

Town of Hartland

Zoning By-Law

By-Law No. B-46



ZONING BY-LAW
Town of Hartland
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TOWN OF HARTLAND
BY-LAW NO. B-46
ZONING BY-LAW

The Town of Hartland under authority vested in it under Section 34 of the *Community Planning Act* enacts the following Zoning By-Law:

1.0 TITLE AND SCOPE

- (1) This By-Law may be cited as "The Town of Hartland Zoning By-Law".
- (2) This By-Law applies to the Town of Hartland municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.
- (3) This Zoning By-Law:
 - (a) divides the Municipality into zones as described on the Town of Hartland Zoning Map;
 - (b) prescribes, subject to powers reserved in the Planning Advisory Committee:
 - (i) the purpose for that land, buildings and structures in any zone may be used, and
 - (ii) standards to that land use, and the placement, erection, alteration and use of building and structures must conform; and
 - (c) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).
- (4) For the purposes of this By-Law, the Town is divided into zones as shown on the Town of Hartland Zoning Map attached as Schedule "A".
- (5) The Town of Hartland Zoning Map and amendments thereto form part of this By-Law.

1.1 Definitions

“Act, the” means the *Community Planning Act*, Chapter C-12, R.S.N.B. 1973 and amendments thereto.

“Advisory Committee” means Planning Advisory Committee established by Council.

“agricultural use” means the use of any land, building, or structure for the production of food, fibre, or flora, or the breeding and handling of animals, and includes a farm dwelling and accessory buildings, hatchery, and retail, or market outlets for the sale of perishable agricultural goods, or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel or cattery.

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

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

“attached building” means a building otherwise complete in itself that shares one or more walls, or part of a wall, above grade, in common with an adjacent building or buildings.

“attached single-family dwelling” means a single-family dwelling, otherwise complete in itself, that shares one or more walls, or part of a wall, above grade, in common with an adjacent single-family dwelling or dwellings (i.e. townhouse, rowhouse).

“bachelor apartment or unit” means a dwelling unit in a multiple dwelling building, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities contained within the same apartment or dwelling unit.

“bed and breakfast or tourist home” means a home occupation within a single family dwelling where not more than three sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served to those who rent the sleeping rooms.

“building, accessory” means a detached, subordinate building, not used as a residence, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental to the main use of the land, building, or structure.

“building, main” means the building where the principal purpose or purposes for which the building lot is used is carried on.

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

“cemetery” means land primarily used for interment of human remains and where chapels, churches, funeral homes, crematoria and related facilities may be incorporated as accessory uses.

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

“daycare” means an establishment for the provision of care and supervision to children, as regulated under the *Child and Family Services Act*.

“day-care centre, neighbourhood” means an establishment for the provision of care and supervision of up to 9 children operating in a residential area.

“development approval” approval issued by the Town upon a review of the compliance of a proposed use or development with the Town’s Zoning By-law (By-law No. B-46). Once development approval is issued, an application for a Building Permit can be submitted.

“dwelling” means a building other than a trailer, as defined in the *Provincial Mobile Home Parks and Sites Regulation of the Act*.

“dwelling, accessory” means a dwelling unit that is secondary to the principal dwelling unit and contained in the same building such as an in-law suite.

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

“dwelling, mobile home” means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

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

“dwelling, multiple unit” means a building or portion thereof, other than a hotel or motel, designed or occupied as dwelling units for more than two (2) families, and includes an apartment building or three (3) or more attached dwellings or dwelling units.

“dwelling, rowhouse or townhouse” means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

“dwelling, semi-detached” means a building that is divided into two separate dwelling units by a common above grade wall with each dwelling located on a separate lot.

“dwelling, single family” means a detached building or portion thereof, other than a hotel or motel, a mobile or mini-home, manufactured dwelling, travel trailer, or motor home designed or used exclusively for residential purposes by one (1) family.

“dwelling, triplex” means a separate building divided horizontally into three dwelling units.

“dwelling, two unit or two-family” means a building having independent exterior walls containing two (2) self-contained dwelling units either,

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

“dwelling unit” means one or more habitable rooms designed, occupied, or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such persons and does include a modular home but not a mini or mobile home.

“entertainment use” means any activity carried on within a building or part of a building that involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours.

“erect” means to build, construct, reconstruct, alter, locate, or relocate, and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement, or extension. This includes any physical operations preparatory thereto.

“established grade” means, with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures.

“family” means one (1) or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or rooming house.

“forestry use” means commercial silviculture and the production of timber or pulp, and any uses associated with a silvicultural use, including sawmills, related vehicle and equipment storage and maintenance buildings and yards, and retail and wholesale outlets for wood and wood products.

“garage, portable or temporary” means a collapsible structure covered in plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways.

“garage, public” means a building used for making repairs to motor vehicles, whether for the public, for business purposes, or for hire; and in which auto wrecking, and a used parts salvage operation are not permitted except as an incidental part of such repairs.

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

“grade, mean” is the average elevation of the finished grade around the exterior walls of the building or structure.

“greenhouse” means a building with roof and walls, often heated, and used for growing flowers and plants that need warmth or for forcing early produce.

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

“gross leasable area” means the total floor area designed for tenant occupancy and exclusive use, measured from the centre lines of joint partitions and exterior of outside walls.

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

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

“heritage building” a home or building that has been designated by the Town of Hartland, Province of New Brunswick or the Government of Canada as a property possessing cultural or historical significance.

“home occupation” means an occupation, that is conducted in a dwelling, and that is clearly secondary to the building or structures main use as a dwelling and is described further in section 4.1.11.

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

“house, rooming” means a dwelling or part thereof in which rooms are provided to lodgers for compensation and meals are not provided.

“hotel or motel” means a commercial building or buildings providing temporary accommodations for travelers or transients on a year-round basis, and may include a public dining room and convention room.

“industrial use” means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses and shall include the use of land, or building, or structure for one or more of the following operations:

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

“institutional use” means the use of land, buildings, or structures for religious, educational, health, indoor recreational facilities, community centre, hospital, nursing home, seniors home, seniors congregate care facility, home for the aged or infirm, or a residential care facility.

“kennel” means a building or structure where dogs and other domestic animals excluding livestock are bred and raised, and are sold or kept for sale or boarded, with or without veterinary care.

“landscaping” means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, screening or other architectural elements, all of which are designed to enhance the visual appearance of a property or to provide a screen to soften the linear appearance of a structure.

“livestock” means large animals such as cattle, horses, sheep, pigs, goats, mules, donkeys, game animals, lamas and alpacas. This definition also includes live fish, shellfish and poultry such as chickens, chicks, geese and turkeys and large quantities of rabbits. The definition of “livestock” does not include household pets such as cats, dogs, parrots, birds, mice, rats, gerbils, rabbits etc.

“loading space” means an off-street space or berth on the same lot with a building or contiguous to a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and which is connected to a public street by an appropriate access.

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

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

“lot, interior” means a lot other than a corner or through lot.

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

“lot area” means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title.

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

“lot frontage” means the horizontal distance between the side lot lines as measured along the front lot line and in the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection.

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

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

- (a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance; or
- (b) in the case of a lot, that has as one of its boundaries the shoreline of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

“lot line, rear” means the lot line farthest from or opposite to the front lot line.

“lot line, side” means a lot line extending from the street line to the rear of the lot or the line extending from the front lot line to the rear lot line.

“lot line, flankage” means a side lot line that abuts the street on a corner lot.

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

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

“non conforming use” shall have the same meaning as contained in the *Community Planning Act* as may be amended from time to time.

“nursery” means a place where young plants or trees are grown for subsequent transplanting and may include the associated retail sale of such plants.

“office” means a room or rooms where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

“outdoor display” means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an outdoor display court, by locating them on a lot exterior to a building, and includes material covered by canvas or other opaque or non-opaque material.

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

“parking lot” means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

“parking space” means an area for the temporary parking, or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles, and or maneuvering areas.

“paved” means the use of tar and gravel, asphalt, Portland cement concrete, or other similar substances such as brick, or stone to create a smooth surface, including bituminous penetration, but does not include the use of clay, dirt, or slag.

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

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

“personal service shop” means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

“public park” means an open space characterized by its natural, historic or landscaped features, owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of New Brunswick or Government of Canada; and includes playgrounds, playing fields, skating rinks, community gardens, linear parks and trails, and similar outdoor recreational uses.

“recreation use” means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and

structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles, or any animals.

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

“recycling depot” means a building that is used for the deposit, collection and handling of waste metal, paper, rags, tires, bottles, or other materials that are to be delivered wholesale to other off site operations for further processing, or salvage.

“resource extraction” means the removal of resources from the land and includes sod farming, the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

“residential care facility” means a residential building or part of a building in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed by the *Family Services Act*, or by other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

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

“restaurant, drive-in” or “restaurant, drive through” means any land or building or any portion thereof

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

“retail store” means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered for sale directly to the public and shall include food preparation and consumption areas not exceeding 20% of the gross leasable area.

“salvage yard” means a lot or premises for the storage, handling, or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, used bicycles, vehicles, tires, metal, or other scrap material or salvage.

“screening” means the use of landscaping, fences, trees, or berms to visually and/or audibly separate areas or uses.

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

“senior citizen housing” means a multiple unit residential building designed primarily for residents in need of close proximity to urban amenities such as public transit services, retail, church, etc. and which includes common area(s) where residents can socially interact and may also include such secondary uses within the building as medical offices or clinics, personal service shops or a retail store not exceeding 16 m² (172.2 ft²), and similar uses. Common areas shall consist of a space equal to at least ten percent (10%) of the total floor area of each dwelling unit of which up to fifty percent (50%) may be exterior to the building.

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

“shopping centre” means a commercial development of at least 5,575 m² (60,000 ft²) of land, consisting of one or more business establishment(s), which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such retail stores, service shops and other establishments as permitted by this By-Law, in a unitary type building or buildings at least 1,486 m² (16,000 ft²) in size and characterized by the sharing of common parking areas and driveways.

“sign” means any structure, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any “signs” that are affixed to the inside of a window or glass door.

“sign, billboard” means a large ground sign or fascia wall sign that is not related to any business or use located on the lot or premises on which it is located.

“sign, canopy” means a sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building. Canopy signs include marquee.

“sign, fascia” means a sign, other than a roof sign or projecting sign, which is attached to and supported by a wall of a building.

“sign, freestanding or directory” means a sign, other than a portable sign, supported independently of a building and securely fixed to the ground. The sign may display the name(s) of one or more businesses.

“sign, illuminated” means a sign lit internally with light(s) shining through a translucent or coloured material.

“sign, portable or mobile” means a sign greater than 1 m² in area and less than 4 m² in sign area that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a sign with one or more face featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means.

“sign, projecting” means any sign, other than a canopy sign, that is attached directly to a building wall, where the sign face is not parallel to the wall it is attached to.

“sign, roof” means any sign erected upon, or directly above a roof, or on top of, or above the parapet of a building.

“sign, sandwich board” means a sign less than 1 m² in area which is constructed of two boards connecting at one end and which can be readily taken on and off a site.

“sign area” means the area per side of the smallest triangle, square, rectangle, circle or semi-circle that can wholly enclose the surface area of the sign. In the case of fascia signage featuring individual letters affixed to a building, sign area shall be the product of the combined areas of the smallest triangles, squares, rectangles, circles or semi-circles that can wholly enclose each individual letter.

“sign box” means a box contained within a freestanding or directory sign that contains the name, logo or other insignia of a business or other use.

“sign face” means each individual side or face of a freestanding or directory, projecting, sandwich board, portable or mobile sign(s).

“sight triangle” means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot the distance required by this by-law.

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

“street or road” means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of Hartland.

“street line” means the boundary line of a street right-of-way.

“structure” means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs, fences exceeding 2 m (6.56 ft) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

“suite, garden” means a detached dwelling unit designed to be placed or erected in the rear yard of an existing single unit dwelling lot.

