings located on the same street or within a 100-meter radius of the proposed relocation site;
  - (b) the building has been approved by the planning commission as a “particular purpose” under paragraph 34(4)(c) of the *Community Planning Act* for which the planning commission may impose terms and conditions and prohibit or set limitations to these terms and conditions under subparagraph 34(4)(c)(ii) and subsection 34(5) of the *Community Planning Act*; and
  - (c) the architectural style and general appearance of the proposed building are not, in the opinion of the planning commission, compatible with and in keeping with existing dwellings in the neighborhood.
- (3) All exterior walls and surfaces of a building or structure shall be covered with an exterior covering which meets the requirements of the Canada construction codes within 6 months of the commencement date of any work involved in erecting, placing, relocating, structurally altering or replacing the building or structure.
- (4) All exterior surfaces of a building or structure that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without substantial or visible deterioration from the original finish, or shall be refinished with an equivalent preservative or protective finish.

- (5) The use of the following materials as an exterior covering for the walls or roof of a building or structure are prohibited:
- (a) tar paper, mineral paper, weather barrier paper; vapor barrier paper, cardboard fiber, foam isolation panels, pressed wood, particle board, plywood, rippled fiberglass translucent panels, unfinished cement blocks, canvas, plastic, polythene, polyethylene, and non-architectural galvanized metal sheets;
  - (b) asphalt shingles, except for roofs, and
  - (c) all materials not specifically designed and approved by the Canadian construction codes as exterior coverings.
- (6) All vacant or developed lots shall be kept clean and cleared of waste so as not to create a source of nuisance, or a health, fire or accident hazard for the neighborhood or the general public.
- (7) Without restricting the generality of subsection (6) the words “clear and cleaned of waste” shall include the removal of
- (a) all residue, including rubbish, garbage, brush, refuse, waste, litter and other debris;
  - (b) all injurious animals or insects, termites, rodents, vermin and other pests, and conditions conducive to attracting or giving refuge to such pests;
  - (c) all ground cover, lawn, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighborhood;
  - (d) all dead, decayed or damaged trees or other growth which create an unsafe or unsightly condition;
  - (e) all vehicles, boats, snowmobiles, trailers, machinery, mechanical equipment, appliances, objects or parts that are wrecked, dismantled, inoperative, discarded, unused or unlicensed;
  - (f) all dilapidated or collapsed buildings or structures;
  - (g) all construction debris;
  - (i) all demolition debris; and
  - (h) any object or material that is discarded, worthless or of salvage value only.

- (8) All buildings or structures shall be kept in good repair so as not to cause a public health or security hazard.
- (9) All buildings or structures shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight together with any load it may reasonably be subject to.
- (10) A building or structure damaged by fire or any other cause shall
  - (a) be restored to its original condition within 6 months after the incident or 3 months after the matter has been settled by the insurance company, whichever comes first; or
  - (b) be demolished and the lot leveled and restored to good condition.
- (11) The foundation hole of any building or structure that has been removed, demolished or not constructed shall be filled to ground level.
- (12) The owner of a lot, building or structure that is infested by pests, injurious insects or any other type of vermin shall take the necessary steps to permanently get rid of all causes and sources of the infestation.
- (13) Except for decorative shutters or venetian shutters specifically designed for this purpose, it is prohibited to cover the windows, doors or any other opening of a vacant or abandoned building by boarding up the exterior. Without limiting the generality of the preceding sentence and to avoid any ambiguity, the use of boards or particle board to board the openings of a building or construction is strictly prohibited.
- (14) A mobile-home or mini-home may not be placed, relocated, structurally altered, repaired or replaced on a lot for the purpose of being used as an accessory building.
- (15) In every zone, except in the case of an automobile salvage lot or a recycling centre described in section 33, all inoperative vehicles, including any dismantled parts thereof shall be stored or parked
  - (a) inside a completely closed building; or
  - (b) in such a manner that they cannot be seen from a designated street or neighboring property.
- (16) If it considers that a building or structure is dilapidated, dangerous or unsightly, the council may
  - (a) require that it be restored, removed or demolished at the owner's expense;



- (b) perform or cause to be performed at the owner's expense any work necessary for its restoration, removal or demolition; or
- (c) acquire the parcel of land on which the building or structure is located.

**Section 18: Outside Sale, Storage, Warehousing and Display**

- (1) No vacant lot may be used for storing, warehousing, displaying, parking or selling vehicles, goods or merchandise of any type.
- (2) Where a permitted use under this by-law also requires outdoor storage or warehousing of goods and merchandise as a secondary or accessory use, the area used for this purpose shall be
  - (a) located in the back or side yard; and
  - (b) hidden from all designated streets by a wall, an opaque wooden fence, a chain link fence with filler strips woven into the mesh, or other screening facility of equal screening value.
- (3) The goods and merchandise mentioned in subsection (2) shall be relevant to and directly related and necessary to the main use of the property.
- (4) A structure used as a visual screen under subsection (2) (b) shall not exceed 2 meters in height and no object or material shall be piled higher than the visual screen.
- (5) Subject to subsection 6, the storage, warehousing or display of vehicles, goods or merchandise in a front yard is strictly prohibited except as an accessory use for the following main uses:
  - (a) car, farm equipment, recreational vehicle or pleasure boat dealership;
  - (b) swimming pool and patio furniture retail outlet; or
  - (c) garden center.
- (6) Unless authorized by the municipality, it is prohibited to store, display, park or sell vehicles, goods or merchandise mentioned in subsection (5) inside a public street right-of-way.
- (7) A commercial establishment may use an outdoor adjoining area of a maximum of 10 square meters for displaying its merchandise.

- (8) The sale of goods and merchandise from a vehicle, trailer or freight container, is prohibited on any property unless the vendor is in possession of a license issued by the municipality under a municipal by-law or is exempted under a provincial act or regulation.
- (9) A residential property may use an area not exceeding 20 square meters in the back yard for outside storage of household items incidental to the main use of the property. The stored items may not be piled higher than 1.5 meters above the ground and shall not become a source of nuisance or danger to the health, security or well-being of the neighbors or the general public.
- (10) The use of land for cutting logs or trees, chopping or splitting wood or the sale or storage of more than 5 cords of wood is solely permitted in the Resource zones (RES zones).
- (11) For the application of subsection (10), a chain-saw may not be used for cutting wood or logs at a distance of less than 250 meters from an existing dwelling.
- (12) The use of land, other than land mentioned in subsection (10), for the purpose of storing firewood is subject to the following terms and conditions:
  - (a) the maximum quantity of firewood stored at any given time may not exceed
    - (i) 3 cords if the area of the lot is less than 1000 square meters,
    - (ii) 4 cords if the area of the lot is between 1000 square meters and 2000 square meters, and
    - (iii) 5 cords if the area of the lot is greater than 2000 square meters;
  - (b) no firewood may be stored on a lot other than the one where the building that it is meant to heat is located;
  - (c) the height of a pile of wood may not exceed 1.5 meters;
  - (d) firewood may not be stored in a front yard; and
  - (e) a chainsaw may not be used
    - (i) for a purpose other than cutting firewood in blocks of 40 cm., and
    - (ii) between the hours of 8:00 p.m. and 8:00 a.m.

### **Section 19: Sight Triangle**

- (1) On a corner lot, no building, structure, object or vegetation shall be allowed to obstruct the sight of motor vehicle drivers within the sight triangle defined in subsection (2).
- (2) The sight triangle is an area bounded by the street right-of-ways and a line joining points on the street right-of-ways at a distance of 6 meters from the point of intersection of the street right-of-ways.

### **Section 20: Semi-detached and Townhouse Dwellings**

- (1) The units of a semi-detached dwelling or townhouse dwelling shall be joined by a common wall.
- (2) Each dwelling unit of a semi-detached or townhouse dwelling shall have a main façade of at least 4.5 meters in width, excluding attached private garages and carports.
- (3) A lot that contains a semi-detached dwelling or townhouse dwelling and is serviced by both a public water and sewer system can be subdivided along the common wall on the condition that
  - (a) the common wall complies to the Canadian construction codes with respect to firewalls;
  - (b) each end dwelling unit has a minimum setback of 3 meters from the side lot line;
  - (c) each lot so created has a minimum area of 325 square meters; and
  - (d) all other applicable provisions of this by-law are respected.

### **Section 21: Attached Garage or Carport**

- (1) No private garage or carport attached to a dwelling shall exceed 60 % of the gross surface occupancy area occupied by the dwelling including the garage and carport.
- (2) A private garage or carport attached to a main building becomes an integral part of the building and all implementation and development standards pertinent to the main building apply.
- (3) A garage door on a private garage attached to a dwelling shall not exceed 2.75 meters in height.

**GENERAL PROVISIONS RELATING TO  
PARKING, LOADING AND UNLOADING**

**Section 22: Off-Street Parking Compartments and Spaces**

- (1) No development shall be approved and maintained unless vehicular off-street parking spaces and compartments are provided and maintained at all times in conformity with the requirements of this section.
- (2) The number of off-street vehicular parking spaces and compartments that shall be provided and maintained at all times shall be established on the following basis:

<b>USE</b>	<b>MINIMUM NUMBER OF OFF-STREET PARKING SPACES OR COMPARTMENTS TO BE PROVIDED AND MAINTAINED</b>
Dwelling containing 3 dwelling units or less	2 spaces per dwelling unit
Dwelling containing 4 dwelling units or more	1 compartment per dwelling unit, plus 1 additional space for each multiple of 3 units.
Residential community placement facility and Nursing home	1 compartment for each multiple of 3 beds provided for residents, plus 1 compartment for each multiple of 2 staff members working on any single shift.
Daycare centre	1 space for each employee, plus 1 additional drop off space for each multiple of 7 children.
Hotel, motel, inn or bed and breakfast	1 compartment per bedroom, plus 10 additional compartments for each multiple of 100 square meters of public and assembly area.

Campground	1 space per campsite, plus 1 additional space for each multiple of 5 camping sites.
Restaurant	20 compartments for each multiple of 100 square meters of floor area.
Drive-in or Fast-food Restaurant	29 compartments for each multiple of 100 square meters of floor area.
Take-out Restaurant	10 compartments for each multiple of 100 square meters of floor area.
Retail store and service shop	5 compartments for each multiple of 100 square meters of floor area.
Office and office building	2.5 compartments for each multiple of 100 square meters of floor area.
Liquor licensed establishment	1 compartment for each multiple of 3 customers allowed on the permit issued by the Fire Marshall's office, plus one additional compartment for each employee.
Institutional use	1 compartment for each employee, plus one additional compartment for each multiple of 4 seating places in the auditoriums and assembly areas.
Funeral home	10 compartments for each multiple of 100 square meters of floor area.
Hardware store or Building supply store	2 compartments for each multiple of 100 square meters of floor area.

Strip mall	2 compartments for each multiple of 100 square meters of floor area.
All uses except those mentioned above	3 compartments for each multiple of 100 square meters of floor area, unless a variance stating otherwise is obtained from the planning commission.

- (3) All off-street parking compartments required under this section shall
- (a) have a minimum length of 5.5 meters and a minimum width of 2.8 meters, not counting parking aisles;
  - (b) be located on the same lot as the use they are intended to serve; and
  - (c) be clearly delineated and permanently marked on the surface of the ground.
- (4) All off-street parking spaces required under this section shall
- (a) have a minimum length of 5.5 meters and a minimum width of 2.8 meters, not counting parking aisles;
  - (b) be located on the same lot as the use they are intended to serve.
- (5) Notwithstanding paragraphs (3) (b) and (4) (b), adjacent properties used for commercial and institutional purposes may share common parking compartments on the condition that
- (a) the total number of parking compartments meets the combined total number of compartments determined for the use of each separate development, less 25%, and
  - (b) a legal agreement or life-long easement is signed by all parties and is registered.

**Section 23: Parking Lots**

- (1) A parking lot which requires parking compartments under this by-law shall be covered by a paved surface allowing permanent marking of the compartments.

- (2) A parking lot with a capacity of more than 75 parking compartments and spaces shall require a surface drainage management plan approved by a civil engineer showing that run-off water from the parking lot will not have an adverse impact on nearby properties, streets, municipal infrastructures and watercourses.
- (3) A development permit may not be issued for a development containing a parking lot described in paragraph (2) unless the municipality has approved the surface water drainage management plan.
- (4) Lights used for illuminating a parking lot shall be so arranged as to divert the light away from nearby streets and adjacent lots and buildings.
- (5) A parking lot with a capacity of 10 or more compartments shall
  - (a) provide an access driveway and a clearly defined access lane between the parking lot and the travelled portion of the roadway;
  - (b) provide and maintain at all times parking aisles designed for easy access to and from parking compartments without having to displace other vehicles;
  - (c) be developed so that vehicles may exit from the access lane without backing up onto a public street;
  - (d) have a minimum setback of at least 0.5 meters from any designated street line, and the area thus created between the street line and the parking lot shall be covered with turf except for those areas required for access driveways and access lanes.
- (6) Access driveways and access lanes shall be at least 15 meters from the point at which two designated street lines intersect.
- (7) Subject to subsection 22 (5), a parking lot shall be located on the same lot as the use it is intended to serve.
- (8) A maximum of two access lanes are permitted on a lot which has a maximum façade of 100 meters abutting a designated street. One additional access lane is permitted for each multiple of 50 meters of additional façade.
- (9) No one-way parking aisle or one-way access lane may have a width of
  - (a) less than 3 meters; or
  - (b) more than 6 meters.
- (10) No two-way parking aisle or two-way access lane may have a width of

- (a) less than 6 meters; or
  - (b) more than 10 meters.
- (11) A minimum distance of 7.5 meters shall be maintained between two access lanes.
- (12) With the exception of a person designated by the municipality, no person shall lower, cut, or in any way alter a curb or sidewalk for the purpose of creating an access driveway or access lane.
- (13) Notwithstanding paragraph (5) (d), a parking lot may encroach in part on the street right-of-way if the development has been approved by the council and subject to the terms and conditions that may be established by the council.

**Section 24: Reserved Parking Spaces for the Mobility Disabled**

- (1) In addition to the parking requirements prescribed in section 22, additional parking compartments shall be reserved for the mobility disabled for all uses requiring barrier-free access under the Canadian construction codes.
- (2) One parking compartment for the mobility disabled shall be reserved for each multiple of 30 compartments required under section 22.
- (3) A parking compartment for the mobility disabled shall
- (a) have a minimum width of 3.9 meters;
  - (b) have a minimum depth of 5.5 meters;
  - (c) be located as close as possible to the main entrance of the building it is intended to serve; and
  - (d) be clearly identified by permanent ground markings.

