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**VILLAGE OF PLASTER ROCK**  
Deputy Registrar - Conservateur Adjoint

## RURAL PLAN

## BY-LAW NO. 20A

### A BY-LAW TO ADOPT THE VILLAGE OF PLASTER ROCK RURAL PLAN

Under the authority vested in it by section 27.2 of the Community Planning Act, the Municipal Council of the Village of Plaster Rock, duly convened, enacts as follows:

1. The rural plan of the Village of Plaster Rock, setting out policies and outlining proposals designed to guide, control and encourage the orderly economic, social and physical development of the municipality, is here by adopted.
2. The document entitled "Village of Plaster Rock Rural Plan" attached constitutes the rural plan referred to in section 1.
3. The by-laws as listed under section 1.2.1 of the Village of Plaster Rock Rural Plan are hereby repealed.

First reading by title:

February 21, 2000

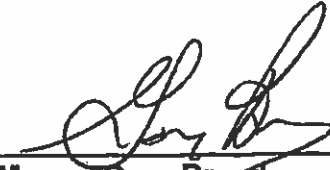
Second reading in its entirety

March 20, 2000

Third reading by title

March 20, 2000

Signed and sealed at the Village of Plaster Rock, in the County of Victoria and the Province of new Brunswick, this 20th day of March, 2000.

  
Mayor, Gary Bread

  
Clerk Administrator, Barbara Wishart

APPROVED  
En application de l'article 69  
Community Planning Act  
loi sur l'urbanisme  
Clerk Administrator  
Environnement and Local Government  
Environnement et Gouvernements locaux  
21 March 2000  
Date



VILLAGE OF PLASTER ROCK

RURAL PLAN

BY-LAW NO. 20A

Prepared for the

VILLAGE OF PLASTER ROCK

by

Bernard Hoganson, M.Pl.  
Fredericton, New Brunswick

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## BY-LAW NO. 20A

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### PART A: GENERAL

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#### SECTION 1.0.0 - TITLE AND AREA DESIGNATION

##### 1.1.0 Title

1.1.1 This by-law may be cited as the Village of Plaster Rock Rural Plan.

##### 1.2.0 Area Designation

1.2.1 The area of land outlined on the map attached as Schedule B, titled "Zoning Map", lying within the territorial limits of the Village of Plaster Rock, is designated for the purposes of the adoption of this Rural Plan and is the area to which this by-law applies. The territorial limits of the Village of Plaster Rock are as described by section 86(2) of Regulation 85-6, consolidated to June 30, 1999, under the *Municipalities Act*.

##### 1.3.0 By-laws Repealed

1.3.1 The following by-laws are hereby repealed:

- |     |                |  |
|-----|----------------|--|
| (a) | By-law No. 20  | Municipal Plan By-law;                       |
| (b) | By-law No. 21  | Zoning By-law;                               |
| (c) | By-law No. 29A | A By-law to Amend By-law No. 21;             |
| (d) | By-law No. 29C | A By-law to Amend By-law No. 21; and         |
| (e) | By-law No. 34  | Village of Plaster Rock Central Area By-law. |

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## PART B: POLICIES AND PROPOSALS

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### SECTION 2.0.0 - INTRODUCTION

#### 2.1.0 Rural Plan Background

- 2.1.1 The Commission on Land Use and the Rural Environment (CLURE) stated in its Final Report of 1993 that the purpose of rural planning is to "develop policies that encourage compatible development and environmental protection and respect the rights of rural residents and landowners to the reasonable use of their land". The ***Community Planning Act*** was amended the following year allowing villages, rural communities and unincorporated areas to adopt a rural plan.
- 2.1.2 CLURE understood that people should be able to live wherever they choose "provided they do so in such a manner that does not create negative impacts on their neighbours, on resource lands or on the environment and that they are willing to pay for services associated with their choice of location on a fair and equitable basis".
- 2.1.3 CLURE recognized that a rural plan is more likely to succeed if it proceeds towards its goals in increments that are "achievable, affordable and acceptable". Section 72 of the ***Community Planning Act*** requires a rural plan, or other planning or development documents, to be reviewed every 5 years. This allows a village council to then evaluate the impacts of its rural plan and to make any necessary changes to carry on the objectives of controlled development.
- 2.1.4 For a village, a rural plan is a combination of two traditional by-laws, namely, the municipal plan by-law and the zoning by-law. As one document, a rural plan contains statements of direction (policies and proposals) and control (zoning provisions) and is easier to adopt and amend.
- 2.1.5 In addition, paragraph 10, subsection 27.2 of the ***Community Planning Act*** states "The adoption of a rural plan does not commit the village ... to undertake any proposal in the rural plan." Nevertheless, a village is prevented from undertaking developments that are contrary to the policies of its rural plan.

## **2.2.0 Purpose**

2.2.1 Land use planning helps a village decide in what way it should be kept as is and in what way it ought to be altered. The resulting rural plan contains a policy for each land use within the village and, under the umbrella of each policy, one or more proposals. Policies are statements of overall development intents. Proposals are outlines of ways to realize these intents. In other words, policy distinguishes what are the right things to do, while proposals explain how to do these right things.

## **2.3.0 General Objectives**

2.3.1 The following general objectives serve to balance development pressures, environmental character and community identity within the Village of Plaster Rock:

- (a) to encourage existing land uses to develop in a compact and orderly fashion with an appropriate range of uses and facilities to serve residents;
- (b) to support growth and development that is orderly, efficient, financially viable and consistent with community values;
- (c) to use and develop land in a manner that protects the environment in the long term and maintains a high quality of life for present and future generations;
- (d) to separate incompatible land uses so as to minimize potential negative impacts;
- (e) to protect surface water and groundwater resources and preserve water oriented habitats;
- (f) to utilize economic opportunities from within the community and the surrounding region;
- (g) to direct development away from areas that pose a risk to public health and safety, or where property may be damaged;
- (h) to encourage the provision of areas for parks and playgrounds; and
- (i) to manage development so as to maintain a safe and efficient road system.

## **2.4.0 Population Projection**

2.4.1 Over the past 25 years, Plaster Rock's population has remained fairly consistent, although showing a slight decline during that time period. In 1971, the population stood at 1,331, rising to a high of 1,368 in 1976 and receding to a low of 1,122 in 1981. The population rose slightly to 1,232 in 1986, and has remained fairly steady since then, being 1,246 in 1991 and 1,220 in 1996. Projected ahead to the year 2004, Plaster Rock's population should be within the range of 1,025 to 1,300 people.

## **2.5.0 Definition of Terms Used within "Policies and Proposals"**

### **2.5.1 Vacant Lands**

The term "vacant lands" herein consists of lots not having buildings or structures upon them nor any other form of development or intensive use and are as shown on Schedule A, titled "Land Use Map". Presently, vacant lands comprise 97.8 hectares (242 acres) or 31% of all lands within the Village.

### **2.5.2 Vacant Land Tracts**

Of the total amount of vacant lands, 43.0 hectares (106 acres), or 14% of the Village's area, are herein referred to as "vacant land tracts". Vacant land tracts are situated east of Route 108 and west of Centennial Street and the southern portion of Main Street. Schedule B, titled "Zoning Map", shows the vacant land tracts as lying within the Mixed Development Zone.

### **2.5.3 Vacant Land Sectors**

The remaining 54.8 hectares (136 acres) of vacant lands, or 17% of the Village's area, are referred to as "vacant land sectors". These are lots, or portions of lots, disbursed throughout the Village and lie outside the vacant land tracts. Vacant land sectors are lands intended for

- (a) infill development similar or compatible with adjacent lot uses;
- (b) consolidation with adjacent lots; or
- (c) reservation from uses within environmentally sensitive or hazardous areas.

### **2.5.4 Central Area**

Plaster Rock's Central Area is as shown on Schedule B, titled "Zoning Map", having an area of 14.0 hectares (35 acres).

### 2.5.5

#### Schedule C, titled "Data Table for the Zoning of Vacant Lands"

The table of Schedule C shows how the vacant lands of Schedule A have been zoned on Schedule B.

## **SECTION 3.0.0 - RESIDENTIAL USES**

### **3.1.0 Policy**

#### **3.1.1 It is the policy of the Village**

- (a) to promote orderly, compact and diverse residential use;
- (b) to encourage mixed development of residential and commercial uses upon the vacant land tracts; and
- (c) to maximize the use of existing roadways and utilities by residential development.

### **3.2.0 Proposals**

#### **3.2.1 It is proposed that the vacant land tracts be zoned for mixed development primarily consisting of residential development.**

#### **3.2.2 It is proposed that residential development be discouraged within environmentally sensitive or hazardous areas, such as steep slopes, flood plains, marshlands or other wetlands.**

#### **3.2.3 It is proposed that the subdivision approval process, subject to the provisions the Subdivision By-law, consider for development upon the vacant land tracts the reservation of sufficient lands to create a buffer strip for public use along the eastern limit of Route 108 so as to form a continuous strip of land having a maximum width of 20 metres (65'7").**

#### **3.2.4 It is proposed that vacant land sectors, comprising of lots lying between or abutting existing residential uses, be infilled by residential development.**

#### **3.2.5 It is proposed that vacant land sectors, comprising of lots too small upon which to exclusively erect a dwelling, be encouraged to consolidate so as to form a lot suitable for residential development or to merge with adjacent residential land uses.**

#### **3.2.6 It is proposed that residential needs be met through the use of orderly, compact and diverse housing developments, such as duplex, semi-detached and multi-unit dwellings, that are appropriately serviced by commercial and recreational land uses and utilities.**

#### **3.2.7 It is proposed that the residential needs of children, disabled persons, seniors and those of low-income be met through the approved use of special care homes, special care facilities, garden suites and other forms of dwellings.**

## **SECTION 4.0.0 - COMMERCIAL USES**

### **4.1.0 Policy**

#### **4.1.1 It is the policy of the Village**

- (a) to control the type and location of commercial development; and
- (b) to encourage commercial development that is compatible with the surrounding land uses and environment.

### **4.2.0 Proposals**

#### **4.2.1 It is proposed that the development of smaller commercial uses be encouraged upon lands located within the Central Area and of larger commercial uses upon lands lying east of the Tobique River near the municipal boundary.**

#### **4.2.2 It is proposed that commercial uses of a home occupation nature be permitted.**

#### **4.2.3 It is proposed that any negative impacts of a commercial use be minimized upon lands within the appropriate zone or abutting zones by considering**

- (a) the on-site effects of service volume, frequency use, loading and parking spaces and vehicle manoeuvring;
- (b) the off-site effects on present roadway and utilities capabilities; and
- (c) the minimization of odour, smoke, dust, noise, vibration, visual disturbance and water contamination by the use of buffer strips, fences or tree lines.

#### **4.2.4 It is proposed that various forms of entertainment be accepted as commercial uses only if the principal feature or characteristic is not the nudity or partial nudity of any person, as in an adult entertainment place.**

#### **4.2.5 It is proposed that vacant land sectors, comprising of lots too small upon which to exclusively operate commercial uses, be encouraged to consolidate so as to form a lot suitable for commercial development or to merge with adjacent commercial land uses.**

## **SECTION 5.0.0 - INSTITUTIONAL USES**

Generally, institutional land uses are of two types: human development (education and religion) and public service (health and protection).

### **5.1.0 Policy**

5.1.1 It is the policy of the Village to control the type and location of institutional land uses.

### **5.2.0 Proposals**

5.2.1 It is proposed that any negative impacts of an institutional use be minimized upon lands within the appropriate zone or abutting zones by considering

- (a) the on-site effects of service volume, frequency use, loading and parking spaces and vehicle manoeuvring;
- (b) the off-site effects on present roadway and utilities capabilities; and
- (c) the minimization of odour, smoke, dust, noise, water contamination by the use of buffer strips, fences or tree lines.

5.2.2 It is proposed that the location of institutional uses be encouraged within the Central Area.

## **SECTION 6.0.0 - RECREATIONAL FACILITIES AND PUBLIC OPEN SPACES**

### **6.1.0 Policy**

6.1.1 It is the policy of the Village to provide recreational facilities and public open spaces so as to

- (a) serve residents and visitors; and
- (b) conserve the aesthetic value of the community and its natural environment.

### **6.2.0 Proposals**

6.2.1 It is proposed that recreational facilities and public open spaces be permitted throughout the Village, provided they are not in conflict with adjacent and nearby land uses.

6.2.2 It is proposed that the subdivision approval process, subject to the provisions the **Subdivision By-law**, consider for development upon the vacant land tracts the reservation of sufficient lands to create a buffer strip for public use along the eastern limit of Route 108 so as to form a continuous strip of land having a maximum width of 20 metres (65'7").

6.2.3 It is proposed that those vacant land sectors, comprising of lots too small upon which to exclusively erect a dwelling or building, be set aside for future public use as recreational facilities and public open spaces and are so designated on Schedule B, titled "Zoning Map".

## SECTION 7.0.0 - RESOURCE USES

Only 8.9 hectares (22 acres), or 3%, of lands within the Village are zoned for resource use. Presently, these properties are generally forest covered and are not registered under the Farm Land Identification Program (*Regulation 84-75 - Real Property Tax Act*) or the *Agricultural Land Protection and Development Act*. Those lands zoned for resource use, that lie east of Main Street and now or formerly owned by Charles Anderson, are occupied by a single-detached dwelling and private roadways.

