
ZONING BY-LAW OF THE REGIONAL TOWN OF CAP-ACADIE

By-Law No. CA-18

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SECTION 1: TITLE AND DESIGNATION OF THE AREA

1.1.1 Under the authority vested in Section 53 by the *Community Planning Act*, the Council of the Town of Cap-Acadie adopts the following by-law:

- (i) This by-law may be cited as the “Zoning By-Law of the Town of Cap-Acadie.”
- (ii) The land area identified on the map in Schedule A is designated for the purposes of adopting a Zoning By-law and includes the areas to which this by-law applies.
- (iii) The Zoning By-law of the Town of Cap-Acadie, as set out in this by-law, is adopted for the Town of Cap-Acadie, as described in Section 3.
- (iv) This by-law, entitled the Zoning By-law of the Town of Cap-Acadie, was prepared in 2023 and 2024 by the Council of the Town of Cap-Acadie, in collaboration with the public, the Cap-Acadie Planning Committee, and the Southeast Regional Service Commission. Schedules A, B, C, and D are attached to this by-law and together constitute the Zoning By-law of the Town of Cap-Acadie.
- (v) By-law No. A-005, adopting the *Plan rural du Village de Cap-Pelé*, enacted pursuant to the *Community Planning Act*, registered on May 2, 2019, and all amendments thereto, is hereby repealed, except for the following by-laws:
 - (a) A-005-9Z
 - (b) A-005-10Z
 - (c) A-005-13Z
 - (d) A-005-17Z
 - (e) A-005-19Z
 - (f) A-005-20Z
 - (g) A-005-21Z
 - (h) A-005-A22Z
- (vi) By-law No. 09-1, adopting the *Plan rural de la Communauté rurale de Beaubassin-est*, enacted pursuant to the *Community Planning Act*, registered on June 22, 2009, and all amendments thereto, is hereby repealed, except for the following by-laws:
 - (a) 07-1C
 - (b) 07-1F
 - (c) 07-1H
 - (d) 09-1H
 - (e) 09-1J
 - (f) 09-1K
 - (g) 09-1L
 - (h) 09-1N
 - (i) 09-1O
 - (j) 09-1FF
 - (k) 09-1RR
 - (l) 09-1QQ

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- (m) 09-1SS
 - (n) 09-1W
 - (o) 09-1Z
 - (p) 09-1DDD
 - (q) 09-1HHH
 - (r) 09-1MMM
 - (s) 09-1NNN
 - (t) 09-1OOO
 - (u) 09-1PPP

(vii) A portion of the zoning map in the regulation No. 12-TAN-048-00, adopting the *Ministerial Regulation for the Trantramar Planning Area*, enacted pursuant to the *Community Planning Act*, registered on February 9, 2012, and all amendments thereto, is hereby repealed.

(viii) This by-law comes into force on the date it is filed at the Registry Office.

FIRST READING (by title): May 26, 2025

SECOND READING (by title): May 26, 2025

READING IN ITS ENTIRETY: June 2, 2025

(procedure in accordance with section 15(3) of the *Local Governance Act*)

THIRD READING AND PASSED: June 2, 2025

Serge Leger, Mayor

Carole Friolet-Landry, Clerk

SECTION 2: DEFINITIONS

2.1 DEFINITIONS OF USE

2.1.1 “abattoir” means the use of land, a building, or a structure for the slaughtering of cattle, sheep, swine, poultry, or other animals intended for human consumption (*abattoir*);

2.1.2 “artisanal agriculture activity” means an activity or accessory use to a primary residential use that does not include a commercial abattoir and may include one or more of the following:

- (i) grazing for farm animals, poultry, a market garden, or a plantation; and
- (ii) an accessory building used for the storage of agricultural equipment or housing for animals (*activité agricole artisanale*);

2.1.3 “home occupation” means a business activity carried out within a residence or accessory building that:

- (i) is secondary to the use of the dwelling unit as a private residence; and
- (ii) does not alter the exterior appearance of the dwelling or property, or provide any visible indication of its existence, except for a sign erected in accordance with the zoning regulations (*activités professionnelles à domicile*);

2.1.4 “vehicle repair shop” means an establishment used for the repair and service of motor vehicles, as well as the sale and installation of automotive parts and accessories. It may also include the storage of up to five vehicles on the lot for sale (*atelier de réparation de véhicules automobiles*);

2.1.5 “aquaculture” means the use of land, a building, or a structure for hatching, raising, and breeding fish or other aquatic plants or animals for commercial sale or personal use. This use may also be considered related to fisheries (*aquaculture*);

2.1.6 “repair shop” means a building or part of a building used for the repair or maintenance of personal belongings, household appliances, or other equipment. This definition may also include the repair of small motors, plumbing or electrical services, or pet grooming facilities. However, it does not include light industrial uses, nor does it apply to the repair of motor vehicles or heavy machinery (*atelier de réparation*);

2.1.7 “office” means an establishment providing professional services, managerial, administrative, support, or consulting services to businesses, organizations, governments, or non-profit groups. It may also involve the sale of services (*bureau*);

2.1.8 “camp” means a building designed exclusively for temporary seasonal recreational use that shall not be used as a permanent dwelling (*camp*);

2.1.9 “quarry” means a resource extraction operation that uses explosives to extract consolidated rock (*carrière*);

2.1.10 “fitness centre” means a facility that provides amenities for the promotion of physical health and well-being (*centre de conditionnement*);

2.1.11 “garden centre” means an establishment engaged in the sale of nursery plants, landscaping materials and equipment, as well as accessory merchandise (*centre de jardinage*);

2.1.12 “shooting range” means a facility designed or developed for the safe and regulated use of firearms for target shooting or shooting competitions, in compliance with Canadian *Firearms Act* (*champ de tir*);

2.1.13 “kennel” means an establishment where domesticated animals are kept for compensation or bred for commercial purposes (*chenil*);

2.1.14 “veterinary clinic” means a facility used for the care, diagnosis, and treatment of animals by a licensed veterinarian. This definition does not include a kennel, dog run, or outdoor enclosure for animals (*clinique vétérinaire*);

2.1.15 “retail establishment” means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public (*commerce de détail*);

2.1.16 “salvage yard” means a building, warehouse, yard, or other premises licensed by the Province of New Brunswick in which second-hand, used, discarded, or surplus metals, bottles or goods, are stored or kept for future resale or delivery to another party. This may include unserviceable, discarded, or junked motor vehicles, vehicle bodies, engines, or other component parts of a motor vehicle, as well as other articles of a similar nature (*dépôt d’objets de récupération*);

2.1.17 “adult entertainment” means a nightclub, bar, restaurant, or similar establishment that regularly features live performances characterized by the exposure of specific body parts (*divertissement pour adultes*);

2.1.18 “home business” means a business activity that takes place entirely within a dwelling (*entreprise à domicile*);

2.1.19 “personal service shop” means an establishment where direct or consultation-based personal services are offered, such as hair salons, spas, and aesthetician services (*services personnels*);

2.1.20 “wind turbine, commercial” means one or more large wind turbines developed for commercial purposes, connected to the provincial electrical grid for the sale of electricity to NB Power and/or a third party (*éolienne commerciale*);

2.1.21 “wind turbine, personal” means a wind turbine that is secondary and/or accessory to the primary use of the lot and is not operated solely for commercial purposes (*éolienne personnelle*);

2.1.22 “self-storage facility” means a commercial building containing self-contained storage units for individual rent by the public (*unités d’entreposage libre-service*);

2.1.23 “residential care use” means an institutional use that may include a family shelter, group care facility, special care home, or similar facility providing 24-hour care for individuals requiring personal services, supervision, or essential assistance daily living activities or personal protection (*établissement de soins spéciaux*);

2.1.24 “vehicle sales or rental establishment” means a licensed dealership providing for the sale or rental of more than five vehicles on a single lot (*établissement de vente ou location de véhicules automobiles*);

2.1.25 “heavy equipment sales, rental, and service establishment” means a facility where heavy equipment, transport trucks, construction machinery, and new or used agricultural machinery are displayed for sale or rental. This use may include associated maintenance services (*établissement de vente ou de location d’équipement lourd*);

2.1.26 “resource extraction” means any excavation of sand, gravel, clay, shale, limestone, or other materials for development, sale, or other commercial use. This definition excludes rock quarriers, oil, gas, and mining operations (*extraction de ressources*);

2.1.27 “daycare” means a facility that provides childcare services as defined by and operated in accordance with the *Family Services Act* (*garderie*);

2.1.28 “bed and breakfast” means a business operated by the owner who resides within a single-unit dwelling, where rooms are rented, and meals are served to overnight guests for commercial purposes (*gîte*);

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- 2.1.29 “dwelling” means a building containing one or more dwelling units, including mini homes, but excluding trailers, campers, or recreational vehicles designed for seasonal and non-permanent occupation (*habitation*);
- 2.1.30 “dwelling, two-unit” means a dwelling containing two dwelling units (*habitation bifamiliale*);
- 2.1.31 “dwelling, semi-detached” means a dwelling attached to one or more dwellings by a common wall, with each dwelling unit located on a separate lot (*habitation jumelée*);
- 2.1.32 “dwelling, multi-unit” means a dwelling containing three or more dwelling units (*habitation multifamiliale*);
- 2.1.33 “dwelling, single-unit” means a dwelling containing only one dwelling unit (*habitation unifamiliale*);
- 2.1.34 “home industry” means a business activity conducted within an accessory building (*industrie à domicile*);
- 2.1.35 “livestock facilities” means a building used or intended to be used to confine or shelter livestock, or a confined area without grazing, and includes any structure or area used or intended for manure storage (*installations à bétail*);
- 2.1.36 “cannabis production facility, indoor” means the use of a building or structure for the cultivation, processing, testing, or research of cannabis, authorized by a license issued by Health Canada (*installation de production de cannabis à l’intérieur*);
- 2.1.37 “financial institution” means a building or part of a building where financial services such as deposits, loans, currency exchange, or investment services are provided to clients (*institution financière*);
- 2.1.38 “entertainment use” means a use that involves public gatherings in indoor or outdoor venues that may have a significant impact on surrounding land uses, including but not limited to increased traffic, excessive noise, and light pollution. This use includes, but is not limited to, amusement parks, theatres, and racetracks (*lieu de divertissement*);
- 2.1.39 “event venue” means a commercial use of a building, part of a building, or land as a gathering place for public events such as weddings, performances, and cultural gatherings, but does not include recreational or institutional uses (*lieu d’un événement*);
- 2.1.40 “accessory dwelling” means a dwelling unit that is secondary to a main dwelling unit (*logement accessoire*);
- 2.1.41 “accessory dwelling, attached” means a secondary dwelling unit that is contained within the same building as the main dwelling unit (*logement accessoire attaché*);
- 2.1.42 “accessory dwelling, detached” means a secondary dwelling unit that is separate from the main dwelling unit and designed to be located on the same property (*logement accessoire détaché*);
- 2.1.43 “tourist accommodation” means a short-term rental accommodation that may include structures such as domes, yurts, cottages, or other nature-based lodging. It may also be operated in conjunction with existing primary use such as a dwelling, recreational use, agricultural activity, traditional farm operation, or forestry (*logement touristique*);
- 2.1.44 “farmer’s market” means an establishment or designated area where foodstuffs, beverages (including alcohol), health and wellness products, artworks, and crafts are sold by local vendors, either indoors or in designated uncovered or outdoor spaces set up for individual vendors (*marché de producteurs*);
- 2.1.45 “mini home” means a factory-built single-unit dwelling, equipped with the necessary service connections and made to be readily moveable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation (*mini maison*);