**Section 25: Loading and Unloading Areas**

- (1) A lot, building or structure which requires the use of delivery vehicles for merchandise shall provide and maintain loading and unloading areas as follows:
- (a) in the case of industrial establishments, retail and wholesale stores, bulk storage plants, warehouses or similar uses
    - (i) at least one (1) space if the gross floor area of the building or structure is 300 square meters or less,



- (ii) at least two (2) spaces if the gross floor area of the building or structure is between 300 and 2250 square meters, and
  - (iii) one additional space for each multiple of 2250 square meters, or fraction thereof, of gross floor area in excess of the first 2250 square meters;
- (b) in the case of commercial or office buildings, assembly halls, schools, hotels or other similar premises,
  - (i) at least one (1) space, and
  - (ii) one additional space for each multiple of 3200 square meters, or fraction thereof, of gross floor area in excess of 3200 square meters.
- (2) A loading and unloading area mentioned in subsection (1) shall
  - (a) have a minimum length of 15 meters, a minimum width of 3 meters and an overhead clearance of 4.5 meters;
  - (b) be so located that merchandise or materials are loaded and unloaded on the premises being served;
  - (c) be surfaced with a durable and dust-proof material.
- (3) No delivery vehicle or loading or unloading vehicle may encroach in whole or in part on a street right-of-way when loading or unloading merchandise or material.

## **GENERAL PROVISIONS RELATING TO CERTAIN USES**

### **Section 26: Intermittent Uses**

- (1) The following intermittent uses are permitted subject to the terms and conditions prescribed in this section:
- (a) Garden centre: An outdoor garden centre may occupy a commercial property as a secondary use between May 15th and August 1st of each year. A development permit is required.
  - (b) Garage sale or yard sale: No permit is required for a garage sale; however this activity is only permitted on Saturdays, between the hours of 8:00 a.m. and 4:00 p.m. The type and quantity of goods offered for sale shall be relative to the main use of the property and the general character of the neighborhood. Tables and other equipment used for this activity shall be picked up and stored inside a building as soon as the activity is finished.
  - (c) Public event: A development permit is required to hold a public event. A permit, which is valid for a period not exceeding four (4) consecutive days, may be issued provided a period of at least thirty (30) days has elapsed since the end of last public event held on the same premises. A temporary building or structure used for a public event may not be set up earlier than ten (10) days prior to the event and shall be removed within three (3) days following the end of the event. Public events are permitted in all zones except Residential zones (R zones).
  - (d) Motorized sporting event: A development permit is required to hold a motorized sporting event. A permit is valid for a period not exceeding four (4) consecutive days and may be issued provided a period of at least sixty (60) days has elapsed since the end of last motorized sporting event and the date of issuance of a new permit for a public event or motorized sporting event on the same premises. A temporary building or structure to be used for a motorized sporting event may not be set up earlier than ten (10) days prior to the event and shall be removed within three (3) days following the end of the event. Furthermore, a motorized sporting event
    - (i) is “a particular purpose” under paragraph 34(4)(c) of the *Community Planning Act* in respect of which the planning commission may impose terms and conditions under subparagraph 34(4)(c)(ii) and subsection 34(5) of the *Community Planning Act*, and
    - (ii) is restricted to the Resource zones (RES zones) .

- (e) Christmas tree vendor: No permit is required for the display and sale of Christmas trees between November 1<sup>st</sup> and December 24<sup>th</sup> of each year. The sale of Christmas trees is restricted to Commercial zones (C zones), Mixed zones (MX zones) and Industrial zones (IND zones). Unsold Christmas trees shall be removed from the property no later than December 31<sup>st</sup> of the same year.
- (f) Assembly of recreational vehicles: No permit is required for an assembly of recreational vehicles of a maximum duration of four (4) days. An assembly of recreational vehicles is restricted to Commercial zones (C zones), Mixed zones (MX zones), Industrial zones (IND zones) and Resource zones (RES zones).
- (g) Under the tent sale event: A permit is required to set up a tent or shelter for the purpose of holding an under the tent sale event, and such an event is subject to the following conditions:
- (i) the property shall be occupied by a permanent commercial or institutional establishment,
  - (ii) the goods offered for sale shall be relevant to the main use and the general character of the premises and the area,
  - (iii) the tent shall be setback of at least 6 meters from all street lines,
  - (iv) only one under the tent sale event of a maximum duration of 21 consecutive days is permitted on a property each year,
  - (v) the tent may not occupy a gross surface area exceeding 60 square meters, and
  - (vi) the tent or shelter shall conform to Bulletin 2004-03 issued by the Fire Marshall's office in respect to tents used for public assemblies.
- (h) Tent or shelter for farmer's market or tourist information center: No permit is required to install individual exterior booths in a farmer's market or tourist information center operated by the municipality subject to the following conditions
- (i) the tent or shelter shall be setback a minimum of 6 meters from all street lines,
  - (ii) the tent or shelter shall be in place exclusively between May 1<sup>st</sup> and November 30<sup>th</sup> of each year, and

- (iii) the tent or shelter shall conform to Bulletin 2004-03 issued by the Fire Marshall's office in respect to tents used for public assemblies.
- (i) Tent for weddings or other family events: No permit is required to install a tent to hold a private wedding or family event on the condition that the tent
  - (i) be installed less than 7 days before the date of the event and that it be removed no more than 3 days after the end of the activity, and
  - (ii) conforms to Bulletin 2004-03 issued by the Fire Marshall's office in respect to tents used for public assemblies.

### **Section 27: Home Occupation**

- (1) Subject to this section and section 29, a home occupation constitutes a secondary use solely permitted under the provisions applicable to each particular zone.
- (2) For the purpose of this section and subject to section 29, home occupations are divided into classes of professions or trades as follows:
  - (a) Class 1: Professional or personal services with a high clientele: doctor, dentist, lawyer, architect, engineer, hairdresser, barber, esthetician, pet groomer;
  - (b) Class 2: Professional or personal services with a low clientele: real estate agent, insurance agent, accountant, photographer, holistic medicine provider, seamstress, architectural technician, draftsman;
  - (c) Class 3: Care Services: daycare (day or night), kindergarten, after school care;
  - (d) Class 4: Teaching services and other services: Teachers of music, arts, crafts or hobbies; and skate sharpening service.
- (3) A Class 1 or Class 2 home occupation shall be confined to the interior of the main building.
- (4) A Class 3 home occupation shall be confined to the main building with the exception of an outdoor playground.
- (5) A Class 4 home occupation shall be confined either

- (a) to the interior of the main building; or
  - (b) to the interior of a single accessory building.
- but not in both (a) and (b).
- (6) With the exception of an outdoor playground permitted under subsection (4), no home occupation activity shall be conducted in whole or in part outside a building or structure mentioned in subsections (3) and (5).
  - (7) The maximum portion of the floor area within a main building affected to a Class 1, 2, 3 or 4 home occupation shall not exceed the lesser of the following two dimensions:
    - (a) 35% of the floor area of the main building; or
    - (b) 50 square meters.
  - (8) The maximum floor area affected to a Class 4 home occupation within an accessory building shall not exceed 50 square meters.
  - (9) In addition to members of the household residing in the dwelling in which the home occupation is conducted, no more than two persons shall be engaged in the home occupation.
  - (10) No outdoor storage or display of goods, tools, products, equipment, containers, supplies or other material is permitted with respect to a home occupation.
  - (11) A maximum of two commercial vehicles, with a gross weight of less than 4500 kg each, may be parked on a property in which a home occupation is conducted.

### **Section 28: Home Business**

- (1) Subject to this section and section 29, a home business constitutes a secondary use solely permitted under the provisions applicable to each particular zone.
- (2) For the purpose of this section and subject to section 29, home businesses are divided into classes of professions or trades as follows:
  - (a) Class 1: Trade: electrician, plumber, carpenter, cabinet maker, painter, plasterer, roofer, exterior wall coverer; or
  - (b) Class 2 : Taxi or limousine driver; or
  - (c) Class 3: School bus driver.

- (3) A home business shall be confined either
  - (a) to the interior of the main building; and/or
  - (b) to the interior of a single accessory building.
- (4) The maximum portion of the floor area within a main building affected to a home business shall not exceed 25 square meters.
- (5) The maximum floor area of an accessory building affected to home business shall not exceed 50 square meters.
- (6) In addition to members of the household residing in the dwelling in which the activity is established, no more than two persons shall be engaged in a home business.
- (7) A maximum of two commercial vehicles, with a gross weight of less than 4500 kg each, may be parked on a property in which a home business is conducted.
- (8) A maximum of one trailer measuring less than 5 meters in length may be parked on a property in which a home business is conducted.
- (9) No outdoor storage or display of goods, tools, products, equipment, containers, supplies or other material is permitted with respect to a home business.
- (10) Notwithstanding subsection (7), a maximum of one school bus may be parked in a rear yard or side yard with respect to a Class 3 home business only.

**Section 29: Other Provisions Applicable to a Home Occupation or Home Business**

- (1) For greater certainty and without limiting the generality of the provisions of this by-law, no home occupation and no home business may entail, in part or in whole, the following uses:
  - (a) machinist shop, metal fabrication shop, welding shop, or any other shop of this nature;
  - (b) manufacturing or any other industrial use;
  - (c) vehicle repair or maintenance; body repair, filling or painting; or mechanical shop for vehicles, goods or other objects;
  - (d) recovery of motor vehicles, metal, waste, discarded goods or other material, whether they are recyclable or not;

- (e) a sawmill, or other wood related cutting, splitting or storing activity;
  - (f) construction, repair or maintenance of boats exceeding 4 meters in length;
  - (g) erotic massage parlor or boutique;
  - (h) collection of garbage, sludge, manure, or liquid or solid septic waste, including the parking or storage of any vehicle, machinery or equipment used by these businesses;
  - (i) concrete, tar or asphalt businesses, including the parking or storage of any vehicle, machinery or equipment used by these businesses;
  - (j) trucking business, including the parking or storage of any vehicle, machinery or equipment used in this businesses such as: backhoe, front and back loaders, excavator, snowblower, snowplow, grader and other similar equipment and vehicles;
  - (k) transport or moving business, including the parking or storing of all vehicles, goods or equipment used by these businesses such as: transport, tractor trailer, moving van, tanker, bus with the exception of a school bus as defined in paragraph 28 (2) (c) , and any other vehicle with a gross weight of more than 4500 kilograms;
  - (l) petrochemical business, including the parking or storage of any vehicle, goods or equipment used by this type of business such as tankards used to transport petroleum, gas or chemical products;
  - (m) landscaping businesses, including the parking or storage of any vehicle, goods or equipment used by this type of business such as trucks or equipment to transport, mix or spread pesticides, herbicides and fertilizers;
  - (n) towing service, including the parking or storage of any vehicle, goods or equipment used or collected by this type of business such as tow-truck, flat-bed, damaged or out of service vehicles; and
  - (o) wholesale, retail, catalogue, or internet sale or any other type of retail business.
- (2) A home occupation or a home business shall, at all times, remain clearly secondary and subordinate to the main residential use.
- (3) No changes may be made to the exterior appearance of the main dwelling that would alter its residential character, or to any other building or structure or to the

property in general to draw attention to the presence of a home occupation or home business.

- (4) A home occupation or home business may not
  - (a) cause or be likely to cause a nuisance by way of dust; noise; odor; light; glare; vibration; fumes; smoke; gas; electrical, radio or television interference; pedestrian traffic or any other type of detectable nuisance;
  - (b) cause or be likely to cause a significant increase in vehicular traffic in the neighborhood;
  - (c) require or be likely to require the storage of toxic or hazardous materials;
  - (d) emit or be likely to emit odorous, toxic or hazardous fumes; or
  - (e) necessitate or be likely to necessitate the storage of such large or concentrated quantities of products or materials as to present a danger or nuisance.
- (5) Notwithstanding section 54, a sign having a maximum display area of 0.45 square meter is permitted to advertise a home occupation or a home business. This sign may be
  - (a) freestanding; or
  - (b) affixed to one (1) only of the façades of the building in which the occupation or business is conducted.
- (6) A freestanding sign mentioned in subsection (5) shall not
  - (a) exceed 1.25 meters in total height; and
  - (b) be erected, placed, relocated, structurally altered or replaced less than 1.5 meters from a lot line.
- (7) In a zone where this use is permitted as a secondary use, the total number of home occupations and home businesses on a property occupied by a single unit dwelling, a mobile-home or a mini-home may not exceed one (1).
- (8) In a zone where this use is permitted as a secondary use, no more than one (1) Class 2 home occupation is permitted in each dwelling unit of a multiple-unit dwelling.



- (9) With the exception of a sign permitted under this section, no outside display or advertisement or visible outside projection may allude to or suggest that a home occupation or home business is being conducted on the premises.

**Section 30: Recreational Vehicle**

- (1) The use of land for utilizing, occupying or inhabiting a recreational vehicle is solely permitted
- (a) on a site for recreational vehicles located in a provincially licensed campground; or
  - (b) on a site for recreational vehicles located in a type-1 Coastal zone (CL-1 zone).
- (2) No lot mentioned in this section may be developed as a campground or site for recreational vehicles without having obtained a development permit.
- (3) No recreational vehicle may be used, occupied or inhabited during the period beginning November 1<sup>st</sup> and ending May 1<sup>st</sup> of the following year.
- (4) A recreational vehicle cannot be immobilized in any way by removing its wheels or placing it on a foundation.
- (5) A recreational vehicle may not be altered or extended.
- (6) With the exception of the sites mentioned in subsection (1), a lot occupied by a dwelling may be used to store or park a maximum of (1) recreational vehicle provided that it
- (a) is not used, occupied or inhabited; and
  - (b) is not placed less than
    - (i) 7.5 meters from a designated street line, or
    - (ii) 1 meter from a rear or side lot line.
- (7) A recreational vehicle may not be stored or parked on a vacant lot.

**Section 31: Service Station, Gas Bar and Surface Reservoir**

- (1) No gas bar or gas pump shall be erected, placed, relocated, structurally altered or replaced so as to be less than

- (a) 4.5 meters from a designated street line;
  - (b) 3 meters from a right-of-way;
  - (c) 4 meters from a rear or side lot line; or
  - (d) 3 meters from a building or structure.
- (2) An awning or a canopy over a gas pump may not be erected, placed, relocated, structurally altered or replaced so as to be less than
- (a) 3 meters from a designated street line;
  - (b) 3 meters from a right-of-way;
  - (c) 3 meters from a rear or side lot line; or
  - (d) 3 meters from an electrical transmission line.
- (3) No above-ground reservoir used by a service station for stocking propane, fuel or gas or any other combustible or gaseous liquid may be erected, placed, relocated, structurally altered or replaced so as to be less than
- (a) 10 meters from a designated street line;
  - (b) 3 meters from a right-of-way;
  - (c) 4 meters from a rear or side lot line;
  - (d) 3 meters from an electrical transmission line; or
  - (e) 10 meters from a dwelling.

**Section 32: Radio Communication Tower**

- (1) A radio communication tower shall not be erected, placed, relocated, structurally altered or replaced so that it is setback a distance of less than 60 % of its total height from any lot line.
- (2) A radio communication tower which exceeds 30 meters in height shall not be erected, placed, relocated, structurally altered or replaced at a distance of less than 8 times its total height from an existing dwelling or an existing Residential zone (R zone).