### 7.1.0 Policy

7.1.1 It is the policy of the Village to encourage natural resource land uses that maintain the integrity of the environment and allow for economic development.

### 7.2.0 Proposals

7.2.1 It is proposed that any negative impacts of agricultural and forestry, as well as pit and quarry, operations be minimized upon lands within abutting zones by considering

(a) the minimization of odour, smoke, dust, noise, vibration, visual disturbance and environmental contamination by the use of appropriate methods; and

(b) the appropriate use of times of operation and safety features.

7.2.2 It is proposed that any excavation operation, that has ceased for a significant period of time, shall complete a rehabilitation program reasonably restoring lands for future use or development.

## SECTION 8.0.0 - PROTECTION OF WATER SUPPLIES

As Plaster Rock's water supply originates outside municipal boundaries, concern should extend over the surrounding watershed area. Problems with underground water are usually caused by land use activities at the surface level. Underground water can be polluted by industrial or agricultural wastes, leaking septic tanks, waste disposal sites, as well as, chemical contamination from residential, commercial, and institutional operations.

Mixed development would best be serviced by public water supply and collection systems. Besides protecting water quality, such systems allow for the compact use of the vacant land tracts. Presently, most lots lying outside the Mixed Development Zone are serviced by these systems.

### 8.1.0 Policy

8.1.1 It is the policy of the Village to protect water quality by

- (a) minimizing underground water contamination through controlled surface development; and
- (b) protecting shoreland areas by requiring appropriate setbacks for water front development.

### 8.2.0 Proposals

8.2.1 It is proposed that residential and commercial development within the Mixed Development Zone be serviced by public water supply and collection systems.

8.2.2 It is proposed that the applicable water protection measures under the ***Water Well Protection Regulation*** and ***Potable Water Regulation*** of the ***Clean Water Act***, the ***Water Quality Regulation*** of the ***Clean Environment Act*** and any other applicable act or regulation be utilized.

8.2.3 It is proposed that water quality and flood protection be maintained by restricting development upon lands adjacent to watercourses, subject to the ***Clean Water Act*** and any other applicable act.

## **SECTION 9.0.0 - HERITAGE BUILDINGS AND SITES OF HISTORICAL OR ARCHEOLOGICAL INTEREST**

### **9.1.0 Policy**

9.1.1 It is the policy of the Village to encourage the conservation and enhancement of those buildings and sites having special historic or archeological merit.

### **9.2.0 Proposals**

9.2.1 It is proposed that the Village's historical highlights be identified.

9.2.2 It is proposed that all forms of development preserve those buildings and sites best depicting the following features:

- (a) a historically relevant architectural, cultural, social, political, economic or military feature; or
- (b) an association with a historically significant individual, event or institution.

## SECTION 10.0.0 - CONSERVATION OF THE PHYSICAL ENVIRONMENT

As shown on Schedule A, titled "Land Use Map", Plaster Rock straddles the Tobique River. The various residential, commercial, institutional and recreational land uses are mainly located west of the river while those of an industrial nature occur on the east side. Generally, lands extending west of the Village and the Tobique River are farmed while lands to the east are forested. Within the Village, the lands drop, in places, some 45 metres (150 feet) to the west bank of the river. From atop the western range, one can see across the Tobique River and into a wilderness that extends to the horizon.

One of the lots referred to in section 23.1.1, known as Arbuckle Island and being 8.7 hectares (21 acres) in area, was once the Village's sewage treatment plant and ceased operations in 1993.

### 10.1.0 Policy

10.1.1 It is the policy of the Village to limit activities upon those lands lying within the immediate vicinity of the Tobique River and its floodplain so as to minimize environmental impacts and to maintain the aesthetics of the natural surroundings.

### 10.2.0 Proposals

10.2.1 It is proposed that lands consisting of marshes, peat bogs or wetlands lying within the flood plain of the Tobique River, and including a strip of land 30 metres (98'5") wide extending back horizontally from the ordinary high water mark along both sides of the river, be designated for environmentally compatible uses.

10.2.2 It is proposed that no development, construction or modification may significantly threaten the public health or safety or the quality of the environment through erosion, flooding, pollution or other such events and that all development, construction or modification is subject to the *Watercourse Alteration Regulation - Clean Water Act*, the *Environmental Impact Assessment Regulation - Clean Environment Act* and any other applicable act.

## **SECTION 11.0.0 - INDUSTRIAL USES**

Of the total land zoned for industrial uses on Schedule B, titled "Zoning Map", 38.3 hectares (95 acres), or 85%, is now or formerly owned by Nexfor Inc. as a pulp and paper mill. The remaining 6.8 hectares (17 acres), or 15%, are being used for light manufacturing or held as a vacant land sector.

### **11.1.0 Policy**

#### **11.1.1 It is the policy of the Village**

- (a) to encourage industrial operations so as to create local employment through the viable production of products and services; and
- (b) to minimize negative impacts, due to location, spacing and operation, on adjacent land uses and the environment.

### **11.2.0 Proposals**

#### **11.2.1 It is proposed that industrial sites**

- (a) be serviced by private or public water supply and collection systems so as to minimize negative impacts on surface or ground waters;
- (b) be located and designed so as to minimize traffic congestion along the public roadways providing direct access;
- (c) provide areas on-site for the loading, manoeuvring and parking of vehicles so as to minimize negative impacts on surrounding land uses; and
- (d) provide buffer strips, fences or tree lines, as well as, spatial separation and other devices so as to minimize any negative impacts of such items as odour, smoke, dust, noise, vibration and visual disturbance upon adjacent and nearby land uses.

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**PART C:        ZONING PROVISIONS**

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**SECTION 12.0.0 - DEFINITIONS**

**"ACCESSORY BUILDING"** means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

**"ACCESSORY STRUCTURE"** means a structure located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

**"ACCESSORY USE"** means a use, other than human habitation, of land or a building or structure which is not the main building or structure of a lot which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure of the lot and which is not a secondary use.

**"ACTIVE RECREATION AREA"** means leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites or fields.

**"ADULT ENTERTAINMENT PLACE"** means any premises or part thereof in which is provided services of which a principle feature or characteristic is the nudity or partial nudity of any person; or any premise or part thereof in which is provided goods, including books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape, compact disks and any other reading, viewing or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principle feature or characteristics of which is the nudity or partial nudity of any person, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; or any premises or part thereof in which is provided goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

**"AGRICULTURAL OPERATION"** means an agricultural use that is carried on for gain or reward or in the hope or expectation of gain or reward, and includes

- (a) the cultivation of land;
- (b) the raising of livestock, including poultry;
- (c) the raising of fur-bearing animals;
- (d) the production of agricultural field crops;
- (e) the production of fruit and vegetables and other specialty horticultural crops;
- (f) the production of eggs and milk;
- (g) the operation of agricultural machinery and equipment, including irrigation pumps; and
- (h) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes.

**"AGRICULTURAL PRODUCE SALES OUTLET"** means a fruit, vegetable, flower or farm produce stand set up as an accessory use on a farm, used for the sale of produce from that same agricultural operation.

**"ALTER"** means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only.

**"ARTISAN SHOP"** means a shop in which arts or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use.

**"AMUSEMENT PLACE"** means a building, room or area which is devoted to the offering of facilities for the play of any game of chance or any game of mixed chance and skill for the amusement of the public, but does not include billiard or pool tables, bowling alleys and bingo halls nor adult entertainment uses.

**"AUTOMOTIVE BODY SHOP"** means a building or structure used for the painting or repairing of vehicle bodies or fenders, but shall not include a salvage yard.

**"AUTOMOTIVE CAR WASH"** means a building or structure containing facilities for washing vehicles, either by production line methods and mechanical services or by a self-service operation.

**"AUTOMOTIVE COMMERCIAL GARAGE"** means a building where all functions of an automobile service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the salvage of motor vehicles awaiting scrapping.

**"AUTOMOTIVE GASOLINE BAR"** means one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres (108 square feet), excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing.

**"AUTOMOTIVE SERVICE STATION"** means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

**"AUTOMOTIVE SCRAPYARD"** means a building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, automobile parts or any other salvage object intended for resale or delivery to another person.

**"AUTOMOTIVE STORE"** means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools and may include facilities for the repair or maintenance of such vehicles.

**"AUTOMOTIVE VEHICLE SALES OR RENTAL ESTABLISHMENT"** means an establishment primarily engaged in the storage of vehicles for sale or the storage of vehicles for rent or lease and may include facilities for the repair or maintenance of such vehicles.

**"BED AND BREAKFAST ESTABLISHMENT"** means an owner-occupied establishment in which there are rooms for rent as short-term accommodation, and may include the provision of breakfast to those persons residing temporarily at the establishment.

**"BEVERAGE ROOM"** means a beverage room licensed under the *Liquor Control Act* and includes a tavern.

**"BOARDING STABLE"** means a building, structure or premises used for the feeding, housing and exercising of horses for gain or profit.

**"BUFFER STRIP"** means an area to be used only for the purpose of screening land, buildings or other structures by the planting and maintenance of trees or shrubs or the construction and maintenance of an earth embankment.

**"BUILDING"** means a roofed erection, with solid exterior walls which is permanently affixed to the site and which is used or intended as a shelter for persons, animals or chattels.

**"BUILDING, MAIN"** means a building in which is conducted the main or principle use of the lot on which the building is located.

**"CAMPGROUND"** means an area of land, managed as a unit, used or maintained for people who provide their own sleeping facilities such as tents and recreational vehicles for a short term stay; accessory uses include an administrative office, clubhouse, snack bar, laundry, swimming pool, washrooms, showers and recreational facilities.

**"CHURCH"** means a building commonly used for the public worship by any religious organization, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with, or accessory thereto.

**"COMMUNITY CENTRE"** means a building intended for public assembly or social and cultural activities.

**"COMPOSTING OPERATION"** means any composting activity upon real or personal property that releases or might release a contaminant into or upon the environment or any part of the environment and includes a danger of pollution.

**"CONVENIENCE STORE"** means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

**"DAYCARE CENTRE"** means an establishment providing for the care, supervision and protection of children.

**"DEPTH"** means, in relation to a lot, the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

**"DEVELOPMENT"** means a development as defined within the *Community Planning Act*.

**"DISTANCE"** means the shortest separation, measured on a horizontal plane, between a lot line or street line and the nearest part of a building or structure.

**"DORMITORY"** means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**"DRAINAGE"** means the removal of surface or subsurface water by a channel, open ditch, tile drain, grassed waterway or conservation structure.

**"DWELLING"** means a main building, or a portion thereof, containing one or more dwelling units.

**"DWELLING, DUPLEX"** means a dwelling that is divided horizontally into two separate dwelling units each of which has an independent entrance, either directly from the outside or from a common vestibule.

**"DWELLING, MULTIPLE-UNIT"** means a dwelling containing more than two dwelling units, such units being constructed adjointly with common walls on the same level or split by the floor on separated levels served by a common entrance or by individual entrances directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and appurtenant thereto.

**"DWELLING, ROW"** means a dwelling of three or more dwelling units which are constructed in a horizontal row and divided vertically and each of which has a separate rear and front entrance.

**"DWELLING, SEMI-DETACHED"** means a dwelling that is divided vertically into two dwelling units each of which has an independent entrance, either directly from the outside or from a common vestibule.

**"DWELLING, SINGLE-DETACHED"** means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated or manufactured single dwelling unit, including a mini home or modular home but not including a mobile home.

**"DWELLING, TWO-UNIT"** means a duplex dwelling or a semi-detached dwelling.

**"DWELLING UNIT"** means a room, or a suite of two or more rooms, designed or intended for exclusive use by a household in which living quarters, including sleeping, cooking and sanitary facilities, are provided.

**"DWELLING UNIT, SECONDARY"** means a dwelling unit as a secondary use.

**"EATING ESTABLISHMENT"** means an establishment where for compensation, either directly or indirectly, food is cooked, prepared or served for consumption on the premises or elsewhere, but does not include a mobile canteen, institutional food-service establishment, catering kitchen, bakery, vending machine, seasonal food-service establishment or a household in which boarders are kept under a private arrangement.

**"EATING ESTABLISHMENT, DRIVE-IN"** means a premises consisting of a building or structure, together with a parking lot, from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere on the premises, but not necessarily within such building or structure.

**"EATING ESTABLISHMENT, FULL-SERVICE"** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

**"EATING ESTABLISHMENT, TAKE-OUT"** means a building or structure used for the sale of food to the public and from which food is made available to the customer from within the building and for which no provision is made for consumption within the customer's car, within the building or elsewhere on the site.

**"ENTERTAINMENT PLACE"** means an athletic, recreational or social club operated for gain or profit, as well as an auditorium, motion picture or other theatre, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, dance hall, or bingo hall and all other similar places open to the public, but does not include adult entertainment uses.

**"ERECT"** means to construct, build, assemble or relocate a building or structure, as well as any physical operations preparatory thereto.