2.1.46 “park” means an area generally composed of open spaces, which may include recreational areas, playgrounds, playing fields, or similar uses, but not include a campground or a mini home park (*parc*);

2.1.47 “mini home park” means a lot under single management where two or more mini homes are located, but does not include a campground (*parc de mini maisons*);

2.1.48 “chicken coop” means a building where poultry is kept for personal or commercial use. For the purposes of this b-law, poultry includes, but is not limited to, chicken, geese, ducks, and turkeys (*poulailler*);

2.1.49 “cannabis production, outdoor” means the use of land for the cultivation of cannabis, authorized by a license issued by Health Canada, and does not take place inside a building or structure (*production de cannabis en plein air*);

2.1.50 “restaurant” means a building where food and beverages, including alcohol, are offered for sale to the public for consumption at tables or counters, either inside the building or on the lot’s outdoor premises. This also includes take-out service of food and beverages for off-site consumption (*restaurant*);

2.1.51 “trailer/camper” means a vehicle designed for temporary lodging or dining, built to be hitched and towed by a motor vehicle, and also includes motorhomes (*roulotte*);

2.1.52 “use” means the purpose for which any land, building, or structure is utilized, occupied, maintained, or leased (*usage*);

2.1.53 “conservation use” means an activity or an area designated for the purpose of the conservation or preservation of natural and/or cultural values (*usage à des fins de conservation*);

2.1.54 “use, accessory” means a use, other than human habitation of land, a building, or a structure, which is naturally or customarily incidental and complementary to the main use of the land, building, or structure. It must be located on the same lot as the main use and is not considered a secondary use. (*usage accessoire*);

2.1.55 “agricultural use” means:

- (i) the clearing, draining, irrigating, or cultivation of land,
- (ii) the raising of livestock as defined by the *Livestock Operations Act* and its Regulations, as well as horses, alpacas, and llamas,
- (iii) the raising of fur-bearing animals,
- (iv) the raising of bees,
- (v) the production of agricultural field crops,
- (vi) the production of fruit and vegetables, and other specialty horticultural crops,
- (vii) the production of eggs and milk,
- (viii) the operation of agricultural machinery and equipment, including irrigation pumps,
- (ix) the preparation of farm products for distribution from the farm gate, including cleaning, grading, and packaging,
- (x) the on-farm processing of farm products, where a portion of the raw materials have been produced on-site, for the purpose of preparing farm products for wholesale or retail consumption,
- (xi) the storage, use, treatment, or disposal of organic waste for agricultural purposes,
- (xii) the operation of pick-your-own farms, roadside stands, and farm-related agrotourism activities,

(xiii) the application of fertilizers, conditioners, insecticides, pesticides, fungicides, and herbicides, including ground and aerial spraying, for agricultural purposes,

(xiv) any other agricultural activity or process prescribed by regulation (*usage agricole*);

2.1.56 “forestry use” means the general cultivation and harvesting of trees and, without limiting the generality of the foregoing, shall include the growing, and cutting of fuelwood, pulpwood, lumber, Christmas trees, and other forest products. Forestry use includes a woodworking shop but does not include a sawmill (*usage forestier*);

2.1.57 “waterfront industrial use” means a use related to the fishing industry and maritime transportation. It includes mooring facilities, storage of equipment or products related to the fishing industry, and seafood processing facilities, but excludes uses relating to resources (*usage portuaire*);

2.1.58 “light industrial use” means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, packaging, warehousing, wholesaling and/or distribution of finished products, predominately from previously prepared or refined materials (or from raw materials that do not require refining) (*usage industriel léger*);

2.1.59 “heavy industrial use” means a use engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials, or a use engaged in the storage or manufacturing of flammable, explosive, hazardous, or commonly recognized offensive conditions (*usage industriel lourd*);

2.1.60 “institutional use” means the use of land, buildings, or structures for a public or not-for-profit purpose including, but not limited to, schools, daycares, residential care facilities, places of worship, indoor recreational facilities, cemeteries, cultural or community centres, hospitals, clinics, and government offices (*usage institutionnel*);

2.1.61 “resource-related use” means activities related to agriculture, forestry, or aquaculture. It may include biomass production for energy, processing of organic waste from the fishery industry for energy or commercial purposes, and other commercial uses associated with resource production. It does not include activities related to aggregate extraction (e.g., asphalt plant) (*usage lié aux ressources*);

2.1.62 “use, main” means the primary purpose for which a lot, building, or structure is being used (*usage principal*);

2.1.63 “recreation use” means a use, whether privately or publicly held, that is designed and equipped for the conduct of sports, leisure time activities and other customary recreational activities and may include, but is not limited to, parks, trails, and indoor or outdoor recreational facilities (*usage récréatif*);

2.1.64 “recreation use, passive” means a recreational area which has limited disturbance to the natural environment and has low impact recreation uses such as, but not limited to, trails, and scenic vistas, and interpretation panels, play parks, sports fields, and open space that require minimal visitor facilities (*usage récréatif passif*);

2.1.65 “residential use” means the use of a building or structure, or part thereof, as a dwelling (*usage résidentiel*);

2.1.66 “secondary use” means a use that is incidental or complimentary to the main use of land (*usage secondaire*);

2.1.67 “tourism use” means the commercial use of land to attract and serve people visiting an area for recreation and vacations (*usage touristique*);

2.1.68 “water-dependent use” means uses or part of a use that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations (*usages dépendants de l’eau*);

2.1.69 “utilities” means any building, structure, facility, or equipment essential to the provision and operation of public utilities, including electricity, water supply and storage, sewage disposal and treatment, drainage, telephone service, telegraph service, pipelines, railways, telecommunications, and cable television (*service public*);

2.1.70 “healthcare use” means the use of land or buildings for the purposes of hospitals, clinics, wellness centres, treatment centres, medical offices, dental offices, alternative medical clinics, and other similar uses (*usage de soins de santé*);

2.1.71 “landfill” means a waste disposal site approved to operate by the province for operation (*site d’enfouissement*);

2.1.72 “service station” means the use of land, buildings, or structures for the sale of fuel, lubricating oil, or automotive accessories. It may also include motor vehicle maintenance and repair services or a car wash (*station-service*);

2.1.73 “art studio” means a space used for the creation, exposition, or sale of handmade artwork. This may include photography, paintings, drawings, engravings, sculptures, or similar artisanal products (*studio d'art*);

2.1.74 “campground” means an area of land, managed as a unit, providing short-term accommodation for two or more sites which may include tent trailers, travel trailers, recreational vehicles, cottage clusters, campers, yurts, tents, and other nature-based accommodation structures. A campground may include one or more of the following secondary uses: a convenience store, a laundromat, washroom facilities, an office for the campground, a daycare, a park or playground, a canteen, and cultural and recreational facilities, subject to the requirements of this By-Law (*terrain de camping*);

2.2 GENERAL DEFINITIONS

2.2.1 “access” means any public street or private access pursuant to the standards established in New Brunswick’s Provincial Subdivision Regulation (*accès*);

2.2.2 “floor area” means the total floor space of a building above ground level, measured between the exterior faces of the building’s exterior walls at the ground floor level (*aire de plancher*);

2.2.3 “gross floor area” means the total floor space of a building, including both above-ground and below-ground levels, measured between the exterior faces of the building’s exterior walls at each floor level. This does not include indoor car parking areas (*aire de plancher brute*);

2.2.4 “street line” means the common boundary between a street and a lot (*alignement de rues*);

2.2.5 “development” means:

- (i) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines defined in the 2005 *Pipeline Act*, except for buildings or structures located away from the pipeline that are used for management, administration, equipment storage, or signage required by law,

- (ii) where the purposes for which land, buildings and structures may be used are set out in a regional plan, municipal plan, rural plan, basic planning statement, development scheme, urban renewal scheme, zoning by-law or Regulation, any change to the designated use of any affected land, building or structure,

- (iii) any excavation of sand, gravel, clay, shale, limestone, or any other material for development, sale, or other commercial use, or any land alteration by excavation or filling to a depth or height exceeding one meter, except in the case of utilities or the installation of pipelines as defined in the 2005 *Pipeline Act* (*aménagement*);

2.2.6 “adapted development” means a building or structure constructed in a way to reduce the potential impacts of climate change and sea level rise (*aménagement adapté*);

2.2.7 “landscaping” means any combination of trees, shrubs, flowers, grass, or other horticultural elements, as well as decorative masonry, paving, fencing, or other architectural elements, all designed to enhance the visual appearance of a property (*aménagement paysager*);

2.2.8 “household pet” means a domestic animal customarily kept within the confines of a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility and includes dogs, cats, rabbits, small birds, as well as small rodents, but excludes cattle, sheep, horses, pigs, poultry, bees, and animals customarily kept as farm animals or exotic animals (*animal domestique*);

2.2.9 “apartment” means a dwelling unit located within a multi-unit dwelling (*appartement*);

2.2.10 “building” means a type of structure, whether permanent or temporary which is roofed and used for shelter or accommodation of persons, animals, materials, or equipment (*bâtiment*);

2.2.11 “attached building” means a building that supports one or more spaces constructed at different times, connected by one or more common walls or a shared interior covered space, and having a foundation system designed to support the entire structure (*bâtiment attaché*);

2.2.12 “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 (*bâtiment accessoire*);

2.2.13 “building, main” means a building in which the main or principal use of the lot is conducted (*bâtiment principal*);

2.2.14 “cannabis” means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act* (*cannabis*);

2.2.15 “Code” means the *National Building Code* of Canada adopted by the Province at the time of a permit application and all its related regulations (*Code*);

2.2.16 “Committee” means the Planning Review and Adjustment Committee (*Comité*);

2.2.17 “Commission” means the Southeast Regional Service Commission (*Commission*);

2.2.18 “structure” means anything that is erected, built, or constructed of parts joined together or any such erection, including but not limited to a fence, deck, dock or monument, but does not include a building, flagpole, or public utility (*construction*);

2.2.19 “shipping container” means a container originally designed for the storage and transportation of goods by boat, rail, air, or truck (*conteneur d’expédition*);

2.2.20 “yard, rear” means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure (*cour arrière*);

2.2.21 “yard, front” means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure (*cour avant*);

2.2.22 “yard, flankage” means the side yard of a corner lot that abuts a street (*cour de flanc*);

2.2.23 “yard, side” means the yard extending from the front yard to the rear yard on either side, between a side lot line and the nearest main wall of any building or structure (*cour latérale*);

2.2.24 “yard, required” means the minimum setback required for a front, flankage, side, or rear yard, as outlined in this By-Law (*cour requise*);

2.2.25 “watercourse” means the definition of a watercourse as stated in the *Clean Water Act* (*cours d’eau*);

2.2.26 “outdoor storage” means the storage of merchandise, goods, inventory, materials, or equipment, by placing them on a lot outside of a building. This does not include loading or vehicle parking (*entreposage en plein air*);

2.2.27 “sign” means any form of advertising, display, board, poster, panel, or other means of communication, whether permanent or temporary, illuminated or non-illuminated, used to announce or promote products, services, places, activities, individuals, businesses, or public notices. A sign may be erected, affixed, or painted on a surface and may be designed or adapted for such a purpose, regardless of whether it is actively being used for that purpose at the time of assessment. (*enseigne*);

2.2.28 “sign, freestanding” means a sign that is independently supported and securely affixed to the ground, but does not include billboards (*enseigne autoportante*);

2.2.29 “sign, electronic” means a sign using an electronic screen, displaying static, luminous and/or colored commercial messages for the purpose of informing the public (*enseigne électronique*);