**Section 33: Recycling Center**

- (1) A buffer zone and/or a visual screen shall be developed, kept in good condition and maintained at all times around any yard used for the following purposes in the zones where such uses are permitted under this by-law:
  - (a) salvage or wrecking yard; or
  - (b) recycling center.
- (2) A buffer zone or a visual screen mentioned in subsection (1) shall be composed of one of the following elements, or a combination thereof:
  - (a) a continuous, opaque and uninterrupted row of trees
    - (i) composed of broad-leaved trees or evergreens not less than 1.5 meters in height and 3 meters in depth, and
    - (ii) placed directly along the lot line except for access and egress driveways and access lanes of a maximum width of 10 meters; or
  - (b) a solid, continuous and opaque fence,
    - (i) 2.5 meters in height, with no openings except for access and egress driveways and access lanes of a maximum width of 10 meters, and
    - (ii) erected or placed at least than 3 meters from a front lot line and 1.5 meters from all side and back lot lines, with the area remaining between the fence and lot lines fully landscaped.
- (3) All activities associated with a recycling centre such as receiving, handling, sorting and packing shall be conducted inside a completely closed-in building.
- (4) Only merchandise that has been sorted, packed and ready to be exported may be stored outdoors.
- (5) Merchandise mentioned in subsection (4) shall be piled in such a manner that it is not visible from the exterior side of the surrounding buffer zone or screen fence.

#### **Section 34: Mobile-Home and Mini Home Sites and Parks**

- (1) A mobile-home may not be erected, placed, structurally altered or replaced in a location other than:
  - (a) on a site for mobile-homes in a mobile-home park located in a Type-1 Mobile-Home and Mini-Home Park zone (PMM-1 zone); or

- (b) in a Type-1 Coastal zone (CL-1 zone).
- (2) A mini-home may not be erected, placed, structurally altered or replaced in a location other than:
- (a) on a site for mini-homes in a mini-home park located in a Type-1 Mobile-home and Mini-Home Park zone (PMM-1 zone);
  - (b) in a Type-1 Coastal zone (CL-1 zone); or
  - (c) in a Type-2 very low density Residential zone (R1-2 zone)
- (3) A mobile-home or mini-home park may not be developed
- (a) outside a Type-1 Mobile-home and Mini-Home Park zone (PMM-1 zone);  
and
  - (b) without being connected to the municipal water and sewer systems.
- (4) The empty space between the ground and floor (chassis) of a mobile-home or mini-home shall be closed with a skirting within 30 days of its installation. This skirting shall be constructed of the same exterior covering as the mobile-home or mini-home or of particle board panels painted to complement the mobile home or mini-home. All exposed hook-up or transportation devices shall be removed or disassembled.

**GENERAL PROVISIONS RELATING TO EXCAVATIONS, FILLING  
AND THE REMOVING OF TOP SOIL**

**Section 35: Digging and Filling**

- (1) In all zones, the making of land by cutting or filling to a depth or height in excess of 1 meter and an area of 2000 square meters or more constitutes a development under the definition of the *Community Planning Act* thus requiring a development permit issued by the development officer.
- (2) Subsection (1) does not apply to the excavation or filling of land directly related to
  - (a) a development for which a development permit has been issued;
  - (b) the excavation of mineral aggregates in the zones where this use is permitted under section 36, or
  - (c) the construction of a public road or any other public work undertaken by the Crown, an agent of the Crown or the municipality.
- (3) No cutting or filling may be undertaken less than 30 meters from the ordinary high water mark of a river, watercourse, or body of water (with the exception of Nepisiguit Bay) or wetland unless the project has been approved by the relevant governmental agencies.
- (4) Irrespective of the dimensions of the area affected, no person shall alter land levels in so far as this may affect surface drainage unless he can show that the resulting surface drainage will be discharged into an existing ditch, watercourse or storm sewer capable of carrying such additional water in accordance with existing regulations. Where these systems are insufficient or inexistent, assuring the necessary developments for drainage of surface water is the sole responsibility of the owner who shall do so without impacting negatively on nearby streets, infrastructures or properties.
- (5) A drainage system may not be developed on private property and connected to the municipal storm sewer system without first having obtained the approval of the municipality.
- (6) A cutting or filling area in excess of 2000 square feet is subject to the approval of the municipality. The municipality may, at its discretion, require a signed report from an expert in the field showing that the project will have no negative impact on the stability of the ground or surface drainage which could impact negatively on nearby properties and municipal infrastructures.

- (7) No land may not be excavated, stripped, filled or raised in an excessive or inordinate manner in relation to an adjacent property for the sole purpose of making the development conform to the standards of this by-law.

**Section 36: Excavation of Mineral Aggregates**

- (1) The extraction of mineral aggregates shall, at all times, conform to the provisions of this section.
- (2) No quarry or mineral aggregate extraction requiring the use of explosives is permitted within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under the provisions of section 39 of the *Community Planning Act*.
- (3) Subject to this section, the extraction of mineral aggregates is only permitted in a Type-1 Resource zone (RES-1 zone).
- (4) No excavation of mineral aggregate may be developed in such a way that either the top or the base of the excavation is less than
- (a) 30 meters from a designated street line,
  - (b) 15 meters from all lot lines other than a street line mentioned in paragraph (a),
  - (c) 60 meters of the bank of a watercourse, body of water or wetland,
  - (d) 200 meters from all dwellings or institutions in existence when the extraction operation began,
  - (e) 200 meters from a Residential zone (R zone) or Mixed zone (MX zone) which were in existence when the extraction operation began.
- (5) No building, structure, equipment or site intended for the operation, production, repair, maintenance or storage shall be erected, placed, relocated, structurally altered or replaced at a distance of less than:
- (a) 10 meters from a designated street line,
  - (b) 10 meters from all lot lines other than a street line mentioned in paragraph (a),
  - (c) notwithstanding section 7, 30 meters from the high water mark of a river, watercourse, body of water or wetland,

- (d) 100 meters from all dwellings or institutions in existence when the extraction operation began, or
  - (e) 100 meters a Residential zone (R zone) or Mixed zone (MX zone) which were in existence when the extraction operation began.
- (6) Subject to subsection (7), no extraction site shall have a depth of more than 1.5 meters unless self-reflective signs are posted every 30 meters along the perimeter of the excavation bearing the word "DANGER" in letters at least 15 cm in height.
- (7) No extraction site shall have a depth of more than 5 meters and a slope that is steeper than 1.5 horizontal to 1 vertical unless the perimeter of the site is surrounded by a fence of a minimum height of 1 meter.
- (8) In addition to all other provisions contained in this section, all extraction sites are subject to the following terms and conditions:
- (a) appropriate measures shall be taken at all times by the owner and operator to ensure that access roads to the extraction site and public streets over which extracted material is transported are kept dust-free by paving, sweeping or spraying with calcium chloride or water;
  - (b) no access driveway, access lane or maneuvering lane leading to the extraction site shall be located less than 60 meters from an existing dwelling or institution;
  - (c) the extraction and all work related thereto shall be carried out solely between the hours of 7:00 a.m. and 8:00 p.m. and be suspended on Sundays and on Statutory Holidays as defined by the *Interpretation Act*;
  - (d) no operation in relation to the extraction shall be conducted so as to jeopardize proposed or required rehabilitation of the land;
  - (e) each year at the end of seasonal operations, no excavation slope shall be steeper than 1.5 horizontal to 1 vertical for the full depth thereof; and
  - (f) the extraction process shall not expose the water table at the bottom of the excavation.
- (8) The owner of an extraction site shall rehabilitate the land within 12 months from the date the operations ceased or were suspended for a period of 365 consecutive days.
- (9) The rehabilitation of land mentioned in subsection 8 shall include the following:

- (a) the slopes of the extraction site shall not be steeper than 1.5 horizontal to 1 vertical;
  - (b) all equipment, installations, buildings or structures located on the site for the purpose of extracting mineral aggregate shall be removed;
  - (c) all stock piles from the exploitation, aggregates or other extracted material shall be
    - (i) removed from the site,
    - (ii) backfilled into the excavation where feasible, or
    - (iii) leveled to a common grade with the rest of the land; and
  - (d) the site shall be cleared of debris and covered with a layer of soil, capable of regenerating vegetation.
- (10) If an owner fails to meet the requirements of this section, the municipality may cause the required rehabilitation to be done and recover all associated costs from the owner.

**Section 37: Stripping of Top Soil**

- (1) Stripping of top soil is solely permitted in a Type-1 Resource zone (RES-1 zone).
- (2) It is prohibited to strip top soil to a depth of more than 50 cm during a one year period and sufficient top soil must be left on the ground to allow the regeneration of vegetation.



**GENERAL PROVISIONS RELATING TO SECONDARY AND  
ACCESSORY USES, BUILDINGS AND STRUCTURES**

**Section 38: Intergenerational Dwelling (In-Law Suite)**

- (1) A one-unit dwelling may contain a maximum of one (1) intergenerational or in-law suite as a secondary use, and the said suite shall be considered to be a second dwelling unit.

**Section 39: Garden Suite**

- (1) A garden suite may not be developed within the municipality unless the project has been approved by the council following an amendment to the zoning regulations under the provisions of section 39 of the *Community Planning Act*.

**Section 40: Pet Animal**

- (1) With the exception of an agricultural use operated under the provisions of this by-law, no land, building or structure may be used to shelter animals other than pet animals.

**Section 41: Swimming Pool and Swimming Pool Enclosure**

- (1) A swimming pool shall solely be erected, placed, relocated or replaced as an accessory structure to a main building. Consequently, a swimming pool may not be erected, placed, relocated or replaced on a vacant lot.
- (2) A swimming pool shall be completely surrounded by a swimming pool enclosure constructed of one of the following elements, or a combination thereof:
  - (a) a fence;
  - (b) the wall of a building; and/or
  - (c) a pool deck surrounded by a palisade.
- (3) A pool enclosure shall
  - (a) have a minimum height of 1.5 meters,
  - (b) have a maximum height of 2 meters, except where it consists of the wall of a building;

- (c) be constructed of rigid material and of sufficient density as to be completely impenetrable to the extent that a 100 mm. solid sphere will not pass through it nor under it;
- (d) be constructed in such manner that it cannot be climbed or escalated from the opposite side of the swimming pool ; and
- (e) be located
  - (i) subject to subsection (5), at least 1 meter from the edge of the swimming pool, and
  - (ii) at least 1 meter from any object, hill or slope that would facilitate climbing over the exterior wall.
- (4) No swimming pool enclosure may be electrified or incorporate barbed wire or other dangerous materials.
- (5) Notwithstanding sub-paragraph (3) (e) (i), the external metal structure of an above-ground pool may be accepted as an enclosure provided
  - (a) the top edge of the pool is equipped with a CSA approved above-ground pool fence kit so that the height of the overall structure is not less than 1.5 meters measured from the ground,
  - (b) the exterior structure of the pool, the pool fence kit and the deck cannot be climbed,
  - (c) no filtration or heating systems or other structure shall be placed less than 1.25 meters from the edge of the pool so as not to facilitate climbing from the outside,
  - (d) the ladder and steps leading to the pool and deck shall be enclosed by a fence having a minimum height of 1.5 meters and equipped with a gate and self-latching lock.
- (6) A door, gate or other access to a pool enclosure shall
  - (a) be constructed in conformity with the same standards and principles prescribed for the pool enclosure;
  - (b) be supported on solid hinges;
  - (c) be self-closing and equipped with a self-latching device;

- (d) be equipped with an automatic lock installed at a minimum height of 1.5 meters above ground level;
  - (e) be installed in such a manner that its lowest point is no more than 100 mm above ground level; and
  - (f) have a minimum height of 1.5 meters.
- (7) No person shall fill or allow water to remain in a swimming pool unless a swimming pool enclosure has been constructed and is maintained in conformity with the provisions of this by-law.
- (8) Notwithstanding all other provisions of this by-law, no swimming pool or pool deck may be erected, placed, replaced, structurally altered or replaced
- (a) in the front yard of a main building;
  - (b) less than 6 meters from a secondary street right-of-way;
  - (c) less than 1 meter from a rear or side lot line; and
  - (d) at a distance of less than 7.5 meters from the ordinary high tide mark of Nepisiguit Bay.
- (9) A filtration or heating system shall not
- (a) be placed, relocated or replaced so that it is less than 1 meter from a rear or side lot line; or
  - (b) generate a level of noise in excess of 50 dB measured along the lot lines.
- (10) In addition to the provisions of this section, a fence used as a swimming pool enclosure prescribed in subsection (2) shall conform to the provisions of section 43.

#### **Section 42: Man-made Pond**

- (1) No man-made pond with a depth in excess of 50 cm or an area exceeding 10 square meters may be developed within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations pursuant to the provisions of section 39 of the *Community Planning Act*.

**Section 43: Fences**

- (1) Notwithstanding any other provision of this by-law, with the exception of section 19, and subject to the particular provisions of this section, a fence may be developed in a yard.
- (2) In all zones, except an Industrial zone (IND zone), the height of a fence or any section of a fence may not exceed
  - (a) 1 meter, if located less than 7.5 meters from a designated street line; and
  - (b) 2 meters, if located more than 7.5 meters from a designated street line.
- (3) In an Industrial zone (IND zone), no fence or any section thereof may be more than 2.5 meters in height.
- (4) A chain link fence of a maximum height of 3.5 meters may be erected, placed, located, structurally altered or replaced inside a three meter strip around a private or public tennis court provided the following minimum setbacks are respected:
  - (a) 3 meters in respect to all designated street lines; and
  - (b) 1.5 meters in respect to the rear and side lot lines.
- (5) No fence may be electrified, or be comprised of barb wire, chicken wire or other dangerous material with the exception of
  - (a) a fence of a maximum height of 1.5 meters used to contain livestock as part of an agricultural use permitted under this by-law; or
  - (b) the section of a fence exceeding two meters in height in an Industrial zone (IND zone).
- (6) An owner shall, at all times, take the appropriate measures to assure that a fence does not become unsightly, dilapidated or dangerous.
- (7) A fence shall be
  - (a) treated with a protective coating of paint, stain, preservative or other weather resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
  - (b) kept in a structurally sound condition and on a plumb line with the horizon;

- (c) kept in good repair and maintained as needed so as not to become unsightly, dilapidated or dangerous in relation with the neighborhood.
- (8) A fence shall be constructed solely of the following materials
- (a) untreated wooden boards from which the bark has been removed and which have been planed on both sides;
  - (b) boards or trellis made from treated wood, or that have been painted, stained or varnished;
  - (c) PVC vinyl or synthetic resin;
  - (d) cast iron, wrought iron or an equivalent material which is equally aesthetic;
  - (e) stone or brick masonry;
  - (f) decorative concrete blocks with a maximum height of 30 cm.; or
  - (g) galvanized or vinyl covered diamond-shaped chain links.
- (9) Without limiting the generality of this section, the following materials are prohibited for the construction of fences
- (a) particle board panels;
  - (b) metal sheets;
  - (c) pasture or cow fence,
  - (d) chicken wire, with the exception of fences mentioned in subsection (5);
  - (e) barbed wire, with the exception of fences mentioned in subsection (5);
  - (f) wire;
  - (g) electrified fence;
  - (h) unfinished concrete blocks; and
  - (i) large rocks or stones commonly referred to as “boulders”.