“suite, in-law or granny or temporary” means an apartment contained within a single detached dwelling and is internally accessible from the main dwelling unit and used by a member of the family who resides in the main dwelling unit.

“suite, rental” means an apartment contained within a main single detached dwelling and is internally accessible from the main dwelling unit that is rented to someone outside of the family unit residing in the main dwelling.

“swimming pool” means a tank or other structure, including inflatable pools, artificially created, at least in part, the container of which is constructed of cement, plastic, fiberglass, concrete or similar materials, located outdoors, having a depth of water greater than 0.5 metres and intended primarily for bathing, swimming, or diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

“Town” means the Town of Hartland.

“Town Building Inspector” means the building inspector appointed by the Town Council.

“traditional materials” means materials consistent with construction techniques and architecture of the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, shingle or stucco; but does not include vinyl, plastic, metallic or enameled metallic finishes.

“use” means the purpose for which land or a building or structure, or any combination thereof, is designated, arranged, erected, intended, occupied or maintained.

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

“use, secondary” means a use:

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

“utility” means any component of a water, sewerage, storm water, or solid waste disposal, cable television, electric power, natural gas, or telecommunication system.

“veterinary clinic” means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pet/pen runs and enclosures.

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

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

“wholesale establishment” means a building in which commodities in quantity are offered for sale mainly to industrial, institutional, and commercial users, or to retailers or other merchants mainly for resale or business use.

“yard” means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance between such building and the respective lot lines shall be used.

“yard, front” means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot; and “required front yard” or “minimum front yard” means the minimum distance required by this By-law between the front lot line and the nearest main wall of any building or structure on the lot.

“yard, rear” means a yard extending across the full width of a lot between the rear lot line and nearest wall of any main building or structure on the lot; and “required rear yard” or “minimum rear yard” means the minimum distance required by this By-law between a rear lot line and the nearest main wall of any building or structure on the lot.

“yard, side” means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and “required side yard” or “minimum side yard” means the minimum distance required by this By-law between a side yard line and the nearest main wall of any building or structure on the lot.

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

2.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES

2.1 Zoning Classifications

(1) For the purposes of this By-Law, the municipality is divided into zones as delineated on the map attached hereto, entitled "Town of Hartland Zoning Map" dated October 23, 2008.

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

(a)	Single-family Residential	R-1 Zone;
(b)	Residential Mix	R-2 Zone;
(c)	Multiple Unit Residential	R-3 Zone;
(d)	Central Commercial	CC Zone;
(e)	Highway Commercial	HC Zone;
(f)	Neighbourhood Commercial	NC Zone;
(g)	Industrial Park	I-1 Zone;
(h)	Light Industrial	I-2 Zone;
(i)	Institutional	INS Zone;
(j)	Open Space	OS Zone;
(k)	Rural Area	RA Zone;

(3) R1, R2 and R3 zones, collectively, are referred to as Residential Zones.

(4) NC, CC and HC, collectively, are referred to as Commercial Zones.

(5) I-1 and I-2 are collectively referred to as Industrial Zones.

(6) INS can be referred to as Institutional Zones.

(7) OS and RA are collectively referred to as Special Zones.

2.2 Interpretation

2.2.1 Zone Boundaries

(1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.

(2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in the bank.

(3) Where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way or an easement line, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.

(4) In the event that a dedicated street or road, as delineated on the zoning map, hereby, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.

(5) Where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or

watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; or

- (6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.

2.2.2 Metric Measurements

For the purposes of convenience, the measurements contained in this By-Law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-Law. Measurements may be abbreviated in the following manner:

- (a) metres or m;
- (b) feet or ft;
- (c) square metres or m²;
- (d) square feet or ft²;
- (e) inches or in;
- (f) centimetres or cm; and
- (g) millimetres or mm.

2.2.3 Uses Permitted

Uses permitted within any zone shall be determined as follows:

- (a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone;
- (b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements; and
- (c) Notwithstanding any other provisions of this by-law, the following uses shall be permitted in any zones:
 - (i) a public park;
 - (ii) a linear park or public trail;
 - (iii) a municipal recreational use;
 - (iv) an active transportation use;
 - (v) interpretive uses associated with areas of natural or scientific interest;
 - (vi) a utility use; and/or
 - (vii) a community garden.

2.2.4 Interpretation in this By-law

- (a) the word “shall” is mandatory and not permissive;
- (b) words used in the present tense shall include the future, words used in the singular number shall include the plural and words used in the plural number shall include the singular;
- (c) the use of he does not preclude she;
- (d) the use of she does not preclude he;
- (e) the use of him does not preclude her; and
- (f) the use of her does not preclude him.

2.3 Powers of Council

- (1) No building may be erected in the municipality where in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets and other services and facilities.

- (2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may acquire the parcel of land that such building or structure is located.
- (3) Subject to subsection (4), the Council may, within any zone mentioned in section 2.1,
 - (a) designate land to be used for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, and the disposal of sanitary wastes; and
 - (b) use the land so designated for the erection, installation or use mentioned in clause (a).
- (4) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council such land is essential to the operation of the service concerned.
- (5) A non-conforming use may continue notwithstanding the Zoning By-Law but, where a Zoning By-law makes a property non-conforming the *Community Planning Act* shall apply. The provisions of this section shall not exempt the owner of a non-conforming use from the obligation for proper maintenance and minimum occupancy standards of such use. Council may also impose standards regarding the maintenance of a non-conforming building or structure in accordance with the *Community Planning Act*.

2.4 Special Powers of the Planning Advisory Committee

The Planning Advisory Committee (PAC) is an appointed body under Section 12(2) of the *Community Planning Act*. The role of the PAC is to advise and make recommendations to Council on matters of community planning in accordance with Section 13 of the *Community Planning Act*.

- (1) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this By-Law when, in the opinion of the Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The Planning Advisory Committee may, subject to such terms and conditions as it considers fit:
 - (a) authorize, for a temporary period in accordance with the *Community Planning Act*, a development otherwise prohibited by this By-Law; and
 - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.
- (3) Where uses are listed as being subject to any terms and conditions that may be imposed by the Planning Advisory Committee (PAC), no development permit for such use shall be issued unless written application and supporting information for such use has been submitted to the PAC and the PAC has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the PAC to protect:
 - (a) properties within the zone or in abutting zones, or
 - (b) the health, safety and welfare of the general public.
 - (c) the integrity of the objectives and policies
- (4) The Planning Advisory Committee may permit, subject to such terms and conditions as it considers fit:
 - (a) a proposed use of land or a building that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated; or
 - (b) such reasonable variance from the requirements of the Zoning By-law as provided by the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or

a building or structure and is in accord with the general intent of the By-law and any plan or statement affecting such development.

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

2.5 Amendments

- (1) A person who seeks to have this By-Law amended:
 - (a) shall address a written and signed application to Town Council;
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
 - (i) a statement as to the ownership thereof;
 - (ii) the signature of at least one owner of each parcel of land therein; and
 - (c) shall pay a fee of \$250, payable to the Town of Hartland.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or the Planning Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- (4) The Council may refuse to consider an application under this section that seeks to rezone an area of land from one type of zone to another that has not been signed by one or more owners of each property.
- (5) Before giving its views to the Council with respect to an application under this section, the Planning Advisory Committee may carry out such investigation, as it deems necessary.
- (6) Where an application for rezoning of a property has been refused within the previous twelve months, Town Council will not entertain an application to rezone the same property unless the proposed use is substantially different from the previous application.

3.0 GENERAL PROVISIONS

3.1 Licenses, Permits and Compliance With Other By-Laws

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

3.2 Sewage Disposal and Water Systems

Where municipal sewerage and water services are available, no permit shall be issued except where the development is provided with such services.

3.3 Frontage on Street

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

3.4 One Main Building on a Lot

- (1) Except where provided for in this By-law, no more than one main building may be placed or erected and no building or structure may be altered to become a second main building on a lot.
- (2) Notwithstanding 3.4(1), where a proposed use is to consist of more than one building on the lot, such use shall be subject to such terms and conditions as the Planning Advisory Committee (PAC) may impose and the PAC may prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

3.5 Existing Buildings

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or having less than the minimum frontage or flankage yard or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side, flankage, or rear yard that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

3.6 Lots to Abut Streets

Every lot used for a purpose permitted by this By-Law shall abut a street unless other legal arrangements have been made.

3.7 Reduced Frontage on a Curve

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width that is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this sub-section, such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the

intersection of said side lines with the minimum front or flankage yard as required by the applicable provision of this By-law.

3.8 Sight Triangle

On a corner lot a fence, sign, hedge, shrub, bush, or tree, or any other structure or building shall not be erected or permitted to grow to a height more than 1 m (3.3 ft) above the grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 m (15.1 ft) from their point of intersection.

3.9 Distance From Watercourses

No development shall be permitted within 30 m (98.4 ft) of a watercourse or water body unless a Watercourse and Wetland Alteration Permit has been issued by the Department of Environment and no building or structure except as otherwise permitted in this By-law shall be located within 10 m (32.8 ft) of a watercourse or water body.

3.10 Accessory Buildings or Structures Erected Prior to Main Building

An accessory building or structure may be placed or erected on a lot prior to the placement or erection of the main building or structure if:

- (a) a building permit for the main building or structure is obtained first;
- (b) the main building or structure will be completed within one year from the date of the issuing of the permit therefore; and
- (c) the accessory building or structure is located as indicated on the plot plan.

3.11 Vehicle Bodies

A motor vehicle, tractor trailer, recreational vehicles and equipment, tractor engine, container designed for commercial transport, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure in any residential zone except as specifically permitted by other legislation and this By-law.

3.12 Height Regulations

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills, monuments, lightning rods, or solar collectors attached to the principle structures except where specifically regulated, provided that such buildings or structures conform to all restrictions of other Government authorities having jurisdiction.

3.13 Setbacks

- (1) No building shall be erected or altered so that it is closer to a street line than 6 m (19.7 ft) unless otherwise provided for in this By-law.
- (2) Notwithstanding 3.13(1), a building may be placed, erected, or altered so that it is as close to the street line as:
 - (a) where there is a building on both sides and within 30 m (98.4 ft) thereof, the mean of the distance between the street line and the adjacent buildings; and
 - (b) where there is a building within 30 m (98.4 ft) of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.

- (3) Notwithstanding 3.13(1), a structure may be placed, erected, or altered so that it is as close to the street line as follows:
- (a) where there is a building or structure on both sides within 30 m (98.4 ft) thereof, the mean of the distance between the street line and the adjacent buildings or structures; and
 - (b) where there is a building or structure within 30 m (98.4 ft) of one side only thereof, the mean of the front or flankage yard distance and the distance between the adjacent building or structure and the street line.

3.14 Yards

Notwithstanding any other provision of this By-Law,

- (a) with respect to a corner or through lot, no building or structure may be placed, erected or altered thereon so that it is closer to a side or rear lot line which is also a street line than the minimum front yard depth for the lot to the rear of the corner lot, or the lot abutting the rear portion of the through lot;
- (b) with respect to a corner or through lot in a Commercial or Industrial zone abutting a Residential zone, no building or structure may be placed, erected or altered thereon so that it has a front yard on the street along which the Residential zone is located;
- (c) the use of a side or rear yard of a lot mentioned in clause (a) which forms part of a frontage, the balance of which is in an Residential zone for the purposes of an access from the street, is permitted only if approved by the Planning Advisory Committee (PAC) and only on compliance with such terms and conditions as may be imposed by the PAC;
- (d) where a side yard of a lot in a Commercial or Industrial zone abuts a Residential zone,
 - (i) no building or structure may be placed, erected or altered on such lot so that it is closer to the Residential zone than a distance equal to the greater of:
 - (A) one-half structure or the height of the building or
 - (B) 3.048 m (10 ft), and
 - (ii) such yard shall be landscaped with a screening facility such as a hedge or fence or a combination thereof having a minimum height of a one metre is provided and maintained along the common property lines; and
 - (iii) such yard shall not be used as a driveway or for purposes of storage.