**"FACTORY OUTLET"** means a building or part of a building, as a secondary use to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale.

**"FLOOR AREA"** means the total usable floor space contained within a building but not including garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

**"FLOOR AREA, GROUND"** means the floor space of a building at the ground level.

**"FORESTRY OPERATION"** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products as well as the portable milling and sawing of wood.

**"GARDEN CENTRE"** means the use of land, buildings or structures or part thereof for the purpose of buying or selling plants, and lawn and garden equipment, furnishings and supplies.

**"GARDEN SUITE"** means a temporary accessory building, including a mobile home, on a lot otherwise occupied by a single-detached dwelling, and is intended for the sole occupancy of the following persons:

- (a) the parent, grandparent, son or daughter of a household member; and
- (b) the spouse and any dependent of the parent, grandparent, son or daughter.

**"GENERAL SERVICE SHOP"** means a building or part of a building used for the servicing or repairing of articles, goods or materials, and in which no product is manufactured and includes radio, television, computers and appliance repair shops, but does not include any automobile uses.

**"GRADE"** means the finished level of the ground at the exterior walls of a building or structure.

**"GROSS SURFACE AREA"** means the total area occupied by a building or structure comprising the sum of the area for each of its components.

**"GROUP HOME"** means a residence for the accommodation of up to ten persons, exclusive of staff, living under supervision and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being. A group home does not include a special care home or special care facility as defined elsewhere within this section.

**"HEIGHT"** means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure.

**"HOBBY FARM"** means a farm use conducted on the property which is clearly secondary to the main use, does not change the character or use of the main use, does not significantly alter the appearance of the main use and does not create or become a public nuisance, particularly in respect to smell, noise, traffic or parking.

**"HOME OCCUPATION"** means a secondary use conducted in a dwelling unit, or an accessory building, for gain or support which is compatible with a household, and which is carried on by at least one member of the household residing in that dwelling unit.

**"HOTEL"** means a tourist establishment that consists of a building containing three or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the travelling public and may have facilities for serving meals.

**"INFILL DEVELOPMENT"** means a development or redevelopment occurring on a lot devoid of building, structure or use adjacent to lots that are occupied by a building, structure or use.

**"KENNEL"** means any premises on which animals are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale, and does not include a veterinary clinic.

**"LANDSCAPING"** means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) "soft landscaping" consisting of vegetation such as trees, shrubs, hedges and grass;
- (b) "hard landscaping" consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; or
- (c) "architectural elements" consisting of walls, sculpture and the like.

**"LAUNDROMAT"** means a building or structure where the services of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning, including a self-service laundry cleaning machine.

**"LOGGING HAULER"** means an area of land or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment belonging to the logging contractor.

**"LOT"** means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an accessory thereto.

**"LOT, CORNER"** means a lot having two or more adjacent sides fronting on two or more intersecting roadways.

**"LOT, INTERIOR"** means a lot other than a corner lot.

**"LOT LINE"** means a common boundary between a lot and an abutting lot or roadway.

**"LOT LINE, FRONT"** means a lot line dividing the lot from an abutting roadway.

**"LOT LINE, REAR"** means a lot line extending along the rear of the lot.

**"LOT LINE, SIDE"** means a lot line extending from a roadway to the rear of the lot.

**"MAIN WALL"** means the exterior front, side or rear wall of a building.

**"MANUFACTURING PLANT"** means a building or structure in which a product is fabricated and from which such product is shipped to a wholesale or retail outlet.

**"MANUFACTURING PLANT, LIGHT"** means a building or structure in which component parts are manufactured, assembled or processed to produce finished products suitable for the retail trade but does not include an industry involving stamping presses, furnaces or other machinery that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property.

**"MEDICAL CLINIC"** means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff and their patients for the purpose of consultation, diagnosis and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**"MINI HOME" or "MODULAR HOME"** means a main building that is designed to be used with a permanent foundation as a dwelling for humans, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported in components by means of a flat-bed float trailer from the site of its construction without significant alteration.

**"MOBILE HOME"** means a dwelling unit that is so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that it is jacked up or its running equipment removed.

**"MOBILE HOME PARK"** means a lot,

- (a) intended as the location for residential purposes of two or more mobile homes, or
- (b) upon which two or more mobile homes are located for residential purposes.

**"MOBILE HOME SITE"** means a lot, not in a mobile home park,

- (a) intended as the location for residential purposes of one mobile home, or
- (b) upon which one mobile home is located for residential purposes.

**"MOTEL"** means a tourist establishment that consists of one or more buildings containing one or more dwelling units accessible from the exterior, only designed to accommodate the travelling public and may have facilities for serving meals.

**"PARK" or "PLAYGROUND"** means lands so designated, available to the public, requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other similar development.

**"PERSONAL SERVICE SHOP"** means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments and workrooms for shoe repair and shoe shining, bakery shops and photographic studios.

**"PIT"** means a disturbance of the ground or an excavation for the purposes of removing a quarriable substance without the use of explosives.

**"PUBLIC UTILITY"** means a service provided by any agency which, under franchise or ownership or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

**"QUARRY"** means a disturbance of the ground or an excavation for the purpose of removing a quarriable substance with the use of explosives.

**"QUARRIABLE SUBSTANCE"** means sand, gravel, clay, soil, ordinary stone, building or construction stone, rock other than metallic ores, and any other quarriable substance designed by an applicable act or regulation, but shall not include topsoil.

**"REDEMPTION WASTE DISPOSAL SITE"** means a lot and premises where scrap or used materials are handled, dismantled, refurbished or temporarily stored for resale or further disposal, subject to the applicable act or regulation; scrap or used materials include waste paper, rags, wood, bottles, glass and metal.

**"ROADWAY"** means a road, street or highway as defined within the *Highway Act*.

**"SALVAGE YARD"** means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another location. Salvage includes second-hand, used, discarded or surplus metals, bottles or goods, unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts of a motor vehicle, and articles of every description.

**"SIGN"** means any identification, description, illustration or information device, illuminated or non-illuminated, which provides information as to product, place, activity, person, institution or business and is displayed on the exterior of a building or on a property.

**"SIGN, BILLBOARD"** means a large sign independently and permanently fixed to the ground or entirely attached to and supported by a main wall of a building, which is not related to any business or use located on the lot so occupied.

**"SIGN, FIXED"** means a sign that is either independently and permanently fixed to the ground or entirely attached to and supported by a main wall of a building, which is related to any business or use located on the lot so occupied.

**"SIGN, FREESTANDING"** means a sign independently and permanently fixed to the ground, which is related to any business or use located on the lot so occupied.

**"SIGN, PORTABLE"** means a sign independently self-standing and mobile, which is related to any business or use located on the lot so occupied.

**"SIGN, PROJECTING"** means a sign which is wholly or partially dependent upon a building or structure for support and which projects beyond such building or structure, which is related to any business or use located on the lot so occupied.

**"SPECIAL CARE FACILITY"** means a building used for the purposes of providing special and individualized care to children or to elderly or disabled persons.

**"SPECIAL CARE HOME"** means a dwelling used for the purposes of providing special and individualized care to children or to elderly or disabled persons provided the number of intended users does not exceed ten, but does not include dwelling units providing special and individualized care to individuals with chronic medical conditions.

**"STORAGE DEPOT, MINI"** means one or more buildings containing separate spaces of varying sizes that are offered by lease or rent for the storage of chattels.

**"STORAGE DEPOT, VEHICLE"** means one or more buildings containing separate spaces of varying sizes that are offered by lease or rent for the storage of motor vehicles, recreational vehicles or agricultural or forestry operation vehicles.

**"STOREY"** means

- (a) that portion of a building between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it; or
- (b) a basement or cellar, if the average vertical distance from grade to the ceiling thereof is over 1.5 metres (4'11") or such basement or cellar is used for business or for dwelling purposes by other than a caretaker (whether including caretaker's family or not).

**"STREET LINE"** means the limit of a road, street or highway and is the dividing line between a lot and an abutting road, street or highway.

**"STRUCTURE"** means anything constructed or erected with a fixed location on or below the ground surface other than

- (a) a building;
- (b) a power or telephone pole or lines;
- (c) a sign; or
- (d) a fence or other form of restriction or lot line demarcation.

**"SWIMMING POOL"** means a tank or other structure, artificially created, at least in part, located outdoors year round although used seasonally, intended to contain water for the purpose of swimming or diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

**"TOPSOIL"** means "topsoil" as defined within *General Regulation 95-66 - Topsoil Preservation Act*.

**"TOPSOIL REMOVAL"** means the removal of topsoil for the purposes of the sale or commercial use of the material excavated.

**"TRAILER"** means any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked up or its running gear removed.

**"USE"** means the purpose for which land or a building or structure or any combination of land, building or structure is designed, arranged, erected, intended, occupied or maintained.

**"USE, MAIN"** means the permitted primary purpose for which a lot, building or structure is designed, arranged or intended, or for which may be used, occupied or maintained.

**"USE, SECONDARY"** means a use, other than a main or accessory use, permitted in a building.

**"VETERINARY CLINIC"** means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and less than twenty animals are lodged or kept over night. Limited laboratory and other diagnostic services may be offered on an outpatient basis.

**"WATERSHED"** means the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.

**"WAYSIDE PIT OR QUARRY"** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located within the road right-of-way.

**"WIDTH"** means, in relation to a lot

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines; or
- (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of perpendicular to the line to which it is parallel.

**"YARD"** means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line.

**"YARD, FRONT"** means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a front lot line.

**"YARD, REAR"** means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a rear lot line.

**"YARD, SIDE"** means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the building, structure or use on a lot.

## **SECTION 13.0.0 - ADMINISTRATION**

### **13.1.0 Purpose**

#### **13.1.1 The purpose of Part C is**

- (a) to divide the Village into zones;
- (b) to prescribe
  - (i) the use of lots, buildings and structures in any zone, and
  - (ii) standards to which lot use and the placement, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit
  - (i) lot use, and
  - (ii) use, placement, erection or alteration of buildings or structures,

other than in conformity with the uses and standards mentioned in paragraph (b).

### **13.2.0 General**

#### **13.2.1 The use of the term "Planning Advisory Committee" herein, applies to the term "Advisory Committee" of the *Community Planning Act*.**

#### **13.2.2 The powers of Council, Planning Advisory Committee, Development Officer and Building Inspector are as contained within the *Community Planning Act*, the *Municipalities Act* and other Village by-laws.**

### **13.3.0 Powers of the Planning Advisory Committee**

#### **13.3.1 The provisions of sections 34(3)(g) and 34(3)(h) of the *Community Planning Act* herein apply to the powers of the Planning Advisory Committee.**

#### **13.3.2 In all zones created by this by-law, the use of land for the purposes of the supply of**

- (a) drainage, including storm sewers,

- (b) electric power,
- (c) roadways,
- (d) sanitary sewage disposal and treatment,
- (e) water supply and storage; or
- (f) all other public utilities;

including the location or erection of any structure or installation for the supply of any of the above mentioned services, shall be a particular purpose in respect of which the Planning Advisory Committee may, subject to subsection 34(5) of the **Community Planning Act**, impose terms and conditions or so advise Council relative to section 34(3)(d) where compliance with the terms and conditions imposed cannot reasonably be expected.

#### **13.4.0 Powers of Council**

**13.4.1** A person who requests a re-zoning or other amendment to this by-law shall -

- (a) address a written and signed application to Council; and
- (b) enclose a fee of \$400 payable to the Village.

**13.4.2** Council may, if it deems fit, return all or any part of the fee mentioned in section 13.4.1.

**13.4.3** An application shall include such information as may be required by Council or the Planning Advisory Committee.

**13.4.4** The following items, with respect to Council, are covered by the appropriate sections of the **Community Planning Act**:

- (a) methods for handling the application;
- (b) involvement of the Planning Advisory Committee; and
- (c) involvement of the public.

**13.4.5** The provisions of sections 34(3)(d) and 34(3)(e) of the **Community Planning Act** herein apply to the powers of Council.

**13.5.0 Classification**

13.5.1 For the purposes of this by-law, the Village is divided into zones as delineated on Schedule B, titled "Zoning Map".

13.5.2 The zones mentioned in section 13.5.1 are classified and referred to as follows:

<u>Zone</u>	<u>Symbol</u>
Single-Detached and Two-Unit Residential	R1
Multiple-Unit Residential	R2
Mobile Home Park Residential	R3
Commercial	C
Institutional	Inst
Industrial	I
Recreational	Rec
Resource Use	RU
Environmental Constraint	EC
Mixed Development	MD

13.5.3 Collectively, R1, R2 and R3 zones are referred to as R zones.

**13.6.0 Conforming Use**

13.6.1 In any zone, all land on a lot shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the part of this by-law pertaining to such zone.

13.6.2 A non-conforming use is as addressed within sections 40 and 41 of the *Community Planning Act*.

**13.7.0 Interpretation**

13.7.1 Land Use Map

All present land uses have been categorized in a manner similar to that used for zoning and are shown for the Village of Plaster Rock upon Schedule A, titled "Land Use Map".

13.7.2 Zoning Map

The policies contained within this by-law affect future land use and development and are carried out through zoning.