- (10) Fences comprised of a single row of wire, rope, chain or any other similar material which could cause injuries to persons passing under or over them are prohibited.
- (11) A snow fence shall be removed and stored out of sight between May 15<sup>th</sup> and October 15<sup>th</sup> of each year.

**Section 44: Private Stable**

- (1) A private stable shall not be permitted within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under the provisions of section 39 of the *Community Planning Act*.

**Section 45: Equestrian Center**

- (1) No equestrian center may be developed except within a Resource zone (RES zone).
- (2) An equestrian centre shall at all times comply with the following standards:
  - (a) the property shall have an area of 2 acres or more;
  - (b) the net horse density shall not exceed 2 horses per acre and only available pasture acreage shall be used to calculate the number of horses allowed on a parcel of land;
  - (c) a structure, paddock, animal enclosure, corral or manure pile shall be erected, placed, relocated, structurally altered or replaced at a minimum distance of
    - (i) 10 meters from a rear or side lot line,
    - (ii) 15 meters from a designated street line,
    - (iii) 100 meters from a dwelling existing at the time of development with the exception of the dwelling belonging to the owner of the equestrian centre,
    - (iv) 75 meters from a watercourse, and
    - (v) 75 meters from a water well existing at the time of development, and which is located on a neighboring property; and

- (d) manure shall be kept and managed in such a manner that it does not become a source of olfactory or other nuisance or a source of contamination for the neighborhood.

**Section 46: Temporary Building on a Construction Site**

- (1) The following buildings may be temporarily placed on a construction site:
  - (a) workers' barracks;
  - (b) a contractor's office;
  - (c) a sales or rental office; or
  - (d) a shed for tools or equipment used for the ongoing construction.
- (2) a temporary building mentioned in subsection 1 are permitted on the condition that
  - (a) a development permit or building permit has been issued by the development officer, and
  - (b) the temporary building or structure is removed from the property within 14 days of completion of work.
- (3) No temporary building mentioned in subsection (1) shall be used, at any time, for human habitation.
- (4) The development officer may authorize the number of such temporary buildings described in paragraph (1) that he deems appropriate for the construction project.
- (5) The fee for a development permit under this section is \$25.00 and it is payable to the planning commission.

**Section 47: Decorative wall, Retaining wall, Breakwater, Sentry-box, Portal, Gateway**

- (1) Only decorative walls of a total height of less than 50 cm. may be erected, placed, relocated, structurally altered or replaced at a distance of less than 3 meters from a designated street line.
- (2) With the exception of a decorative wall mentioned in subsection (1) or a breakwater abutting the coast of Nepisiguit Bay, no retaining wall shall

- (a) be erected, placed, relocated, structurally altered or replaced at a distance of less than 1 meter from a lot line, or
  - (b) exceed 1.5 meters in height.
- (3) Where the topography of the land is such that two or more retaining walls are required, the horizontal distance between the two walls shall not be less than 1 meter.
- (4) With the exception of a breakwater abutting the coast of Nepisiguit Bay, a sustaining wall in excess of 1.5 meters in height
- (a) constitutes a “particular purpose” under paragraph 34 (4) (c) of the *Community Planning Act* in respect of which the planning commission may impose terms and conditions under sub-paragraph 34 (4) (c) (ii) and subsection 34 (5) of the *Community Planning Act*; and
  - (b) shall have a protective fence along its top edge.
- (5) A sustaining wall approved under subsection (4) which has a height of more than 2 meters shall be approved by an expert in this type of construction.
- (6) The provisions of this section do not apply to retaining walls built by the municipality or province as part of the road system.
- (7) No decorative wall, retaining wall or breakwater may be constructed from material other than
- (a) brick and mortar;
  - (b) decorative concrete blocks of a maximum height of 30 cm.;
  - (c) cement mixed on the site;
  - (d) rocks;
  - (e) gabions; and
  - (f) wooden beams squared on 4 faces and treated against rot, with the exception of railway sleepers or other wood treated with creosote or tar.
- (8) A decorative wall, retaining wall or breakwater shall be
- (a) erected so as to resist the lateral shifting of the soil caused by repeated freezing and thawing;



- (b) stable, maintained in a good structurally sound condition, good repair and free from accident hazards, in default of which appropriate steps must be taken to have it stabilized, replaced or dismantled.
- (9) In a Residential zone (RES zone), no sentry-box, portal or gateway for the purpose of controlling traffic at an access driveway may be erected or placed unless
- (a) the area of the lot is greater than 2 acres, and
  - (b) the main building is located more than 30 meters from the street line.

**Section 48: Kennels**

- (1) No kennel is permitted within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under section 39 of the *Community Planning Act*.

**Section 49: Trailers and Freight Containers used for Other Purposes**

- (1) No lot shall be used for the purpose of erecting, placing, relocating, structurally altering or replacing a truck, truck box, trailer, semi-trailer, freight container, railroad wagon, bus or other vehicle or part thereof, to be used for
- (a) a dwelling for human habitation;
  - (b) a main building or structure;
  - (c) an accessory building or structure;
  - (d) a secondary building or construction;
  - (e) a sign or base for an advertising device;
  - (f) displaying goods or merchandise; or
  - (g) the sale of goods or merchandise, unless an itinerant or ambulatory vendor's license has been issued by the municipality.
- (2) Notwithstanding paragraph (1) (c), a commercial establishment located in a Type-1 Highway commercial zone (CR-1 zone) may use a maximum total of 2 freight containers or semi-trailers as accessory buildings for the sole purpose of storing merchandise.

- (3) Notwithstanding paragraph (1) (c), an industrial establishment located in an Industrial zone (IND zone) may use a maximum total of 5 freight containers or semi-trailers as accessory buildings for the sole purpose of storing merchandise.
- (4) A freight container or semi-trailer used as accessory building for the purpose described in subsections (2) and (3) shall
  - (a) conform to all provisions of this by-law which apply to accessory buildings;
  - (b) be
    - (i) covered with an exterior wall covering which meets the Canadian construction codes and is complimentary to the main building,
    - (ii) surrounded by an opaque enclosure or a visual screen of a high aesthetic quality making it completely invisible from an adjacent street or property, or
    - (iii) painted on all façades with a neutral colored grey metal paint so as to cover all color and markings from when it was used to transport merchandise;
  - (c) kept free from any significant or visible deterioration to the exterior wall covering mentioned in subsection (b), in default of which it shall be refreshed with a new finish or wall covering of the same type; and
  - (d) be maintained, at all times, in a sound structural and aesthetic condition in conformity with the general character of neighboring properties.

#### **Section 50: Waste Enclosures**

- (1) In the case of a property occupied by a multiple-unit dwelling, a business, an institution or an industry, it is permitted to put in place a front loading waste bin of a maximum capacity of 2 cubic yards provided it is not located less than
  - (a) 7.5 meters from a designated street line;
  - (b) 1 meter from a rear or side lot line;
  - (c) 10 meters from a residential dwelling other than the one it is intended to serve.

- (2) In the case of a property occupied by a business, an institution or an industry, it is permitted to put in place a front loading waste bin with a maximum capacity of 14 cubic yards provided it is not located less than
- (a) 10 meters from a designated street line;
  - (b) 1 meter from a rear or side lot line;
  - (c) 15 meters from a residential dwelling other than the one it is intended to serve.
- (3) In the case of a property occupied by an industry inside an Industrial zone (IND zone), it is permitted to put in place a front loading waste bin with a maximum capacity of 40 cubic yards provided it is not located less than
- (a) 10 meters from a designated street line;
  - (b) 1 meter from a rear or side lot line;
  - (c) 30 meters from a residential dwelling other than the one it is intended to serve.
- (4) In the case of a property occupied by a business, an institution or an industry, it is permitted to erect, place, relocate, structurally alter or replace a waste enclosure on the condition that
- (a) it is located less than
    - (i) 10 meters from a designated street line,
    - (ii) 1 meter from a rear or side lot line,
    - (iii) 30 meters from a residential dwelling other than the one it is intended to serve;
  - (b) that it is no more than 2 meters in height;
  - (c) that it not exceed a gross surface occupancy area of 9.3 square meters.
- (5) In the case of a property occupied by a multiple-unit dwelling, a business, an institution or an industry, it is permitted to erect, place, relocate, structurally alter or replace waste box pursuant to the following conditions:

- (a) it not be located less than
  - (i) 7.5 meters from a designated street line,
  - (ii) 1 meter from a rear or side lot line,
  - (iii) 5 meters from a residential dwelling or dwelling unit other than the one it is intended to serve; and
- (b) that it not have
  - (i) a height of more than 1.25 meters,
  - (ii) a width of more than 2 meters,
  - (iii) a depth of more than 1 meter, and
  - (iv) a capacity of more than 2.5 cubic meters.
- (6) No waste bin, waste enclosure or waste box mentioned in this section may be allowed to become a visual or auditory nuisance for nearby residents in default of which it shall be adequately hidden from the public's view or soundproofed.
- (7) No waste bin, waste enclosure or waste box mentioned in this section may be allowed to become an olfactory nuisance for nearby residents in default of which it shall be refrigerated.
- (8) Only one (1) of the containers mentioned in subsections (1) to (5), and no combination thereof, is permitted on a property.

**Section 51: Personal Greenhouse on a Residential Lot**

- (1) Notwithstanding any other provision of this by-law, a maximum of one horticultural greenhouse is permitted on a residential lot provided it is used for personal and domestic purposes only.
- (2) A personal greenhouse mentioned in subsection (1) shall not
  - (a) exceed a height of 4 meters;
  - (b) occupy a gross surface occupancy area of more than 18 square meters;
  - (c) be erected, placed, relocated, structurally altered or replaced
    - (i) in a front yard, or

- (ii) less than 1 meter from a rear or side lot line; or
- (d) be used for the cultivation of produce intended for commercial sale.

**Section 52: Temporary Automobile Shelter**

- (1) A temporary automobile shelter
  - (a) shall not be erected or placed less than
    - (i) 5 meters from the travelled portion of a designated street, or
    - (ii) 0.75 meter from a rear or side lot line; and
  - (b) shall not have a gross surface occupancy area of more than 40 square meters; and
  - (c) shall not be erected or placed anywhere but over a parking space.
- (2) A temporary automobile shelter
  - (a) shall be in place only between November 1<sup>st</sup> of one year and April 30<sup>th</sup> of the following year;
  - (b) shall be kept neat and in good condition; and
  - (c) shall be constructed of a industry built collapsible tubular metal frame and covered with a non-rigid material.
- (3) A maximum of one temporary automobile shelter is permitted on a lot.
- (4) A temporary automobile shelter may not be used for purposes other than parking an automotive vehicle.

**Section 53: Wind energy systems**

- (1) No wind energy system, irrespective of its size, height or capacity, is permitted within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under the provisions of section 39 of the *Community Planning Act*.

**GENERAL PROVISIONS RELATING TO  
SIGNS AND ADVERTISING**

**Section 54: Signs**

**54.1 General Provisions Relating to Signs**

- (1) With the exception of
  - (a) a traffic control device as defined by the *Motor Vehicle Act*;
  - (b) a legal or judicial notice; or
  - (c) a sign in a store window advertising goods for sale therein;

no land, building or structure may be used for erecting, placing, relocating, structurally altering, repairing or replacing a sign except in conformity with the provisions of this by-law.
- (2) No land, building or structure may be used for the purpose of erecting, placing, relocating, structurally altering, repairing or replacing a sign without first obtaining a development permit for this purpose pursuant to the provisions of this by-law.
- (3) Notwithstanding subsection (2), a non-illuminated sign may be placed, erected or displayed on a lot, building or structure without obtaining a development permit if this sign
  - (a) is to advertise the sale or rental of the property upon which it is located and does not exceed a gross surface occupancy area of
    - (i) 0.85 square meter in a Residential zone (R zone), and
    - (ii) 3 square meters in all zones except a Residential zone (R zone);
  - (b) identifies by name a residential property or its residents, and does not exceed 0.45 square meter in gross surface area;
  - (c) warns against trespassing or the presence of dogs, and does not exceed 0.45 square meter in gross surface area;
  - (d) is a private sign indicating traffic direction, and does not exceed 0.24 square meter in gross surface area;

- (e) identifies the architects, engineers, contractors or other individuals or corporations working on the construction of a building or structure, in which case it shall be removed within fourteen (14) days following the commencement of the intended use of the building or structure, and does not exceed a gross surface area of
    - (i) 2 square meters in a Residential zone (R zone), and
    - (ii) 5 square meters in all zones except a Residential zone (R zone);
  - (f) announces a candidate for public office during a municipal, provincial or federal election, in which case it shall be removed within seven (7) days following the election; or
  - (g) identifies a subdivision by its name, and does not exceed 3 square meters in gross surface area.
- (4) Except for **electoral signs** and traffic signs, no sign may be erected, placed, relocated, structurally altered, repaired or replaced on a property other than the one on which the advertised business, use or activity is conducted.
- (5) A sign advertising a business, use or activity no longer in operation shall be removed by the owner within forty-five (45) days of the date of discontinuance of the business, use or activity.
- (6) No sign, except for **an electoral sign** or a traffic sign, shall be erected, placed, relocated, structurally altered, repaired or replaced on a property unless the sign communicates a message related to the business, the use or the activity conducted on the property on which the sign is located.
- (7) No land may be used for the purpose of placing, relocating, structurally altering, repairing or replacing a motor vehicle, a truck, a truck box, a trailer, a semi-trailer, a freight container or any other type of vehicle for the purpose of utilizing it in whole or in part as a sign, as a base or support for a sign or as a base or support for an advertising device whether
- (a) it is operational or not;
  - (b) its wheels have been removed or not; or
  - (c) it is licensed or not.
- (8) No sign or advertisement may

- (a) be an imitation of a traffic control device or contain the words “STOP”, "GO", “SLOW”, “CAUTION”, “DANGER”, "YIELD", "LOOK", "WARNING" or similar words, symbols, lights or characters so arranged as to be interpreted as a traffic regulation device along a public roadway;
  - (b) have a size, location, content, colors or type of lighting that may be confused with, interpreted as or tend to obscure a traffic regulation device;
  - (c) use flashing or rotating lights that imitate or may be confused with warning lights usually found on emergency or public service vehicles;
  - (d) advertise an activity, a business, a use, a product or a service that is not or that is no longer conducted on the property on which the sign is located;
  - (e) create a hazard to public safety or health;
  - (f) obstruct the vision of drivers leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets;
  - (g) obstruct free ingress to or egress from an emergency door or window or any other required exit;
  - (h) display a message or the outline or shape of an object or human form of an erotic or sexual nature;
  - (i) be painted on a wall or fence;
  - (j) be painted on or affixed to a motor vehicle, a trailer, a semi-trailer, a freight container or any other vehicle whether the wheels have been removed or not and whether it is licensed or not;
  - (k) be attached to a tree, a fence, a public utility pole, a hedge, or any post not exclusively designed, erected or placed for that purpose; or
  - (l) encroach over a designated street right-of-way.
- (9) Where it is permitted under this by-law, an illuminated sign
- (a) shall be lighted by continuous, stationary, shielded light sources, directed solely at the sign, or placed inside the sign;
  - (b) shall not shine, directly or indirectly, onto motorists, pedestrians and neighboring properties; and



- (c) shall not incorporate an intermittent light, searchlight, blinking light or strobe lights.
- (10) A sign shall not be connected to a power source in any manner except through an underground channel.
- (11) No sign, in part or in whole, may be allowed to become unsightly, dilapidated or dangerous. The development officer may order the owner to remove or repair any sign deemed to be unsightly, outdated or dangerous.
- (12) A sign mentioned in this section, including its supporting base, shall be kept and maintained
  - (a) in such condition as to not constitute a danger for persons, objects or properties,
  - (b) on a plumb line with the horizon,
  - (c) without any visible signs of deterioration, in default of which it shall be repaired, replaced, repainted or removed.
- (13) A structure used as a base or support for a sign shall be removed from the premises within 45 days from the removal of the sign.