2.2.30 « sign, billboard » means a large ground-mounted sign or wall-mounted sign that is not associated with any business or use located on the lot (*enseigne panneau-réclame*);

2.2.31 “sign, fascia wall » means a sign that is attached, painted, placed, or mounted on or against the surface of a building wall, with its front face parallel to the wall or surface. This does not include billboard signs (*enseigne posée à plat*);

2.2.32 “sign, canopy” means a sign attached to, or forms part of, a permanent building projection, a projecting structural framework, or a freestanding canopy structure that extends outward from a building's exterior wall. This definition includes marquees and gas station canopies but does not include billboards. (*enseigne sur auvent*);

2.2.33 “wind turbine” means a machine for producing power by a flow of air (*éolienne*);

2.2.34 “wind turbine height” means the vertical distance from the ground surface to the highest tip of the rotor blade at its maximum extension (*éolienne, hauteur*);

2.2.35 “existing” means a use legally in existence of the date of the passing of this By-Law (*existant*);

2.2.36 “dwelling group” means two or more buildings containing dwelling units, located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of the main buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas and may include such uses as mini home parks or bare-land condominiums (*groupe d’habitations*);

2.2.37 “height” means the vertical distance of a building measured from the average finished grade to the highest point of the roof surface in the case of a flat roof, to the break line in the case of a gambrel or Mansard roof, or to the underside of the eaves of the main part of the building in the case of a gable roof. In areas designated as Sea Level Rise zones or Inland Flooding zones, height is measured as the vertical distance from the minimum elevation level specified in Appendix B or Appendix C to the highest point of the roof surface in the case of a flat roof, to the break line in the case of a gambrel or Mansard roof, or to the underside of the eaves of the main part of the building in the case of a gable roof (*hauteur*);

2.2.38 “width” means, in relation to a lot:

- (i) where the side lot lines are parallel, the distance measured across the lot at a right angle to these lines, or
- (ii) 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 where the required minimum setback line intersects a line extending perpendicularly from the midpoint of the original line (*largeur*);

2.2.39 “loading and unloading location” means the portion of land reserved and maintained on the same lot as the main use, which has sufficient space for access and maneuvering and is used for the temporary parking of a commercial vehicle while merchandise is being loaded or unloaded (*lieu de chargement ou de déchargement*);

2.2.40 “ordinary high water mark” (OHWM) is the boundary between the land of a waterfront property owner and the Provincial Crown lands. The OHWM is defined as the mean or average of the normal high tides at a given location. A licensed New Brunswick Land Surveyor can formally delineate the OHWM (*ligne des hautes eaux ordinaires*);

2.2.41 “break line” means, in relation to a gambrel or Mansard roof, the horizontal line created by the change in slope between the upper and lower portions of the roof surface, where the rafters meet the exterior vertical wall (*ligne de bris*);

2.2.42 “lot limit” means the lot boundary farthest from the front lot line, excluding a flankage lot line (*limite de lot*);

2.2.43 “lot line, rear” means the lot boundary farthest from the front lot line, excluding a flankage lot line (*limite de lot arrière*);

2.2.44 “lot line, front” means:

- (i) In the case of a lot abutting a single street, the boundary line abutting the street,
- (ii) In the case of a lot abutting two or more streets, one of the boundary lines (*limite de lot avant*);

2.2.45 “lot line, flankage” means a boundary line of a lot abutting a street that is not the front lot line (*limite de lot flanc*);

2.2.46 “lot line, side” means any lot boundary that is not a front, flankage, or rear lot line (*limite de lot latérale*);

2.2.47 “lot, corner” means a lot situated at the intersection of, and abutting on, two or more streets (*lot de coin*);

2.2.48 “dwelling unit” means a building or portion of a building used or intended for residential occupancy by one or more individuals living together as a single housekeeping unit, typically containing a separate kitchen and sanitary facilities (*logement*);

2.2.49 “Act” means the *Community Planning Act*, 2017, c 19, including all its related regulations (*Loi*);

2.2.50 “lot” means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the registry office (*lot*);

2.2.51 « Lot de coin » means a lot situated at the intersection of, and abutting on, two or more streets (corner lot); (REPEAT OF 2.2.47)

2.2.52 “rowhouse” means a building divided vertically into three or more dwelling units, each unit having separate access and being situated on a separate lot (*maison en rangée*);

2.2.53 “Minister” means the Minister of Local Government and Local Governance Reform (*ministre*);

2.2.54 “alter” means, in relation to a building or structure, to make any structural or other change that is not for purposes of maintenance only (*modifier*);

2.2.55 “retaining wall” means a structure built and erected at a minimum height of 0.6 metres between different elevations of land to protect and/or prevent soil erosion or for decorative purposes (*mur de soutènement*);

2.2.56 “lot occupancy” means the percentage of a lot’s surface area occupied by main buildings and accessory buildings and structures (*occupation des lots*);

2.2.57 “habitable portion” means the part of a building that generally has a washroom and facilities to prepare and eat meals, including a living room and bedroom (*partie habitable*);

2.2.58 “swimming pool” means a tank or body of water, other than a natural body of water or stream, either above or below ground, which has a depth greater than 1 metre intended to be used for diving, swimming, or wading (*piscine*);

2.2.59 “bare-land condominium” means a property containing more than one detached residential building, other than a mini home park, and registered under the *Condominium Property Act* (*propriété condominiale en terrain nu*);

2.2.60 “reconstruction” means the replacement of a building using an existing foundation (*reconstruction*);

2.2.61 “street” means the entire public right-of-way between the boundary lines of a street, road, or highway (*rue*);

2.2.62 “public street” means a street owned by the Province, a municipality, or an associated entity (*rue publique*);

2.2.63 “local public street” means a road owned and maintained by a local government (*rue publique locale*);

2.2.64 “provincial public street” means a road owned and maintained by the Province of New Brunswick (*rue publique provinciale*);

2.2.65 “funeral home” means an institutional building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for cremation or the preparation of deceased individuals for burial or interment (*salon funéraire*);

2.2.66 “wetland” means land that is either periodically or permanently saturated with surface or groundwater, at a level sufficient to sustain wetland vegetation and hydric soil conditions. This includes swamps, bogs, ponds, and similar areas (*terre humide*);

2.2.67 “sight distance triangle” means the triangular area on a corner lot, defined by a diagonal line connecting two points located 6 metres from the intersection of two streets. Within this area, it is prohibited to erect fences, signs, or any other structures, or to grow hedges, shrubs, or vegetation to a height between 0.75 metres and 2.5 metres above the adjacent street level (*triangle de visibilité*);

2.2.68 “buffer” means a spatial separation or setback between a defined use and a property line (*zone tampon*).

SECTION 3: PURPOSE, ADMINISTRATION, CLASSIFICATION, AND CONFORMITY

3.1 THE PURPOSE OF PART C IS:

3.1.1 to divide the area referred to in Part A into zones;

3.1.2 to prescribe, subject to the authority of the Planning Review and Adjustment Committee:

- (i) the purpose for which land, buildings and structures in any zone may be used, and
- (ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform, and
- (iii) to prohibit land use, placement, erection or alteration of land, buildings or structures, other than in conformity with the objectives and standards listed in paragraph b).

3.2 ADMINISTRATION

3.2.1 No building or structure may be erected on any site where it would otherwise be permitted under this By-Law when, in the opinion of the Planning Review and Adjustment Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

3.2.2 The Planning Review and Adjustment Committee may, subject to such terms and conditions as it considers fit:

- (i) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-Law; and
- (ii) an additional temporary period not exceeding one year for a development otherwise prohibited under this By-Law, if the following conditions are met:
 - (a) the applicant holds an authorization issued under subparagraph (i), which is about to expire or has expired;
 - (b) an application has been submitted to amend the Zoning By-Law or the Rural Plan, if applicable;
 - (c) the Advisory Committee or the Southeast Regional Service Commission has received a resolution from Council confirming its intention to review the request mentioned in paragraph (b);
- (iii) require the termination or removal of a development authorized under subparagraph (i) or (ii) at the end of the authorized period.

3.2.3 In all zones established by this By-Law, the use of land, buildings, and structures for the provision of the following public services shall be permitted:

- (i) electrical energy;
- (ii) wastewater treatment and disposal;
- (iii) municipal water collection, including stormwater management;
- streets; or
- (v) any other public service.

3.2.4 Provisions of this By-Law regarding the maximum height of buildings and structures does not apply to steeples, towers, antennas, silos, or commercial wind turbines.

3.2.5 A person who seeks to have this By-Law amended shall:

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- (i) submit a written and signed application to one of the Southeast Regional Service Commission Planning offices;
 - (ii) ensure the application shall include all required information as specified by the municipality or by the Southeast Regional Service Commission; and
 - (iii) pay the applicable rezoning fee in accordance with Section 3.2.6.

3.2.6 A person wishing to obtain services from the Commission is subject to the following fee schedule:

- (i) Zoning conformation: \$100
- (ii) Zoning compliance: \$200
- (iii) Rezoning or text amendment: \$3000
- (iv) Municipal Plan amendment \$4000
- (v) Application to the Planning Review and Adjustment Committee:
 - (a) Variance: \$500
 - (b) Terms and conditions: \$500
 - (c) Decision regarding a similar/compatible use: \$500
 - (d) Temporary use: \$500
 - (e) Application related to non-conforming uses: \$500
- (vi) Development officer approval: \$100
- (vii) Development permit: \$50
- (viii) Demolition permit: \$50

3.2.7 If Council rejects a submitted application, it shall not review any other similar request within a period of one year following the refusal, unless new evidence is provided, or a change has been made to the terms of the proposal.

3.2.8 Where the provisions of this By-Law conflict with those of any other provincial Regulation, by-law or code, the higher or more stringent requirements shall prevail.

3.3 CLASSIFICATION

3.3.1 For the purposes of this By-Law, the Cap-Acadie Planning Area is divided into zones, as outlined in the Zoning Map attached as Schedule A, titled: "Cap-Acadie Area Zoning Map."

3.3.2 The zones mentioned in Section 3.1.1 are classified and referred to as follows:

- (i) Residential zones:
 - (a) Residential (R) Zone
 - (b) Coastal Residential (CR) Zone
- (ii) Commercial and service zones:
 - Central Commercial (CC) Zone
 - General Commercial (GC) Zone
 - Institutional Services (IS) Zone

(iii) Rural zones:

- (a) Rural Area (RA) Zone
- (b) Agriculture (A) Zone

(iv) Light industrial and resource development zones:

- (a) Harbour (H) Zone
- (b) Light Industrial (LI) Zone
- (c) Resource Development (RD) Zone
- (d) Intensive Resource Development (IRD) Zone

(v) Environmental zones:

- (a) Sea Level Rise (SLR) Zone
- (b) Inland Flood (IF) Zone
- (c) Environment Conservation (EC) Zone

(vi) Other zones:

- (a) Infill Overlay (IO) Zone
- (b) Integrated Development (ID) Zone
- (c) Dwelling Group (DG) Zone
- (e) Development Project (DP) Zone

3.4 CONFORMITY

3.4.1 In any zone, all land shall be used, and all buildings or structures, or parts of the buildings or structures, shall be placed, erected, altered or used only in conformity with the requirements of the part of this By-Law pertaining to such zone, except as otherwise provided.

3.4.2 In any zone, all development on Crown land must comply with Section 129 of the *Act*.

3.5 ZONE BOUNDARIES

3.5.1 Boundaries between zones shall be determined as follows:

- (i) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- (ii) When a railway track, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the Zoning Map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse shall be considered the boundary between zones unless specifically indicated otherwise;
- (iii) Where a property is located along a coastline, the zone shall extend from that indicated on the map to the Ordinary High Water Mark (OHWM) of the subject property.