3.15 Prohibition Regarding Yards and Other Open Space

No portion of any yard or other open space on a lot may:

- (a) be considered as providing a yard or open space for a building or structure on another lot; or
- (b) if such portion is required by this By-Law in respect of an existing building or structure, be considered as providing a yard or open space for another building or structure on the same lot.

3.16 Building and Structure Projections / Permitted Encroachments

The requirements of this By-Law with respect to the placing erecting or altering of a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for:

- (a) cornices, eaves and steps that project not more than 0.61 m (2 ft);
- (b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in);
- (c) the ordinary projection of skylights;
- (d) window or door awnings which project not more than 1.02 m (3.3 ft);

- (e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (3.3 ft);
- (f) chimneys, smoke stacks or flues, which project not more than 0.457 m (1.5 ft);
- (g) balconies of upper stories of multiple dwellings or buildings, which incorporate multiple dwellings, provided they are not enclosed above a parapet of normal height, which project not more than 1.83 m (6 ft) into a front or rear yard or not more than 1.22 m (4 ft) into a side yard;
- (h) floors in the main building above the first floor, which project not more than 1.83 m (6 ft) into a front yard or rear yard or not more than 1.22 m (4 ft) into a side yard;
- (i) wheelchair ramps and lifting ramps may be located in any yard;
- (j) steps providing access at the first storey level may be located in any front yard, rear or flankage yard;
- (k) window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the main wall into a required front, rear or flankage yard;
- (l) swimming pools may encroach within 1.2 m (3.9 ft) of the property line in any rear or side yard but never encroach on any required front or flankage yard;
- (m) air conditioning or heat pump units may project up to 0.61 m (2 ft) into a required side yard; and
- (n) exterior staircases providing access to the basement or any floor above the first storey level, balconies, porches, verandas and sun decks shall be permitted to project a maximum of 2 m (6.6 ft) into any required front, rear or flankage yard, except that;
- (o) no exterior staircase giving access to any floor above the first storey level shall be permitted between the facade of any building and the street line, except subject to such terms and conditions as the Planning Advisory Committee considers necessary.

3.17 Satellite Dishes and Communication Towers

Satellite dishes greater than 1.5 m (4.9 ft) in diameter and communication towers shall not be permitted between the main building and the street line.

3.18 Outdoor Storage Compound / Outdoor Display Court

- (1) No development shall be permitted nor shall any land be used for the purposes of outdoor storage, unless an outdoor storage compound is expressly permitted, by definition or otherwise.
- (2) Subject to 3.18(1) and 6.1.3, any outdoor storage compound shall be screened from the street by an opaque fence not less than 2 metres and not more than 2.5 metres in height, and no material shall be piled higher than the height of the surrounding fence.
- (3) No development shall be permitted nor shall any land be used for the purposes of outdoor display of goods or merchandise, unless an outdoor display court is expressly permitted, by definition or otherwise.
- (4) Subject to 3.18(3) an outdoor display court shall be separated from any public street by a landscaped strip of at least 2 metres horizontal depth.

3.19 Service Stations

Within any zone where a service station, or an automobile sales and/or service outlet is a permitted main use of land, any development of land not used for such purpose on the effective date of this by-law is subject to the following conditions:

- (a) no lot shall be developed for such uses unless the lot has an minimum frontage of at least 34 metres for an interior lot and 38 metres for a corner lot;

- (b) notwithstanding section 3.14 no portion of any pump island or canopy shall be located closer than 15 meters (50 feet) from any street line and no portion of any underground storage tank shall be located closer than 6 meters (19.7 feet) from any street line;
- (c) no driveway shall be located within 9 metres (30 feet) of another driveway;
- (d) no portion of any driveway shall be within 15 meters (50 feet) of a street intersection;
- (e) the angle of intersection between a driveway and a street line shall be not less than 45 degrees nor greater than 135 degrees; and
- (f) notwithstanding section 3.32 no driveway shall have a width less than 6 metres (20 feet) nor greater than 9 meters (30 feet).

3.20 Lesser Horizontal Dimension

No main building may be placed, erected or altered on a lot so that the lesser horizontal dimension thereof is less than 4.88 m (16 ft).

3.21 Finished Floor Above Grade

- (1) Subject to 3.21(2) where any habitable building is to be constructed within 30 m (98.4 ft) of a public street, the top of the foundation wall shall not be less than 0.5 m (1.6 ft) above the crown of the street to which the development gains access.
- (2) Notwithstanding 3.21(1) where the elevation of the lot to be developed is significantly below the adjacent roadway elevation and a building is to be constructed within 30 m (98.4 ft) of a public street, a lot-grading plan shall be prepared showing:
 - (a) existing and final ground elevations;
 - (b) floor and top of foundation wall elevations of any buildings and structures;
 - (c) all measures for the control and management of surface water;
 - (d) all vegetation to be preserved; and
 - (e) areas to be landscaped.
- (3) The lot-grading plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

3.22 Keeping of Livestock

With the exception of the RA (Rural Area) Zone, no land or any portion thereof may be used for the keeping or breeding of livestock.

3.23 Garbage Storage

In any commercial, industrial, or multiple unit residential zone where any area of the lot exterior to the building is to be used for the storage of garbage, including areas for the location of compactors or commercial waste bins, such areas shall conform to the following standards:

- (a) be fully screened by a surrounding fence at least 2 m (6.56 ft) in height designed so as to be opaque;
- (b) no garbage storage area shall be located in any required yard, nor shall it be located within 6 m (19.7 ft) of a public street or within 2 m (6.56 ft) of a residential use;
- (c) no garbage shall be stored between a building or structure and a public street;
- (d) no garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence;
- (e) materials used to screen and surround the garbage storage unit or dumpster must be made of materials similar to that of the building; and

- (f) garbage must be stored within the specified setback and yard requirements for the applicable zone.

3.24 Use of a Basement/Cellar

If a basement or cellar has a mean height of less than fifty percent (50%) above grade then it shall not be used as a dwelling unit, or part thereof unless all appropriate provisions of the building code in effect within the Town can be met. A furnace room, laundry room or storage room, are permitted uses in this situation.

3.25 Standards for Multiple-Unit Dwellings

Notwithstanding any other provision of this by-law, no building containing, or modified so as to contain two or more dwelling units, except for townhouse or rowhouse dwellings in any zone, shall be erected unless:

- (a) not more than 35% of the gross lot area is devoted to surface parking spaces and parking aisles;
- (b) landscaping is carried out in conformity with 4.1.3.
- (c) any part of the building facade within 4 m (13.1 ft) of the established grade and facing a public street or approved access is finished with traditional materials;
- (d) there is at least one public entrance to the building on the facade of the building facing at least one public street;
- (e) no part of any parking stall is located in any front or flankage yard; and
- (f) where a multiple-unit building contains more than two (2) units and abuts any other residential use, no portion of any parking space shall be located within any required side or rear yard except where an opaque fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.5 m (4.9 ft) of the side or rear lot line.

3.26 Enclosures for Swimming Pools

- (1) No land may be used for purposes of a swimming pool capable of containing a depth in excess of 0.6 m (2 ft) of water unless the pool is enclosed by a fence, or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 m (4.9 ft) in height and meeting the requirements of this section.
- (2) Where a portion of a wall of a building forms part of an enclosure mentioned in 3.26(1),
 - (a) no main or service entrance to the building may be located therein; and
 - (b) any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.3 m (4.3 ft) above the bottom of the door.
- (3) An enclosure mentioned in 3.26(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (4) A fence mentioned in 3.26(1)
 - (a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or other materials in the manner described in 3.26(5);
 - (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - (c) shall be located:
 - (i) at least 1.22 m (4 ft) from the edge of the swimming pool;
 - (ii) at least 1.22 m (4 ft) from anything that would facilitate its being climbed from the outside; and
 - (iii) so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above grade/ground level.

- (5) The design and construction of a fence under this section shall provide
 - (a) in the case of chain link construction,
 - (i) no greater than 38 mm (1.5 in) diamond mesh,
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - (iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8.2 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.
 - (b) in the case of wood construction,
 - (i) vertical boarding, not less than 19 mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.6 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
 - (ii) supporting wood posts at least 10 cm (3.9 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
 - (c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- (6) Gates forming part of an enclosure mentioned in 3.26(1):
 - (a) shall be equivalent to the fence in content, manner of construction and height;
 - (b) shall be supported on substantial hinges; and
 - (c) shall be self-closing and equipped with a self-latching device at least 1.3 m (4.3 ft) above the bottom of the gate.
- (7) The vertical walls of a permanent above-ground pool, can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.52 m (5 ft) in height above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground pool, must be enclosed by a pool enclosure as defined within this section.
- (8) No swimming pool enclosure may be located within the front or flankage yard of a lot.
- (9) No water shall be placed in the pool until a building inspector has inspected the completed enclosure.
- (10) The installation of a swimming pool and/or enclosure is not to alter the existing grade or drainage pattern unless otherwise approved by an engineer employed by the Town of Hartland.
- (11) No person is to alter or replace a swimming pool enclosure without a permit.
- (12) No person shall allow sections of the swimming pool enclosure to be removed or become dilapidated so that in no longer conforms to this By-law; and
- (13) No person is to allow materials to be placed, piled, attached, hung or leaned against or near the swimming pool enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

3.27 Power Lines Over Swimming Pool

No overhead electrical power line shall be placed over that area of a swimming pool enclosed by a fence or structure as provided in section 3.26. Similarly, no swimming pool shall be placed or erected underneath an existing overhead electrical power line.

3.28 Fences

Notwithstanding any other provision of this By-law, a fence may be placed or located in any yard, however:

- (a) Except for a security fence of chain link construction in any Commercial, Industrial, Institutional or Special zone, no fence located within the required front and flankage yard shall exceed 1 metre in height.
- (b) No fence shall exceed 2.5 metres in height in any zone.
- (c) No fence in any Residential zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.

3.29 Stripping of Topsoil

- (1) Subject to subsection (2), no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- (2) Where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.
- (3) Notwithstanding subsection (1), the farming of sod may be carried out where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for rehabilitation of the land.