**54.2: Freestanding Sign, on a Base, Brackets, or Bipod**

- (1) No freestanding sign shall be erected, placed, relocated, structurally altered or replaced anywhere except on land lawfully used for commercial, industrial or institutional purposes.
- (2) Freestanding signs shall be subject to the following provisions:
  - (a) A freestanding sign shall not exceed 6 meters in height;
  - (b) A free-standing sign, including any projection thereof, shall be setback a minimum distance of 1.5 meters from a designated street line, and 1.5 meters from rear and side lot lines;
  - (c) The advertising display area on each face of a freestanding sign shall not exceed 5.5 square meters;
  - (d) No lot mentioned in this section may contain more than one freestanding sign; and

- (e) A freestanding sign shall be located on the same lot on which the business that is announced is conducted.

### **54.3: Fascia Wall Signs**

- (1) A fascia wall sign shall not be erected, placed, relocated, structurally altered or replaced except on the wall of a building lawfully established and used for commercial, industrial and institutional purposes.
- (2) A fascia wall sign affixed to the wall of a building shall be subject to the following provisions:
  - (a) Subject to subsection (3), a maximum of two (2) fascia wall signs are permitted on each building façade;
  - (b) The display area of all fascia wall signs on each separate façade of a building shall not exceed 10 % of the total surface area of that façade;
  - (c) Fascia wall signs
    - (i) shall be parallel to the wall to which they are attached,
    - (ii) shall not extend beyond the extremities of the wall upon which they are placed,
    - (iii) shall not project more than 30 centimeters from the wall upon which they are placed; and
    - (iv) shall not project more than 0.3 meter above the top of the roof; and
  - (d) A fascia wall sign shall be affixed to a wall of the same building in which the business that is announced is conducted.
- (3) In the case of a building containing a number of establishments, one fascia wall sign is permitted for each of the establishments that abut an exterior wall on the condition that the provisions of paragraphs (2) (b), (c) and (d) are respected.

### **54.4 Projecting Sign**

- (1) A projecting sign shall not be erected, placed, relocated, structurally altered or replaced except on the wall of a building lawfully established and used for commercial, industrial and institutional purposes.
- (2) A projecting wall sign affixed to the wall of a building shall be subject to the following provisions:

- (a) A maximum of one (1) projecting sign is permitted per business;
- (b) Projecting signs:
  - (i) shall be perpendicular to the wall to which they are attached,
  - (ii) shall not project more than 1.5 meters from the wall upon which they are affixed,
  - (iii) shall not have a display area of more than 1 square meter on each of its faces,
  - (iv) shall not be suspended less than 2.5 meters from the ground,
  - (v) shall not be suspended more than 3 meters from the ground, and
- (c) A projecting sign shall be located on the same building in which the business that is announced is conducted.

**54.5: Mobile Readograph Sign**

- (1) No mobile readograph sign may be erected or placed on a lot unless it is solidly secured to a wooden base.
- (2) No mobile readograph sign may be erected or placed on a flat-bed, a metal base or a wheel.
- (3) No mobile readograph sign may be erected, placed, relocated, structurally altered or replaced except on a lot that is lawfully used for commercial, industrial or institutional purposes.
- (4) A mobile readograph sign shall be subject to the following provisions:
  - (a) no lot under this section shall contain more than one mobile readograph sign;
  - (b) the dimensions of the display area of a mobile readograph sign shall not exceed 1.5 meters vertically, 2.4 meters horizontally and 3.7 square meters in area;
  - (c) the maximum height of the structure which constitutes a mobile readograph sign shall not exceed 2 meters;

- (d) a mobile readograph sign shall be set back a minimum of 1 meter from a designated street line and shall not interfere with the safe flow of vehicular or pedestrian traffic;
- (e) a mobile readograph sign shall be solidly secured to a wooden base that is heavy enough and constructed in such a manner that no other tie or weight is necessary to secure it to the ground;
- (f) a mobile readograph sign shall be located on the same property on which the business that is advertised is conducted;
- (g) mobile readograph signs that are
  - (i) affixed to the wall of a building shall conform to the provisions of this section regarding fascia wall signs, or
  - (ii) attached to a permanent base shall conform to the provisions of this section regarding freestanding signs.

#### **54.6: Billboard**

- (1) No billboard may be erected, placed, relocated, structurally altered or replaced anywhere but
  - (a) within the right-of-way of Route 11; or
  - (b) in a 50 meter strip along the right-of-way of Route 11.
- (2) A billboard may not have
  - (a) a gross display area in excess of 28 square meters per façade; or
  - (b) a width/height ratio greater than 3.
- (3) No part of a billboard may have a height of more than 16 meters measured from the ground.
- (4) Subject to subsection (5), no billboard may be erected or placed less than
  - (a) 100 meters from an existing billboard located on the same side of the street and facing the same direction;
  - (b) 150 meters from an existing traffic control sign or device erected under the *Highway Act* or the *Motor Vehicle Act*; or

- (c) 200 meters from an access or egress ramp on Route 11.
- (5) For the application of subsection (4), the separating distance shall be measured by following the travelled portion of the roadway near which the billboard is located.
- (6) No billboard, including any projection thereof, may be erected, placed, relocated, structurally altered or replaced at a distance from a designated street line of less than
  - (a) the prescribed setback in that zone for a main building or structure; or
  - (b) the setback specified by the Department of Transportation along Route 11.
- (7) A billboard may not be erected, placed, relocated, structurally altered or replaced less than 50 meters from a dwelling or a Residential zone (R zone).
- (8) A billboard shall
  - (a) comply with provincial regulations relating to highway signage enacted under the “*Highway Act*”, and more specifically with the “*Highway public information kit*” published by the Department of Transportation, and
  - (b) be certified by an engineer who shall attest to the strength of the structure and that it is well secured to the ground.

**54.7: Information Sign**

- (1) An information sign may be erected or placed by the municipality inside the street right-of-way in any zone to advertise a group of businesses or tourist attractions on the following conditions:
  - (a) the display area does not exceed 12 square meters on each face; and
  - (b) the maximum height does not exceed 10 meters measured from the level grade of the ground.

## **OTHER GENERAL PROVISIONS**

### **Section 55: Direct Lighting**

- (1) No lighting facility or lighting device may be arranged in such a manner as to cause a nuisance.
- (2) No illuminated sign, projector, light or light source may be erected, placed, relocated, structurally altered or replaced in such a manner as
  - (a) to be directed directly on nearby properties or streets; or
  - (b) to be blinding to the conductor of a vehicle driving on a designated street.

### **Section 56: Maintenance of Vehicles in Residential Zones**

- (1) A lot located in a Residential zone (R zone) or occupied by a dwelling may be used for the maintenance of a motor vehicle owned exclusively by a permanent resident of the said lot on the condition that
  - (a) the vehicle have a gross weight of less than 4500 kg.;
  - (b) that the maintenance work be carried out exclusively within a completely closed building; and
  - (c) that the maintenance work be very light in nature.

### **Section 57: Heating and Air-Conditioning Equipment**

- (1) No outside wood furnace or outside hot water furnace may be erected or placed within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under to section 39 of the *Community Planning Act*.
- (2) No air or geothermic thermo pump or generator shall be erected, placed, relocated, structurally altered or replaced
  - (a) in a front yard;
  - (b) less than 6 meters from a secondary street line;
  - (c) less than 2 meters from a rear or side lot line; or

- (d) in such a manner as to generate a level of noise in excess of 50 dB measured at any given time along the lot lines.
- (3) No heating oil reservoir or gas tank may be erected, placed, relocated, structurally altered or replaced
  - (a) inside a front yard;
  - (b) less than 6 meters from a secondary street line; and
  - (c) less than 2 meters from a rear or side lot line.

**Section 58: Special Conditions forming part of Amendments to Zoning By-law no. 25-1998 which continue to apply to this by-law**

- (1) The following conditions, which were part of by-law 25-04-2006, a by-law amending the *Beresford Zoning By-law* affecting the property located at 313 Horizon Street and bearing identification number 20752232, continue to apply
  - (a) notwithstanding the uses allowed in Type-1 Highway Commercial Zones (CR-1 zones) as defined in section 73 of this by-law, the uses allowed on the property referred to in subsection (1) are exclusively limited to the following
    - (i) manual washing and polishing of vehicles, and
    - (ii) auto collision repair, body filling and painting;
  - (b) all activities associated with the uses allowed in paragraph (a) shall be conducted solely within the completely enclosed main building. Without limiting the generality of the preceding sentence, it is prohibited to sandblast, body fill or paint outside of the closed building;
  - (c) the area in the building used for sand blasting, paint removal, body filling, painting and body repair shall be equipped with an air filtration system in accordance with the guidelines established by the Department of Environment;
  - (d) the business shall not emit any odour perceivable outside of the building;
  - (e) the business shall not generate any dust and/or particles of any kind outside the building;
  - (f) the business shall not generate a level of noise higher than 50 dB measured along the lot lines;

- (g) it will be permitted to develop a fenced area of a maximum surface area of 900 square feet behind the main building and out of sight from nearby properties. This area shall be enclosed by an opaque fence of a minimum height of 5 feet and a maximum height of 6 feet.
  - (h) it will be strictly prohibited to store damaged vehicles that are waiting to be or that are being repaired, as well as auto parts, pieces and bodies outside the enclosed area mentioned in paragraph (g). Material stored in the enclosed area shall not be stacked higher than 6 feet.
  - (i) it will be permitted to park a maximum of 10 undamaged vehicles in the front yard of the property;
  - (j) the zoning provisions relating to signs in the Mixed zone apply;
  - (k) the hours of operation for the body shop are restricted to between 8:00 a.m. and 7:00 p.m., from Monday to Saturday inclusively.
- (2) The following conditions, which were part of By-laws 25-05-2006 and 25-01-2008 amending the *Beresford Zoning By-law* affecting properties located on Sunset Street and bearing identification numbers 20403044, 20403051, 20403077, 20403069 and 20243705, continue to apply as follows
- (a) notwithstanding the uses allowed in the Type-1 serviced medium density Residential zones (R3-1 zones) as defined in section 65 of this by-law, the uses permitted on the properties mentioned in subsection (2) are exclusively limited to the following
    - (i) the dwelling in existence on May 8, 2008 belonging to Doucet T.L. Estate Ltd. and bearing civic number 309 Sunset Street, shall not contain more than 3 dwelling units,
    - (ii) the four other buildings shown on the site development plan mentioned in paragraph (b) may not contain more than 4 dwelling units each;
  - (b) the lots mentioned in paragraph (a) shall be developed in conformity with the site development plan prepared by Mr. Stéphane Losier, dated August 18, 2006, and joined to by-law no. 25-05-2006 as Schedule “D”. Nevertheless, the council authorizes the District of Belledune Planning Commission to grant variances in accordance with the provisions of the *Community Planning Act* in application of sections 13.2 to 13.10 and pursuant to the general provisions of by-law 25-1998.



- (3) The following conditions, which were part of by-law 25-03-2009, a by-law amending the *Beresford Zoning By-law* affecting the property located at 557 Principale Street and bearing identification number 20281424, continue to apply as follows
- (a) in addition to the uses permitted in the Type-1 Mixed zones (MX-1 zones) as defined in section 70 of this by-law, the following uses are also permitted on the property mentioned in subsection (3) subject to the terms and conditions prescribed in paragraphs (b) to (f)
    - (i) a general construction business (general building contractor);
    - (ii) reparation of camping trailers;
  - (b) all activities associated to the general construction business and the reparation of camping trailers shall be conducted solely within a completely enclosed building;
  - (c) Outside Storage: with the exception of vehicles and trailers used by the general contractor, all outside storage shall be contained inside an enclosed area surrounded by an opaque fence not exceeding 1.8 metres in height. The interior surface area of the enclosed area shall not exceed 125 square meters;
  - (d) Outside Appearance: the property in general, including all buildings and structures, shall be kept clean and in an aesthetically pleasing condition which is in keeping with the neighbourhood. Without limiting the generality of the preceding sentence, the town of Beresford requests that the exterior walls of the building be painted and covered with a good quality exterior wall covering in keeping with the neighbourhood. The lot shall be maintained in good condition by trimming trees and shrubs and by cutting the vegetation cover and lawn to prevent the propagation of bushes;
  - (e) the maximum surface area of the main building shall not exceed 300 square meters;
  - (f) it will be permitted to develop a maximum of one (1) accessory building of a maximum surface area of 75 square meters.