All zones referred to in this by-law are shown for the Village of Plaster Rock upon Schedule B, titled "Zoning Map".

Most zone boundaries follow the lot lines as shown on Schedule B. Some boundaries, however, divide a lot into two or more zones.

The ground location of a lot line shall prevail should

- (a) any discrepancy exist between the location according to Schedule B and as determined on-site; or
- (b) a Service New Brunswick property map, more recent than those used to prepare Schedule B, indicate that a lot line has been repositioned due to the discovery of a cartographic error or the settlement of a boundary dispute.

However, the ground location of a lot line shall not prevail should, for any reason, a lot be

- (a) subdivided and a subdivided portion become part of the adjacent lot or become the property of the owner of the adjacent lot; or
- (b) amalgamated with an adjacent lot.

## **SECTION 14.0.0 - GENERAL PROVISIONS**

### **14.1.0 Bed and Breakfast Establishment**

- 14.1.1** A bed and breakfast may be conducted within a single-detached dwelling as a secondary use, provided that
- (a) not more than 10 rooms are available for rent to overnight guests;
  - (b) meals for commercial gain are only to be served to overnight guests;
  - (c) there shall be no external display or advertising other than a sign to indicate to persons outside that part of the dwelling is being used as a bed and breakfast establishment and such signs shall not exceed 0.5 square metres (5 square feet);
  - (d) it satisfies the applicable provisions of sections 15.0.0 and 16.0.0; and
  - (e) it satisfies the terms and conditions as imposed by the Planning Advisory Committee and licensed under the applicable act.

### **14.2.0 Buffer Strip, Fence or Tree Line Requirements**

- 14.2.1** A buffer strip shall be either a hedge row or an earth embankment.
- 14.2.2** A hedge row consists of a continuous line of deciduous or coniferous trees or shrubs, being not less than 1.5 metres (4'11") high, having a minimum width of 1 metre (3'3") and lying adjacent to or upon the lot line of an adjoining lot.
- 14.2.3** An earth embankment shall
- (a) be located adjacent to the lot line of an adjoining lot;
  - (b) have a minimum height of 2 metres (6'7") above the undisturbed surface of an adjoining street line or property line;
  - (c) have a maximum side slope gradient of the ratio 1:3;
  - (d) have a vegetated cover; and
  - (e) not contribute to drainage problems either on the lot occupied or on an adjoining lot.

- 14.2.4 A fence shall be constructed and maintained in accordance with section 14.6.0.
- 14.2.5 A tree line shall be located in a similar manner as for fences and walls as described in section 14.6.2.
- 14.2.6 A buffer strip, fence or tree line shall be maintained by the owner or owners of the lot or lots on which they are located.
- 14.3.0 Building and Structure Projections**
- 14.3.1 The requirements of section 15.4.0, with respect to placing, erecting or altering a building or structure in relation to a lot line or street line, apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of
- (a) 15 centimetres (0'6") for sills, leaders, belt courses or similar ornamental features;
  - (b) 45 centimetres (1'6") for chimneys, smoke stacks or flues;
  - (c) 60 centimetres (2'0") for cornices or eaves;
  - (d) 1 metre (3'3") for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or
  - (e) subject to section 14.3.2,
    - (i) 1.25 metres (4'1") for steps or unenclosed porches, or
    - (ii) 2 metres (6'7") for balconies of upper storeys of multiple-unit dwellings which are not enclosed above a normal height.
- 14.3.2 Projections mentioned in section 14.3.1(e) may not extend into a required yard to a greater extent than one-half the required width of the yard.
- 14.4.0 Daycare Centre, Group Home and Special Care Home**
- 14.4.1 A daycare centre, group home or special care home is a permitted main or secondary use within a single-detached dwelling, subject to terms and conditions imposed by the Planning Advisory Committee and licensing or other dispositions under the applicable act.

#### **14.5.0 Enclosures for Swimming Pools**

**14.5.1** A swimming pool must be enclosed by a fence, a wall or a wall of a building or structure, or by a combination of walls and fences, at least 1.6 metres (5'3") in height and meeting the remaining requirements of section 14.5.0.

**14.5.2** Where a portion of a wall of a building forms part of an enclosure mentioned in section 14.5.1,

- (a) no main or service entrance to the building shall be located therein; and
- (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.6 metres (5'3") above the bottom of the door.

**14.5.3** An enclosure mentioned in section 14.5.1 shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

**14.5.4** A fence mentioned in section 14.5.1 shall

- (a) be made of chain link construction with galvanized, vinyl or other Canadian Standards Association (CSA) approved coating or of wood or of other materials, in the manner prescribed by section 14.5.5;
- (b) not be electrified or incorporate barbed wire or other dangerous material; and
- (c) be located at least
  - (i) 1.25 metres (4'1") from the edge of the swimming pool, and
  - (ii) 1.25 metres (4'1") from any condition that would facilitate its being climbed from the outside.

**14.5.5** The design and construction of a fence under this section shall provide

- (a) in the case of chain link construction,
  - (i) no greater than a 4-centimetre (0'2") diamond mesh,
  - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge wire with a coating forming a total thickness equivalent to No. 12 gauge wire, and

- (iii) at least 4-centimetre (0'2") diameter steel posts, set below frost in an envelope of concrete and spaced not more than 3 metres (9'10") apart, with a top horizontal steel rail of at least a 4-centimetre (0'2") diameter;
- (b) In the case of wood construction,
  - (i) vertical boarding, not less than 2.5 centimetres (0'1") by 10 centimetres (0'4") nominal dimensions spaced not more than 4 centimetres (0'2") apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
  - (ii) supporting cedar posts at least 20 centimetres (0'8") square or round with 10-centimetre (0'4") diameters, set below frost and spaced not more than 2.5 metres (8'2") apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least a width of 5 centimetres (0'2") and a height of 15 centimetres (0'6"); and
- (c) In the case of construction with materials and in a manner other than described in this section, rigidity equal to the design and construction prescribed herein.

14.5.6 Gates forming part of an enclosure mentioned in section 14.5.1 shall

- (a) be equivalent to the fence in content, manner of construction and height;
- (b) be supported on hinges equal in rigidity to the fence; and
- (c) be self-closing and equipped with a self-latching device at least 1.6 metres (5'3") above the bottom of the gate.

#### **14.6.0 Fences and Walls**

14.6.1 Unless otherwise specified, no fence or wall shall exceed 2 metres (6'7") in height.

14.6.2 Fences and walls shall be well maintained and kept in proper repair.

- 14.6.3 Fences and walls, erected for the purpose of demarcating a lot line, shall be located:
- (a) on the common boundary of adjoining parcels upon agreement by owners as to location and to responsibilities for construction and maintenance; or
  - (b) offset from the common boundary of adjoining parcels and totally upon the parcel of the owner wishing to assume all of the responsibilities for construction and maintenance and to avoid trespass upon the adjoining parcels in so carrying out these responsibilities.

**14.7.0 Garden Suite**

14.7.1 A garden suite may be an accessory building, structure or use to a single-detached dwelling, subject to terms and conditions imposed by the Planning Advisory Committee.

14.7.2 A garden suite shall

- (a) have a gross floor area less than 75 square metres (807 square feet);
- (b) be no closer to the street line than the main dwelling;
- (c) comply with all setback and yard requirements of section 15.0.0;
- (d) share access and water and sewer systems with the main dwelling;
- (e) be constructed, erected or placed in such a manner as to be easily removed from the lot; and
- (f) be removed from the lot within 6 months of being vacated.

14.7.3 A mobile home may be used as a garden suite as long as durable skirting, designed and placed so as to harmonize with the mobile home, is provided.

**14.8.0 Heritage and Archeological Value**

14.8.1 Any proposed development or project, where construction or demolition may have foreseeable impact on a building or site designated under the *Historic Sites Protection Act*, is subject to the provisions of said act.

## 14.9.0

### Home Occupations

#### 14.9.1

A home occupation may be conducted in a single-detached or semi-detached dwelling, provided that

- (a) there shall be no external display or advertising other than a sign to indicate to persons outside that a part of the dwelling unit or lot is being used for a purpose other than residential and such signs shall not exceed a maximum size of 0.5 square metre (5 square feet) in gross surface area;
- (b) not more than 33% of the dwelling area shall be used for the purpose of a home occupation;
- (c) the home occupation shall be clearly a secondary use to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation;
- (d) there shall be no external storage of goods, materials, equipment or supplies associated with the home occupation other than a sign under paragraph (a) and the goods, wares or merchandise under paragraph (g);
- (e) the use shall not generate significant additional vehicular traffic beyond that normal to the neighbourhood in which it is located;
- (f) no equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odour detrimental to the health, safety and general welfare of persons residing in the neighbourhood; and
- (g) no goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are
  - (i) incidental to the home occupation,
  - (ii) arts and crafts produced on the premises, or
  - (iii) sample articles not for direct purchase.

- 14.9.2 In accordance with section 14.9.1, the following are examples of a home occupation:
- (a) a doctor, dentist, architect, artist, designer, accountant, insurance salesperson, lawyer, professional engineer or other similar profession subject to approval by the Planning Advisory Committee;
  - (b) the teaching of music or dancing, a television repair service, a small appliance repair service or the operation of a beauty shop or barber shop or other similar business subject to approval by the Planning Advisory Committee; or
  - (c) an artisan shop.

**14.10.0 Infill Development**

- 14.10.1 Notwithstanding the appropriate sections of this by-law, where a building is to be erected in any zone as an infill development, such building may be erected closer to the street line than required by the applicable zone, but not exceeding the average setback of at least three existing buildings on any one side of the lot to be infilled.

**14.11.0 Installation of Water Well and Sewage Disposal Systems**

- 14.11.1 The construction, modification and operation of a domestic water well system is subject to the *Water Well Regulation - Clean Water Act* and any other applicable act.

- 14.11.2 A waterworks using 50 cubic metres (approximately 11,000 gallons) or more of water per day is subject to the *Water Quality Regulation - Clean Environment Act* and any other applicable act.

- 14.11.3 No dwelling may be placed, erected or altered, and no building or structure may be altered to become a dwelling, on a lot unless the lot and the plans for installation of the septic tank and disposal field meet the requirements of regulations issued under the *Health Act*.

**14.12.0 Landfill**

- 14.12.1 No person shall use any of the following materials as landfill:

- (a) toxic or radioactive materials;
- (b) industrial or domestic waste;
- (c) scrap iron;

(d) construction residues, except in accordance with section 14.19.2; or

(e) material likely to harm a watercourse or the water table.

14.12.2 No landfill shall be placed within 30 metres (approximately 100') of the banks or shores of any watercourse, lake or marsh unless in compliance with the *Clean Water Act* or any other applicable act.

#### 14.13.0 Loading Space Requirements

##### 14.13.1 Uses where Loading Spaces are required

No person shall, in any zone, erect or use any permitted building or structure for manufacturing, storage, warehouse, convenience store, retail store, building supply store, furniture showroom, hotel or other permitted uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same lot off-street space for standing, loading and unloading.

##### 14.13.2 Dimensions of Loading Spaces

Every required loading space shall have minimum rectangular dimensions of 3.5 metres (11'6") by 9 metres (29'6") with a minimum height clearance of 4 metres (13'1").

##### 14.13.3 Minimum Number of Loading Spaces

The provisions of this section shall not apply to buildings having a total floor area less than 300 square metres (3,229 square feet). For all other buildings there shall be one loading space for each 1,500 square metres (16,146 square feet) of total floor area or part thereof, above the 300 square metre (3,229 square foot) threshold.

##### 14.13.4 Surface of Loading Spaces and Approaches

The loading space and approaches shall be surfaced with concrete, asphalt, crushed stone, crushed gravel or a combination thereof over a stable base.

#### 14.14.0 Number of Main Buildings or Structures on a Lot and the Subdivision of Lands

14.14.1 No more than one main building or structure may be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot, except for the addition of one garden suite on an applicable residential lot.

14.14.2 Any development involving the placement or erection of a second main building or structure on a lot already occupied by a main building or structure to carry out a second main use permitted by zoning or re-zoning, shall require the subdivision of the said lot, in accordance with the **Subdivision By-law**, prior to construction and operation.

14.14.3 The subdivision of lands and the design and naming of streets, so resulting, are subject to the **Subdivision By-law**.

**14.15.0 Outside Storage**

14.15.1 With the exception of outside storage on a lot zoned for industrial use, no equipment, vehicle, miscellaneous parts or aggregate or scrap of any kind may be stored outside buildings or structures, unless

- (a) it is not visible from the street;
- (b) it is located in the back yard or side yards of the main building or, where there is no main building, at least 30 metres (98'5") from the street line; and
- (c) the back or side yards are enclosed by a fence of a height of at least 2 metres (6'7") and no more than 2.5 metres (8'2").

14.15.2 Notwithstanding section 14.15.1, recreational vehicles and boats may be seasonally stored on a lot.

14.15.3 No storage of sand, gravel or similar material is permitted outside an enclosed structure, except on lots where an aggregate site or an industrial use is permitted.