3.30 Excavation

- (1) No person may undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposit for purposes of the sale or other commercial use of the excavated material unless excavation approval has been issued by the Town Development Officer in a form prescribed by that officer.
- (2) A person seeking to obtain an excavation permit under this section shall make application in writing to the Town Development Officer in a form prescribed by that officer.
- (3) An application mentioned in 3.30(2) shall:
 - (a) state the name and address of the applicant and the location of the proposed excavation;
 - (b) be accompanied by a plan drawn to a scale not less than 1:1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
 - (c) indicate the proposed base or lowest level of the proposed excavation;
 - (d) set out the means to be employed by that person named in the proposed permit to maintain accesses to the excavation, and public streets over which excavated materials are transported, in a dust-free condition by paving, sweeping, or the use of calcium chloride;
 - (e) state the anticipated date of commencement of work involved in the excavation; and
 - (f) include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed the lime limit therefore.
- (4) Subject to 3.30(7), where
 - (a) an application under 3.30(2) has been received;
 - (b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements thereof; and
 - (c) the fee set out in 3.30(5) has been paid;

- the Town Building Inspector shall issue the excavation permit requested.
- (5) An excavation permit is valid until December 31st in the year of issue, and the fee for such permit or a renewal thereof is \$25.00.
- (6) An excavation permit shall
- (a) be in a form prescribed by the Town's Development Officer;
 - (b) set out information pursuant to subsection (3) contained on the application therefore; and
 - (c) be signed by both the Town's Development Officer and the applicant.
- (7) No permit may be issued under this section if
- (a) the proposed work would be apt to
 - (i) damage adjoining property, or
 - (ii) adversely affect a public water main or sewer, or watercourse or street;
 - (b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard; or
 - (c) the Council and the applicant therefore do not agree on:
 - (i) the base mentioned in clause 3.30(3)(c); or
 - (ii) a time limit mentioned in clause 3.30(3)(f).
- (8) A permit under this section is subject to the following terms and conditions:
- (a) that no excavation take place below the base agreed to pursuant to clause 3.30(3)(c);
 - (b) that accesses to the excavation and public streets over which excavated material is transported are maintained by the person named in the permit in a dust-free condition, as by paving, sweeping or the use of calcium chloride;
 - (c) that the excavation, and any work related thereto, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays as defined by the *Interpretation Act*;
 - (d) that no operation in relation to the excavation is conducted in such a manner as:
 - (i) to be apt to create a hazard to human life, life, to cause injury to a person or to damage adjoining property,
 - (ii) to permit ponding of water in excess of 0.61 m (2 ft) in depth,
 - (iii) to lower the water table on neighbouring properties, or
 - (iv) to prejudice proposed or required rehabilitation of the land;
 - (e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
 - (f) that neither the top or toe of the slope of the excavation, or any building or structure, is within 15.2 m (49.9 ft) of an abutting property line;
 - (g) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 Horizontal to 1 Vertical for the full depth thereof; and
 - (h) that the land of the site of the excavation is rehabilitated as provided herein.
- (9) The land of the site of the excavation for which a permit has been issued hereunder shall be rehabilitated by the owner thereof within the time limit mentioned in the permit, upon
- (a) depletion of excavation material from the site to the extent that further operation would be no longer viable;
 - (b) failure to seek renewal of an elapsed or cancelled permit; or
 - (c) cessation of operation for a period of at least one year.

- (10) Rehabilitation mentioned in 3.30(9) shall include the following:
- (a) where an excavation is over 6.1 m (20 ft) deep, a terrace shall be provided not less than 6.1 m (20 ft) in width at each 6.1 m (20 ft) interval of the depth;
 - (b) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;
 - (c) all plant equipment, buildings or structures, placed or erected on the site for purposes of the excavation shall be removed;
 - (d) all stock piles, earth, sand, gravel or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and
 - (e) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 152 mm (6 in) and seeded with grass or other ground cover to prevent erosion.
- (11) Where a person violates any of the terms and conditions mentioned in 3.30(8), or any provision of this section, the Town Development Officer may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.
- (12) Where an owner mentioned in 3.30(9) fails to meet the requirements of that subsection, the Council may cause the required rehabilitation to be carried out and may recover all cost connected therewith from the owner.

3.31 Queuing Spaces

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

- (a) for drive-thru businesses, including drive-thru restaurants, banks and car washes:
 - (i) six (6) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window; and
 - (ii) one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- (b) for drive-in businesses, automotive, gas bar and automotive repair outlets:
 - (i) five (5) in-bound spaces shall be provided; and
 - (ii) one (1) out-bound space shall be provided.
- (c) all queuing spaces shall be a minimum of 6.5 m (21.3 ft) long and 3 m (9.8 ft) wide; and
- (d) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

3.32 Parking Requirements

- (1) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with Table 3.32, except where any parking requirement is specifically included elsewhere in this By-law.
- (2) Where the total required spaces for any use is not a whole number, the total spaces required by this subsection, or by other specific sections, shall be the next largest whole number.
- (3) Subject to subsection (4), the owner of each building or structure erected, extended or altered, in whole or in part, for any of the usages listed herein, shall provide and maintain on lands appurtenant to, or

within 152.4 m (500 ft) of, such building or structure not less than the following number of accessible off-street vehicular parking spaces:

Table 3.32: Schedule of Minimum Parking Requirements	
USE	PARKING SPACES REQUIRED
Any dwelling except as specified below	One (1) space per dwelling unit;
Multiple unit dwellings / apartment buildings	One and a quarter (1.25) spaces per dwelling unit;
Senior citizen apartments	One half (0.5) spaces per dwelling unit;
Boarding and rooming houses	One (1) space per bedroom;
Assembly buildings including arenas, auditoriums, churches, funeral parlours, public halls, theatres, rinks, or any building containing a like usage	One (1) space for each four (4) persons comprising a capacity audience or congregation therein;
Hospital or sanatorium	One (1) space per bed;
Hotels, residential hotels, motels, boarding or rooming houses	One (1) space per guest room;
Licensed restaurants, lounges, taverns and beverage rooms	The greater of one (1) space per each three (3) patrons comprising capacity patronage or 1 space per 10 m ² (107.6 ft ²) of gross floor area;
Institutional uses except as specified herein	The greater of one (1) space per four (4) seats where there are fixed seats, or one (1) space per 10 m ² (107.6 ft ²) of gross floor area where there are no fixed seats;
Schools	One (1) space per classroom for an elementary or junior high school; four (4) spaces per classroom for a high school; Additional spaces to accommodate auditorium seating shall be provided in accordance with the provisions for an institutional use
Sports or recreation fields	One (1) space for each six (6) persons for whom seating arrangements may be provided;
Stores, including retail, wholesale or service establishments with a gross floor area of 1000 m ² (10,763.9 ft ²) or greater	One (1) space per 30 m ² (322.9 ft ²) of gross floor area;
Stores, including retail, wholesale or service establishments with a gross floor area not exceeding 1000 m ² (10,763.9 ft ²)	One (1) space per 20 m ² (322.9 ft ²) of gross floor area;
Homes for the aged and nursing homes	One (1) space per three (3) beds;
Day care facilities	One (1) space per 25 m ² (269.1 ft ²) of gross floor area;
Funeral homes	The greater of fifteen (15) spaces per viewing room or, where a chapel is provided, one (1) space per four (4) fixed seats;
Office buildings, offices or consulting rooms in a residence or elsewhere, financial institutions, public libraries, art galleries or museums	Three spaces per 93 m ² (1001 ft ²) of gross floor area;

Table 3.32: Schedule of Minimum Parking Requirements	
USE	PARKING SPACES REQUIRED
Warehouse, wholesale, industrial or manufacturing buildings, transport terminals and general industrial use	The greater of one (1) space per 50 m ² (538.2 ft ²) of gross floor area, or one (1) space per four (4) employees;
Any use not specified above	One (1) space per 30 m ² (322.9 ft ²) of gross floor area;

- (4) Except for parking spaces for a hotel or motel, no parking space is permitted nearer than 1.83 m (6 ft) from a wall containing windows to habitable rooms.
- (5) Each off-street parking space shall:
 - (a) have an area of at least 13.2 m² (142.1 ft²) measuring 5.5 m (18 ft) in length and not less than 2.4 m (7.9 ft) in width, exclusive of driveways thereto;
 - (b) shall be readily accessible from a public street; and
 - (c) shall be located on the lot containing the use for which the spaces are provided.
- (6) Notwithstanding Section 3.32(3) above, reserved parking spaces for the mobility disabled shall be provided for all uses requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:
 - (a) one parking space for the mobility disabled for each 25 spaces or less required;
 - (b) where the required number of parking spaces exceeds 200, there shall be 1 parking space for the mobility disabled for each 50 required parking spaces;
 - (c) notwithstanding 3.32 (6)(a), no parking spaces for the mobility disabled shall be required where the proposed development requires less than 4 parking spaces.
 - (d) each reserved parking space shall contain an area of not less than 28 m² (301.4 ft²) measuring at least, 4.6 m (15.1 ft) in width;
 - (e) where the limits of the parking lot are defined by a curb, the parking lot shall have a ramped curb which shall be located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 m (295.3 ft) from the location which it is intended to serve;
 - (f) each reserved parking space shall be located as close as possible to the location it is intended to serve; and
 - (g) each reserved parking space shall be clearly identified by a permanently affixed ground sign.
- (7) Where a parking lot for more than six (6) vehicles is required or proposed the following provisions apply:
 - (a) lights used for illumination of the lot shall be arranged in order to divert the light away from streets, adjacent lots and buildings;
 - (b) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
 - (c) approaches or driveways to the lot shall have a curbing radius of 10 m (32.8 ft) where they meet a public street; shall be defined by a curb of asphaltic concrete or Portland Cement concrete; and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - (d) the location of approaches or driveways shall not be closer than 15 m (49.2 ft) from the limits of the right-of-way at a street intersection;
 - (e) entrance and exit driveways to the parking lot shall not exceed two (2) in number at the street line and edge of pavement;
 - (f) notwithstanding 3.32(7)(e), the Planning Advisory Committee may consider the creation of more than two driveways, subject to terms and conditions;
 - (g) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot leading to or from a parking lot or loading space shall:

- (i) in the case of a one-way driveway for traffic entering the lot, have a width of at least 3.5 m (11.5 ft);
 - (ii) in the case of a one-way driveway for traffic exiting the lot, have a width of at least 3.2 m (10.5 ft) when the number of parking spaces on the lot exceeds 12;
 - (iii) in the case of a two-way driveway for traffic entering and exiting the lot, have a width of at least 6.7 m (22 ft); and
 - (iv) not exceed a maximum width of 7.6 m (24.9 ft) except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 m (39.4 ft);
- (h) the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public street.
- (8) Notwithstanding the provisions of section 3.32 (7) above, access to parking lots shall be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.
- (9) Within a residential zone, required parking must be located beyond the required front yard setback of a single detached dwelling, semi-detached dwelling or duplex dwelling. Paved areas and/or driveways shall not occupy more than 40% of the required front yard.
- (10) Notwithstanding any other provision of this By-law, for properties located in the CC (Central Commercial) Zone, Council may at its discretion, allow a development which would not otherwise be permitted if the applicant pays to the Town a sum equivalent to \$200 for each parking space by which the required total will be reduced. This sum shall be payable on such terms and conditions as Council may determine.

3.33 Loading Standards

- (1) Off-street spaces not less than 9.14 m (30 ft) long, 3.66 m (12 ft) wide and 4.26 m (14 ft) high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in the following numbers:

Floor Area of Building	Number of Loading Spaces
Up to and including 1,858.1 m ² (20,000 ft ²)	One (1)
Over 1,858.1 m ² (20,000 ft ²) up to and including 4,645 m ² (50,000 ft ²)	Two (2)

- (2) An off -street loading space referenced in 3.33(1) above shall:
- (a) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - (b) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
 - (c) have a paved surface.

3.34 Development on Steep Slopes

No person shall undertake any development on a slope with a gradient greater than 30 percent unless the development is approved by the Planning Advisory Committee.

4.0 RESIDENTIAL ZONES

4.1 General Provisions for all Residential Zones

4.1.1 Private Garages and Carports

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

4.1.2 Uses Prohibited in Certain Yards

On a lot developed for three or more dwelling units, the required front or flankage yard shall not be used for the storage or display of any vehicle, boat, or other chattel.

4.1.3 Landscaping

- (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape:
 - (a) the entire area of the lot not devoted to buildings, structures, walkways or driveways; and
 - (b) that part of the lot within 1.5 m (5 ft) of any building thereon.
- (2) For the purposes of this section, landscaping shall include:
 - (a) all grading necessary to divert surface water from the dwelling and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 cm (3 in) of topsoil; and
 - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs or stones, vines and flowers as are not prohibited by this or any other By-law, rule or regulation.
- (3) Notwithstanding 4.1.3(1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.

4.1.4 Prohibition Regarding Detached Dwellings

Where a lot or other piece of land is subdivided,

- (a) into two or more lots along the common walls of attached dwellings; or
- (b) for the purposes of placing or erecting dwelling units of attached dwellings on separate lots;

no detached dwelling may be placed or erected, and no building or structure may be altered to become a detached dwelling, on any lot resulting from the subdivision unless both resultant lots meet the minimum lot area and lot width requirements for the zone in which they are located.

4.1.5 Lighting or Illumination Devices

No person within a residential zone shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.1.6 Residential Development Near a Lagoon or Treatment Plant

Notwithstanding any other provision of this By-Law, the minimum distance between a dwelling and a sewage lagoon or treatment facility shall be in accordance with Provincial Guidelines and Regulations.