## **ZONES**

### **Section 59: Classifications**

- (1) For the purpose of this by-law, the municipality is divided into zones as delineated on the plan attached as Schedule A, entitled “Town of Beresford Zoning Map” dated December 17, 2010
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

#### **Residential zones (R zones) grouping:**

- Type-1 Very low density non-serviced Residential zones – R1-1 zones
- Type-2 Very low density non-serviced Residential zones – R1-2 zones
- Type-1 Low density serviced Residential zones – R2-1 zones
- Type-2 Low density serviced Residential zones – R2-2 zones
- Type-1 Medium density serviced Residential zones – R3-1 zones
- Type-1 High density serviced Residential zones – R4-1 zones
- Type-1 Dwelling complex Residential zones – R5-1 zones

#### **Mobile-home and Mini-home park zones (PMM zones) grouping:**

- Type-1 Mobile-home and mini-home park zones – PMM-1 zones

#### **Coastal zones (CL zones) grouping:**

- Type-1 Coastal zones – CL-1 zones

#### **Mixed zones (MX zones) grouping:**

- type-1 Mixed zones – MX-1 zones

#### **Commercial zones (C zones) grouping:**

- Type-1 Central Commercial zone – CC-1 zones
- Type-2 Central Commercial zone – CC-2 zones
- Type-1 Highway Commercial zones – CR-1 zones

- Type-1 Recreation and Tourist Commercial zones – CRT-1 zones

**Industrial zones (IND zones) grouping:**

- Type-1 Industrial zones – IND-1 zones

**Protected Natural zones (NP zones) grouping:**

- Type-1 Protected Natural zones – NP-1 zones

**Resource zones (RES zones) grouping:**

- Type-1 Resource zones – RES-1 zones

- Type-2 Resource zones – RES-2 zones

**Railway corridor zones (CF zones) grouping:**

- Type-1 Railway corridor zones – CF-1 zones

(3) Collectively, in this by-law

- (a) R1-1, R1-2, R2-1, R2-2, R3-1, R4-1 and R-5 zones are classified as Residential zones;
- (b) PMM-1 zones are classified as Mobile-home and mini-home park zones,
- (c) CL-1 zones are classified as Coastal zones;
- (d) MX-1 zones are classified as Mixed zones;
- (e) CC-1, CC-2, CR-1 and CRT-1 zones are classified as Commercial zones;
- (f) IND-1 zones are classified as Industrial zones;
- (g) NP-1 zones are classified as protected Natural zones;
- (h) RES-1 and RES-2 zones are classified as Resource zones; and
- (i) CF-1 zones are classified as Railway corridor zones.

**Section 60: Conformity**

- (1) All lots shall be used and all buildings or structures, or parts of the buildings or structures, shall be erected, placed, relocated, removed, demolished, structurally altered, repaired, replaced and utilized solely in conformity with
  - (a) the general provisions contained in this by-law; and
  - (b) the provisions which apply to the zone in which they are located.
- (2) A use, a building or a structure that is not expressly permitted in this by-law is prohibited in all zones.
- (3) Where a particular use, building or structure is expressly permitted in one zone or is expressly defined in subsection 1 (10) of this by-law, it is prohibited in all zones where it is not expressly permitted.

## **Section 61: Type-1 Very Low Density Non-Serviced Residential Zones – R1-1 Zones**

### **61.1 Permitted uses**

- (1) No land, building or structure located in a R1-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a provincially licensed residential community placement facility for a maximum of 3 residents,
    - (iv) a public park, or
    - (v) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 1, 2, 3 or 4 home occupation, ***only if*** the main use is a single-unit dwelling,
    - (ii) one (1) Class 1, 2 or 3 home business, ***only if*** the main use is a single-unit dwelling,
    - (iii) one (1) Class 2 home occupation per dwelling unit, ***only if*** the main use is a two-unit dwelling, or
    - (iv) one (1) single-unit dwelling occupied by the operator of the facility, ***only if*** the main use is a residential community placement facility; and
  - (c) a maximum of two (2) accessory buildings.

### **61.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than
  - (a) 7.5 meters from a street line;

- (b) 1.5 meters from one side lot line and 3 meters from the other; and
- (c) 7.5 meters from a rear lot line.

### 61.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 61.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions
    - (i) 10 % of the area of the lot, or
    - (ii) 110 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or main structure which is located less than 20 meters from a street line,
    - (ii) less than 20 meters from a street line if the main building or main structure is located more than 20 meters from this street line,
    - (iii) less than 1.5 meters from a rear or side lot line, and
    - (iv) less than 6 meters from the street line of a secondary street; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.

- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 110 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 61.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

**Section 62: Type-2 Very Low Density Non-Serviced Residential Zones – R1-2 Zones**

**62.1 Permitted uses**

- (1) No land, building or structure located in a R1-2 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a mini-home,
    - (iv) a provincially licensed residential community placement facility for a maximum of 3 residents,
    - (v) a public park, or
    - (vi) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses;
    - (i) one (1) Class 1, 2, 3 or 4 home occupation, **only if** the main use is a single-unit dwelling or mini-home,
    - (ii) one (1) Class 1, 2 or 3 home business, **only if** the main use is a single-unit dwelling or mini-home,
    - (iii) one (1) Class 2 home occupation per dwelling unit, **only if** the main use is a two-unit dwelling, or
    - (iv) one (1) single-unit dwelling occupied by the operator of the facility **only if** the main use is a residential community placement facility; and
  - (c) a maximum of two (2) accessory buildings.



## 62.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than
  - (a) 7.5 meters from a street line;
  - (b) 1.5 meters from one side lot line and 3 meters from the other; and
  - (c) 7.5 meters from a rear lot line.

## 62.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

## 62.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 110 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or main structure which is located less than 20 meters from a street line,
    - (ii) less than 20 meters from a street line if the main building or main structure is located more than 20 meters from this street line,
    - (iii) less than 1.5 meters from a rear or side lot line, and
    - (iv) less than 6 meters from a secondary street line; and

- (f) be used for
  - (i) human habitation,
  - (ii) agricultural purposes, and
  - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 110 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 62.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

62.6 Alignment of mini-homes

A mini-home permitted under this section shall be developed so that the longest façade is parallel to the main street it abuts.

## **Section 63: Type-1 Low Density Serviced Residential Zones – R2-1 Zones**

### **63.1 Permitted uses**

- (1) No land, building or structure located in a R2-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a provincially licensed residential community placement facility for a maximum of 3 residents,
    - (iv) a public park, or
    - (v) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 1, 2, 3 or 4 home occupation, ***only if*** the main use is a single-unit dwelling,
    - (ii) one (1) Class 1, 2 or 3 home business, ***only if*** the main use is a single-unit dwelling,
    - (iii) one (1) Class 2 home occupation per dwelling unit, ***only if*** the main use is a two-unit dwelling, or
    - (iv) one (1) single-unit dwelling occupied by the operator of the facility, ***only if*** the main use is a residential community placement facility; and
  - (c) a maximum of two (2) accessory buildings.

### **63.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of
  - (a) less than 7.5 meters from a street line;

- (b) more than 10.5 meters from a street line;
- (c) less than 1.5 meters from one side lot line and 3 meters from the other; and
- (d) less than 7.5 meters from a rear lot line.

### 63.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 63.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 6.5 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 110 square meters.
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or main structure,
    - (ii) less than 1 meter from a rear or side lot line, and
    - (iii) less than 6 meters from a secondary street line; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.

- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may:
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 110 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 63.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 64: Type-2 Low Density Serviced Residential Zones – R2-2 Zones**

### **64.1 Permitted uses**

- (1) No land, building or structure located in a R2-2 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a provincially licensed residential community placement facility for a maximum of 3 residents,
    - (iv) a daycare facility, a kindergarten and an after-school day-care facility,
    - (v) a public park, or
    - (vi) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 1, 2, 3 or 4 home occupation, ***only if*** the main use is a single-unit dwelling,
    - (ii) one (1) Class 1, 2 or 3 home business, ***only if*** the main use is a single-unit dwelling,
    - (iii) one (1) Class 2 home occupation per dwelling unit, ***only if*** the main use is a two-unit dwelling, or
    - (iv) one (1) single-unit dwelling occupied by the operator of the facility, ***only if*** the main use is a residential community placement facility; and
  - (c) a maximum of two (2) accessory buildings.

### **64.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of

- (a) less than 7.5 meters from a street line;
- (b) more than 10.5 meters from a street line;
- (c) less than 1.5 meters from one side lot line and 3 meters from the other; and
- (d) less than 7.5 meters from a rear lot line.

### 64.3 Height

- (1) No main building or structure may exceed 10 meters in height.

### 64.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 6.5 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 110 square meters.
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or structure,
    - (ii) less than 1 meter from a rear or side lot line, and
    - (iii) less than 6 meters from a secondary street line; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.



- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 110 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 64.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 65: Type-1 Medium Density Serviced Residential Zones – R3-1 Zones**

### **65.1 Permitted uses**

- (1) No land, building or structure located in a R3-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a multiple-unit dwelling containing a maximum of 6 dwelling units,
    - (iii) a provincially licensed residential community placement facility for a maximum of 5 residents,
    - (iv) a public park, or
    - (v) a municipal infrastructure,
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 1, 2, 3 or 4 home occupation, **only if** the main use is a single-unit dwelling,
    - (ii) one (1) Class 1, 2 or 3 home business, **only if** the main use is a single-unit dwelling,
    - (iii) one (1) Class 2 home occupation per dwelling unit, **only if** the main use is a two-unit or multi-unit dwelling, or
    - (iv) one (1) single-unit dwelling occupied by the operator of the facility, **only if** the main use is a residential community placement facility; and
  - (c) a maximum of two(2) accessory buildings.

### **65.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than

- (a) 7.5 meters from a street line;
- (b) 1.5 meters from one side lot line and 3 meters from the other; and
- (c) 7.5 meters from a rear lot line.

### 65.3 Height

- (1) No main building or main structure may exceed 13 meters in height.

### 65.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 6.5 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 110 square meters.
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or main structure, and
    - (ii) less than 1 meter from a rear or side lot line; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.

- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 110 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 65.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 66: Type-1 High Density Serviced Residential Zones – R4-1 Zones**

### **66.1 Permitted uses**

- (1) No land, building or structure located in a R4-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a multiple-unit dwelling containing a minimum of 4 dwelling units and a maximum of 20 dwelling units,
    - (ii) a nursing home or a provincially licensed residential community placement facility for a maximum of 10 residents,
    - (iii) a public park, or
    - (iv) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a two-unit dwelling or a multi-unit dwelling, or
    - (ii) one (1) dwelling unit occupied by the operator of the facility **only if** the main use is a residential community placement facility; and
  - (c) a maximum of two accessory buildings.

### **66.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:
  - (a) 7.5 meters from a street line;
  - (b) 3 meters from side lot lines; and
  - (c) 7.5 meters from a rear lot line.

### **66.3 Height**

- (1) No main building or main structure may exceed 13 meters in height.

66.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 3.5 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 130 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) less than 7.5 meters from a street line, and
    - (ii) less than 1 meter from a rear or side lot line, and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:

- (a) 10 % of the area of the lot; or
  - (b) 130 square meters.
- (5) An accessory building shall be constructed of
- (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

66.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 67: Type-1 Dwelling Complex Residential Zones – R5-1 Zones**

### **67.1 Permitted uses**

- (1) No land, building or structure located in a R5-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a multiple-unit dwelling containing a minimum of 4 dwelling units and a maximum of 20 dwelling units,
    - (ii) subject to section 67.6, a dwelling complex composed of two or more multiple dwelling units,
    - (iii) a provincially licensed residential community placement facility for a maximum of 10 residents,
    - (iv) a public park, or
    - (v) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a multi-unit dwelling, or
    - (ii) one (1) dwelling unit occupied by the operator of the facility **only if** the main use is a residential community placement facility; and
  - (c) a maximum of two accessory buildings per main building.

### **67.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:
  - (a) 7.5 meters from a street line;
  - (b) 3 meters from side lot lines; and
  - (c) 7.5 meters from a rear lot line.

### **67.3 Height**



- (1) No main building or main structure may exceed 13 meters in height.

67.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 3.5 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 130 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) less than 7.5 meters from a street line, and
    - (ii) less than 1 meter from a rear or side lot line; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.

- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 130 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

#### 67.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

#### 67.6 Standards relating to a dwelling complex

- (1) For the purpose of this section, a property on which more than one (1) multiple dwelling units are erected, placed, relocated, structurally altered, repaired or replaced constitutes a dwelling complex.
- (2) No dwelling complex may be erected, place or structurally altered unless it conforms to all of the following terms and conditions:
  - (a) the lot shall be serviced by the public water and sewer systems and all main buildings shall be hooked up to these systems;
  - (b) the requirements for lot dimensions prescribed in section 11 shall apply *mutatis mutandis* by multiplying the minimum required lot areas by the number of multiple dwellings while also taking into account the number of dwelling units as prescribed in paragraphs 11 (4) (a) and 11 (5) (a). For

example, a dwelling complex comprised of two (2) 6-unit multiple dwellings shall have a minimum lot area of 1560 square meters;

- (c) the project shall have previously been approved by the council on the basis of an implementation plan pursuant to the provisions of section 16;
- (d) no dwelling within a dwelling complex shall contain
  - (i) less than 4 dwelling units, and
  - (ii) more than 20 dwelling units.
- (e) all main buildings contained in a dwelling complex shall complement one another in terms of architecture, color, exterior wall covering and landscaping;
- (f) the dwelling units may be either rented or sold pursuant to the *Condominium Property Act*,
- (g) the owner or owners of the dwelling complex are responsible to provide at their own expense, maintenance services for common areas and infrastructures such as parking lots, parking aisles within parking lots, water and sewer infrastructures, etc.;
- (h) the land containing the dwelling complex may not be subdivided unless it satisfies all the provisions of this by-law and the *Subdivision by-law*.

## **Section 68: Type-1 Mobile-Home and Mini-Home Park Zones – PMM-1 Zones**

### **68.1 Permitted uses**

- (1) No land, building or structure located in a PMM-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a mobile-home park,
    - (ii) a mini-home park,
    - (iii) a public park, or
    - (iv) a municipal infrastructure; and
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) Class 2 home occupation for each site occupied by a mobile-home or a mini-home, or
    - (ii) one (1) Class 1 or Class 2 home business for each site occupied by a mobile-home or a mini-home;
  - (c) a maximum of two accessory buildings for the exclusive use of the owner of the mobile-home or mini-home park to store equipment required for the operation of the park; these accessory buildings shall conform to the provisions of section 68.4; and
  - (d) a maximum of one (1) accessory building on each site occupied by a mobile-home or mini-home; these accessory buildings shall conform to the provisions of section 68.5.

### **68.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of less than
  - (a) 15 meters from a designated street line;
  - (b) 3 meters from the travelled portion of an interior street serving the park;

- (c) 2 meters from the side lines of the site; and
- (d) 3 meters from the rear line of the site.

### 68.3 Height

- (1) No main building or main structure shall exceed 5 meters in height.

### 68.4 Standards for accessory buildings and structures used for the operation of the park

- (1) No accessory building under this section shall:
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 130 square meters.
  - (e) be erected, placed, relocated, structurally altered or replaced so as to be at a distance of less than;
    - (i) 15 meters from a street line,
    - (ii) 3 meters from the travelled portion of an interior street serving the park, and
    - (iii) 7.5 meters of rear or side lot lines of the park; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural uses, and
    - (iii) the keeping of animals other than pet animals.
- (2) No façade of an accessory building under this section shall have a horizontal dimension of more than 15 meters.

- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures under this section may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 130 square meters.