3.6 DEVELOPMENT PERMIT

3.6.1 No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-Law.

3.6.2 A development permit shall be in force for a period of one (1) year from the date of issuance or until the project has been completed or is discontinued for a period of one year. Any permit may be re-issued upon request, subject to review by the Development Officer and provided it conforms of any applicable regulation or policy that is in effect at the time of reissuance.

3.6.3 Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

3.6.4 No development permit may be issued under this By-Law before any applicable fee in Section 3.2.6 has been paid.

SECTION 4: GENERAL PROVISIONS

4.1 LOT SIZES

4.1.1 No building or structure may be built, located or relocated, altered or replaced on a lot, unless the lot meets the requirements of this Section, or requirements specified in individual zones.

4.1.2 A building or structure may be erected, located or relocated, altered, or replaced on a lot that does not meet the provisions of this Section, or provisions specified in individual zones if the following requirements are met:

- (i) the lot was existing before this plan came into effect;
- (ii) the lot is serviced by an access as specified in this By-Law;
- (iii) the zone allows the proposed development;
- (iv) the development is approved by the appropriate provincial agencies concerning sewage systems or on-site septic systems.

4.2 SIZE OF DWELLINGS AND BUILDINGS

4.2.1 No special care establishment located in a non-commercial zone may have a gross floor area greater than 325 square meters.

4.2.2 No dwelling unit may have a floor area less than:

- (i) 32 square meters, in the case of any apartment; and
- (ii) 45 square meters in the case of any other dwelling unit located within a single-unit or two-unit dwelling.

4.2.3 For the purposes of this Section, gross floor area excludes garages, carports, balconies, verandas, and, except for elements located entirely within the dwelling unit, stairways.

4.3 EXISTING BUILDINGS AND STRUCTURES

4.3.1 If a building that existed before the adoption of this By-Law was constructed or placed in non-conformity with its provisions (e.g., lot frontage or area below the required minimum, or setbacks below the required minimum), the building may be enlarged, reconstructed, repaired, or renovated, provided that:

- (i) Any expansion, reconstruction, repair, or renovation does not further reduce a non-conforming required yard;
- (ii) The main structure or building does not encroach further on wetlands setbacks; and
- (iii) All other applicable provisions of this By-Law are met.

4.3.2 Notwithstanding Section 4.3.1, a campground that existed prior to the adoption of this Plan may be modified or redeveloped in a non-conforming zone, provided that:

- (i) The development is approved by the relevant provincial entities or municipal authorities concerning sewer systems or on-site septic systems;
- (ii) Proof of approval for an Environmental Impact Assessment (EIA) or an exemption is provided;
- (iii) The campground boundary is not expanded;

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- (iv) The exterior development meets all requirements regarding wetland protection, fire safety, and access; and
 - (v) All other applicable provisions of this By-Law must be met.

4.4 SIGNS

4.4.1 Excluding traffic control devices as defined in the *Motor Vehicle Act*, municipal traffic control signs or similar devices, legal notices, signs displayed on store windows advertising products for sale, street name signs, or any other sign installed and maintained by the Town within the street right-of-way, all signs must comply with the provisions of this section regarding their dimensions, construction standards, type, and placement.

4.4.2 Subject to Subsection 4.4.3, the following non-illuminated signs are permitted in all zones and do not require a permit for installation:

- (i) A sign advertising the sale or rental of a land, building, or structure, provided it does not exceed 0.85 square meters in gross surface area;
- (ii) A sign indicating a home-based business, provided it does not exceed 1.5 square meters in gross surface area;
- (iii) A sign indicating the name of the property or its residents, provided it does not exceed 0.45 square meters in gross surface area;
- (iv) A sign warning against trespassing, provided that it does not exceed 0.45 meters in gross surface area;
- (v) A sign advertising a construction project, subdivision, or contractor working on such project, which must:
 - (a) not exceed 4.5 square meters in area;
 - (b) be limited to two signs, located at the entrance to the site; and
 - (c) be removed upon completion of construction, or in the case of a subdivision, when 75% of the residences have been built; or
- (vi) A sign advertising a candidate, party, or both, soliciting a municipal or school election, which must:
 - (a) not exceed a surface area of 1.5 square meters per side;
 - (b) not have more than two sides;
 - (c) not be placed on public land; and
 - (d) be removed within 48 hours after the end of election day;
- (vii) A sign advertising a cultural, social, or community event, festival, or municipal activity, which must:
 - (a) not exceed 3 square meters per side;
 - (b) not have more than two sides; and
 - (c) be displayed for no longer than 2 weeks.

4.4.3 Unless otherwise specified in this By-Law, no more than one sign per intended purpose per property is permitted under Subsection 4.4.2.

4.4.4 The following sign types may be installed or constructed in all zones, except R and CR zones:

- (i) one or multiple flat-mounted signs and/or canopy signs, provided their total area does not exceed 25% of the face of the building on which they are placed.
- (ii) one freestanding sign per property, which:

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- (a) has a minimum setback of 3 meters from the front lot line, flankage lot line, and any other property limit, with a maximum height of 4 meters (allowing free space below for adequate visibility), a maximum height of 10 meters, and a maximum area of 14 square meters; or
 - (b) has a minimum setback of 5 meters from the front lot line, the flankage lot line, and 3 meters from any other lot line, with a maximum height of 10 meters and at a maximum area of 14 square meters;
 - (iii) Electronic signs may be integrated freestanding signs, flat-mounted signs, or canopy signs, subject to their respective conditions and the following provisions:
 - (a) the sign must not display videos or animations;
 - (b) the message transition shall be instantaneous, and will not involve visible effects such as, but not limited to, scrolling, fading, dissolving, flashing or intermitted lights, or the illusions of such effects;
 - (c) the sign must have an automatic dimming technology, adjusting the brightness of the sign in direct correlation with lighting conditions; and
 - (d) the sign must be turned off in the event of a malfunction;
 - (iv) A freestanding sign indicating traffic direction, which:
 - (a) is entirely contained on the property;
 - (b) has a maximum surface area of 0.25 square meters; and
 - (c) has a maximum height of 0.75 meters.

4.4.5 It is prohibited for a sign to:

- (i) Imitate a traffic control device or contain terms such as “stop,” “go,” “slow down,” “caution,” “danger,” or similar wording; and
- (ii) Have a size, placement, movement, colour, or lighting style that could cause confusion with a traffic control device or obstruct the visibility of such a device.

4.4.6 Except for road signs and bus stop signs, no sign may be attached to a pole or other support on a sidewalk or public right-of-way. Signs must be well-maintained and securely attached to a building or suitable support.

4.4.7 Billboards are not permitted.

4.5 TELECOMMUNICATION USES

4.5.1 Public utilities may be permitted by right in all zones. Telecommunication equipment shall be reviewed through the Antenna Siting Protocol adopted by the Commission.

4.6 FENCES

4.6.1 Notwithstanding any other provision of this By-Law, a fence may be placed or located in a yard other than a sight triangle or the required front yard facing a provincial public street, provided that:

- (i) the height of a fence in a required front yard must not exceed 0.75 meters, except for non-opaque chain-link protective fences;
- (ii) no fence may exceed 2 meters in height in residential zones;
- (iii) no fence may exceed 3 meters in height in any other zone; and

(iv) no fence may contain barbed wire or be electrified, except in LI, H, RD, IRD zones.

4.6.2 The following materials are prohibited for the construction of fences:

- (i) corrugated iron;
- (ii) particleboard or plywood panels;
- (iii) concrete blocks;
- (iv) fiberglass;
- (v) vinyl or plastic canvas;
- (vi) tarred wood;
- (vii) ribbon;
- (viii) tires; and
- (ix) reinforcing steel for concrete.

4.7 ENCLOSURES FOR SWIMMING POOLS

4.7.1 No land shall be used for the purpose of a swimming pool unless the pool is enclosed by a fence, or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 meters in height and meeting the requirements of this section.

4.7.2 Where a portion of a wall of a building forms part of an enclosure mentioned in Subsection 4.7.1:

- (i) no main or service entrance to the building shall be located therein; and
- (ii) 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 1.5 meters above the bottom of the door.

4.7.3 An enclosure mentioned in Subsection 4.7.1 shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

4.7.4 A fence mentioned in Subsection 4.7.1:

- (i) Shall be made of chain link construction, with galvanized, vinyl, or other CSA-approved coating, or of wood or of other materials;
- (ii) Shall not be electrified or incorporate barbed wire or other dangerous material; and
- (iii) Shall be located at least:
 - (a) 1.25 meters from the edge of the swimming pool, and
 - (b) 1.25 meters from any condition that would facilitate its being climbed from the outside.

4.7.5 A fence under this section shall be designed and constructed:

In the case of a fence made of chain links, with

- (a) no greater than 4-centimeter diamond mesh,
- (b) steel wire not less than No. 12 gauge, or a minimum of No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and

(c) at least 4-centimetre diameter steel posts, set below frost and spaced not more than 3 metres apart, with a top horizontal rail of at least 4-centimetre diameter steel;

(ii) In the case of a fence made of wood, with

(a) vertical boarding, not less than 2.5 centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and

(b) supporting posts at least 20 centimetres square or round with 10-centimetre diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with dimensions of at least a width of 5 centimetres and a height of 15 centimetres; and

(iii) In the case of a fence constructed with materials and in a manner other than described in this subsection, the fence shall be constructed in a manner that will ensure rigidity equal to the design and construction prescribed by this section.

4.7.6 Gates forming part of an enclosure mentioned in Subsection 4.7.1:

(i) shall be equivalent to the fence in content, manner of construction and height;

(ii) shall be supported on substantial hinges; and

(iii) shall be self-closing and equipped with a self-latching device at least 1.6 metres above the bottom of the gate.

4.7.7 Notwithstanding paragraph 4.7.4 (iii), the walls of a swimming pool may form part of the enclosure as set out in subsection 4.7.1 if:

(i) the height between the exterior walls and the grade is greater than 1.5 meters;

(ii) the walls are rigid; and

(iii) they do not have horizontal railings or openings that would facilitate climbing.

4.8 OFF-STREET PARKING

4.8.1 Subject to the powers of Council as set out in this By-Law, a building or structure may be only placed, erected, altered, or used if off-street parking spaces are provided in accordance with the provisions of this section. This section specifies the minimum number of required parking spaces.

4.8.2 The off-street parking spaces required under Subsection 4.8.1 shall be established as follows:

Number of required parking spaces

Use	Number of required parking spaces (excluding the area required for storage)
Office or office building	1 space per 37 square meters of gross floor area
1. Schools and youth centres i. With an auditorium or gathering space	1 space per class or facility i. 1 space per 9 square meters of gross floor area in the auditorium
Daycare	5 spaces

Recreational and entertainment facilities, private clubs, and gathering spaces	1 space per 9 square meters of gross floor area
Retail sales store or service establishments	1 space per 18.5 square meters of gross floor area, excluding the area reserved for material storage, equipment, or products
Industrial establishments, warehouses, maintenance yards or buildings, and repair facilities	1 space per 90 square meters of gross floor area
Gyms, fitness rooms, health centres, and similar uses	1 space per 18.5 square meters of gross floor area
Hospitals, sanatoriums, special care homes, and similar uses	1.25 spaces per patient room
Hotels and motels	2 spaces, plus 1 space per unit
Bed and breakfast, boarding houses, and tourist homes	1 space per guest bedroom
Dwelling units	1 space per dwelling unit
Multi-unit dwelling	1.25 spaces per dwelling unit
Restaurants and taverns	1 space per 18.5 square meters of gross floor area
Drive-thru services	1 space for 6 square meters of gross floor area
All other uses	1 space for 90 square meters of gross floor area

4.8.3 An off-street parking space shall:

- (i) have a minimum of 5.5 meters in length and a minimum width of 2.75 meters, exclusive of the access driveway;
- (ii) be located on the lot containing the use for which it is provided or comply with the provisions for collective parking as set out in this section.