4.1.7 Minimum Floor Area of Multiple Unit Dwellings

- (1) In the case of multiple unit dwellings, dwelling units therein shall have the following minimum floor areas exclusive of stairways and approach halls.

Type of Dwelling Unit	Square Metres of Floor Area
bachelor apartment	28 m ² (301.4 ft ²)
1 bedroom unit	35 m ² (376.7 ft ²)
2 bedroom unit	53 m ² (570.5 ft ²)
3 or more bedroom unit	63 m ² (678.1 ft ²)
4 bedroom unit	82 m ² (882.6 ft ²)
5 or more bedroom unit	82 m ² (882.6 ft ²) plus 9 m ² (96.9 ft ²) per bedroom in addition the first four.

4.1.8 Accessory Buildings and Structures in a Residential Zone

- (1) No accessory building or structure shall:
- (a) exceed one storey or 4.6 m (15 ft) in height;
 - (b) be used for a residential use;
 - (c) be placed, erected or altered so that is within the front yard of the main building;
 - (d) be placed, erected or altered so that it is closer to the front lot line than the minimum setback distance required for the main building;
 - (e) be placed, erected or altered so that is closer to the side or rear lot line than 1.5 m (5ft);
 - (f) exceed more than 57 m² (624 ft²) in gross floor area or 10% of the area of the lot;
 - (g) be used for agricultural uses;
 - (h) be used the keeping of livestock.
- (2) Common semi-detached garages may be centered on the mutual side lot line.
- (3) Notwithstanding any setback or yard requirements in this by-law, portable garages may be permitted on any residential lot as long as a front and sideyard setbacks of 1 metre are maintained.

4.1.9 Special Requirements for Residential Care Facilities

A development permit may be issued for a residential care facility in the R-2 or R-3 Zone subject to the following requirements:

- (a) a residential care facility shall be located at least 250 m (820.2 ft) from any other residential care facility or community home;
- (b) there shall be a minimum rear yard amenity area of 18.5 m² (199.1 ft²) per resident of the residential care facility, inclusive of staff and/or receiving family;
- (c) the minimum ground floor area shall be 18 m² (193.8 ft²) of gross floor area per resident inclusive of staff and/or receiving family.

4.1.10 Neighbourhood Daycare Centre

Where permitted, a Neighbourhood Daycare Centre shall:

- (a) be designed to accommodate not more than nine (9) children at any one time;
- (b) no sign in connection with the use shall be illuminated nor shall any sign exceed 0.75 m² (8.1 ft²) in area nor exceed one in number; and
- (c) comply with all Provincial regulations as stated in the *Family Services Act* of New Brunswick.

4.1.11 Home Occupations

- (1) Subject to 4.1.11(2), where a home occupation is permitted under this By-Law, one of the following occupations may be conducted as a home occupation:
 - (a) a business office or home office or studio;
 - (b) a home personal service shop;
 - (c) a home instructional service, which may include, without limiting the generality of the forgoing, the teaching of music, arts and crafts or dance;
 - (d) a home domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys, and a caterer's establishment;
 - (e) a home trades business which may include, without limiting the generality of the forgoing, plumber, electrician, carpenter, painter or other similar uses;
 - (f) a home repair shop, which may include, without limiting the generality of the forgoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excluding the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shops, auto body shops;
 - (g) a bed and breakfast; and
 - (h) professional services such as a doctor, dentist, lawyer, engineer, planner, architect or other similar professions.

- (2) Where permitted under this By-Law, a home occupation is subject to the following requirements:
 - (a) not more than the greater of 25 percent or 40 square meters of the gross floor area of the dwelling unit shall be devoted to the home occupation;
 - (b) no change shall be made to the external appearance of the dwelling which will alter the residential character of the building;
 - (c) no goods or services other than those directly pertaining to the home occupation shall be supplied or sold therein or there from;
 - (d) the home occupation may have one (1) business identification sign advertising the business; however, no such sign shall be illuminated nor shall it exceed 0.6 square metres in gross surface area.
 - (e) there shall be no external or outside storage or display of materials, equipment or containers in connection with a home occupation which would indicate that any part of the property is being used for any purpose other than a single unit dwelling;
 - (f) no home occupation shall generate off-site electrical interference, dust, noise or smoke;
 - (g) two off-street parking spaces are provided, in addition to the parking space requirements of the zone; and
 - (h) no more than one commercially licensed vehicle in connection with the home occupation shall be parked on the premises.

- (3) Where permitted in this By-law, bed and breakfasts shall conform to the following requirements as well as any prescribed in subsection 4.1.11(2) and (3):
 - (a) the use of a home as a bed and breakfast is an accessory use to a dwelling unit occupied by a resident of the property;
 - (b) a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests;
 - (c) the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only;
 - (d) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
 - (d) the owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall, therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast;

4.1.12 Standards for Boarding and Rooming Houses

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

- (a) the dwelling unit still remains as an owner-occupied dwelling;
- (b) accommodations for compensation are provided for no more than four persons;
- (c) cooking equipment is not permitted in a room used for sleeping accommodation;
- (d) the exterior of the building is not altered;
- (e) required parking is provided at the rear or the side of the building; and
- (f) no sign advertising the existence of the boarding or rooming house shall be displayed except a sign permitted in a residential zone under Section 9.

4.1.13 Garden Suites

- (1) A garden suite shall in any case be considered an accessory building and not a second main building.
- (2) Where permitted under this By-law, a Garden Suite is subject to the following requirements:
 - (a) Notwithstanding the yard requirements for the zone in which it is to be located, it shall be located not less than 1.2 m (3.94 ft) from any side lot line or 2.5 m (8.2 ft) from the rear lot line;
 - (b) it shall not exceed 6 m (19.7 ft) in height;
 - (c) it shall be located in the rear yard;
 - (d) it shall be located on a lot occupied by a single detached dwelling as a main use;
 - (e) it shall not exceed 75 m² (807.3 ft²) of gross floor area;
 - (f) the lot shall be fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
 - (g) one parking space shall be required in addition to the parking required for the main use of the lot;
 - (h) the driveway access to the street must be common to both the principal dwelling and the garden suite; and
 - (i) it shall not be rented for monetary purposes to a person(s) who is not a member of the family residing in the main dwelling unit.

4.1.14 In-law and Rental Suites

Where permitted under this By-law, an in-law or rental suite is subject to the following requirements:

- (a) it shall be contained in and have a shared entrance with the main dwelling unit;
- (b) it shall not result in more than two dwelling units contained in any converted single detached dwelling;
- (c) it shall contain a maximum of 2 bedrooms with the floor area of each bedroom not exceeding 20 m² (215.3 ft²);
- (d) it shall be secondary to the main dwelling unit and not exceed thirty-five percent (35%) of the dwelling's gross floor area;
- (e) it shall not be rented for monetary purposes to a person(s) who is not a member of the family residing in the main dwelling unit;
- (f) the lot shall be fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
- (g) one parking space shall be required in addition to the parking required for the main use of the lot; and
- (h) the driveway access to the street must be common to both the principal dwelling and the in-law suite.

4.2 R-1 (Single-Family Residential) Zone

4.2.1 R-1 Zone Permitted Uses

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

- (a) one of the following main uses:
 - (i) a single family dwelling; or
 - (ii) a park or playground.
- (b) subject to the relevant provisions of Sections 3 and 4 one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) a bed and breakfast/tourist home;
 - (ii) a rental suite;
 - (iii) an in-law or granny suite; or
 - (iv) a home occupation.
- (c) any accessory building, structure, or use, incidental to the permitted main use of the land, building, or structure.

4.2.2 R-1 Zone Uses Subject to Terms and Conditions

- (1) Notwithstanding section 4.2.1(a), (b), (c) and 4.2.3, the use of any land, building or structure for a boarding or rooming house shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.
- (2) Notwithstanding section 4.2.1(a), (b), (c) and 4.2.3, the use of any land, building or structure for a neighbourhood day-care facility restricted to not more than nine children, in conjunction with a single-detached dwelling, shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected. The use of a dwelling as a day-care must conform to all Provincial standards.

4.2.3 R-1 Zone Standards

- (1) No development shall be undertaken nor shall any land, building or structure be used within any R-1 (Single-Family Residential) Zone unless the following standards are met:

Table 4.2.3: R-1 Zone Lot Requirements	
Lot Component	Single Family Dwelling
Minimum lot area	650.3 m ² (7,000 ft ²)
Minimum lot frontage	<i>Interior lot:</i> 23 m (75 ft) <i>Corner lot:</i> 25 m (82 ft)
Minimum front / flankage yard	7.5 m (24.6 ft)
Minimum rear yard	6.5 m (20 ft)
Minimum side yard	2 m (6 ft)
Maximum Height	9.14 m (30 ft)
Maximum lot coverage	<ul style="list-style-type: none"> • Main Building or Structure: <ul style="list-style-type: none"> - Interior Lot = 50% - Corner Lot = 45% • Accessory Buildings and structures = 5%

4.3 R-2 (Residential Mix) Zone

4.3.1 R-2 Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any R-2 (Residential Mix) Zone for any purpose other than:

- (a) one of the following main uses:
 - (i) a one- or two-family dwelling;
 - (ii) a semi-detached dwelling;
 - (iii) a multiple dwelling to a maximum of 4 units;
 - (iv) a townhouse or rowhouse dwelling; and
 - (v) a park or playground;
- (b) one of the following secondary uses in conjunction with a single-family dwelling:
 - (i) a home occupation;
 - (ii) a boarding house;
 - (iii) a rooming house;
 - (iv) a rental suite in conjunction with a single family dwelling;
 - (v) an in-law or granny suite in conjunction with a single family dwelling;
 - (vi) a residential care facility limited to 325 m² (3498.4 m²); and
- (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

4.3.2 R-2 Zone Uses Subject to Terms and Conditions

- (1) Notwithstanding section 4.3.1(a), (b), (c) and 4.3.3, the use of any land, building or structure for a multiple unit building containing between five (5) to ten (10) units shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.
- (2) Notwithstanding section 4.3.1(a), (b), (c) and 4.3.3, the use of any land, building or structure for a neighbourhood day-care facility restricted to not more than nine children, in conjunction with a single-detached dwelling, shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected. The use of a dwelling as a day-care must conform to all Provincial standards.
- (3) Notwithstanding section 4.3.1(a), (b), (c) and 4.3.3, the use of any land, building or structure for a mini home, shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

4.3.3 R-2 Zone Standards

- (1) The provisions of section 4.2.3 with respect to lots for single-family dwellings and structures apply.
- (2) No development shall be undertaken nor shall any land, building or structure be used within any R-2 (Residential Mix) Zone unless the following standards are met:

Table 4.3.3: R-2 Zone Lot Requirements

Lot Component	Two-Family Dwelling	Semi-detached Dwelling	Rowhouse and Townhouse Dwellings	Multiple Unit Dwellings
Minimum lot area	650.3 m ² (7,000 ft ²)	325 m ² (3498.2 ft ²)	Interior lot: 180 m ² (1,937.5 ft ²) per dwelling unit Corner lot: 220 m ² (2,368 ft ²) per dwelling unit	3 units: 929.03 m ² (10,000ft ²) 4 units: 1021.93 m ² (11,000 ft ²)
Minimum lot frontage	21 m (68.9 ft)	13.72 m (45 ft)	Interior lot: 6 m (19.7 ft) per dwelling unit Corner lot: 7.32 m (24 ft) per dwelling unit	3 units: 20 m (65.6 ft) 4 units: 23.05 m (75.6 ft)
Minimum front / flankage yard	7.62 m (25 ft)			
Minimum rear yard	7.62 m (25 ft)			
Minimum side yard	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure other than the common wall side of a semi-detached dwelling in which case the common wall side shall be 0.0 metres.	3 m (9.8 ft) on the side of the lot not common with another townhouse or rowhouse dwelling unit	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure. If the building exceeds two stories in height, the narrower side yard shall be increased 0.30 m (1ft) for each 0.61 m (2 ft) of the dwelling height above the second storey.	
Maximum Height	12.19 m (40 ft)			
Maximum lot coverage	Main Building or Structure: 50% Accessory Buildings and Structures (total): 10%			