68.5 Standards for accessory buildings and accessory structures on a site occupied by a mobile-home or mini-home

- (1) Each site which is occupied by a mobile-home or a mini-home may be occupied by a maximum of one (1) accessory building on the condition that the accessory building
  - (a) is not located less than
    - (i) 11 meters from a designated street line,
    - (ii) 3 meter from the travelled portion of an interior street serving the park, and
    - (iii) 1 meter from the a rear or side lot line of the site; and
  - (b) does not
    - (i) have a gross surface occupancy area exceeding 37 square meters,
    - (ii) exceed one and a half (1 ½) storeys,
    - (iii) have a height of more than 6.5 meters, and
    - (iv) have a garage door of more than 3 meters in height; and
  - (c) is not used for
    - (i) human habitation,

- (ii) agricultural purposes, and
  - (iii) the keeping of animals other than pet animals.
- (2) No accessory building under this section shall have a façade with a horizontal dimension of more than 6 meters.
- (3) A site occupied by a mobile-home or a mini-home may be occupied by an accessory structure on the condition that the said accessory structure, with the exception of those accessory structures that are subject to specific standards under the general provisions,
- (a) have a height of less than 4 meters;
  - (b) have a gross surface occupancy area of less than 1.5 square meters.
- (4) An accessory building under this section shall be constructed of
- (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (5) No accessory building under this section may have a width/depth or depth/width ratio of more than 2.75.

#### 68.6 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 69: Type-1 Coastal Zones – CL-1 Zones**

### **69.1 Permitted uses**

- (1) No land, building or structure located in a CL-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a cottage containing a maximum of one (1) dwelling unit,
    - (ii) a mobile-home,
    - (iii) a mini-home,
    - (iv) a maximum of two recreational vehicles sites,
    - (v) a public park, or
    - (iv) a municipal infrastructure;
  - (b) one (1) only of the following secondary uses:
    - (i) one (1) recreational vehicle site ***only if*** the main use is a cottage, a mobile-home or a mini-home;
  - (c) a maximum of two accessory buildings.

### **69.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of less than:
  - (a) 6 meters from a street line;
  - (b) 6 meters from the travelled portion of a designated street;
  - (c) 1.5 meters from all side lot lines;
  - (d) 7.5 meters from the rear lot line;
  - (e) notwithstanding paragraph 7 (1) (a), less than 10 meters from the ordinary high water mark of a river, watercourse, body of water or wetland; and



- (f) notwithstanding paragraph 7 (1) (b), less than 10 meters from the ordinary high tide mark of Nepisiguit Bay.

### 69.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 69.4 Standards for accessory buildings and structures

- (1) No accessory building shall:
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 6.5 meters;
  - (c) have a garage door of more than 3 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 83 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so as to be
    - (i) less than 3 meters from a lane or right-of-way,
    - (ii) less than 6 meters from a designated street line,
    - (iii) less than 1 meter from a rear or side lot line,
    - (iv) notwithstanding paragraph 7 (2) (a), less than 5 meters from the ordinary high water mark of a river, watercourse, body of water or wetland, and
    - (v) notwithstanding paragraph 7 (2) (b), less than 7.5 meters from the ordinary high tide mark of Nepisiguit Bay; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and

- (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 9.1 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may:
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the area of the lot; or
  - (b) 83 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (6) No accessory building may have a width/depth or depth/width ratio of more than 2.75.

69.5 Lot occupancy

- (1) The combined gross surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

**Section 70: Type-1 Mixed Zones – MX-1 Zones**

**70.1 Permitted uses**

- (1) No land, building or structure located in a MX-1 zone may be developed and used for any purpose other than
- (a) one (1) only of the following main uses:
- (i) a single-unit dwelling,
  - (ii) a two-unit dwelling,
  - (iii) a multiple-unit dwelling containing a maximum of 4 units,
  - (iv) a provincially licensed residential community placement facility for a maximum of 6 residents,
  - (v) a public park or playground,
  - (vi) a municipal infrastructure;
  - (vii) a kindergarten, a daycare facility and/or an after-school day-care facility,
  - (viii) a restaurant,
  - (ix) a garden centre,
  - (x) an office, an office building or a medical clinic,
  - (xi) an automobile, recreational vehicle, pleasure boat, mini-home and/or prefabricated modular home dealership,
  - (xii) a funeral home with or without a crematorium, or
  - (xiii) a goods and service retail outlet having a maximum floor area of 200 square meters and which does not entail outside storage of raw materials, semi-finished materials and finished materials with the exception of an outdoor display mentioned in subsection 18 (7);
- (b) one (1) only of the following secondary uses:

- (i) one (1) Class 1, 2, 3 or 4 home occupation **only if** the main use is a single-unit dwelling,
  - (ii) one (1) Class 1, 2 or 3 home business **only if** the main use is a single-unit dwelling,
  - (iii) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a two-unit or multiple-unit dwelling,
  - (iv) one (1) single-unit dwelling occupied by the operator of the facility **only if** the main use is a residential community placement facility, a kindergarten, a daycare facility or after-school daycare facility, a funeral home or a bed and breakfast, or
  - (v) a maximum of 4 dwelling units **only if** the ground floor is occupied by a commercial establishment permitted under paragraph (a); and
- (c) a maximum of two accessory buildings.

#### 70.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of less than:
- (a) 10.5 meters from a collector or sub-collector street line,
  - (b) 7.5 meters from a local street line,
  - (c) 1.5 meters from one side lot line and 3 meters from the other, and
  - (d) 7.5 meters from a rear lot line.

#### 70.3 Height

- (1) No main building or main structure may exceed 11 meters in height.

#### 70.4 Standards for accessory buildings and structures

- (1) No accessory building shall:
- (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;

- (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 120 square meters.
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is
    - (i) in the front yard of a main building or main structure which is located less than 15 meters from a street line,
    - (ii) less than 15 meters from a street line if the main building or structure is located more than 15 meters from that street line,
    - (iii) less than 1 meter from a rear or side lot line, and
    - (iv) less than 6 meters from the street line of a secondary street; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 12 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
- (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and structures on a lot may not exceed the lesser of the following two dimensions:
- (a) 10 % of the area of the lot; or
  - (b) 120 square meters.

- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

70.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 71: Type-1 Central Commercial Zones – CC-1 Zones**

### **71.1 Permitted uses**

- (1) No land, building or structure located in a CC-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a multiple-unit dwelling containing a maximum of 20 units,
    - (iv) a nursing home,
    - (v) a provincially licensed residential community placement facility,
    - (vi) a public park or playground,
    - (vii) a municipal infrastructure;
    - (viii) a kindergarten, a daycare facility and/or an after-school day-care facility,
    - (ix) a restaurant,
    - (x) a garden centre,
    - (xi) an office, an office building or a medical clinic,
    - (xii) an automobile, recreational vehicle, pleasure boat, mini-home and/or prefabricated modular home dealership,
    - (xiii) a funeral home with or without a crematorium,
    - (xiv) a commercial garage, gas station or car wash,
    - (xv) a bar, beverage room or tavern,
    - (xvi) a bowling alley, movie theater, theater and/or playhouse,
    - (xvii) hotel, motel, inn or bed and breakfast,

- (xviii) a convention center,
  - (xix) a public institution offering services and activities relating to education, health, social services, culture, religious cult, leisure activities, sports or public administration,
  - (xx) shopping center or commercial complex grouping permitted uses mentioned in sub-paragraphs (viii), (ix), (x), (xi), (xv), (xvi), (xvii), (xviii), (xix), (xxi), (xxii) and (xxiii),
  - (xxi) a taxi stand or bus terminal,
  - (xxii) a community market, or
  - (xiii) a goods and services retail outlet whose outside storage conforms to the provisions of section 18;
- (b) one (1) only of the following secondary uses;
- (i) one (1) Class 1, 2, 3 or 4 home occupation **only if** the main use is a single-unit dwelling,
  - (ii) one (1) Class 1, 2 or 3 home business **only if** the main use is a single-unit dwelling,
  - (iii) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a two-unit dwelling, a multiple-unit dwelling, or a dwelling unit referred to in sub-paragraph (v),
  - (iv) one (1) single-unit dwelling occupied by the operator of the facility **only if** the main use is a residential community placement facility, a kindergarten, a daycare facility or after-school daycare facility, a funeral home or a bed and breakfast, or
  - (v) a maximum of 20 dwelling units **only if** the ground floor is totally occupied by a commercial establishment mentioned in sub-paragraphs (a) (viii), (ix), (xi), (xiii), (xv) or (xxiii); and
- (c) a maximum of three accessory buildings.

### 71.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:



- (a) 10.5 meters from a collector or sub-collector street line;
- (b) 7.5 meters from a local street line;
- (c) 1.5 meters from one side lot line and 3 meters from the other; or
- (d) 7.5 meters from a rear lot line.

### 71.3 Height

- (1) No main building or main structure may exceed 13 meters in height.

### 71.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding 20 % of the area of the lot;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is less than:
    - (i) 10.5 meters from collector or sub-collector street line,
    - (ii) 7.5 meters from a local street line,
    - (iii) 1 meter from a rear or side lot line, and
    - (iv) 6 meters from a secondary street line; and
  - (f) be used for
    - (i) human habitation,
    - (ii) agricultural purposes, and
    - (iii) the keeping of animals other than pet animals.

- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; or
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed 10 % of the area of the lot.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

71.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 72: Type-2 Central Commercial Zones – CC-2 Zones**

### 72.1 Permitted uses

- (1) No land, building or structure located in a CC-2 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a single-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a multiple-unit dwelling containing a maximum of 20 units,
    - (iv) a nursing home,
    - (v) a provincially licensed residential community placement facility,
    - (vi) a public park or playground,
    - (vii) a municipal infrastructure,
    - (viii) a kindergarten, a daycare facility and/or an after-school day-care facility,
    - (ix) a restaurant,
    - (x) a garden centre,
    - (xi) an office, an office building or a medical clinic,
    - (xii) an automobile, recreational vehicle, pleasure boat, mini-home and/or prefabricated modular home dealership,
    - (xiii) a funeral home with or without a crematorium,
    - (xiv) a commercial garage, gas station or car wash,
    - (xv) a bar, beverage room or tavern,
    - (xvi) a bowling alley, movie theater, theater and/or playhouse,
    - (xvii) a hotel, motel, inn or bed and breakfast,

- (xviii) a convention center,
  - (xix) a public institution offering services and activities relating to education, health, social services, culture, religious cult, leisure activities, sports or public administration,
  - (xx) shopping center or commercial complex grouping permitted uses mentioned in sub-paragraphs (viii), (ix), (x), (xi), (xv), (xvi), (xvii), (xviii), (xix), (xxi), (xxii) and (xxiii),
  - (xxi) a taxi stand or bus terminal,
  - (xxii) a community market,
  - (xiii) a goods and services retail outlet whose outside storage conforms to the provisions of section 18,
  - (xxiv) a general contracting business, or
  - (xxv) a large-scale building supply store whose outdoor storage, warehouse and display requirements conform with the provisions of section 18;
- (b) one (1) only of the following secondary uses:
- (i) one (1) Class 1, 2, 3 or 4 home occupation **only if** the main use is a single-unit dwelling,
  - (ii) one (1) Class 1, 2 or 3 home business **only if** the main use is a single-unit dwelling,
  - (iii) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a two-unit dwelling, a multiple-unit dwelling, or a dwelling unit mentioned in sub-paragraph (v),
  - (iv) one (1) single-unit dwelling occupied by the operator of the facility **only if** the main use is a residential community placement facility, a kindergarten, a daycare facility or after-school daycare facility, a funeral home or a bed and breakfast, or
  - (v) a maximum of 20 dwelling units **only if** the ground floor is totally occupied by a commercial establishment mentioned in sub-paragraphs (a) (viii), (ix), (xi), (xiii), (xv) or (xxiii); and
- (c) a maximum of three accessory buildings.

### 72.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:
  - (a) 10.5 meters from a collector or sub-collector-street line;
  - (b) 7.5 meters from a local street line;
  - (c) 1.5 meters from one side lot line and 3 meters from the other; and
  - (d) 7.5 meters from a rear lot line.

### 72.3 Height

- (1) No main building or structure may exceed 13 meters in height.

### 72.4 Standards for accessory buildings and structures

- (1) No accessory building shall:
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding 20 % of the area of the lot;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 10.5 meters from a collector or sub-collector street line,
    - (ii) 7.5 meters from the street line of a local street,
    - (iii) 1 meter from a rear or side lot line, and
    - (iv) 6 meters from a secondary street line; and
  - (f) be used for
    - (i) human habitation,

- (ii) agricultural purposes, and
  - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
- (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed 10 % of the area of the lot.
- (5) An accessory building shall be constructed of
- (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

72.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 73: Type-1 Highway Commercial Zones – CR-1 Zones**

### **73.1 Permitted uses**

- (1) No land, building or structure located in a CR-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a multiple-unit dwelling containing a minimum of 4 dwelling units and a maximum of 20 dwelling units,
    - (ii) a nursing home,
    - (iii) a provincially licensed residential community placement facility,
    - (iv) a public park or playground,
    - (v) a municipal infrastructure,
    - (vi) a kindergarten, a daycare facility and/or after-school day-care facility,
    - (vii) a restaurant,
    - (viii) a garden centre,
    - (ix) an office, an office building or a medical clinic,
    - (x) an automobile, recreational vehicle, pleasure boat, mini-home and/or prefabricated modular home dealership,
    - (xi) a funeral home with or without a crematorium,
    - (xii) a commercial garage, gas station, car wash, towing service or an automobile body repair, collision repair, body filling and paint shop,
    - (xiii) a bar, beverage room or tavern,
    - (xiv) a bowling alley, movie theater, theater and/or playhouse,
    - (xv) a hotel, motel, inn or bed and breakfast,
    - (xvi) a convention center,

- (xvii) a public institution offering services and activities relating to education, health, social services, culture, religious cult, leisure activities, sports or public administration,
  - (xviii) shopping center or commercial complex grouping uses mentioned in sub-paragraphs (vi), (vii) (viii), (ix), (xiii), (xiv), (xv), (xvi), (xvii), (xix), (xx), and (xxi),
  - (xix) a taxi stand or bus terminal,
  - (xx) a community market,
  - (xxi) a goods and services retail outlet whose outside storage, warehouse and display conform to the provisions of section 18,
  - (xxii) a self-serve mini-warehousing business with individual compartments not exceeding 30 square meters of gross surface area each,
  - (xxiii) a radio or television studio or a cable distribution business,
  - (xxiv) a moving business,
  - (xxv) a general contracting business, or
  - (xxvi) a large-scale building supply store whose outdoor storage, warehouse and display conform to the provisions of section 18;
- (b) one (1) only of the following secondary uses:
- (i) one (1) Class 1, 2, 3 or 4 home occupation **only if** the main use is a single-unit dwelling lawfully established as a non-conforming use,
  - (ii) one (1) Class 1, 2 or 3 home business **only if** the main use is a single-unit dwelling lawfully established as a non-conforming use,
  - (iii) one (1) Class 2 home occupation per dwelling unit **only if** the main use is a two-unit dwelling, a multiple-unit dwelling, or a dwelling unit mentioned in sub-paragraph (v),
  - (iv) one (1) single-unit dwelling occupied by the operator of the facility **only if** the main use is a residential community placement facility, a kindergarten, a daycare facility or after-school daycare facility, a funeral home or a bed and breakfast,



- (v) a maximum of 20 dwelling units **only if** the ground floor is totally occupied by a commercial establishment mentioned in subparagraphs (a) (vi), (vii), (ix), (xi), (xiii), or (xxi), or
- (vi) a radio communication antenna of a maximum height of 15 meters **only if** the main use is a television or radio studio or a cable distribution business; and
- (c) a maximum of five accessory buildings.