4.8.4 In the case of a site with multiple uses, the required number of parking spaces shall be equal to the total number of spaces required for each individual use.

4.8.5 In addition to off-street parking spaces, additional parking spaces must be reserved for persons with reduced mobility for all uses, in accordance with the *Barrier-Free Design Building Code Regulation* under the *Building Code Administration Act*.

4.9 PARKING LOT STANDARDS

4.9.1 Where a parking lot for 6 or more vehicles is required or proposed, the following provisions shall apply:

- (i) except in the case of a home occupation, the parking lot shall be surfaced with gravel or another dust-free material;
- (ii) any lighting used to illuminate the parking lot shall be arranged so as to direct light away from streets, adjacent lots, and buildings;
- (iii) at least 1 tree shall be planted for every 8 parking spaces;

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- (iv) an internal traffic lane within the parking lot or any designated area for circulation shall:
 - (a) in the case of a one-way lane, have a width of at least 3.5 meters;
 - (b) in the case of a two-way lane, have a width of at least 6.7 meters;
 - (c) comply with a minimum width of 7.6 meters in residential zones, or 9 meters where an emergency response route is required, or 12 meters in all other zones;
 - (v) the parking lot shall be graded and drained in such a way as to be satisfactory to the municipal administration in order to ensure that surface water does not adversely affect adjacent properties;
 - (vi) A collective parking lot may be developed in the R, CC, GC, CS, IS, LI, ID, and DG zones and must be located within 150 meters of the land or uses it serves.

4.10 PRIVATE ENTRANCES

4.10.1 The maximum width of a private entrance for a motor vehicle shall be:

- (i) 8 meters for a property with a residential use; or
- (ii) 12 meters for all other properties.

4.10.2 No entrance shall be permitted within 15 meters of an intersection.

4.10.3 Entrances on the same lot shall be separated by a minimum distance of 10 meters, except for row houses.

4.10.4 Two entrances are permitted for each property.

4.11 HOME OCCUPATIONS

4.11.1 In addition to all other requirements, the following provisions shall apply to home occupations:

- (i) No more than one person is engaged in the home occupation in addition to family members residing in the dwelling unit in which the home occupation is carried out;
- (ii) The home occupation shall meet the parking and signage requirements as set out in this By-Law;
- (iii) No goods or services other than those directly related to the home occupation may be offered or sold on-site or from the premises;
- (iv) No outdoor enclosures for animals shall be permitted;
- (v) No change, except for a sign, may be made to the outside appearance of the dwelling unit; and
- (vi) Any storage of materials associated with the home occupation shall be located in the rear yard and shall be screened from the road and neighbouring properties by an opaque fence no greater than 2 metres in height or by a natural buffer containing trees and/or shrubs that are a minimum of 3 metres in height and a depth of 3 meters.

4.11.2 Home-based Businesses

A Home-based business may occupy no more than 35% of the gross floor area of the dwelling unit. The minimum floor area reserved for residential purposes must comply with the requirements of the *National Building Code* and this By-Law.

4.11.3 Home Industries

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- A home industry may occupy an accessory building in its entirety, provided that the accessory building:
- (i) is not located within the required front yard setback;
 - (ii) is set back at least 10 meters from any property line;
 - (iii) has a maximum floor area of 160 square meters; and
 - (iv) no more than two vehicles may be stored for sale on a lot in connection with an automobile repair shop.

4.12 AGRICULTURAL DEVELOPMENT

4.12.1 Livestock facilities

- (i) All new livestock facilities must receive site plan approval or an exemption from the provincial Registrar of Livestock Operations in accordance with the *Livestock Operations Act*, prior to the issuance of a development permit.
- (ii) All new livestock facilities that are determined to be exempt from the *Livestock Operations Act* shall maintain a minimum setback of 20 metres from any lot line.

4.12.2 Artisanal agricultural activity

- (i) Notwithstanding the provisions of this By-Law, artisanal agricultural activity is permitted for animals other than chickens in the RA and A zones, subject to the following conditions:
 - (a) the minimum lot area for such activity shall be 8000 square meters;
 - (b) a minimum setback of 10 meters shall be maintained between any building housing animals and an adjacent property.
- (ii) Notwithstanding Subsection (i), the following standards apply to chicken coops as part of an artisanal agricultural activity:
 - (a) a maximum of 6 chickens is permitted on a lot up to 4000 square meters in area, and a maximum of 12 chickens on lots 4001 square meters or larger;
 - (b) chickens must be kept in a coop or enclosed pen at all times;
 - (c) the minimum setback for chicken coops is 3 meters from a side lot line or rear lot line;
 - (d) the minimum setback for chicken coops is 7.5 meters from an existing well;
 - (e) the sale of eggs, manure, meat, or other poultry products is prohibited;
 - (f) roosters are prohibited at all times on lots where residential use is the main use; and
 - (g) slaughtering and euthanasia of chickens on-site are prohibited.

4.13 WIND TURBINES

4.13.1 When a personal wind turbine is a permitted use, the following provisions shall apply:

- (i) no wind turbine shall exceed a height of 12 meters;
- (ii) no wind turbine shall be installed in the front yard;
- (iii) no wind turbine shall be installed at a distance less than 1.5 times its height from a property line;
- (iv) a maximum of 1 personal wind turbine is permitted per lot for residential use;

4.13.2 When a commercial wind turbine is a permitted use, the following provisions shall apply:

- (i) commercial wind turbines shall be set back a minimum of 550 meters from an existing dwelling;
- (ii) in the event of a conflict between the provisions of this section and any other requirement, the more restrictive provision shall prevail.

4.14 CAMPS

4.14.1 A camp shall be setback a minimum distance of 30 meters from a public road or from the access serving as such.

4.14.2 All camps shall have a gross surface area of at least 58.06 square meters.

4.15 KENNELS

4.15.1 The lot used for a kennel shall be a minimum of 8000 square meters in area.

4.15.2 No building, structure, or animal shelter shall be built in the required front yard.

4.15.3 No building, structure, or animal shelter shall be built less than 10 meters from adjacent properties.

4.15.4 Any kennel, including all associated buildings, structures, and animal shelters, shall be set back a minimum of 30 meters from a public road.

4.15.5 Animals shall not be permitted outdoors unless they are kept within a fenced enclosure.

4.16 DEVELOPMENT NEAR WETLANDS AND WATERCOURSES

4.16.1 Except as provided in Section 4.3, no main building or structure shall be located within 30 meters of a wetland or watercourse.

4.16.2 Passive recreational uses such as trails and parks, including associated signage, shall be permitted within the required 30 meters subject to a Watercourse and Wetland Alteration permit issued under the *Clean Water Act*.

4.16.3 If it can be demonstrated, through on-site verification conducted by a qualified professional trained in wetland and watercourse delineation, that the mapped location of a waterbody is inaccurate, development may be permitted, subject to compliance with all other zoning provisions for the applicable zone.

4.17 TOURIST ACCOMMODATION

4.17.1 New tourist accommodations and expansions to existing tourist accommodations shall be subject to conditions that may include, but are not limited to, the following:

- (i) Providing one or more access points for emergency vehicle circulation;
- (ii) Ensuring that entry and exit points for vehicles are designed to minimize conflicts with pedestrian traffic and do not obstruct circulation on streets and roads;
- (iii) Establishing and maintaining an adequate buffer zone, either natural or artificial, between the development and adjacent properties;
- (iv) Preserving the natural state of the site by minimizing tree and soil removal;

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- (v) Ensuring that the proposal complies with all public health and safety requirements and that the exterior layout meets fire protection and access requirements;
 - (vi) Providing proof of approval for an Environmental Impact Assessment (EIA) or proof of exemption;
 - (vii) Tourist accommodations shall only be used for temporary lodging and not for continuous occupancy;
 - (viii) Tourist accommodations shall not be placed, built or modified within 30 meters of a public road;
 - (ix) The maximum number of tourist accommodations per lot shall not exceed 8;
 - (x) The gross floor area of a tourist accommodation shall not exceed 58.06 square meters.

4.18 TRAVEL TRAILERS

4.18.1 The location of trailers shall be permitted subject to the following provisions:

- (i) a maximum of two trailers per vacant lot;
- (ii) a maximum of one trailer per lot occupied by a single-unit dwelling;
- (iii) a minimum setback of:
 - (a) ?? in the front yard or required flankage yard; and
 - (b) 3 meters from the side and rear property lines.
- (iv) No travel trailer shall be permitted on a vacant lot with frontage on Bas-Cap-Pelé Road, Acadie Road, Trois-Ruisseaux Road, St. André Road, Thibodeau Road, or Robichaud Street.

4.18.2 The following installations shall be permitted:

- (i) A fence;
- (ii) One accessory structure with a maximum floor area of 16.7 square meters on a vacant lot;
- (iii) One accessory building with a maximum floor area of 16.7 square meters on a vacant lot;
- (iv) Patios.

4.18.3 The property owner shall obtain a development permit from the Commission, at the applicable fee at the time of the request, prior to installing one or more travel trailers on the lot.

4.18.4 All travel trailers located on a vacant lot must be connected to the sanitary sewer system or to a septic system approved by the Department of Health or the Department of Public Safety.

4.18.5 Under no circumstances shall a travel trailer be used as a permanent residence.

4.19 OUTDOOR STORAGE

4.19.1 When a permitted use includes outdoor storage, the portion of the land used for this purpose must be screened from public view by a wall, opaque fence, or trees. No material or product may be stacked higher than the screen.

4.19.2 Notwithstanding Subsection 4.19.1, agricultural equipment and materials may be stored outdoors on a property where an agricultural use is permitted under this By-Law.

4.19.3 Notwithstanding the entirety of Subsection 4.19.1:

-
- (i) A commercial fisher or the owner of a pleasure boat may store their fishing equipment and boat or pleasure boat on the property where their residence is located or within an accessory or secondary building;
 - (ii) The storage of a fishing boat, fishing equipment, or a pleasure boat is prohibited in the front yard or required flankage yard;
 - (iii) A boat must be stored at a minimum distance of 1.5 meters from the property line.

4.19.4 In the Community Centre (CC) Zone, no merchandise, scrap, material or waste may be stored outside of buildings or structures unless:

- (i) It is not located in the front or flankage yard; and
- (ii) It is screened by an opaque fence of at least 2 meters in height or stored in containers; or
- (iii) It is part of the sale of vehicles, trailers, motorhomes, or other motorized or recreational vehicles, the sale of landscaping ornaments, or any other product with prior written approval from the Council or a municipal representative.

4.20 SALVAGE YARDS

4.20.1 The use of land for the purposes of a salvage yard is a particular purpose in respect of which the Planning Review and Adjustment Committee may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be met. Terms and conditions may include, but are not limited to:

- (i) Fencing:
 - (a) Fences must be 3 meters in height and opaque in order to restrict view from public roads and neighbouring properties;
 - (b) Fences and gates shall be constructed in a manner that impedes visibility from off-site; and
 - (c) Fences shall be located a minimum of 2 meters from any lot line;
- (ii) A salvage yard excluding associated buildings shall be set back:
 - (a) 100 meters from any street; and
 - (b) 100 meters from any watercourse or wetland.