- (3) Townhouses or rowhouses in a series or group are subject to the further requirements that
- (a) no series or group contains more than:
 - (i) 6 dwelling units with the same or approximately the same front lot line,
 - (ii) 10 dwelling units in number, or
 - (iii) exceeds 68.58 m (225 ft) in continuous length;

- (b) no side wall of a series or group is placed, erected or altered so that any part of such wall is closer to a sidewall of another series or group than a distance equal to the height of the taller of such walls;
- (c) no front wall of a series or group is placed, erected altered so that any part of such wall is closer to:
 - (i) the front wall of another series or group than 21.33 m (70 ft), or
 - (ii) the side wall of another series or group than 7.62 m (25 ft) plus the average height of the two series or groups;

4.4 R-3 (Multiple Unit Residential)

4.4.1 R-3 Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any R-3 (Multiple Unit Residential) zone for any purpose other than:

- (a) one or more of the following main uses:
 - (i) a multiple unit dwelling to a maximum of 24 dwelling units;
 - (ii) a residential care facility;
 - (iii) a boarding or rooming house;
 - (iv) a senior citizens' housing development; and
 - (v) a townhouse or rowhouse dwelling.
- (b) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

4.4.2 R-3 Zone Uses Subject to Terms and Conditions

Notwithstanding section 4.4.1(a), (b) and 4.4.3, the use of any land, building or structure for a multiple unit building containing between 25 and 48 units shall be a particular purpose in respect of which the Planning Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

4.4.3 R-3 Zone Standards

- (1) No development shall be undertaken nor shall any land, building or structure be used within any R-3 (Multiple Unit Residential) zone unless the following standards are met:

Table 4.4.3: R-3 Lot Requirements	
Lot Component	Multiple Unit Dwelling
Minimum lot area	800 m ² (8,611.4 ft ²), plus 92.90 m ² (1,000 ft ²) for each dwelling unit in excess of three
Minimum lot frontage	20 m (65.6 ft), plus 3.048 m (10 ft) for each dwelling unit in excess of three,
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	the greater of 3 m (9.8 ft) or half the height of the main building to a maximum of 7.62 m (25 ft)
Minimum side yard	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure If the building exceeds two stories in height, the narrower side yard shall be increased 0.30 m (1 ft) for each 0.61 m (2 ft) of the dwelling height above the second storey
Maximum Height	12.19 m (40 ft)
Maximum lot coverage	Main Building or Structure: 50% Accessory Buildings and structures: 10%

- (a) no portion of any parking area is located in any required front or flankage yard; and
- (b) where R-3 (Multiple Unit Residential) Zone abuts an R-1 or R-2 Zone, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.5 m (4.9 ft) of the side or rear lot line.

- (2) No development shall be undertaken nor shall any land, building or structure be used for any multiple unit dwelling except where:
 - (a) no portion of any parking area shall be located between the front or flankage yard of the building and the street line; and
 - (b) where any R-3 Zone abuts an R-1 or R-2 Zone, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided, in which case no portion of any parking space shall be located within 1.5 m (4.9 ft) of the side or rear lot line.

- (3) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.

5.0 COMMERCIAL ZONES

5.1 General Provisions for all Commercial Zones

5.1.1 Commercial Landscaping Requirements

- (1) A lot shall not be developed for a commercial purpose unless the total area of the lot, except for that part devoted to buildings and structures:
 - (a) is paved, in the case of driveways and off-street parking areas; and
 - (b) is landscaped, in the case of that part of the lot other than driveways and off-street parking stalls and aisles, except in the case of lots having significantly surplus area.
- (2) The required landscaped area shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of one (1) tree or shrub for each 93 m² (1001 ft²) of the minimum landscaped area.
- (3) Where a Commercial use or zone abuts a Residential zone or use, such lot shall not be developed for commercial use unless a minimum of a 1 m high screening facility, such as a hedge or fence or a combination thereof, is provided and maintained along the common property lines.
- (4) Landscaping in any commercial zone shall consist of:
 - (a) at least 152.4 mm (6 in) of topsoil after compaction and the seeding or sodding thereof;
 - (b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 93m² (1001 ft²) of required landscape area; and
 - (c) subject to subsection 4(b), may include partial devotion to driveways and walkways.
- (5) No signs, accessory buildings, driveway nor parking areas shall be located in any required landscaped area abutting a residential, park or institutional zone and any landscaping shall be completed no later than one year from the date of the granting of the development permit for the main building located thereon.

5.1.2 Accessory Buildings and Structures in Commercial Zones

No accessory building or structure may:

- (a) exceed one storey or 4.6 m (15 ft) in height;
- (b) be used for a residential use;
- (c) be placed, erected or altered so that is within the front yard of the main building;
- (d) be placed, erected or altered so that it is closer to the front lot line than the location the main building;
- (e) be placed, erected or altered so that is closer to the side or rear lot line than the required side or rear yard setback for that specific zone;
- (f) exceed more than 57 m² (624 ft²) in gross floor area or 10% of the area of the lot;
- (g) be finished by anything except traditional materials;
- (h) be used for agricultural uses; and
- (i) be used the keeping of livestock or household animals.

5.2 CC (Central Commercial)

5.2.1 CC Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any CC (Central Commercial) zone for any purpose other than:

- (a) one or more of the following main uses:
 - (i) a building for public assembly or for social, cultural or recreational activities;
 - (ii) a financial institution;
 - (iii) a government building;
 - (iv) a hotel or motel;
 - (v) an office or office building;
 - (vi) a restaurant;
 - (vii) a retail store or service shop;
 - (viii) a theatre or other building intended for commercial entertainment;
 - (ix) a transportation depot for passengers only;
 - (x) a grocery store;
 - (xi) a religious or secular institution;
 - (xii) a funeral home;
 - (xiii) an amusement place;
 - (xiv) a museum;
 - (xv) a licensed dining room;
 - (xvi) a gift shop;
 - (xvii) a daycare centre; and
 - (xviii) a heritage building.
- (b) living accommodations provided the residential use is not located on the ground floor, not more than 50% of the total floor area of the building is used for residential purposes and the provisions of sections 3 and 4 are met.
- (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted under section 5.2.1 (a).

5.2.2 CC Zone Requirements

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

Table 5.2.2: CC Lot Requirements	
Lot Component	Requirement
Minimum lot area	273 m ² (3,000 ft ²)
Minimum lot frontage	18 m (59 ft)
Minimum front / flankage yard	0 m to a maximum of 20 m (65.6 ft)
Maximum Height	11 m

5.2.3 Lot Occupancy

- (1) Subject to the provision of side and rear yards for accessory buildings and structures and the provision of off-street parking and loading and unloading spaces, the total area of a lot may be occupied by buildings and structures.

- (2) Notwithstanding 5.2.2(1), an exterior door of a building shall be set back or set in from a street line or property line a distance at least equal to the width of the door.

5.3 HC (Highway Commercial)

5.3.1 HC Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within the HC (Highway Commercial) Zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) a retail or wholesale store, or retail service use including
 - (ii) a shopping centre;
 - (iii) a service station and repair facility for automobiles;
 - (iv) an automobile and light truck or van sales and service facility and related facilities;
 - (v) a public garage;
 - (vi) a restaurant;
 - (vii) a cinema or theatre;
 - (viii) tourist accommodations and related facilities;
 - (ix) an amusement, assembly and recreation place;
 - (x) an entertainment use;
 - (xi) a convenience store;
 - (xii) a building supply outlets;
 - (xiii) a grocery store;
 - (xiv) a nursery or greenhouse operation;
 - (xv) a retail store or service shop;
 - (xvi) a hotel, motel, bed and breakfast / tourist home, boarding or rooming house;
 - (xvii) an office use;
 - (xix) a government building;
 - (xx) a trailer and camping facility;
 - (xxi) a day care centre; or
 - (xxii) a religious or secular institution.
 - (b) living accommodations provided the residential use is not located on the ground floor, and not more than 50% of the total floor area of the building is used for residential purposes and the provisions of sections 3 and 4 are met; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

5.3.2 HC Zone Uses Subject to Terms and Conditions

For the purposes of this By-law any commercial use larger than 4,700 m² (50,591.8 ft²) in gross floor area shall within the HC Zone be considered to be a development subject to such terms and conditions as the Planning Advisory Committee (PAC) deems appropriate and the PAC may prohibit the use where compliance with the terms and conditions cannot be reasonably expected.

5.3.3 HC Zone Lot Requirements

- (1) No development shall be undertaken nor shall any land, building or structure be used within any HC (Highway Commercial) zone unless the following standards are met:

Table 5.3.2: HC Zone Lot Requirements	
Component	Requirement
Minimum lot area	3,000 m ² (32,291.7 ft ²)
Minimum lot frontage	30 m (98.4 ft)
Minimum front / flankage yard	7.5 m (24.6 ft)
Minimum rear yard	6 m (19.7 ft)
Minimum side yard	12 m (39.4 ft)
Maximum Height	14 m (45.9 ft)
Maximum lot coverage	60 % for all buildings and not more than 90% including all paved areas and structures

5.4 NC (Neighbourhood Commercial)

5.4.1 NC Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within any NC (Neighbourhood Commercial) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) a retail use of not more than 1,500 m² (16,146.4 ft²);
 - (ii) a nursery or greenhouse operation;
 - (iii) a service shop or personal service shop;
 - (vii) a restaurant;
 - (viii) a religious or secular institution or educational use and related facilities;
 - (ix) a retail bakery; and
 - (x) a daycare centre.
 - (b) living accommodations provided the residential use is not more than 50% of the total floor area of the building is used for residential purposes and the provisions of sections 3 and 4 are met; and
 - (c) any accessory building, structure or use, incidental to the permitted main use of the land, building or structure.

5.4.2 NC Zone Uses over 1,500 m²

Any permitted use within the NC zone that is larger than 1,500 m² (16,146.4 ft²) in gross floor area shall be subject to such terms and conditions as the Planning Advisory Committee (PAC) deems appropriate and the PAC may prohibit the use where compliance with the terms and conditions cannot be reasonably expected.

5.4.3 NC Zone Requirements

- (1) No development shall be undertaken nor shall any land, building or structure be used within the NC (Neighbourhood Commercial) Zone unless:

Table 5.4.2: NC Zone Lot Requirements	
Lot Component	Requirement
Minimum lot area	675 m ² (7,265.6 ft ²)
Minimum lot frontage	22.5 m (73.8 ft);
Minimum front / flankage yard	7.5 m (25 ft)
Minimum rear yard	Interior Lot: 6 m (19.7 ft)
Minimum side yard	1.2 m (3.9 ft) on one side of the lot and 2.44 m (8 ft) on the other side
Maximum Height	9 m (29.5 ft)
Maximum lot coverage	Main Building or Structure 50% Accessory Buildings and structures 5%

- (2) No lot may be used for a purpose mentioned in section 5.4.1 unless such lot is serviced by municipal water and sewer facilities.

6.0 INDUSTRIAL ZONES

6.1 General Provisions for all Industrial Zones

6.1.1 Buffering

- (1) Where a permitted use in the I-1 or I-2 zone abuts a Residential, Commercial, Institutional or Special Zone:
 - (a) the part of the abutting property that is being used for industrial purposes including any structures, parking, display, or storage area, shall be buffered with a solid wall or opaque wooden fence no less than 2 m (6.5 ft) in height; or
 - (b) an opaque natural hedge no less than 2 m (6.5 ft) in height; or
 - (c) a combination of 6.1.1 (a) and (b).