**14.16.0 Parking Requirements**

**14.16.1 Number of Spaces**

In all zones, the owner of a building erected, enlarged or changed in use after the adoption of the by-law shall provide and maintain off-street parking on the same lands as the building is located and in accordance with the following:

**TYPE OF USE**

**MINIMUM PARKING REQUIREMENTS**

Bank or Trust Company

6 spaces per 100 square metres (1,076 square feet) of total floor area

Bed and Breakfast

1 space per dwelling unit and 1 space

Establishment	per rented room
Beverage Room	1 space per 4 seats design capacity
Campground	1.25 spaces per campsite
Church, Club, Lodge or place of public assembly	the greater of 1 space per 6 fixed seats or per 2.5 metres (8'2") of bench space
Clinic or Veterinary Clinic	6 spaces per practitioner for the first 5 practitioners, 4 spaces per additional practitioner
Daycare Centre	1 space per 10 attendees in addition to those specified for a single-detached dwelling plus 1 space per staff member
Dwelling, Single-Detached or Semi-Detached	1 space per dwelling unit
Dwelling, Multiple-Unit	1.5 spaces per dwelling unit
Eating Establishment	1 space per 4 seats design capacity
Entertainment Place	1 space per 4 seats design capacity
Garden Suite	1 space in addition to that required of a single-detached dwelling
Group Home, Special Care Facility or Special Care Home	1 space per 2 persons plus 1 space per staff member
Home Occupation	2 spaces in addition to those specified for a single-detached or semi-detached dwelling
Hotel or Motel	1 space per dwelling unit plus 1 space per 10 square metres (108 square feet) of public use area
Industrial Establishment	1 space per 100 square metres (1,097 square feet) of total floor area
Office (business/professional)	3.5 spaces per 100 square metres (1,097 square feet) of total floor area

Retail, including Convenience  
Store and Personal Service  
Shop

5.4 spaces per 100 square metres  
(1,097 square feet) of total floor area

School

the greater of 1.5 spaces per classroom, 1 space  
per 3 square metres (32 square feet) of floor area  
in the gymnasium or 1 space per 3 square metres  
(32 square feet) of floor area in the auditorium

Other Uses

1 space per 30 square metres (323 square feet) of  
total floor area

#### 14.16.2

##### Physically Handicapped Parking

The spaces required for the exclusive use by physically handicapped persons shall

- (a) consist of at least 1 of the 5 to 10 parking spaces required for all uses under section 14.16.1 plus 1 additional space for each additional 25 parking spaces that are required thereunder;
- (b) be of a minimum length of 5.5 metres (18'1") and a minimum width of 4.5 metres (14'9");
- (c) be designated as such by a sign or other marking; and
- (d) be located to provide the most convenient access to the use.

#### 14.16.3

##### Calculation of Spaces

If the calculation of the required parking spaces results in a fraction, the required parking spaces shall round up to the next whole number.

#### 14.16.4

##### General Provisions

A parking area shall

- (a) consist of off-street parking spaces having a minimum length of 5.5 metres (18'1") and minimum width of 2.75 metres (9'0"), except for physically handicapped parking spaces as specified under section 14.16.2;
- (b) be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof over a stable base;

- (c) be readily accessible from a public street; and
- (d) be located on the same lot as the main use.

#### 14.16.5

##### Specific Provisions

Where a parking area for more than 4 vehicles is required, a parking area shall

- (a) not be used for ongoing automotive repair work or servicing;
- (b) if uncovered, notwithstanding the yard and setback provisions of this by-law, be permitted in the area of a lot between the street line and the required setback for a main building or structure, provided no part of it is located closer than 1 metre (3'3") to any street line;
- (c) if illuminated, have light sources so arranged as to divert the light away from streets, adjacent lots and buildings;
- (d) if operated by an attendant, have a structure not exceeding 4.5 metres (14'9") in height and 5 square metres (54 square feet) in area;
- (e) have driveways defined by a curb or curbing;
- (f) have driveways located no closer than 15 metres (49'3") from the right-of-way limits of a street intersection;
- (g) have no more than 2 entrance and exit ramps as driveways, each having a maximum width of 7.5 metres (24'7") along the street line;
- (h) for an entrance or exit ramp and an internal service aisle, a minimum width of 3 metres (9'10") for one-way traffic and a minimum width of 6 metres (19'8") for two-way traffic;
- (i) be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lots; and
- (j) be designed so that parked vehicles do not block others from exiting.

**14.17.0 Secondary Dwelling Unit**

**14.17.1** A secondary dwelling is a secondary use to single-detached, duplex or semi-detached dwellings and shall

- (a) have a separate washroom or bathroom and kitchen facilities from those of the main use;
- (b) have off-street parking in accordance with section 14.16.0;
- (c) have a separate entrance from that of the main use; and
- (d) be located within the main building.

**14.18.0 Signs**

**14.18.1 General Requirements**

Signs shall

- (a) not be placed in such a manner so as to inhibit the safe movement of traffic nor to impede the motion of pedestrians;
- (b) not have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as or tend to hide from view any traffic control device;
- (c) not be an imitation of a traffic control device or contain the words "stop", "go", "look", "danger", "yield" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road;
- (d) not be located at or near a sharp road curve or below the crest of a hill;
- (e) not obstruct free ingress to or egress from a fire escape door, window or other required exit;
- (f) not be painted upon or cover a roof;
- (g) not be painted on a tree, stone, cliff or other natural object;

- (h) not incorporate a searchlight, stringlight, spinner or streamer except for occasions such as grand openings, fairs and public festivals, or used as temporary holiday decorations for a period exceeding 30 days;
- (i) if illuminated, be shielded and focussed to light up, in a continuous and non-flashing manner, only the surface area; and
- (j) not advertise an activity, business, product or service no longer conducted on the premises and, in such a case, shall be removed by the owner or occupant of the property upon which it is erected within 60 days of the date of discontinuance of the business or product sold; and
- (k) be maintained so as not to threaten the safety of pedestrians or traffic and to retain a reasonable level of appearance.

#### 14.18.2 Freestanding Signs

Freestanding signs are permitted upon lots within commercial and industrial zones, provided that such a sign does not

- (a) exceed, in number, 1 per lot for every front lot line not exceeding 30 metres (98'5") and 1 additional sign for every additional front lot line interval equal to 30 metres (98'5");
- (b) exceed a maximum height of 10 metres (32'10");
- (c) exceed a maximum size of 10.0 square metres (108 square feet) in gross surface area;
- (d) occur closer to any street line than 2 metres (6'7"); and
- (e) on a corner lot, occur within the triangular space bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (23'0") from their point of intersection so as to obstruct the view of a driver of a vehicle approaching the intersection.

#### 14.18.3 Portable Signs and Non-Residential Fixed Signs

Portable signs and non-residential fixed signs are permitted upon lands, buildings and structures within all zones, excluding those zoned for residential use, provided that such a sign does not

- (a) exceed, in number for a combination of the sign-types herein specified, 2 per lot;

- (b) exceed a maximum size of 5.0 square metres (54 square feet) in gross surface area;
- (c) occur closer to any street line than 2.0 metres (6'7"); and
- (d) on a corner lot, occur within the triangular space bounded by the street lines and a line joining points on the street lines a distance of 7 metres (23'0") from their point of intersection so as to obstruct the view of a driver of a vehicle approaching the intersection.

#### 14.18.4 Non-Residential Projecting Signs

Non-residential projecting signs are permitted upon buildings within all zones, excluding those zoned for residential use, provided that such a sign does not

- (a) exceed, in number, 1 per business contained within the building;
- (b) exceed a maximum size of 5.0 square metres (54 square feet) in gross surface area;
- (c) project beyond a maximum distance of 2.5 metres (8'2") from a building wall, protrude within a minimum clearance of 2.0 metres (6'7") of a street line and fail to allow a minimum separation of 3.0 metres (9'10") from the ground;
- (d) project over a lot line; and
- (e) project more than 1.5 metres (4'11") above the top of any main wall or parapet to which it is affixed.

#### 14.18.5 Billboard Signs

Billboard signs are permitted upon lots within industrial zones, provided that such a sign does not

- (a) exceed, in number, 1 per lot;
- (b) exceed a maximum height of 10 metres (32'10");
- (c) exceed 18 square metres (194 square feet) in gross surface area; and
- (d) occur closer to any street line than 2 metres (6'7").

#### 14.18.6 General Fixed or Projecting Signs

General fixed or projecting signs are permitted upon the buildings and structures within all zones, provided that such a sign does not

- (a) exceed, in number, 2 per lot whose main use is residential;
- (b) exceed a maximum size of 0.5 square metre (5 square feet) in gross surface area;
- (c) on a lot whose main use is residential, confer a service beyond identifying residents, warning against trespass or specifying a secondary use; and
- (d) on a lot whose main use is non-residential, confer a service beyond regulating or denoting the direction or function of various businesses within a building or premises, including parking and travel areas.

#### 14.18.7 Exemptions

A sign shall be exempt from this section if it is

- (a) permitted in accordance with the *Posting of Signs on Land Regulation - Fish and Wildlife Act* and any other applicable act;
- (b) temporary in nature, including but not limited to, signs that advertise the sale or rent of a property, advertise a dated event, provide public notice of an event or announces a candidate for public office in a municipal, provincial or federal election;
- (c) a traffic control device in accordance with the *Motor Vehicle Act*; or
- (d) a flag representing a charitable, religious or fraternal organization or a municipal, provincial or federal level of government.

#### 14.19.0 Standards for Conforming and Non-Conforming Uses of Excavation Sites

14.19.1 No person shall undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposits, by the use of a pit or quarry, for the purpose of sale or any other commercial use except in accordance with the provisions of section 14.19.0.

14.19.2 The excavation site

- (a) shall not damage any adjacent property;

- (b) shall not serve as a storage place or dump site for toxic materials, scrap iron, domestic wastes, construction residues or any other material likely to be harmful to the environment; and
- (c) may be used as a storage place or dump site for construction residues of material not harmful to the environment, subject to terms and conditions imposed by the Planning Advisory Committee and any applicable act.

14.19.3

All excavation sites shall be subject to the following conditions:

- (a) no extraction may be done within 300 metres (approximately 985') of the ordinary high water mark of the Tobique River;
- (b) the accesses over which materials are transported, and which are located within 450 metres (approximately 1,475') of all main buildings, shall be maintained by the exploiter of the excavation site in a dust-free condition;
- (c) the access routes shall be located at least 30 metres (approximately 100') from any main building;
- (d) be located at a minimum distance of
  - (i) 450 metres (approximately 1,475') of all public roads, if there was, when this by-law was adopted, a dwelling located inside a radius of 450 metres of the excavation site; and
  - (ii) 350 metres (approximately 1,150') of all public roads, in all other cases;
- (e) be secure and have a setback of 20 metres (65'7") of an adjoining lot line;
- (f) have a sign every 30 metres (approximately 100') all around the extraction site bearing the word "danger" in letters at least 15 centimetres (0'6") high;
- (g) where an excavation site is over 6 metres (19'8") deep, have a slope of 30%;
- (h) maximum depth of extraction of material must not be deeper than the level where there would be continuous accumulation of more than 5 centimetres (0'2") of water over a 1-year period;

- (i) where an excavation activity results in a continuous accumulation of more than 5 centimetres (0'2") over a 1-year period, the owner will be responsible for having the pond of water completely covered with material similar to the one extracted from the site until there is no more accumulation of water; and
- (j) where the extraction operations have ceased for more than 10 months, or such further period as the Planning Advisory Committee considers fit, the land shall be restored as follows:
  - (i) the plant, equipment, buildings or structures installed on the site for excavation purposes shall be removed,
  - (ii) all stockpiles, earth, sand, gravel or other material may be placed back in the excavation, spread out on the site or removed from the site when the slope of the excavation had been graded at 30%,
  - (iii) the site must be levelled or sloped in such a manner that at any time there is less than 60 centimetres (2'0") of accumulation of water at any time, except during the thawing period, and
  - (iv) all debris shall be removed from the site.

#### **14.20.0 Steep Slopes**

**14.20.1** Buildings are prohibited on slopes greater than 30%.

**14.20.2** Buildings are prohibited on slopes greater than 20% and less than or equal to 30%, unless demonstrated by a qualified professional engineer or architect that the land can safely accommodate the proposed buildings, and approval, if necessary, is obtained from the appropriate government department for sewage disposal.

**14.20.3** Studies undertaken pursuant to section 14.20.2 shall address the following matters, where applicable:

- (a) sewage disposal facilities and soil depth;
- (b) landscaping;
- (c) water supply;
- (d) minimum distances from lot lines that control the location of main buildings;

- (e) erosion control;
- (f) effects on fish and or wildlife habitat; and
- (g) surface drainage.

14.20.4 Studies undertaken pursuant to section 14.20.2 shall also detail the manner in which the development may be accommodated, if feasible, including construction methods. These shall include a detailed lot grading plan consisting of a survey of the lot identifying elevation contours, depth of overburden, drainage course characteristics, forested areas, the proposed construction area and on-site services.

14.20.5 Buildings near the upper edge of slopes greater than 20% are to be set back a minimum distance of 5 metres (16'5") from the top of the slope bank.

#### 14.21.0 **Stripping of Topsoil**

14.21.1 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.