4.21 ACCESSORY DWELLINGS

4.21.1 When a residential use is the main authorized use, one detached or attached accessory dwelling is authorized, provided that:

- (i) only one attached or detached accessory dwelling be permitted per property.

4.21.2 When a residential use is the main permitted use, a detached or attached accessory dwelling is permitted, provided that:

- (i) it does not exceed the lesser of 45% of the gross floor area of the main dwelling, or 80 square meters;
- (ii) it is contained within the dwelling;
- (iii) only one attached accessory dwelling is permitted per property; and
- (iv) one additional parking space shall be provided in addition to the parking required for the main use of the lot.

4.21.3 When a residential use is the main permitted use, a detached accessory dwelling is permitted, provided that:

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- (i) it is located at a minimum distance of 2.4 meters from a side lot line;
 - (ii) it is located at a minimum distance of 2.5 meters from a rear lot line;
 - (iii) it is not located within the required front yard;
 - (iv) it does not exceed a height of 7.62 meters;
 - (v) it does not exceed a gross floor area of 80 square meters;
 - (vi) it is located on a lot occupied by a single-unit dwelling as the main use;
 - (vii) one additional parking space shall be provided in addition to the parking required for the main use of the lot; and
 - (viii) only one detached accessory dwelling is permitted per property.

4.22 STANDARDS FOR RESOURCE EXTRACTION

4.22.1 Operations related to resource extraction, other than quarries authorized by the province, may be permitted by a permit issued by the Commission, subject to the following conditions:

- (i) All permits require a master plan and a rehabilitation plan, approved under Section 53(3)c) of the *Community Planning Act* (see Schedule D for an example). Any amendment to the master plan must also be approved under Section 53(3)c) of the *Community Planning Act*;
- (ii) The renewal of a permit is conditional on compliance with the provisions outlined in Subsection 3.2.5 as well as the master plan, rehabilitation plan, and the prescribed rehabilitation ratio (see Schedule E);
- (iii) The permit is valid for one year, from the first of April of the current year to the first of April of the following year, and must be renewed annually, according to the terms and conditions listed in Subsection 4.22.2; and
- (iv) The permit fee is \$1000, except when paid before the start of annual work, in which case the fee is \$500.

4.22.2 All extraction sites, other than quarries authorized by the province, must comply with the following standards:

- (i) No extraction may be undertaken:
 - (a) within 30 meters of a water source;
 - (b) below the free surface of the groundwater table.
- (ii) The extraction site must be located at a minimum distance of 10 meters from any property boundary, at a minimum distance of 100 meters from any street, and at a minimum distance of 150 meters from any existing dwelling;
- (iii) The operator must ensure that access roads and transportation routes used for material transport are dust-free;
- (iv) A barrier restricting access to the site must be installed at the main entrance;
- (v) For safety purposes, signs displaying the words “danger” and “no entry,” along with an indication of the nature of the activities, must be placed at each entrance (including main entrances, secondary entrances, tracks, and trails). A fence may be required around part or all of the extraction zone of a sand pit;
- (vi) Safety slopes must not exceed 35%, unless it is demonstrated that the soil can be stabilized to prevent landslides and erosion;
- (vii) All surface water must be contained within the site limits or pass through a sedimentation basin before flowing outside the site; and
- (viii) Once extraction operations have permanently ceased, all debris must be removed from the site, and rehabilitation work must be carried out and completed.

4.23 BUILDING AND STRUCTURE PROJECTIONS

4.23.1 The provisions of this By-Law with respect to placing, erecting or altering a building or structure in relation to a lot line apply to all parts of the building or structure, except for the following projections:

- (i) wheelchair access ramps, wheelchair platform lifts, and elevators;
- (ii) stairs providing access to the ground floor in a required front yard, required rear yard, or required flankage yard;
- (iii) projections of building elements, such as supports, cornices, eaves, gutters, chimneys, pilasters, canopies, or similar construction features, provided that the projection does not exceed 0.6 meters;
- (iv) bay window windows and solar panels, provided that the projection into a required front yard, required rear yard, or required flankage yard does not exceed 0.9 meters;
- (v) exterior stairs giving access to the basement or an upper floor, as well as balconies, porches, verandas, and solariums, provided that the projection into a required front yard, required rear yard, or required flankage yard does not exceed 2 meters;
- (vi) climate control equipment, provided that the projection into a required yard does not exceed 0.9 meters.

4.24 NUMBER OF BUILDINGS CONTAINING DWELLINGS ON THE SAME LOT

4.24.1 Except where prescribed within an IA or DW zone, it is prohibited to place or erect in addition to a building containing one dwelling unit on a lot and/or to change a building or structure in such a way as to create a second building containing one dwelling unit.

4.24.2 Subsection 4.24.1 does not apply to detached accessory dwellings located on the same lot as the main residential use.

4.25 ACCESS TO A PUBLIC PROVINCIAL ROAD

4.25.1 All new main buildings located on a public road required either an access permit or approval from the Town.

4.25.2 All new main buildings located on a private road require a disclaimer agreement stating that the property owner acknowledges and accepts that the lot in question will not benefit from ditch and drainage culverts, maintenance services, water supply, sewage and storm water services, electricity supply and lighting services, waste collection services, or any other municipal services provided by the Regional Town of Cap-Acadie. The owner further agrees not to request or expect the municipality to provide such services, including road maintenance and clearance, until the private road has been developed in compliance with the Municipal standard of Department of Transportation and Infrastructure standard and that street is designated as public street.

4.26 ACCESSORY BUILDINGS AND STRUCTURES

4.26.1 Accessory buildings and structures are subject to the following conditions:

- (i) They shall not be used for care or housing of animals other than domestic pets, unless otherwise specified in this By-Law.
- (ii) They shall not be built:
 - (a) in the required front yard;
 - (b) in residential and commercial zones, less than 1 meter from a side or rear property line;

(c) in a zone other than residential or commercial, an accessory building must be set back from a side or rear lot line at a distance no less than the greater of the following two measurements: 3 meters or half of the building's height. Additionally, in zones other than residential and commercial, an accessory building shall not be located less than 3 meters from a side or rear lot line.

(d) In the case of a detached accessory building, it must be located less than 1.2 meters from the main use;

(iii) They shall not exceed a height of 5 meters in residential and commercial zones;

(iv) They shall not exceed a height of 11 meters in all other zones;

(v) They shall not exceed a gross floor area of 160 square meters in residential and commercial zones.

4.26.2 A shipping container may be used as an accessory building only in Industrial zones, provided that:

(i) It is located in the rear yard; and

(ii) It complies with the required setbacks for accessory buildings as outlined in Subsection 4.26.1.

4.27 SIGHT DISTANCE TRIANGLE

4.27.1 On a corner lot, no fence, sign, hedge, bush, shrub, tree, or any other structure or building shall be erected or allowed to grow to a height greater than 1 meter above the road level within the triangular area formed by street lines exceeding 6 meters from their point of intersection.

4.28 SPECIAL SETBACKS

4.28.1 New dwellings must be set back a minimum of 15 meters from the property line of an adjacent property zoned Agriculture.

4.28.2 New agriculture buildings must be set back a minimum of 15 meters from the property line of an adjacent property zoned Residential.

4.28.3 Dwellings must be set back a minimum of 30 meters from a lagoon or wastewater treatment plant, and such facilities must not be located within 30 meters of a dwelling.

4.28.4 All agriculture operations in the RA Zone must be set back a minimum of 30 meters from a public road.

4.28.5 New buildings in the Light Industrial and Resource Development zones must be set back a minimum distance equal to twice the building's height if the development is adjacent to a property in a Residential, Coastal, or Rural zone.

4.28.6 New dwellings must be set back a minimum distance equal to twice the building's height from the lot line of an adjacent property in the Light Industrial (LI), Harbour (H), Resource Development (RD), or Intensive Resource Development (IRD) Zones.

4.28.7 Abattoirs must be located at least 250 meters from property lines and watercourses.

4.28.8 A temporary or permanent manure storage site or a composting site must be set back at least 100 meters from property lines.

4.29 OFF-STREET LOADING AND UNLOADING

4.29.1 Off-street loading areas must be provided, with access for each building or structure serving an operation that requires the use of vehicles for the delivery of goods, in accordance with the following requirements:

- (i) For buildings with up to 1727 square meters of gross floor area exclusively used for commercial or industrial purposes, a minimum of one loading space is required;
- (ii) For buildings with more than 1,727 square meters of gross floor area exclusively used for commercial or industrial purposes, a minimum of two loading spaces is required;
- (iii) For buildings with more than 1,727 square meters of gross floor area exclusively used for institutional purposes, a minimum of one loading space is required.

4.29.2 Loading and unloading spaces mentioned under Subsection 4.29.1 must:

- (i) have minimum dimensions of 15 meters in length, 4.5 meters in width, and 4.5 meters in overhead clearance;
- (ii) be designed and located to allow goods and materials to be loaded and unloaded entirely on-site;
- (iii) be equipped with adequate ingress and egress as well as unobstructed maneuvering aisles; and
- (iv) have a durable, dust-free surface.

4.30 LANDSCAPING

4.30.1 Subject to the provisions of this section, the owner of a lot shall:

- (i) In a residential zone:
 - (a) landscape the front yard of the main building;
- (ii) In a commercial and service zone:
 - (a) landscape all areas of the lot except for driveways and parking areas; and
 - (b) where any commercial lot abuts a residential zone, the commercial use shall only be permitted if a buffer zone is landscaped and maintained along the entire shared lot line. The buffer zone may consist of trees, shrubs, an embankment, a hedge, a fence, or a combination of these features.
- (iii) In a light industrial or resource development zone:
 - (a) landscape all areas of the lot except for entrances and parking areas; and
 - (b) where an industrial lot abuts a residential zone, the industrial use shall only be permitted if a buffer zone is landscaped and maintained along the entire shared lot line. The buffer zone may consist of trees, shrubs, an embankment, a hedge, a fence, or a combination of these features.

4.30.2 The landscaping required under Subsection 4.30.1 must be completed no later than one (1) year after the substantial completion of the main building or principal structure.

4.31 RETAINING WALLS

4.31.1 Any landowner or developer wishing to erect a retaining wall shall meet the following requirements:

- (i) Retaining walls are subject to the same setback provision as fences under this By-Law;
- (ii) For retaining walls exceeding a height of 1.2 meters:

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- (a) must be certified by a licensed engineer in New Brunswick; or
 - (b) must include a right-angle setback of 0.6 meters for every 1.2 meters in height.
- (iii) Any retaining wall taller than 1.2 meters must be accompanied by a fence of at least 1.2 meters in height.

4.32 DRAINAGE

4.32.1 The altering of land levels for building or other purposes in the zones GC, CC, R and IS, with the exception of an accessory building or structure, in so far as they may affect surface drainage shall require a lot drainage and grading plan, which shall be implemented by the developer.