### 73.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than
  - (a) 10.5 meters from collector or sub-collector street line;
  - (b) 7.5 meters from a local street line;
  - (c) 3 meters from side lot lines, and
  - (d) 7.5 meters from a rear lot line.

### 73.3 Height

- (1) No main building or main structure may exceed 13 meters in height.

### 73.4 Standards for accessory buildings and structures

- (1) No accessory building shall:
  - (a) exceed two (2) storeys;
  - (b) have a height of more than 10 meters;
  - (c) have a gross surface occupancy area exceeding 25 % of the area of the lot;
  - (d) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 10.5 meters from a collector or sub-collector street line,
    - (ii) 7.5 meters from a local street line,

- (iii) 1 meter from a rear or side lot line, and
  - (iv) 6 meters a secondary street line; and
- (f) be used
  - (i) for human habitation,
  - (ii) for agricultural purposes, and
  - (iii) for the keeping of animals other than pet animals.
- (2) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (3) The total gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed 25 % of the area of the lot.
- (4) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

#### 73.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 50% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

**Section 74: Type-1 Recreation and Tourist Commercial Zones – CRT-1 Zones**

**74.1 Permitted uses**

- (1) No land, building or structure located in a CRT-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a public park or playground,
    - (ii) a water park,
    - (iii) a public beach,
    - (iv) a municipal infrastructure,
    - (v) a hotel, motel, inn or bed and breakfast,
    - (vi) a campground,
    - (vii) a cabin establishment,
    - (viii) a goods and services retail outlet having a maximum floor area not exceeding 90 square meters and does not include outside storage,
    - (ix) a restaurant or canteen,
    - (x) an amusement hall,
    - (xi) a conference centre,
    - (xii) a spa-style massotherapy centre, or
    - (xiii) a recreation-tourist complex grouping uses mentioned in sub-paragraphs (i) to (xii);
  - (b) one (1) only of the following secondary uses:
    - (i) a single-unit dwelling occupied by the owner of a main use mentioned in sub-paragraphs (a) (v) (vi) (vii) (xii) or (xiii); and
  - (c) a maximum of two accessory buildings.

#### 74.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:
  - (a) 10.5 meters from a street line;
  - (b) 3 meters from side lot lines; and
  - (c) 7.5 meters from a rear lot line.

#### 74.3 Height

- (1) No main building or main structure may exceed 13 meters in height.

#### 74.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one and a half (1 ½) storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 140 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is less than:
    - (i) 10.5 meters from a collector or sub-collector street line,
    - (ii) 7.5 meters from a local street line,
    - (iii) 1 meter from a rear or side lot line, and
    - (iv) 6 meters from a secondary street line; and
  - (f) be used for

- (i) human habitation,
  - (ii) agricultural purposes, and
  - (iii) the keeping of animals other than pet animals.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the gross surface area of the lot; or
  - (b) 140 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

#### 74.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.
- (2) Outdoor swimming pools, platforms, patios, terraces, decks and greenhouses constitute open spaces and shall not be considered for the purpose of determining lot occupancy.

## **Section 75: Type-1 Industrial Zones – IND-1 Zones**

### 75.1 Permitted uses

- (1) No land, building or structure located in an IND-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a municipal or public utility infrastructure,
    - (ii) a warehouse or mini-warehouse,
    - (iii) a machine shop or light industry for the transformation or finishing of semi-finished products into finished products,
    - (iv) a food industry for the secondary transformation of meat, produce, or fish products into food staples; however businesses involving the slaughtering or evisceration of any type of animal are prohibited,
    - (v) a wholesale business, building supply store, retail business, service shop, repair shop, rental shop or stocking and distribution warehouse,
    - (vi) a provincially licensed bottle exchange depot under the *Beverage Containers Act*,
    - (vii) an office or office building,
    - (viii) a commercial garage, a gas station, a car wash and/or body repair, collision repair, body filling and paint shop,
    - (ix) a rest-stop for truckers and motorists,
    - (x) a transport, trucking, snow removal or towing business,
    - (xi) an industrial mall,
    - (xii) a sign installed by the municipality at the industrial park entrance announcing the company name of the firms located in the industrial park;
    - (xiii) a scrapyards,

- (xiv) a recycling center,
  - (xv) an automobile, recreational vehicle, pleasure boat or heavy equipment dealership,
  - (xvi) the fabrication and sale of mini-homes and/or modular homes,
  - (xvii) a general contracting business,
  - (xviii) a moving business, or
  - (xix) a large-scale building supply store whose outside storage, warehousing and display conform to the provisions of section 18;
- (b) one (1) only of the following secondary uses:
- (i) subject to section 18, an outside storage area not exceeding 50% of the gross surface area of the lot; and
- (c) a maximum of five accessory buildings.
- (2) With the exception of a use permitted under sub-paragraph (1) (b) (i), any use or activity conducted outside a building constitutes a particular purpose under paragraph 34(4) (c) of the *Community Planning Act* for which the planning commission may impose conditions pursuant to sub-paragraph 34(4) (c) (ii) and sub-section 34(5) of the *Community Planning Act*. Without limiting the generality of the preceding, the commission will give special attention to uses and activities that are liable to be a source of nuisance to the neighborhood by way of dust, noise or odor.

### 75.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than
- (a) 10.5 meters from a street line;
  - (b) 3 meters from side lot lines; and
  - (c) 10.5 meters from a rear lot line.

### 75.3 Height

- (1) No main building or main structure may exceed 15 meters in height.

75.4 Standards for accessory buildings and structures

- (1) No accessory building shall:
  - (a) have a height of more than 10 meters;
  - (b) have a gross surface occupancy area exceeding 25 % of the area of the lot,
  - (c) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 7.5 meters from a street line, and
    - (iii) 3 meters from a rear or side lot line, and
  - (d) be used for human habitation.
- (2) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 10 meters; and
  - (b) have a gross surface occupancy area exceeding 3 square meters.
- (3) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed 25 % of the gross surface area of the lot.
- (4) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

75.5 Lot occupancy

- (1) The combined gross surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 50% of the total area of the lot on which they are located.

75.5 Buffer zone



- (1) A buffer zone of a minimum of 10 or 30 meters in width, as delineated on the zoning map, shall be maintained at all times along the perimeter of all Industrial zones (IND zones) that are adjacent to a Residential zone (R zone) or a Mixed zone (MX zone).
- (2) A buffer zone mentioned in subsection (1) shall comprise the planting and maintenance of broad-leaved trees or evergreens of sufficient density and height to provide an adequate visual and acoustic screen between the zones.

## **Section 76: Type-1 Protected Natural Zones - NP-1 Zones**

### 76.1 Permitted uses

- (1) No land, building or structure located in a NP-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) an observation and interpretation activity of an ecological and/or scientific nature,
    - (ii) an activity dedicated to the protection, the improvement and/or the restoration of sensitive environmental areas, or
    - (iii) a use mentioned in subsection 7 (4) on the condition that it be approved by the Province where such approval is required.

### 76.2 Height

- (1) No main building or main structure shall have a height of more than 7 meters.

### 76.3 Standards for accessory buildings and structures

- (1) No accessory building shall be erected, placed, relocated, structurally altered or replaced in a NP-1 zone.

**Section 77: Type-1 Resource Zones – RES-1**

**77.1 Permitted uses**

- (1) No land, building or structure located in a RES-1 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a public park,
    - (ii) a public open space,
    - (iii) a municipal and/or public utility infrastructure,
    - (iv) an agricultural use,
    - (v) a forestry use,
    - (vi) a sawmill with a capacity of less than 2000 running board feet per day,
    - (vii) the cutting, storing and/or selling of firewood or wood to be used in the forestry industry,
    - (viii) snowmobile, all-terrain vehicle, riding and walking trails,
    - (ix) an equestrian center,
    - (x) a golf course,
    - (xi) a gravel or sand pit,
    - (xii) a campground,
    - (xiii) a cabin establishment, and
    - (xiv) a radio communication tower owned by a public utility; and
  - (b) a maximum of two accessory buildings.

### 77.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of less than
  - (a) 15 meters from an arterial street line,
  - (b) 10.5 meters from a collector or sub-collector street line,
  - (c) 7.5 meters from a local street line,
  - (d) 3 meters from side lot lines, and
  - (c) 7.5 meters from a rear lot line.

### 77.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 77.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed two storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions;
    - (i) 10 % of the area of the lot, or
    - (ii) 120 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 15 meters from the street line of an arterial highway,
    - (ii) 10.5 meters from a collector or sub-collector street line,
    - (iii) 7.5 meters from a local street line, and

- (iii) 3 meters from a rear or side lot line, and
- (f) be used for
  - (i) human habitation,
  - (ii) agricultural purpose, except if the main use is agricultural, and
  - (iii) the keeping of animals other than pet animals, except if the main use is an equestrian center.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
  - (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and structures on a lot may not exceed the lesser of the following two dimensions:
  - (a) 10 % of the gross surface area of the lot; or
  - (b) 200 square meters.
- (5) An accessory building shall be constructed of
  - (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

#### 77.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.

**Section 78: Type-2 Resource Zones – RES-2 Zones**

**78.1 Permitted uses**

- (1) No land, building or structure located in a RES-2 zone may be developed and used for any purpose other than
  - (a) one (1) only of the following main uses:
    - (i) a public park,
    - (ii) a public open space,
    - (iii) a municipal and/or public utility infrastructure,
    - (iv) an agricultural use,
    - (v) a forestry use,
    - (vi) a sawmill with a capacity of less than 2000 running board feet per day,
    - (vii) the cutting, storing and/or selling of firewood or wood to be used in the forestry industry,
    - (viii) snowmobile, all-terrain vehicle, riding and walking trails,
    - (ix) an equestrian center,
    - (x) a golf course,
    - (xi) a campground,
    - (xii) a cabin establishment, and
    - (xiii) a radio communication tower owned by a public utility; and
  - (b) a maximum of two accessory buildings.

**78.2 Setbacks**

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that it is located in whole or in part, at a distance of less than

- (a) 15 meters from an arterial street line;
- (b) 10.5 meters from a collector or sub-collector street line,
- (c) 7.5 meters from a local street line,
- (d) 3 meters from side lot lines, and
- (e) 7.5 meters from a rear lot line.

### 78.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 78.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed two storeys;
  - (b) have a height of more than 7 meters;
  - (c) have a garage door of more than 4 meters in height;
  - (d) have a gross surface occupancy area exceeding the lesser of the following two dimensions:
    - (i) 10 % of the area of the lot, or
    - (ii) 120 square meters;
  - (e) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 15 meters from an arterial street line,
    - (ii) 10.5 meters from a collector or sub-collector street line,
    - (iii) 7.5 meters from a local street line, and
    - (iii) 3 meters from a rear or side lot line, and
  - (f) be used for

- (i) human habitation,
  - (ii) agricultural purposes, except if the main use is agricultural, and
  - (iii) the keeping of animals other than pet animals, except if the main use is an equestrian center.
- (2) No accessory building façade shall have a horizontal dimension of more than 15 meters.
- (3) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
- (a) have a total height of more than 8 meters; and
  - (b) have a gross surface occupancy area exceeding 1.5 square meters.
- (4) The combined gross surface occupancy area of all accessory buildings and accessory structures on a lot may not exceed the lesser of the following two dimensions:
- (a) 10 % of the gross surface area of the lot; or
  - (b) 200 square meters.
- (5) An accessory building shall be constructed of
- (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.

78.5 Lot occupancy

- (1) The combined surface area occupied by all main, secondary and accessory buildings and structures on a lot shall not exceed 40% of the total area of the lot on which they are located.



## **Section 79: Type-1 Railway Corridor– CF-1 Zones**

### 79.1 Permitted uses

- (1) No land, building or structure located in a CF-1 zone may be developed and used for any purpose other than
  - (a) one or more of the following main uses:
    - (i) a railroad, or
    - (ii) a railway station for passenger use, and
  - (b) one (1) or more accessory buildings and accessory structures required by the railway company to maintain its system.

### 79.2 Setbacks

- (1) No main building or main structure may be erected, placed, relocated, structurally altered or replaced so that they are located in whole or in part, at a distance of less than:
  - (a) 15 meters from a street line; and
  - (b) 3 meters from the railroad right-of-way.

### 79.3 Height

- (1) No main building or main structure may exceed 10 meters in height.

### 79.4 Standards for accessory buildings and structures

- (1) No accessory building shall
  - (a) exceed one (1) storey;
  - (b) have a height of more than 7 meters;
  - (c) be erected, placed, relocated, structurally altered or replaced so that it is less than
    - (i) 15 meters from a street line, and
    - (ii) 3 meters from the railroad right-of-way; and

- (d) be used for human habitation.
- (2) With the exception of accessory structures subject to particular standards under the general provisions of sections 7 to 85, no accessory structure may
- (a) have a total height of more than 10 meters; and
  - (b) have a gross surface occupancy area exceeding 3 square meters.
- (3) An accessory building shall be constructed of
- (a) the same exterior wall covering as the main building; or
  - (b) an exterior wall covering of an equal or higher architectural quality than the exterior wall covering of the main building.
- (4) No loading or unloading area for railway wagons shall be developed within CF zones or within the municipality unless the project has been accepted by the council following an amendment to the zoning regulations under the provisions of section 39 of the *Community Planning Act*.

**Section 80: Abrogation and Enactment**

- (1) By-law no. 25-1998 entitled “Zoning by-law” adopted on May 25, 1998 and registered at the registry office for the County of Gloucester on September 9, 1998 under number 84, together with all amendments thereto, is repealed.
- (2) This by-law is enacted in conformity with the provisions of the *Community Planning Act*.

First reading (by title): ( <i>French version</i> )	December 20, 2010
Second reading (by title): ( <i>French version</i> )	December 20, 2010
Third reading (by title, in conformity with the provisions of sub-section 12(1) of the Municipalities’ Act): ( <i>French version</i> )	January 10, 2011
Enactment (( <i>French version</i> ))	January 10, 2011

**NOTE:** This is a translation of the French document entitled “Arrêté de zonage de la ville de Beresford” which was enacted on January 10, 2011. In the case of discrepancies between these two documents, the French version shall prevail.

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