14.21.2 Topsoil removal is subject to ***General Regulation 95-66-Topsoil Preservation Act*** and any other applicable act.

#### 14.22.0 **Visibility on Corner Lots and Roadway Intersections**

14.22.1 On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by the street lines and a line joining points on the street lines at a distance of 7 metres (23'0") from the point of intersection.

#### 14.23.0 **Roadways and Utilities**

14.23.1 Lands for use as a roadway or a private or public utility shall be permitted throughout the Village although subject, where applicable, to the provisions of the ***Community Planning Act***, the ***Highway Act***, any other applicable act and the ***Subdivision By-law***.

14.23.2 Lands being used as a roadway or utility, at the time of enactment of this by-law by Council, are as shown on Schedule B, titled "Zoning Map" and do not, in any way, restrict the provision of section 14.23.1.

**SECTION 15.0.0 - SINGLE-DETACHED AND TWO-UNIT RESIDENTIAL ZONE  
(R1 Zone)**

**15.1.0 Permitted Uses**

**15.1.1** In a R1 zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
  - (i) a single-detached dwelling,
  - (ii) a duplex dwelling, or
  - (iii) a semi-detached dwelling;
- (b) the following secondary uses:
  - (i) a home occupation in a single-detached or semi-detached dwelling, in accordance with section 14.9.0, or
  - (ii) a secondary dwelling unit, in accordance with section 14.17.0; and
- (c) any accessory building, structure or use.

**15.1.2** In addition to those specified within section 15.1.1(a), a permitted main use within a single-detached dwelling, but with no secondary use, is one of the following:

- (a) a daycare centre, in accordance with section 14.4.0;
- (b) a group home, in accordance with section 14.4.0; or
- (c) a special care home, in accordance with section 14.4.0.

**15.1.3** In addition to those specified within section 15.1.1(b), a permitted secondary use within a single-detached dwelling is one of the following:

- (a) a bed and breakfast establishment, in accordance with section 14.1.0;
- (b) a daycare centre, in accordance with section 14.4.0; or
- (c) a garden suite, in accordance with section 14.7.0.

**15.2.0 Lot Sizes**

**15.2.1** No single-detached dwelling may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 18 metres (59'1");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 545 square metres (0.13 acre).

**15.2.2** No two-unit dwelling may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 23 metres (75'6");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 818 square metres (0.20 acre).

**15.2.3** No single-detached dwelling may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 4,000 square metres (0.99 acre).

**15.2.4** No two-unit dwelling may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 59 metres (193'7");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 5,350 square metres (1.32 acres).

**15.3.0 Size of Dwellings and Dwelling Units**

**15.3.1** No dwelling may be placed, erected or altered so that it has a ground floor area less than 45 square metres (484 square feet).

**15.3.2** No dwelling unit may have a floor area less than

- (a) 32 square metres (344 square feet), in the case of a secondary dwelling unit of only one room, or
- (b) 45 square metres (484 square feet), in the case of a dwelling unit other than the one mentioned in paragraph (a).

**15.4.0 Location of Main Buildings and Structures**

**15.4.1** No main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (24'7") of a street line, other than that coinciding with the boundary of an arterial or collector highway;
- (b) within 6 metres (19'8") of rear lot line, other than that coinciding with the boundary of an arterial or collector highway;
- (c) within 2 metres (6'7") of a side lot line, other than that coinciding with the boundary of an arterial or collector highway; or
- (d) within 15 metres (49'3") of a boundary of an arterial or collector highway;

**15.4.2** For infill development, section 14.10.0 herein applies.

**15.4.3** Building and structure projections are subject to the provisions of section 14.3.0.

**15.5.0 Height of a Main Building or Structure**

**15.5.1** No main building or structure may exceed 10 metres (32'10") in height.

**15.6.0 Accessory Buildings or Structures**

**15.6.1** No accessory building or structure shall

- (a) exceed the height of the main building or 6 metres (19'8") measured from the grade to the highest point of any portion of the roof;
- (b) be placed, erected or altered so that it is
  - (i) closer to the street line than the front of the main building or structure, or

- (ii) closer than 1.5 metres (4'11") to a side lot or rear lot line;
  - (c) exceed 100 square metres (1,076 square feet) in area or have a width or depth greater than 10 metres (32'10"); or
  - (d) be used for agricultural operations or for the keeping of animals other than household pets.
- 15.6.2 Notwithstanding section 15.6.1, the following accessory buildings or structures may be placed, erected or altered so as to be located in the front yard of the main building or structure:
- (a) a bin for the temporary holding of domestic waste; or
  - (b) a partially enclosed shelter for use by children awaiting a school bus.
- 15.7.0 **Lot Occupancy**
- 15.7.1 Buildings and structures on a lot shall not occupy more than 50 percent of the area of the lot.
- 15.8.0 **Landscaping**
- 15.8.1 The owner of a lot shall landscape
- (a) the front yard of the main building; and
  - (b) that part of the lot within 2 metres (6'7") of any building on it.
- 15.8.2 **Landscaping**
- (a) shall include all grading and drainage necessary to divert surface water from the dwelling and to reasonably contour the yards with the terrain of adjacent lots; and
  - (b) may include paths, patios, walkways, trees, and ornamental shrubbery, vines and flowers.
- 15.8.3 An owner of a lot shall complete the landscaping of the lot within two years after the completion of the main building or structure.

**15.9.0 Additional Provisions**

- 15.9.1** As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.
- 15.9.2** Upon the enactment of this by-law, a lot occupied by a mobile home, and as identified on Schedule A, titled "Land Use Map", may continue to be occupied by a mobile home should the present one be replaced by another.
- 15.9.3** Where a semi-detached dwelling is located on a lot meeting the appropriate requirements thereof, the requirements of a single-detached dwelling do not apply to lots resulting from the subdividing of the original lot along a party wall of the dwelling.
- 15.9.4** A mini home or modular home is considered a single-detached dwelling while a mobile home is not so considered by this by-law.

## **SECTION 16.0.0 - MULTIPLE-UNIT RESIDENTIAL ZONE (R2 Zone)**

### **16.1.0 Permitted Uses**

**16.1.1** In a R2 zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
  - (i) a multiple-unit dwelling,
  - (ii) two or more separate duplex or semi-detached dwellings,
  - (iii) a duplex dwelling,
  - (iv) a single-detached dwelling, or
  - (v) a semi-detached dwelling;
- (b) the following secondary uses:
  - (i) a home occupation in a single-detached or semi-detached dwelling, in accordance with section 14.9.0, or
  - (ii) a secondary dwelling unit, in accordance with section 14.17.0; and
- (c) any accessory building, structure or use.

**16.1.2** In addition to those specified within section 16.1.1, a permitted use as either a main use or a secondary use to a single-detached dwelling is allowed in accordance with sections 15.1.2 or 15.1.3, respectively.

### **16.2.0 Lot Sizes**

**16.2.1** No multiple-unit dwelling may be placed, erected or altered on a lot unless the lot is serviced by public water and sewer systems and has and contains

- (a) for a three-unit dwelling,
  - (i) a width of at least 27 metres (88'7"),
  - (ii) a depth of at least 30 metres (98'5"), and
  - (iii) an area of at least 1,090 square metres (0.26 acre);

- (b) for a more-than-three-unit dwelling,
  - (i) a width of at least 36 metres (118'1") ,plus 1.5 metres (4'11") for each dwelling unit in excess of 4,
  - (ii) a depth of at least 30 metres (98'5"), and
  - (iii) an area of at least 1,272 square metres (0.31 acre), plus 68 square metres (0.02 acre) for each dwelling unit in excess of 4; and
- (c) for a single-detached or two-unit dwelling, the appropriate provisions of section 15.2.0 herein apply.

**16.3.0 Size of Dwellings and Dwelling Units**

16.3.1 The provisions of section 15.3.0 herein apply.

**16.4.0 Location of Main Buildings and Structures**

16.4.1 In addition to the provisions of section 15.4.0, a minimum distance of 4 metres (13'1") must separate adjacent duplex or semi-detached dwellings located upon the same lot.

**16.5.0 Height of a Main Building or Structure**

16.5.1 No main building or structure may exceed 11 metres (36'1") in height.

**16.6.0 Accessory Buildings or Structures**

16.6.1 The provisions of section 15.6.0 herein apply.

**16.7.0 Lot Occupancy**

16.7.1 The provisions of section 15.7.0 herein apply.

**16.8.0 Landscaping**

16.8.1 The provisions of section 15.8.0 herein apply.

**16.9.0 Additional Provisions**

- 16.9.1 As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.
- 16.9.2 Where a row dwelling is located on a lot meeting the appropriate requirements thereof, the requirements of a single-detached dwelling do not apply to the lots resulting from the subdividing of the original lot along a party wall of the dwelling.
- 16.9.3 A mini home or modular home is considered a single-detached dwelling while a mobile home is not so considered by this by-law.

## **SECTION 17.0.0 - MOBILE HOME PARK RESIDENTIAL ZONE (R3 Zone)**

### **17.1.0 Permitted Uses**

17.1.1 In a R3 zone, any lot, building or structure may be used for purposes of, and for no other purpose,

(a) the following main use:

(i) a mobile home park; and

(b) any accessory building, structure or use.

### **17.2.0 Provisions**

17.2.1 A mobile home park is subject to the provisions as laid out within the applicable by-law adopted by Council under section 188(2) of the ***Municipalities Act***.

## **SECTION 18.0.0 - COMMERCIAL ZONE (C Zone)**

### **18.1.0 Permitted Uses**

**18.1.1** In a C zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
  - (i) an artisan shop,
  - (ii) an automotive body shop,
  - (iii) an automotive car wash,
  - (iv) an automotive commercial garage,
  - (v) an automotive gasoline bar,
  - (vi) an automotive service station,
  - (vii) an automotive store,
  - (viii) an automotive vehicle sales or rental establishment,
  - (ix) a bank or financial office,
  - (x) a business or professional office,
  - (xi) a convenience store,
  - (xii) an eating establishment, including drive-in, full-service or take-out,
  - (xiii) a farm equipment sales and service dealership,
  - (xiv) a garden centre or nursery,
  - (xv) a general service shop,
  - (xvi) a grocery, bakery or dairy product store,
  - (xviii) a hotel or motel,
  - (xix) a laundromat or dry cleaning operation,

- (xx) a medical clinic,
- (xxi) a parking lot,
- (xxii) a personal service shop,
- (xxiii) a post office, liquor store or other government office,
- (xxiv) a printing operation,
- (xxv) a rental agency for such items as tools or videos,
- (xxvi) a recycling depot,
- (xxvii) a service shop,
- (xxviii) a warehouse or wholesaling operation, or
- (xxix) a use as permitted within section 19.0.0 - Institutional Zone.

- (b) the following secondary uses:
  - (i) one or more dwelling units.
- (c) any accessory building, structure or use.

**18.1.2** In addition to the main and secondary uses of section 18.1.1, one of the following uses may be either a main or a secondary use along with any accessory building, structure or use, subject to terms and conditions imposed by the Planning Advisory Committee:

- (a) an amusement place or an entertainment place, excluding an adult entertainment place;
- (b) a beverage room; or
- (c) a public transportation terminal.

## **18.2.0 Lot Sizes**

**18.2.1** No building or structure may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 18 metres (59'1");

- (b) a depth of at least 30 metres (98'5"); and
  - (c) an area of at least 545 square metres (0.13 acre).
- 18.2.2 No building or structure may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains
  - (a) a width of at least 54 metres (177'2");
  - (b) a depth of at least 38 metres (124'8"); and
  - (c) an area of at least 4,000 square metres (0.99 acre).
- 18.3.0 **Size of Dwelling Units**
- 18.3.1 The provisions of section 15.3.2 herein apply.
- 18.4.0 **Location of Main Buildings and Structures**
- 18.4.1 The provisions of section 15.4.0 herein apply, except that the distance between a main building or structure and a rear lot line, other than that coinciding with the boundary of an arterial or collector highway, shall be 2 metres (6'7").
- 18.5.0 **Height of a Main Building or Structure**
- 18.5.1 No main building or structure may exceed 15 metres (49'3") in height.
- 18.6.0 **Accessory Buildings or Structures**
- 18.6.1 The provisions of section 15.6.0 herein apply.
- 18.7.0 **Lot Occupancy**
- 18.7.1 The provisions of section 15.7.0 herein apply.
- 18.8.0 **Landscaping**
- 18.8.1 The provisions of section 15.8.0 herein apply.
- 18.9.0 **Additional Provisions**
- 18.9.1 A secondary use permitted under section 18.1.1 shall not be located on the ground level of a building.

**18.9.2** A recycling depot is subject to provincial regulation on recycling.

**18.9.3** As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

## **SECTION 19.0.0 - INSTITUTIONAL ZONE (Inst Zone)**

### **19.1.0 Permitted Uses**

**19.1.1** In an Inst zone, any lot, building or structure may be used for purposes of, and for no other purpose,

(a) one of the following main uses:

- (i) an active recreation area,
- (ii) a cemetery,
- (iii) a church or religious institution,
- (iv) a community centre,
- (v) a fire station,
- (vi) a fraternal lodge,
- (vii) a funeral home,
- (viii) a government office,
- (ix) a hospital,
- (x) a medical clinic,
- (x) a police detachment,
- (xi) a school, or
- (xii) a special care facility;

(b) the following secondary use:

- (i) in the case of a church or religious institution, a clerical residence, a dormitory or a cemetery,
- (ii) in the case of a school, an active recreation area, or
- (iii) an entertainment place, excluding an adult entertainment place, subject to terms and conditions imposed by the Planning Advisory Committee; and

- (c) any accessory building, structure or use.