SECTION 5: ZONES

5.1.1 Table: legend

Legend:	
Permitted use	P
Non-permitted use	-
Conditional use subject to Section 53(c) of the <i>Community Planning Act</i>	C

5.2 RESIDENTIAL ZONES

5.2.1 Table: List of residential zones

Zone name	Zone symbol
Residential	R
Coastal Residential	CR

5.2.2 Table: Permitted uses in the R and RC zones

Land, buildings, or structures located in the R and CR zones may be used for one or more of the uses listed in the following table:

	R	CR
Main uses		
Single-unit dwelling	P	P
Two-unit dwelling	P	-
Semi-detached dwelling with a maximum of 4 units if sanitary sewer and water services are available	P	-
Multi-unit dwelling with a maximum of 4 units	P	-
Multi-unit dwelling with more than 4 units	C	-
Special care institution	P	-
Recreational use	P	P
Passive recreational use	P	P
Travel trailer	P	P
Daycare	C	-
Building, structure, or accessory use	P	P
Secondary use to a single-unit dwelling, semi-detached dwelling, or a two-unit dwelling		
Home occupation	P	P
Secondary use to a single-unit dwelling only		
Home industry	P	-
Bed and breakfast	P	P
Attached accessory unit	P	P
Detached accessory unit	P	-
Artisanal agriculture activity	P	-

5.2.3 Table: lot dimensions for R and CR zones

	R	CR
Requirements		
Minimum lot area (without services)	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²
Minimum lot area (with sanitary sewer)	690 m ²	690 m ²
Minimum lot area (with sanitary sewer and water)	540 m ²	540 m ²
Minimum lot area for semi-detached dwelling (with sanitary sewer and water)	i. 315 m ² for exterior lot ii. 180 m ² for interior lot	-
Minimum lot frontage (without services)	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m
Minimum lot frontage (with sanitary sewer)	23 m	23 m
Minimum lot frontage (with sanitary sewer and water)	18 m	18 m
Minimum lot frontage for a semi-detached dwelling (with sanitary sewer and water)	i. 10.5 m for exterior lot ii. 6 m for interior lot	-
Minimum lot depth	30 m	30 m

5.2.4 Table: Applicable standards for R and CR zones.

	R	CR
Requirements		
Required front yard or required flankage yard from a public street	7.5 m	7.5 m
Required front yard or required flankage yard from a private street	4.5 m	4.5 m
Required front yard along a high-traffic road or a collector road, except for Acadie Road	15 m	15 m
Required rear yard	6 m	6 m
Required side yard	3 m from the limit and 1.5 on the other	3 m from the limit and 1.5 on the other
Maximum building height	9 m	9 m
Maximum lot coverage	50%	35%

5.3 COMMERCIAL AND SERVICE ZONES

5.3.1 Table: List of commercial and service zones

Zone name	Zone symbol
Central Commercial	CC
General Commercial	GC
Institutional Services	IS

5.3.2 Table: Permitted uses in the CC, GC and IS zones

Land, buildings, or structures located in the CC, GC, and IS zones may be used for one or more of the uses listed in the following table:

	CC	GC	IS
Main uses			
Single-unit dwelling	P	P	P
Two-unit dwelling	P	P	P
Semi-detached dwelling with a maximum of 4 units if the sanitary sewer and water services are available	P	P	P
Multi-unit dwelling with a maximum of 4 units	P	P	P
Multi-unit dwelling with more than 4 units	C	C	C
Special care home	P	P	P
Institutional use	P	P	P
Recreational use	P	P	P
Passive recreational use	P	P	P
Repair shop	P	P	-
Vehicle repair shop	P	P	-
Office	P	P	P
Fitness centre	P	P	P
Gardening centre	-	P	-
Cemetery	P	-	P
Veterinarian clinic	P	P	-
Retail business	P	P	P
Heavy equipment sales or rental	-	P	-

Financial institution	P	P	
Carwash	-	P	-
Event venue	P	P	P
Restaurant	P	P	P
Funeral home	P	P	P
Personal services	P	P	P
Gas station	P	P	-
Art studio	P	P	P
Self-storage units	-	P	-
Tourism use	P	P	-
Entertainment use	P	P	-
Vehicle sales or rental establishment	-	P	-
Existing campground prior to the adoption of this By-Law	-	P	-
Kennel	-	P	-
Healthcare facility	P	P	P
Accessory use			
Building, structure, or accessory use	P	P	P
Secondary use to a single-unit dwelling, semi-detached dwelling or a two-unit dwelling			
Home occupation	P	P	P
Secondary use to a single-unit dwelling only			
Home industry	-	-	-
Attached accessory dwelling	P	P	P
Detached accessory dwelling	P	-	P

Bed and breakfast	P	P	P
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5.3.3 Table: Lot dimensions for CC, GC and IS zones

	CC	GC	IS
Requirements			
Minimum lot area (without services)	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²
Minimum lot area (with sanitary sewer services)	690 m ²	690 m ²	690 m ²
Minimum lot area (with sanitary sewer and water services)	540 m ²	540 m ²	540 m ²
Minimum lot area for a semi-detached dwelling (with sanitary sewer and water services)	i. 315 m ² for exterior lot ii. 180 m ² for interior lot	i. 315 m ² for exterior lot ii. 180 m ² for interior lot	i. 315 m ² for exterior lot ii. 180 m ² for interior lot
Minimum lot frontage (without services)	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m
Minimum lot frontage (with sanitary sewer services)	23 m	23 m	23 m
Minimum lot frontage (with sanitary sewer and water services)	18 m	18 m	18 m
Minimum lot frontage for a semi-detached dwelling (with sanitary sewer and water services)	i. 10.5 m for exterior lot ii. 6 m for interior lot	i. 10.5 m for exterior lot ii. 6 m for interior lot	i. 10.5 m for exterior lot ii. 6 m for interior lot
Maximum lot depth	30 m	30 m	30 m

5.3.4 Table: Applicable standards for CC, GC and IS zones

	CC	GC	IS
Requirements			
Required front yard or flankage yard from a public street owned by the province with the exception of Acadie Road	7.5 m	7.5 m	7.5 m
Required front yard or flankage yard of a public street owned by the municipality and Acadie Road	0 m	5 m	7.5 m
Required front yard or flankage yard of a private street	4.5 m	4.5 m	4.5 m
Required front yard from a high-traffic road or a collector road (except Acadie Road)	15 m	15 m	15 m
Required rear yard	6 m	6 m	6 m
Required side yard	0 m	3 m from a limit and 1.5 m on the other	3 m from a limit and 1.5 m on the other
Maximum building height	11 m	11 m	11 m
Maximum lot coverage	100%	50%	50%

5.4 LIGHT INDUSTRIAL AND RESOURCE DEVELOPMENT ZONES

5.4.1 Table: List of light industrial and resource development zones

Zone name	Zone symbol
Harbour	H
Light Industrial	LI
Resource Development	RD
Intensive Resource Development	IRD

5.4.2 Table: Permitted uses in the H, LI, RD and IRD zones

Land, buildings, or structures located in the H, LI, RD, and IRD zones may be used for one or more of the uses listed in the following table:

	H	LI	RD	IRD
Main uses				
Repair shop	-	P	-	-
Water bottling operations	-	-	P	P
Shooting range	-	-	-	C
Commercial wind turbine	-	-	-	P
Personal wind turbine	P	P	P	P
Resource extraction	-	-	P	P
Commercial wind turbine park	-	-	-	P
Abattoir	-	-	-	P
Salvage yard	-	-	-	C
Landfill	-	-	-	P
Harbour use	P	-	-	-
Quarry	-	-	-	P
Interior cannabis production facility	-	-	-	P
Outdoor cannabis production facility	-	-	-	P
Aquaculture use	P	P	P	P
Asphalt plant	-	-	-	P
Agricultural uses	-	-	P	-
Forestry uses	-	-	P	P
Light industrial uses	-	P	-	P
Resource uses	-	-	-	C

Vehicle repair shop	-	P	-	-
Heavy equipment rental establishment	-	P	-	-
Gas station	-	P	-	-
Self-storage units	-	P	-	-
Vehicle sale or rental establishment	-	P	-	-
Recreational use	P	-	-	-
Passive recreational use	P	P	P	P
Office	-	P	-	-
Retail establishment	-	P	-	-
Carwash	-	P	-	-
Gardening centre	-	P	-	-
Institutional use	-	P	-	-
Healthcare facility	-	P	-	-
Restaurant	-	P	-	-
Veterinarian clinic	-	P	-	-
Accessory use				
Building, structure, or accessory use	P	P	P	P
Secondary use				
Restaurant	P	-	-	-
Vehicle repair shops	P	-	-	-
Retail establishment	P	-	-	-
Tourism use	P	-	-	-

5.4.3 Table: Lot dimensions for H, LI, RD, IRD zones

	H	LI	RD	IRD
Requirements				
Minimum lot area (without services)	4000 m ²	4000 m ²	10 000 m ²	10 000 m ²
Minimum lot area (with sanitary sewer services)	690 m ²	690 m ²	10 000 m ²	10 000 m ²
Minimum lot area (with sanitary sewer and water services)	540 m ²	540 m ²	10 000 m ²	10 000 m ²
Minimum lot frontage (without services)	150 m	150 m	150 m	150 m
Minimum lot frontage (with sanitary sewer services)	23 m	23 m	150 m	150 m
Minimum lot frontage (with sanitary sewer and water services)	18 m	18 m	150 m	150 m
Minimum lot depth	30 m	30 m	30 m	30 m

5.4.4 Table: Applicable standards for H, LI, RD and IRD zones

	H	LI	RD	IRD
Requirements				
Required front yard or flankage yard of a public street maintained by the province except Acadie Road	7.5 m	7.5 m	7.5 m	7.5 m
Required front yard or flankage yard of a public street owned by the municipality and Acadie Road	7.5 m	7.5 m	7.5 m	7.5 m
Required front yard or flankage yard of a private street	7.5 m	7.5 m	7.5 m	7.5 m
Required front yard of a high-traffic road or a collector street (except Acadie Road)	15 m	15 m	15 m	15 m
Required rear yard	6 m	6 m	6 m	6 m
Required side yard	3 m from one limit and 1.5 on the other	3 m from one limit and 1.5 on the other	3 m from one limit and 1.5 on the other	3 m from one limit and 1.5 on the other
Maximum building height	11 m	11 m	11 m	11 m
Maximum lot coverage	50%	50%	50%	50%

5.5 RURAL ZONES

5.5.1 Table: List of rural zones

Zone name	Zone symbol
Rural	RA
Agriculture	A

5.5.2 Table: Permitted uses in the RA and A zones

	RA	A
Main uses		
Single-unit dwelling	P	P
Two-unit dwelling	P	P
Multi-unit dwelling with a maximum of 3 units	P	P
Special care home	P	-
Daycare	C	-
Recreational use	P	P
Passive recreational use	P	P
Kennel	P	P
Personal wind turbine	P	P
Aquaculture use	P	P
Agricultural use	P	P
Forestry use	P	P
Tourist dwelling	C	C
Camp	P	P
Travel trailer	P	P
Farmers' market	P	P
Cemetery	P	-
Accessory uses		
Building, structure, or accessory use	P	P
Secondary uses to a single-unit dwelling only		
Home occupation	P	P
Home industry	P	P
Attached accessory dwelling	P	P

Detached accessory dwelling	P	P
Bed and breakfast	P	P
Artisanal agricultural activity	P	P

5.5.3 Table: Lot dimensions for RA and A zones

	RA	A
Requirements		
Minimum lot area (without services)	10 000 m ²	10 000 m ²
Minimum lot area (without services) in the IO zone	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²
Minimum lot area (with sanitary sewer services)	690 m ²	690 m ²
Minimum lot area (with sanitary sewer and water services)	540 m ²	540 m ²
Minimum lot frontage (without services)	150 m	150 m
Minimum lot frontage (without services) in the IO zone	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m
Minimum lot frontage (with sanitary sewer services)	23 m	23 m
Minimum lot frontage (with sanitary sewer and water services)	18 m	18 m
Maximum lot depth	30 m	30 m

5.5.4 Table: Applicable standards for RA and A zones

	RA	A
Requirements		
Required front yard or flankage yard of a public street	7.5 m	7.5 m
Required front yard or flankage yard of a private street	7.5 m	7.5 m
Required front yard of a high-traffic street or a collector street (except Acadie Road)	15 m	15 m
Required rear yard	6 m	6 m
Required side yard	3 m from a limit and 1.5 m on the other	3 m from a limit and 1.5 m on the other
Maximum building height	11 m	11 m
Maximum lot coverage	35%	35%

5.6 ENVIRONMENTAL ZONES

5.6.1 Table: List of environmental zones

Zone name	Zone symbol
Environmental Conservation Zone	EC
Sea Level Rise Zone	SLR
Inland Flood Zone	IF

5.6.2 Environmental Conservation Zone

(i) The purpose of this zone is to:

- (a) Protect a coastal ecosystem at risk from the impact of climate change and development;
- (b) Allow for the natural retreat of the beach;
- (c) Anticipate, prevent, and mitigate the irreversible deterioration of the coastal environment for the common good of the community;
- (d) Preserve the community's natural assets to maintain its natural heritage, community recreation opportunities, and tourism value; and
- (e) Permit only passive recreational uses to prevent further loss of the beach.