- (2) When a permitted use in the I-1 and I-2 Zone abuts a Residential, Commercial or Institutional Zone it shall be only be permitted subject to the following:
 - (a) there are no obnoxious odours, noxious gases, dust, smoke, or fumes therefrom;
 - (b) noise from the use is muffled so as not to be objectionable due to intermittence, beat, volume or shrillness; and
 - (c) there be no obnoxious vibrations emitted from the use or operation.

6.1.2 Outdoor Storage and Display

- (1) Notwithstanding section 3.18, the outdoor storage of goods and materials shall be subject to the following requirements:
 - (a) open storage shall not be permitted in the front yard of any industrial use;
 - (b) open storage shall be permitted in the rear yard only of a lot within the I-2 Zone;
 - (c) open storage shall not be permitted along the side yard of a I-1 property line that abuts a Residential, Commercial, Institutional or Special Zone;
 - (d) a yard used for open storage that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 2 m (4.9 ft) or an evergreen hedge a minimum of 2 m (4.9 ft) in height, sufficient to screen the storage area from public view; and
 - (e) no portion of any lot in an Industrial Zone shall be used for the collection or storage of refuse unless the refuse container is screened by an opaque wooden fence a minimum of 1.5 m (4.9 ft) in height.

- (2) Notwithstanding 6.1.2(1), outdoor display of goods and materials shall be permitted provided that any yard used for outdoor display that abuts a public right-of-way is buffered with an opaque fence a minimum of 2 m (6.6 ft) in height or solid evergreen hedge a minimum of 2m (6.6 ft).

6.1.3 Salvage Yard or Recycling Depot

Where land is used for the exterior storage of scrap, recycling, or automotive materials, the following standards shall apply:

- (a) notwithstanding Section 3.28, the whole of the storage area shall be surrounded by a solid fence, not less than 3 m (9.8 ft) and not greater than 5 m (16.4 ft) in height, unpierced except for gates necessary for access;
- (b) the fence shall be located at least 6 m (19.7 ft) from the front lot line and 1.5 m (4.9 ft) from the side or rear lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be landscaped and maintained; and

- (c) no material shall be piled higher than the height of the surrounding fence.

6.1.4 I-1 and I-2 Zone Landscaping Requirements

- (1) A lot shall not be developed for an industrial purpose unless the total area of the lot, except for that part devoted to buildings and structures:
 - (a) is paved, in the case of driveways and off-street parking areas; and
 - (b) is landscaped, in the case of that part of the lot other than driveways and off-street parking stalls and aisles, except in the case of lots having significantly surplus area.
- (2) The required landscaped area shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of 1 tree or shrub for each 93 m² (1001 ft²) of the minimum landscaped area.
- (3) Landscaping in any industrial zone shall consist of:
 - (a) at least 152.4 mm (6 in) of topsoil after compaction and the seeding or sodding thereof;
 - (b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 20 m² (215.3 ft²) of required landscape area; and
 - (c) notwithstanding 6.1.4(3)(b), the landscaped area may include partial devotion to driveways and walkways.
- (4) No signs, accessory buildings, driveway nor parking areas shall be located in any required landscaped area abutting a Residential, Commercial Institutional or Special Zone and any landscaping shall be completed not later than one year from the date of the granting of the development permit for the main building located thereon.

6.1.5 Lighting or Illumination Devices

Where an industrial use abuts a residential zone, outside illumination shall be directed away from such residential zone. Glare guards, lower wattage lights and other measures may be required by the Development Officer to rectify any light pollution infraction.

6.1.6 Accessory Buildings

No accessory building or structure may:

- (a) exceed one storey or 4.6 m (15 ft) in height;
- (b) be used for a residential use;
- (c) be placed, erected or altered so that is within the front yard of the main building;
- (d) be placed, erected or altered so that it is closer to the front lot line than the location the main building;
- (e) be placed, erected or altered so that is closer to the side or rear lot line than the required side or rear yard setback for that specific zone;
- (f) exceed more than 57 m² (624 ft²) in gross floor area or 10% of the area of the lot;
- (g) be used for agricultural uses; or
- (h) be used the keeping of livestock or household animals.

6.1.7 Larger Industrial Uses Subject to Terms and Conditions

For the purposes of this By-law any industrial use larger than 4,700 m² (50,591.8 ft²) in gross floor area shall be considered to be a development subject to such terms and conditions as the Planning Advisory Committee (PAC) deems appropriate and the PAC may prohibit the use where compliance with the terms and conditions cannot be reasonably expected.

6.2 I-1 (Industrial Park) Zone

6.2.1 I-1 Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within any I-1 (Industrial Park) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) a contractor’s establishment, including a storage yard;
 - (ii) a machine shop;
 - (iii) an office directly associated with a use permitted by this section;
 - (iv) a restaurant;
 - (v) a retail establishment;
 - (vi) a trucking establishment;
 - (vii) a government building;
 - (viii) a sales and service facility;
 - (ix) a public garage;
 - (xi) a warehouse or storage establishment;
 - (xii) assembly of automobile equipment;
 - (xiii) manufacturing or processing;
 - (xiv) a car / truck wash; and
 - (ix) a bottling and distribution plant.
 - (b) a secondary use as outdoor storage for a use mentioned in clause (a) subject to the requirements of this by-law; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

6.2.2 I-1 Zone Requirements

- (1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within the I-1 (Industrial Park) Zone unless the following standards are met:

Lot Component	Requirement
Minimum lot area	1,114.8 m ² (12,000 ft ²)
Minimum lot frontage	18.288 m (60 ft)
Minimum front / flankage yard	5 m (16.4 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	3.05 m (10 ft)
Maximum Height	12.192 m (40 ft)
Maximum lot coverage	Main Building or Structure: 50% Accessory Building: 10%

6.3 I-2 (Light Industrial) Zone

6.3.1 Permitted Uses

- (1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any I-2 (Light Industrial) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) a warehouse;
 - (ii) a retail store;
 - (iii) a wholesale use;
 - (iv) a restaurant;
 - (v) a personal service shop;
 - (vi) a research and development use;
 - (vii) a communications use;
 - (xv) an automobile dealership;
 - (xvi) a car / truck wash;
 - (xvii) a government use; and
 - (xviii) an office directly associated with a use permitted by this section.
 - (b) a secondary use as outdoor storage for a use mentioned in clause (a) subject to the requirements of this by-law; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) The following main uses subject to terms and conditions imposed by the Planning Advisory Committee:
 - (a) a dry cleaning establishment.

6.3.2 I-2 Zone Requirements

- (1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any I (Industrial) zone unless the following standards are met:

Table 6.3.2: I-2 Lot Requirements	
Lot Component	Requirement
Minimum lot area	557.42 m ² (6000 ft ²)
Minimum lot frontage	18.288 m (60 ft);
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	6m
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	the greater of half the height of the building or 3.05 m (10 ft)
Maximum Height	12.5 m
Maximum lot coverage	Main Building or Structure 60%

- (2) No lot may be used for a purpose mentioned in section 6.3.1 unless such lot is serviced by municipal water and sewer facilities.

7.0 INSTITUTIONAL ZONES

7.1 INS (Institutional Zone)

7.1.1 INS Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within any INST (Institutional) zone for any purpose other than:
 - (a) one of more of the following main uses:
 - (i) a building intended for public assembly or for social, cultural or recreational activities;
 - (ii) an educational building;
 - (iii) a hospital or health building;
 - (iv) a government or municipal building;
 - (v) a religious or secular institution;
 - (vi) a funeral home and associated chapel; or
 - (vii) a cemetery; and

7.1.2 INS Zone Requirements

- (1) No development shall be undertaken nor shall any land, building or structure be used within any INS (Institutional) zone unless the following standards are met:

Table 7.1.2: INS Zone Requirements	
Lot Component	Requirement
Minimum lot area	557.42 m ² (6000 ft ²)
Minimum lot frontage	18.288 m (60 ft)
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	7.62 m (25 ft)
Maximum Height	15.24 m (50 ft)
Maximum lot coverage	Main Building or Structure 50%

- (2) No lot may be used for a purpose mentioned in section 7.1.1 unless such lot is serviced by municipal water and sewer facilities.
- (3) No accessory building or structure may:
 - (a) exceed one storey or 4.6 m (15 ft) in height;
 - (b) be used for a residential use;
 - (c) be placed, erected or altered so that is within the front yard of the main building;
 - (d) be placed, erected or altered so that it is closer to the front lot line than the main building;
 - (e) be placed, erected or altered so that is closer to the side or rear lot line than the required side or rear yard setback for that specific zone;
 - (f) exceed more than 57 m² (624 ft²) gross floor area or 10% of the area of the lot;
 - (g) be used for agricultural uses;
 - (h) be used the keeping of livestock or household animals.

8.0 SPECIAL ZONES

8.1 OS (Open Space)

8.1.1 OS Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within any OS (Open Space) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) public open space for the aesthetic or other use of the general public;
 - (vi) a park, pathway or playground;
 - (vii) a boat landing;
 - (viii) areas of natural or scientific interest;
 - (ix) protection of environmentally sensitive areas; and
 - (x) buffer areas along watercourses.

8.2 RA (Rural Area)

8.2.1 RA Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, building or structure be used within any RA (Rural Area) zone for any purpose other than:
 - (a) one of the following main uses:
 - (i) an agricultural use;
 - (ii) a forestry use;
 - (iii) a nursery or greenhouse operation;
 - (iv) a commercial kennel;
 - (v) a private or public stable;
 - (xi) a recreational use including a sports field, or
 - (xii) subject to the provisions of section 3.30, herein, a sand, gravel, clay, shale pit or stone quarry; and
 - (b) a single family dwelling as a secondary use; and
 - (c) any accessory building, structure or use, including a farm dwelling incidental to the main use of the land, building or structure if such main use is permitted by this section.

8.2.2 RA Zone Requirements

- (1) No development shall be undertaken nor shall any land, building or structure be used within any RA (Rural Area) zone unless the following standards are met:

Table 8.2.2: RA Zone Lot Requirements	
Lot Component	Requirement
Minimum lot area	4046.86 m ² (43,560 ft ²)
Minimum lot frontage	54.864 m (180 ft)
Minimum lot depth	38.1 m (125 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	7.62 m (25 ft)
Maximum Height	12.19 m (40 ft)
Maximum lot coverage	25%

- (2) No accessory building or structure may:
 - (a) exceed two stories or 7.32 m (24 ft) in height; or
 - (b) be placed, erected or altered so that it is within:
 - (i) except for a farm dwelling, the front yard of the main building or structure, or
 - (ii) 3.048 m (10 ft) of a side or rear lot line.

9.0 SIGNAGE

9.1 General Signage Policy

- (1) Any illuminated sign must be lit internally with all light shining through a translucent or coloured material and incorporate the use of Light Emitting Diode (LED) lights where possible.
- (2) No sign shall be erected, operated, used or maintained which,
 - (a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Development Officer.
 - (b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - (c) obstructs the use of a fire escape, door, window or other required exit;
 - (d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a fascia or canopy sign unless otherwise permitted in this By-law;
 - (e) extends more than 45 cm (17.7 in) above the roof line or parapet of the building or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy that it is attached to;
 - (f) is attached to a tree;
 - (g) is a roof sign;
 - (h) is a portable sign; and
 - (i) is an off-site sign, except a sign giving general warning or direction to the public.
- (3) The provisions of this By-law with respect to existing signs that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming sign that is relocated, altered, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming sign from the obligation for proper maintenance of a sign.
- (4) No sign shall be painted upon or cover a fence or roof.