**19.2.0 Lot Sizes**

19.2.1 The provisions of section 18.2.0 herein apply.

**19.3.0 Size of Dwellings and Dwelling Units**

19.3.1 The provisions of section 15.3.0 herein apply.

**19.4.0 Location of Main Buildings and Structures**

19.4.1 No main building or structure may be placed, erected or altered so that it is

- a) within 7.5 metres (24'7") of a lot line, other than that coinciding with the boundary of an arterial or collector highway; or
- (b) within 15 metres (49'3") of a boundary of an arterial or collector highway.

**19.5.0 Height of a Main Building or Structure**

19.5.1 The main building or structure may not exceed 15 metres (49'3") in height.

19.5.2 A church spire, belfry or other subsidiary feature, shall not exceed in height a distance equal to twice the height of the main portion.

**19.6.0 Accessory Buildings or Structures**

19.6.1 No accessory building or structure shall

- (a) exceed the height of the main building or structure;
- (b) be placed, erected or altered so that it is
  - (i) closer to the street line than the front of the main building or structure, or
  - (ii) closer than 2 metres (6'7") to a side lot or rear lot line;
- (c) exceed 93 square metres (1,001 square feet) in area or have a width or depth greater than 10 metres (32'10"); or
- (d) be used for agricultural purposes or for the keeping of animals other than household pets.

**19.7.0      Lot Occupancy**

19.7.1      The provisions of section 15.7.0 herein apply.

**19.8.0      Landscaping**

19.8.1      The provisions of section 15.8.0 herein apply.

## **SECTION 20.0.0 - INDUSTRIAL ZONE (I Zone)**

### **20.1.0 Permitted Uses**

**20.1.1** In an I zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one or more of the following main uses:
  - (i) an automotive body shop,
  - (ii) an automotive car wash,
  - (iii) an automotive commercial garage,
  - (iv) an automotive scrapyard,
  - (v) an automotive store,
  - (vi) an automotive vehicle sales or rental establishment,
  - (vii) a farm equipment sales and service dealership,
  - (viii) a garden centre or nursery,
  - (ix) a manufacturing plant or a light manufacturing plant,
  - (x) a mobile home park,
  - (xi) a mobile or mini home manufacturer and sales and service dealership,
  - (xii) a printing operation,
  - (xiii) a recycling depot,
  - (xiv) a redemption waste disposal site,
  - (xv) a salvage yard,
  - (xvi) a sawmill,
  - (xvii) a mini or vehicle storage depot,
  - (xviii) a trucking firm, or

- (xix) a warehouse or wholesaling operation;
- (b) the following secondary uses:
  - (i) a dwelling unit for a caretaker, or
  - (ii) a factory outlet; and
- (c) any accessory building, structure or use.

## **20.2.0 Lot Sizes**

**20.2.1** No building or structure may be placed, erected or altered on a lot unless the lot is serviced by public water and sewer systems and has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 2,052 square metres (0.51 acre).

## **20.3.0 Size of Dwellings and Dwelling Units**

**20.3.1** A dwelling unit for a caretaker may be either

- (a) a single-detached dwelling, in accordance with section 15.0.0, excluding secondary uses; or
- (b) a mobile home, in accordance with the following provisions:
  - (i) those specified within section 15.0.0 as applicable to a single-detached dwelling, exclusive of secondary uses, and
  - (ii) a durable skirting, designed and placed so as to harmonize with the mobile home, is provided.

## **20.4.0 Location of Main Buildings and Structures**

**20.4.1** No main building or structure may be placed, erected or altered so that it is

- (a) within 7.5 metres (24'7") of a street line, other than that coinciding with the boundary of an arterial or collector highway;

- (b) in the case of adjacency to another lot inside the I zone, within a distance of a side or rear lot line less than the height of the main building or structure, other than that coinciding with the boundary of an arterial or collector highway;
- (c) In the case of adjacency to a lot in a R zone, within a distance of twice the height of the main building or structure, other than that coinciding with the boundary of an arterial or collector highway; or
- (d) within 15 metres (49'3") of a boundary of an arterial or collector highway.

#### **20.5.0 Height of a Main Building or Structure**

20.5.1 No main building or structure may exceed 15 metres (49'3") in height.

#### **20.6.0 Accessory Buildings or Structures**

20.6.1 Except for a gatekeeper or security office not exceeding 10 square metres (108 square feet) in size, an accessory building or structure must be placed, erected or altered relative to a lot line, in accordance with section 20.4.1.

20.6.2 Buildings and structures must be provided for the handling and storage of hazardous materials and products so as to protect the health, safety and well-being of on-site employees and the public, as well as, that of adjacent lot occupants and users.

20.6.3 All storage, freightage or trucking yards and repair areas shall be enclosed or completely screened by buildings, buffer strip, fence or tree line.

20.6.4 No material shall be piled higher than the height of a surrounding fence.

#### **20.7.0 Lot Occupancy**

20.7.1 Open space must be provided for the safe handling and storage of materials and products and for the safe access and parking by employees and the public, subject to terms and conditions imposed by the Planning Advisory Committee.

**20.8.0 Landscaping**

**20.8.1 Landscaping shall include**

- (a) all grading and drainage necessary to divert surface water across the property and away from any building or structure and to reasonably contour the yards with the terrain of adjacent lots;
- (b) the construction of a buffer strip, fence or tree line in accordance with section 14.2.0;
- (c) all yards, exclusive of those for storage, freightage or trucking, parking and similar uses, shall be grassed; and
- (d) the entire site and all buildings and structures maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

**20.9.0 Additional Provisions**

20.9.1 A mobile home park is subject to the provisions of section 17.2.1.

20.9.2 A recycling depot is subject to the provincial regulation on recycling.

20.9.3 Any new development must be serviced by a private or public water supply and collection system so as not to negatively impact on surface or ground waters.

## **SECTION 21.0.0 - RECREATIONAL ZONE (Rec Zone)**

### **21.1.0 Permitted Uses**

**21.1.1** In a Rec zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

(a) one of the following main uses:

- (i) a publicly owned park or playground,
- (ii) a privately owned park or playground, or
- (iii) a commercial recreation facility, such as a golf course, tennis court, lawn bowling area, campground, sports arena or outdoor tourism operation, subject to terms and conditions imposed by the Planning Advisory Committee; and

(b) any accessory building, structure or use.

### **21.2.0 Lot Sizes**

**21.2.1** No building or structure may be placed, erected or altered on a lot which is serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 18 metres (59'1");
- (b) a depth of at least 30 metres (98'5"); and
- (c) an area of at least 545 square metres (0.13 acre).

**21.2.2** No building or structure may be placed, erected or altered on a lot which is not serviced by public water and sewer systems unless the lot has and contains

- (a) a width of at least 54 metres (177'2");
- (b) a depth of at least 38 metres (124'8"); and
- (c) an area of at least 4,000 square metres (0.99 acre).

### **21.3.0 Location of Main Buildings and Structures**

**21.3.1** The provisions of section 15.4.0 herein apply.

**21.4.0 Height of a Main Building or Structure**

21.4.1 The provisions of section 15.5.0 herein apply.

**21.5.0 Accessory Buildings or Structures**

21.5.1 The provisions of section 15.6.0 herein apply.

**21.6.0 Lot Occupancy**

21.6.1 The provisions of section 15.7.0 herein apply.

**21.7.0 Landscaping**

**21.7.1 Landscaping**

- (a) shall include all grading and drainage necessary to divert surface water across the property and away from any building or structure and to reasonably contour the yards with the terrain of adjacent lots;
- (b) shall include the construction and maintenance of the following items to enhance the main use and minimize any negative impact on adjacent properties, subject to terms and conditions imposed by the Planning Advisory Committee in accordance with section 13.5.0:
  - (i) a buffer strip, fence or tree line,
  - (ii) the gravelling or paving of walkways and parking spaces, and
  - (iii) the grassing of open areas; and
- (c) may include paths, patios, walkways, trees, and ornamental shrubbery, vines and flowers.

**21.8.0 Additional Provisions**

21.8.1 As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

21.8.2 Where necessary, connections must be made to either a private or public water and sewer system.

## **SECTION 22.0.0 - RESOURCE USE ZONE (RU Zone)**

### **22.1.0 Permitted Uses**

**22.1.1** In a RU zone, any lot, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
  - (i) an agricultural operation,
  - (ii) an agricultural operation and a single-detached dwelling (including a mobile home),
  - (iii) a composting operation,
  - (iv) an excavation site, in accordance with section 14.19.0,
  - (v) a forestry operation, not involving a manufacturing process,
  - (vi) a forestry operation, not involving a manufacturing process, and a single-detached dwelling or mobile home,
  - (vii) a logging hauler,
  - (viii) a mobile home, or
  - (ix) a single-detached dwelling;
- (b) the following secondary uses:
  - (i) a bed and breakfast establishment, in accordance with section 14.1.0,
  - (ii) a boarding stable,
  - (iii) a garden suite, in accordance with section 14.7.0,
  - (iv) a hobby farm,
  - (v) a home occupation, in accordance with section 14.9.0, or
  - (vi) a kennel; and
- (c) any accessory building, structure or use.

**22.2.0 Lot Sizes**

22.2.1 The provisions of section 15.2.3 herein apply.

**22.3.0 Size of Dwellings and Dwelling Units**

22.3.1 The provisions of section 15.3.0 herein apply.

**22.4.0 Location of Main Buildings and Structures**

22.4.1 The provisions of section 15.4.0 herein apply.

**22.5.0 Height of a Main Building or Structure**

22.5.1 The provisions of section 15.5.0 herein apply.

**22.6.0 Agricultural Operations**

22.6.1 No agricultural operation building, structure or manure storage area, nor any extension or enlargement to an existing building or structure, shall be placed, erected or altered so that it is

- (a) within 100 metres (328'1") of any dwelling other than that of the owner,
- (b) exceeding the height of 11 metres (36'1"),
- (c) on marshy ground, or
- (d) on land subject to overflow.

**22.7.0 Lot Occupancy**

22.7.1 The provisions of section 15.7.0 herein apply.

**22.8.0 Landscaping**

22.8.1 The provisions of section 15.8.0 herein apply with respect to dwellings.

**22.9.0 Additional Provisions**

22.9.1 As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

22.9.2

A single-detached dwelling is subject to the applicable provisions of section 15.0.0.

22.9.3

#### Agricultural Produce Sales Outlet

An agricultural produce sales outlet may exist as an accessory building, structure or use, subject to the following provisions:

- (a) the building has a floor area no greater than 22 square metres (237 square feet);
- (b) the building and any structure are not located within a public right-of-way;
- (c) notwithstanding section 14.16.0, off-street parking of at least 4 spaces must be provided and be located on the same side of the roadway as the building; and
- (d) the outlet shall be maintained in a neat and tidy manner, including the removal of debris.

## SECTION 23.0.0 - ENVIRONMENTAL CONSTRAINT ZONE (EC zone)

### 23.1.0 Definition

23.1.1 An EC zone includes the Tobique River, a 30-metre (98'5") buffer along each of its banks, Arbuckle Island and all or part of additional lands as shown on Schedule B, titled "Zoning Map".

### 23.2.0 Permitted Uses

23.2.1 In an EC zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

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

- (i) a development, lying within 30 metres (98'5") of the banks of the Tobique River, as permitted subject to the **Clean Water Act** or any other applicable act,
- (ii) a public walkway, lying beyond 30 metres (98'5") of the banks of the Tobique River, in conjunction with section 23.2.1(a)(i),
- (iii) a development, lying beyond 30 metres (98'5") of the banks of the Tobique River, in conjunction with that permitted under section 23.2.1(a)(i); or
- (iv) a development, within the bed of the Tobique River, subject to the applicable acts.

(b) any accessory building, structure or use,

### 23.3.0 Provisions

23.3.1 As shown on Schedule A, titled "Land Use Map", utilities may exist upon lots whose major land use has been categorized as vacant. Development upon such vacant lots must not interfere or impede the existing services provided by a utility nor with the regular or emergency servicing of the utility.

## **SECTION 24.0.0 - MIXED DEVELOPMENT ZONE (MD Zone)**

### **24.1.0 Permitted Uses**

24.1.1 In a MD zone, any lot, building or structure may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
  - (i) a permitted use as specified within section 15.1.0 (R1),
  - (ii) a permitted use as specified within section 16.1.0 (R2), subject to terms and conditions imposed by the Planning Advisory Committee,
  - (iii) a publicly or privately owned park or playground,
  - (iv) a permitted use as specified within section 24.1.0 (U),
  - (v) an artisan shop, subject to terms and conditions imposed by the Planning Advisory Committee,
  - (vi) a convenience store, subject to terms and conditions imposed by the Planning Advisory Committee,
  - (vii) a garden centre or nursery, subject to terms and conditions imposed by the Planning Advisory Committee, or
  - (viii) a use similar in nature to one of the aforementioned commercial uses, subject to approval by the Planning Advisory Committee; and
- (b) any accessory building, structure or use.

### **24.2.0 Provisions**

24.2.1 All the provisions for

- (a) lot sizes;
- (b) size of dwellings and dwelling units;
- (c) location of main buildings and structures;
- (d) height of a main building or structure;

- (e) accessory buildings or structures;
- (f) lot occupancy;
- (g) landscaping; and
- (h) additional provisions

apply to the permitted uses of section 24.1.0 as follows:

- (a) for single-detached and two-unit residential uses, in accordance with section 15.0.0;
- (b) for multiple-unit residential uses, in accordance with section 16.0.0;
- (c) for commercial uses, in accordance with section 18.0.0; and
- (d) for recreational uses, in accordance with section 21.0.0.



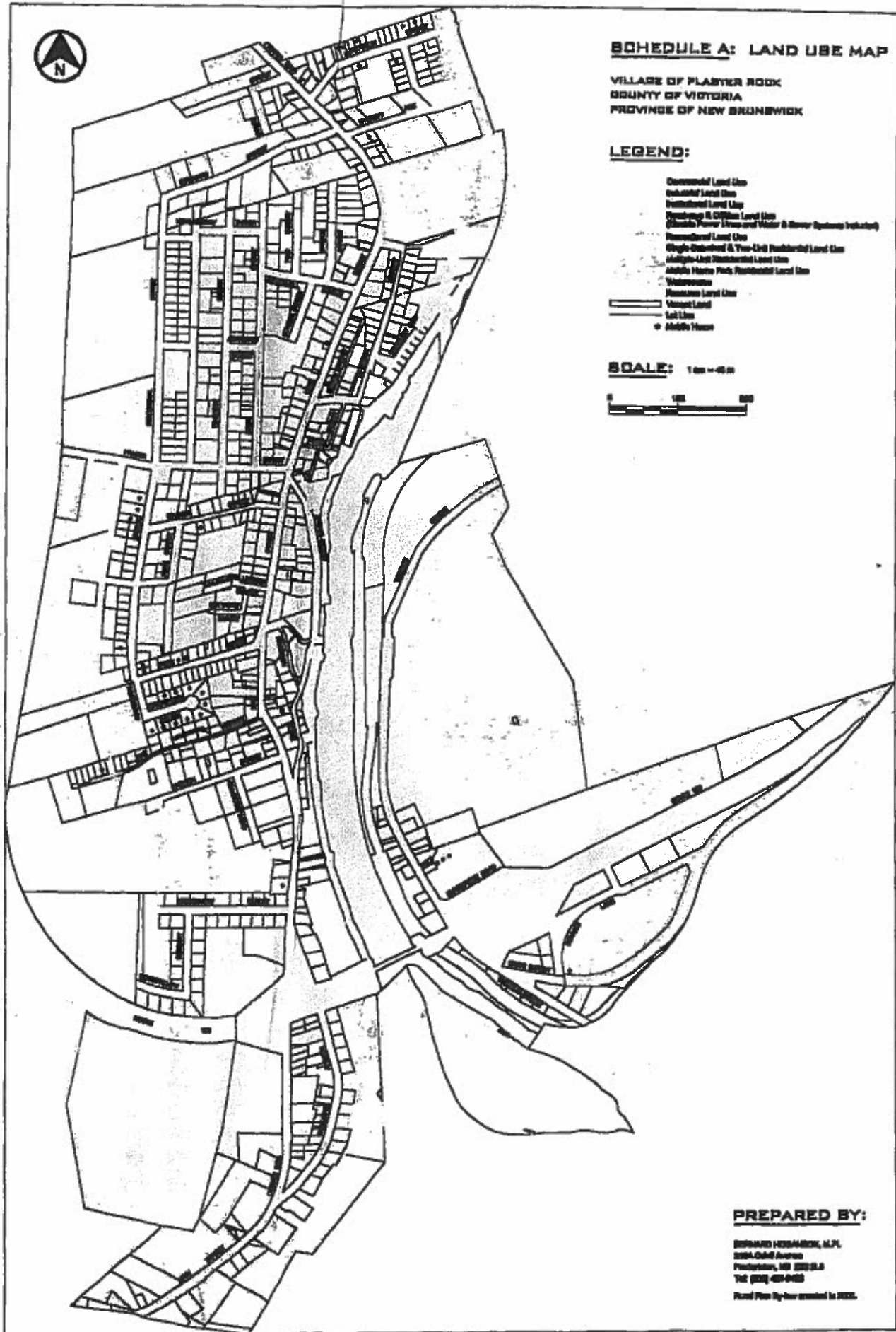
## **SCHEDULE A: LAND USE MAP**

VILLAGE OF PLASTER ROCK  
COUNTY OF VICTORIA  
PROVINCE OF NEW BRUNSWICK

### **LEGEND:**

- Commercial Land Use
- Industrial Land Use
- Residential Land Use
- Residential & Office Land Use
- Electric Power Lines and Water & Sewer Systems (indicated)
- Recreational Land Use
- Single Detached & Two-Unit Residential Land Use
- Multiple-Unit Residential Land Use
- Mobile Home Park Residential Land Use
- Waterways
- Provincial Land Use
- Vacant Land
- Lot Line
- Mobile Home

**SCALE:** 1 cm = 40 m



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Final Plan By-law submitted in 2005.



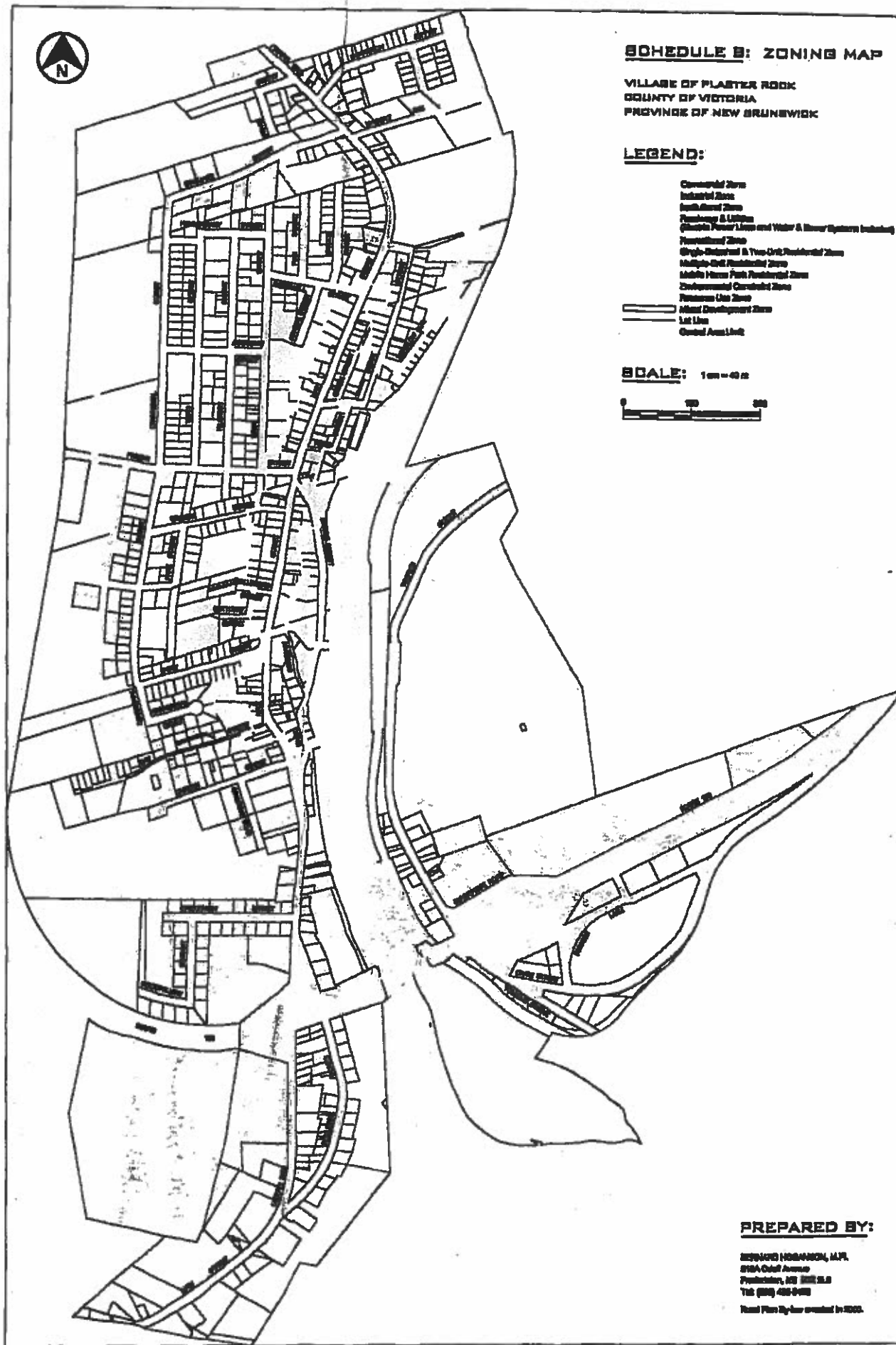
## **SCHEDULE B: ZONING MAP**

VILLAGE OF PLASTER ROCK  
COUNTY OF VICTORIA  
PROVINCE OF NEW BRUNSWICK

### **LEGEND:**

- Commercial Zone
- Industrial Zone
- South Rural Zone
- Freeway & Light Rail
- Electric Power Lines and Water & Sewer Systems (including)
- Recreational Zone
- Single Detached & Two-Unit Residential Zone
- Multiple-Unit Residential Zone
- Mobile Home Park Residential Zone
- Developmental Commercial Zone
- Parkway Use Zone
- Offroad Development Zone
- Lot Line
- Control Area Limit

**SCALE:** 1 cm = 40 m



### **PREPARED BY:**

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Zoning Plan By-law enacted in 2000.

**SCHEDULE C: DATA TABLE FOR THE ZONING**  
(A list of how the vacant lands of Schedule A are

**VACANT LANDS**  
zoned in Schedule B)

<b>ZONE or ROADWAYS &amp; UTILITIES</b> (refer to section 13.5.2)	<b>AREA</b> (hectares)	<b>AREA</b> (acres)
<b>VACANT LAND SECTORS</b>		
Single-Detached and Two-Unit Residential	11.0	27
Multiple-Unit Residential	2.1	5
Mobile Home Park Residential	0.0	0
Commercial	3.8	9
Institutional	0.1	0
Industrial	2.3	6
Recreational	0.3	1
Resource Use	6.4	16
Environmental Constraint	22.6	56
Roadways and Utilities	6.2	16
<b>TOTAL VACANT LAND SECTORS</b>	<b>54.8</b>	<b>136</b>
<b>VACANT LAND TRACTS</b>		
Mixed Development	43.0	106
<b>Total VACANT LAND TRACTS</b>	<b>43.0</b>	<b>106</b>
<b>Total VACANT LANDS</b>	<b>97.8</b>	<b>242</b>

The total area of the Mixed Development Zone of Schedule B, and as indicated on Schedule D, is 43.4 hectares (107 acres). This slightly exceeds the 43.0 hectares (106 acres) of the vacant land tracts that go to make up the Mixed Development Zone in the preceding table. The difference of 0.4 hectare (1 acre) consists of lands within the Mixed Development Zone that presently contain public water supply or collection systems and are not part of the vacant lands of Schedule A.

SCHEDULE D: DATA TABLE FOR ZONING MAP 1978, LAND USE MAP 1999  
AND ZONING MAP 1999

ZONING MAP 1978			LAND USE MAP 1999			ZONING MAP 1999		
ZONE	AREA (ha)	% OF ALL ZONES	USE	AREA (ha)	% OF ALL USES	ZONE or U	AREA (ha)	% OF ALL ZONES
C	9.3	4.3	C	14.4	4.5	C	17.3	5.4
EC	N/A	N/A	EC	13.2	4.2	EC	36.9	11.6
I	30.0	14.0	I	36.9	11.6	I	45.1	14.2
MD	N/A	N/A	Vac	97.8	30.7	MD	43.4	13.6
Inst	10.6	5.0	Inst	20.2	6.3	Inst	20.0	6.3
Rec	5.2	2.4	Rec	23.2	7.3	Rec	23.5	7.4
R1	85.4	39.9	R1	56.0	17.6	R1	62.4	19.6
R2	9.8	4.6	R2	6.8	2.1	R2	8.4	2.7
R3	N/A	N/A	R3	.2	.1	R3	.2	.1
RU	28.6	13.4	RU	.4	.1	RU	7.6	2.4
U	N/A	N/A	U	49.3	15.5	U	53.6	16.8
other	35.1	16.4						
TOTAL:	214.0	100.0	TOTAL:	318.6	100.0	TOTAL:	318.6	100.0

NOTE: U = Roadways and Utilities  
Vac = Vacant Lands