9.2 Sign Area Calculations

- (1) For the purposes of determining the total permitted area of any sign:
 - (a) the sign area shall be considered to be the area of the smallest triangle, square, rectangle, circle or semi-circle that can totally circumscribe the sign face in the plane of its largest dimension of a fascia sign as shown below in Figure 9.3.1;

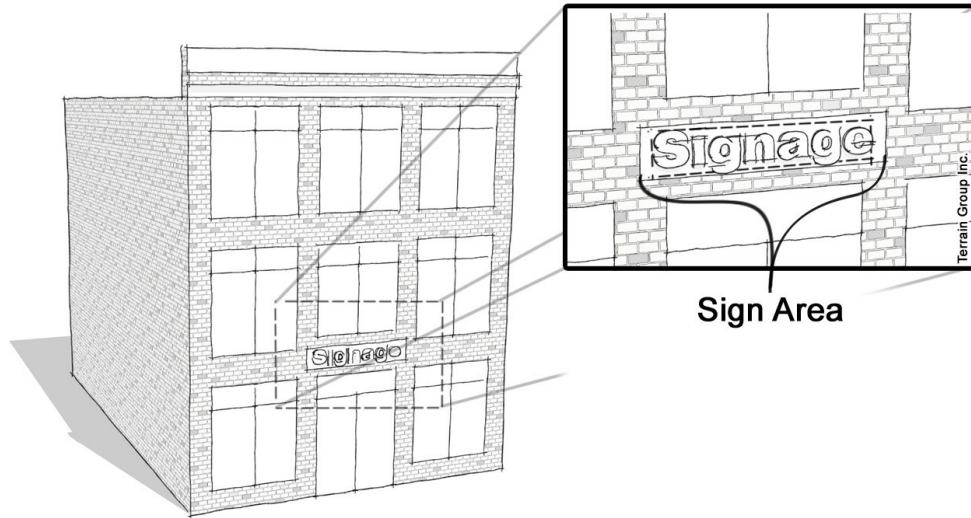


Figure 9.3.1

- (b) in the case of fascia signage featuring individual letters affixed to a building face, the total sign area is the sum of the sign area for each individual letter as shown below in Figure 9.3.2;

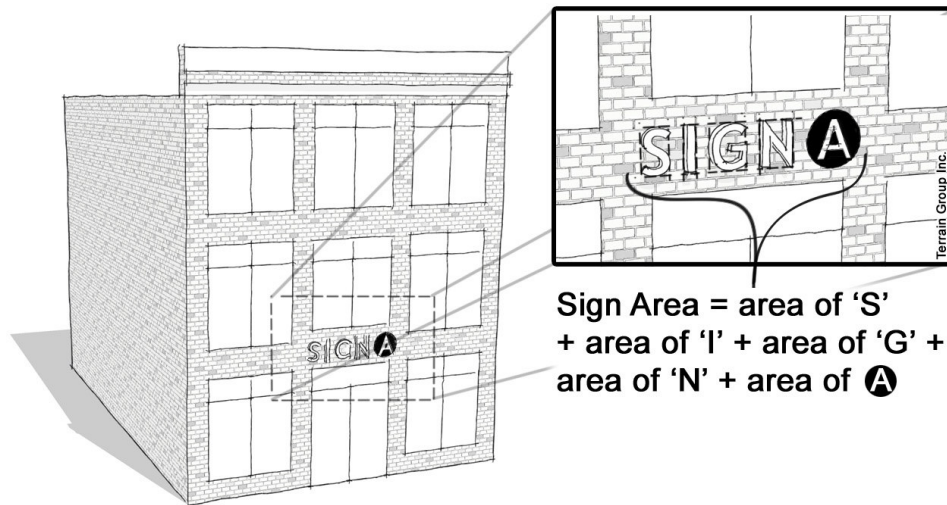


Figure 9.3.2

- (c) when determining the sign area of a freestanding or directory sign, the total area of one or more sign boxes must be calculated as shown below in Figures 9.3.3 and 9.3.4; and

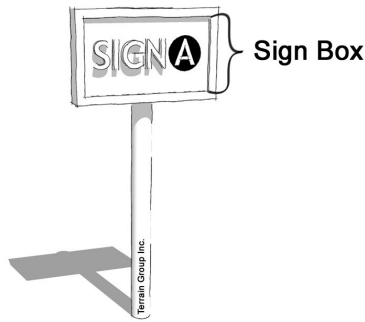


Figure 9.3.3

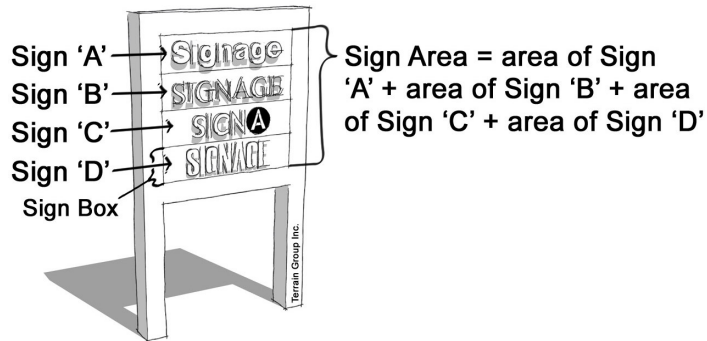


Figure 9.3.4

- (d) each visible face of a sign shall be calculated separately and then totaled in determining the sign area.

9.3 Specific Sign Provisions

9.3.1 Signage in a Residential Zone

- (1) Signs associated with a permitted home occupation, daycare, boarding or rooming house shall:
- (a) be attached to, painted, placed or erected upon or against a wall of the residence with the face of the sign parallel to the wall;
 - (b) be attached below the second storey windows; and
 - (c) not exceed 1 m² (10.8 ft²) in sign area; and
 - (d) not be illuminated.
- (2) Any sign not requiring a permit under section 9.3.3 shall be permitted in all residential zones.
- (3) In Residential and Rural Area zones, fascia signs shall not exceed 0.25 m² (2.7 ft²) in area nor shall any sign be illuminated or be used for any purpose other than to identify the residents therein, to warn against trespassing, or to advertise a secondary use.

9.3.2 Freestanding or Directory Signs

- (1) Freestanding or directory signs are permitted in the Central Commercial (CC) Zone and Light Industrial (I2) Zone provided that:
- (a) no sign shall exceed a maximum height of 5 m (16.4 ft);
 - (b) no sign shall exceed a maximum size of 6 m² (64.5 ft²) in sign area per sign face for a single business property and 9 m² (96.9 ft²) in sign area per sign face for a multiple-business property;
 - (c) no more than one free-standing sign shall be permitted for every 30 m (98.4 ft) of lot frontage; and
 - (d) no sign shall extend beyond the street right-of-way line at the outermost point of the sign.
- (2) Freestanding or directory signs are permitted in the Highway Commercial (HC) Zone and Industrial Park (I-1) Zone provided that:
- (a) no sign shall exceed a maximum height of 10 m (32.8 ft);
 - (b) no freestanding sign shall have signage that exceeds:
 - (i) 6 m² (64.6 ft²) in sign area per sign face for a one or two business building;
 - (ii) 8.75 m² (94.2 ft²) in sign area per sign face for a three (3) business building;
 - (iii) 11.5 m² (123.8 ft²) per sign face in sign area for a four (4) business building; and
 - (iv) 14.25 m² (153.4 ft²) in sign area per sign face for a five (5) or more business building.

- (c) no more than one free-standing sign shall be permitted for every 30 m (98.4 ft) of lot frontage; and
- (d) no sign shall extend beyond the street right-of-way line at the outermost point of the sign.

9.3.3 Projecting Signs

- (1) Projecting signs shall be permitted in all zones except Residential zones, provided that:
 - (a) no sign shall exceed a maximum size of 6 m² (64.5 ft²) in gross surface area;
 - (b) no sign shall project more than 1 m (3.3 ft) from the building wall;
 - (c) there shall be a maximum of one projecting sign per business on a property; and
 - (d) no sign shall project more than 30 cm (12 in) above the roof of a building.

9.3.4 Fascia Signs

- (1) Fascia signs shall be permitted in the CC and I-2 zones provided that:
 - (a) the total sign area of the building does not exceed ten percent (10%) of the total surface area of the building face where the signage is to be erected;
 - (b) no single sign shall exceed 1.5 m² (16.1 ft²) in height.
- (2) Fascia signs shall be permitted in the Highway Commercial (HC) Zone and Industrial Park (I-1) Zone provided that:
 - (a) signage does not exceed twelve percent (12%) of the total surface area of the building face where the sign is to be erected;
 - (b) no individual sign shall exceed 3.0 m (9.8 ft) in height;
- (3) Subject to 9.7(2), fascia signs in any zone shall not exceed the length of the wall of the building upon which the sign is to be displayed.
- (4) No fascia sign shall project more than 25 cm (10 in) from the wall that the sign is affixed to.

9.3.5 Sandwich Board Signs

- (1) In all zones, except residential zones, sandwich board signs are permitted provided that the sign shall:
 - (a) not exceed a single-faced area of 0.5 m² (5.4 ft²);
 - (b) no more than one sandwich board sign is provided per lot; and
 - (c) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

9.4 Signage Permits

- (1) No person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this By-law.
- (2) No permits shall be issued for a sign constructed on a permanent foundation without a building permit having first been issued in accordance with the Building By-law.
- (3) Notwithstanding the provisions of 9.3(1), no sign permit is required for:
 - (a) real estate signs that are of a temporary nature and advertise the property upon which they are located as being available for immediate sale, lease or rent;
 - (b) construction signs temporarily located on a lot that identifies the project, owner, architect and/or consulting engineer;

- (c) advertising specific community events;
- (d) traffic and directional signs authorized by the Town;
- (e) signs less than 0.09 m² (1ft²) in area;
- (f) election signs; and
- (g) signs posted or exhibited in a building, including signs inside a window, except neon or flashing signs.

9.5 Applications and Plans

- (1) An applicant for a sign permit shall:
 - (a) complete a sign permit application in a form prescribed by the Development Officer for the Town of Hartland;
 - (b) submit plans and specifications of the proposed sign and of any supporting framework and anchoring devices;
 - (c) submit a site plan showing public and private right-of-way boundaries, the location of existing signs and the proposed sign that is the subject of the application;
 - (d) a list of the materials proposed to be used in the construction of the sign;
 - (e) provide such additional information as the Development Officer may require as to stress-bearing capacities of the sign and the equipment used in its placement; and
 - (f) submit a sign permit to the Development Officer for each sign that a permit is required under the provisions of this By-law.

9.6 Abandoned and Unlawful Signs

- (1) No person being the owner or lessee of property that a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- (2) The Development Officer may require the removal of any sign that, in their opinion is, has become, unsightly, or is in such a state of disrepair as to constitute a hazard.
- (3) Any sign that no longer advertises a bona fide business or service on the premises shall be removed within sixty (60) days of termination of the business or service.

9.7 Signage Variances

- (1) The Planning Advisory Committee (PAC) may permit a fascia, freestanding or directory sign to exceed the height and area requirements of this By-law through a variance. When reviewing a variance application Town Staff and PAC shall consider the following:
 - (a) the dominance of the sign
 - (b) whether the sign out of scale in context to surrounding buildings and other signage in the area;
 - (c) the impact on the architecture feature of the building and surrounding environment;
 - (d) the impact of illuminated signage on the surrounding environment; and
 - (e) whether the proposed signage impact pedestrian or vehicular movement.
- (2) The Planning Advisory Committee may permit a fascia sign to project beyond the wall of a building so long as the sign:
 - (a) adds to the architectural appeal of the building;
 - (b) does not impact adjacent land uses through illumination or dominance of the sign; and
 - (c) does not impact pedestrian or vehicular movement

10.0 REPEAL AND TRANSITION

- (1) By-Law B-11, Town of Hartland Zoning By-Law, enacted on April 11, 1988 and all amendments, are hereby repealed.
- (2) The repeal of By-Law No. 11, Town of Hartland Zoning By-Law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME: February 2, 2009

READ SECOND TIME: February 2, 2009

READ THIRD TIME AND ENACTED: March 9, 2009

Mayor

Town Clerk