5.6.3 Table: Permitted uses in the EC zone

EC	
Main uses	
Passive recreational use	P
Conservation use	P
Existing dwellings established prior to the adoption of this By-Law	P
Accessory uses	
Buildings, structure, or accessory uses without a permanent foundation	P

5.6.4 Sea Level Rise Zone

(i) The purpose of the Sea Level Rise Zone is to:

- (a) Promote sustainable development based on the precautionary principle;
- (b) Anticipate, prevent, and mitigate the deterioration of the coastal environment;
- (c) Prevent serious and irreversible damage to the environment, as well as to residents and their property;
- (d) Permit only developments that demonstrate adaptation to the effects of sea level rise and storm surges in flood-risk zones; and
- (e) Establish minimum requirements to prevent environmental degradation.

(ii) No main building or structure, other than a water-dependent building, is permitted in the Sea Level Rise Zone.

(iii) For an existing lot where no usable portion of the lot is located outside the Sea Level Rise Zone, the permitted uses shall be those permitted in the underlying zone.

(a) No main building may be erected, constructed, or modified within the Sea Level Rise Zone unless it meets the following minimum requirements:

(i) In the case of a new building:

(a) The minimum elevation of the habitable portion must be 4.3 meters (CGVD28); and

(b) Any permit application must be accompanied by:

- a. A plan demonstrating the elevation of the habitable portion of the building;
- b. A plan demonstrating that all electrical, mechanical, and plumbing components are either floodproofed by design or elevated above the prescribed minimum elevation within the habitable portion of the building;
- c. A drainage plan if the adaptation method includes more than one meter of land fill on properties smaller than 4,000 square meters; and
- d. A plan demonstrating that there are no openings (windows and/or doors) below the prescribed minimum elevation, except for parking areas or garages within the building.

(b) In the case of an existing residential building:

(i) The building may be expanded after the adoption of this By-Law if:

(a) The expansion does not reduce the building's existing elevation;

(b) The expansion does not increase the non-adapted habitable portion of the building by more than the lesser of 25% or 23.2 square meters. Any larger non-adapted expansion requires full adaptation; and

(c) The landowner signs a waiver acknowledging the risks associated with non-adapted development in the Sea Level Rise Zone.

(iv) Paragraph (iii) does not apply to accessory structures, water-dependent uses, open spaces, or temporary uses permitted under this By-Law.

5.6.5 Sea Level Rise Zone

(i) The purpose of the Sea Level Rise Zone is to:

- (a) Promote sustainable development based on the precautionary principle;
- (b) Anticipate, prevent, and mitigate the deterioration of the coastal environment;
- (c) Prevent serious and irreversible damage to the environment, as well as to residents and their property;
- (d) Permit only developments that demonstrate adaptation to the effects of sea level rise and storm surges in flood-risk zones; and
- (e) Establish minimum requirements to prevent environmental degradation.

(ii) No main building or structure, or accessory dwelling unit other than a water-dependent building, is permitted in the Sea Level Rise Zone.

(iii) For an existing lot where no usable portion of the lot is located outside the Sea Level Rise Zone, the permitted uses shall be those permitted in the underlying zone.

(a) No main building or accessory dwelling unit may be erected, constructed, or modified within the Sea Level Rise Zone unless it meets the following minimum requirements:

(i) In the case of a new building:

(a) The minimum elevation of the habitable portion must be 4.3 meters (CGVD28); and

(b) Any permit application must be accompanied by:

- a. A plan demonstrating the elevation of the habitable portion of the building;
- b. A plan demonstrating that all electrical, mechanical, and plumbing components are either floodproofed by design or elevated above the prescribed minimum elevation within the habitable portion of the building;
- c. A drainage plan if the adaptation method includes more than one meter of land fill on properties smaller than 4,000 square meters; and
- d. A plan demonstrating that there are no openings (windows and/or doors) below the prescribed minimum elevation, except for parking areas or garages within the building.

(b) In the case of an existing residential building:

(i) The building may be expanded after the adoption of this By-Law if:

(a) The expansion does not reduce the building's existing elevation;

(b) The expansion does not increase the non-adapted habitable portion of the building by more than the lesser of 25% or 23.2 square meters. Any larger non-adapted expansion requires full adaptation; and

(c) The landowner signs a waiver acknowledging the risks associated with non-adapted development in the Sea Level Rise Zone.

Paragraph (iii) does not apply to accessory structures, water-dependent uses, open spaces, or temporary uses permitted under this By-Law.

5.6.1 Inland Flood Zone

- (i) No main building, main structure or accessory dwelling unit, other than a water-dependent building, is permitted in the Inland Flood Zone.
- (ii) For an existing lot where no usable portion of the lot is located outside the Inland Flood Zone, the permitted uses shall be those permitted in the underlying zone.
 - (a) No main building or accessory dwelling unit may be erected, constructed or modified unless it means the following minimum requirements:
 - (i) In the case of a new building:
 - (a) The minimum elevation of the habitable portion must be of 4.3 meters (CGVD28), and
 - (b) Any permit request must be accompanied by:
 - a. A plan demonstrating the elevation of the habitable portion of the building;
 - b. A plan demonstrating the flood proofing of all electrical, mechanical and plumbing by design or by elevation within the habitable portion of the building;
 - c. A drainage plan if the adaptation method includes more than one meter of land fill on properties smaller than 4,000 square meters; and
 - d. A plan demonstrating that there are no openings (windows and/or doors) below the prescribed minimum elevation, except for parking areas or garages within the building.
 - (b) In the case of an existing residential building:
 - (i) The building may be expanded after the adoption of this By-Law if:
 - (a) The expansion does not reduce the building's existing elevation;
 - (b) The expansion does not increase the non-adapted habitable portion of the building by more than the lesser of 25% or 23.2 square meters. Any larger non-adapted expansion requires full adaptation; and
 - (c) The landowner signs a waiver acknowledging the risks associated with non-adapted development in the sea level rise zone.
 - (iii) Paragraph (i) does not apply to accessory structures, water-dependent uses, open spaces, or temporary uses permitted under this By-Law.

5.7 OTHER ZONES

5.7.1 Table: List of rural zones

Zone name	Zone symbol
Infill Overlay	IO
Integrated Development	ID
Dwelling Group	DG
Development Project	DP

5.7.2 Infill Overlay Zone

(i) The purpose of the Infill Overlay Zone is to designate areas within 75 metres of the public right-of-way where smaller lot sizes for residential uses may be permitted.

(ii) The permitted uses in the Infill Overlay Zone shall be any use permitted in the underlying zone.

5.7.3 Integrated Development Zone

(i) A proposal for an Integrated Development is subject to Sections 58 and 59 of the Act.

5.7.4 Dwelling Group Zone

5.7.5 Table: Permitted uses of the DG zone.

DG	
Main uses	
Single-unit dwelling	P
Two-unit dwelling	P
Semi-detached dwelling (maximum 4 units, if sanitary sewer and water services are available)	P
Multi-unit dwelling	P
Mini home park	P
Campground	P
Institutional use	P
Recreational use	P
Passive recreational use	P

Accessory use	
Building, structure, or accessory use	P
Secondary use	
Home occupation	P
Home industry	P
Bed and breakfast	P
Attached accessory dwelling	P
Detached accessory dwelling	P

5.7.6 Table: Lot dimensions for the DG zone

DG	
Requirements	
Minimum lot area (without services)	i. single-unit dwelling or other use 4000 m ² ii. two-unit dwelling 5350 m ² iii. multi-unit dwelling 8050 m ²
Minimum lot area (with sanitary sewer services)	690 m ²
Minimum lot area (with sanitary sewer and water services)	540 m ²
Semi-detached dwelling with a maximum of 4 units if the sanitary sewage system and water are available	i. 315 m ² for an exterior lot ii. 180 m ² for an interior lot
Minimum lot frontage (without services)	i. single-unit dwelling or other use 54 m ii. two-unit dwelling 59 m iii. multi-unit dwelling 68 m
Minimum lot frontage (with sanitary sewer services)	23 m
Minimum lot frontage for a semi-detached dwelling (with sanitary sewer and water services)	18 m
Minimum lot frontage for a semi-detached dwelling (with sanitary sewer and water services)	i. 10.5 m for an exterior lot ii. 6 m for an interior lot
Maximum lot depth	30 m

5.7.7 Table: Applicable standards for the DG zone.

DG	
Requirements	
Required front yard or flankage yard of a public street	7.5 m
Required front yard or flankage yard of a private street	4.5 m
Required front yard with heavy traffic road or collector road, except Acadie Road	15 m
Required rear yard	315 m ²
Minimum lot frontage (without services)	6 m
Required side yard	3 m from a limit and 1.5 m on the other
Maximum building height	11 m
Maximum lot coverage	35%

5.7.8 Any developments within the Dwelling Group Zone are subject to the following conditions:

- (i) all on-site maintenance (e.g. garbage collection, snow removal) and infrastructure (e.g. accesses, fire hydrants) are the responsibility of the property owner(s);
- (ii) all condominium developments must be registered under the *New Brunswick Condominium Act*;
- (iii) all development must follow the *National Building Code* fire safety setbacks; and
- (iv) the approval of the local fire chief must be obtained regarding access for emergency vehicles.

5.7.9 Further, a Mini Home Park in the Dwelling Group Zone shall meet the following requirements:

- (i) a park shall be serviced by an internal roadway system having a width of at least 12 meters;
- (ii) a park shall be serviced by common water and sewer facilities approved by appropriate provincial agencies;
- (iii) all spaces shall:
 - (a) have and contain a width and area of at least 12 meters and 375 square meters, respectively,
 - (b) abut the internal roadway system,
 - (c) include parking for at least one vehicle,
- (iv) no mini home shall be located within:
 - (a) 3 meters of the internal roadway system,
 - (b) 7.5 meters of a boundary of the park, or of a service building within in,
 - (c) 7.5 meters of another mini home, except that, when two of them are placed end to end on adjoining spaces, this distance may be reduced to 4 meters, or
- (v) all service buildings shall be permanent structures complying with the *National Building Code* of Canada, in effect at this time of this By-Law.

5.7.10 Development Project Zone

- (i) Within a Development Project Zone, all land use and building placement, erection, modification, or use must conform to the approved project, in accordance with Section 101 of the *Act*.
- (ii) Subject to paragraph (i), a development project must meet the following criteria:
 - (a) Have a minimum land impact of \$2 million;
 - (b) Have a minimum land area of 10 acres.

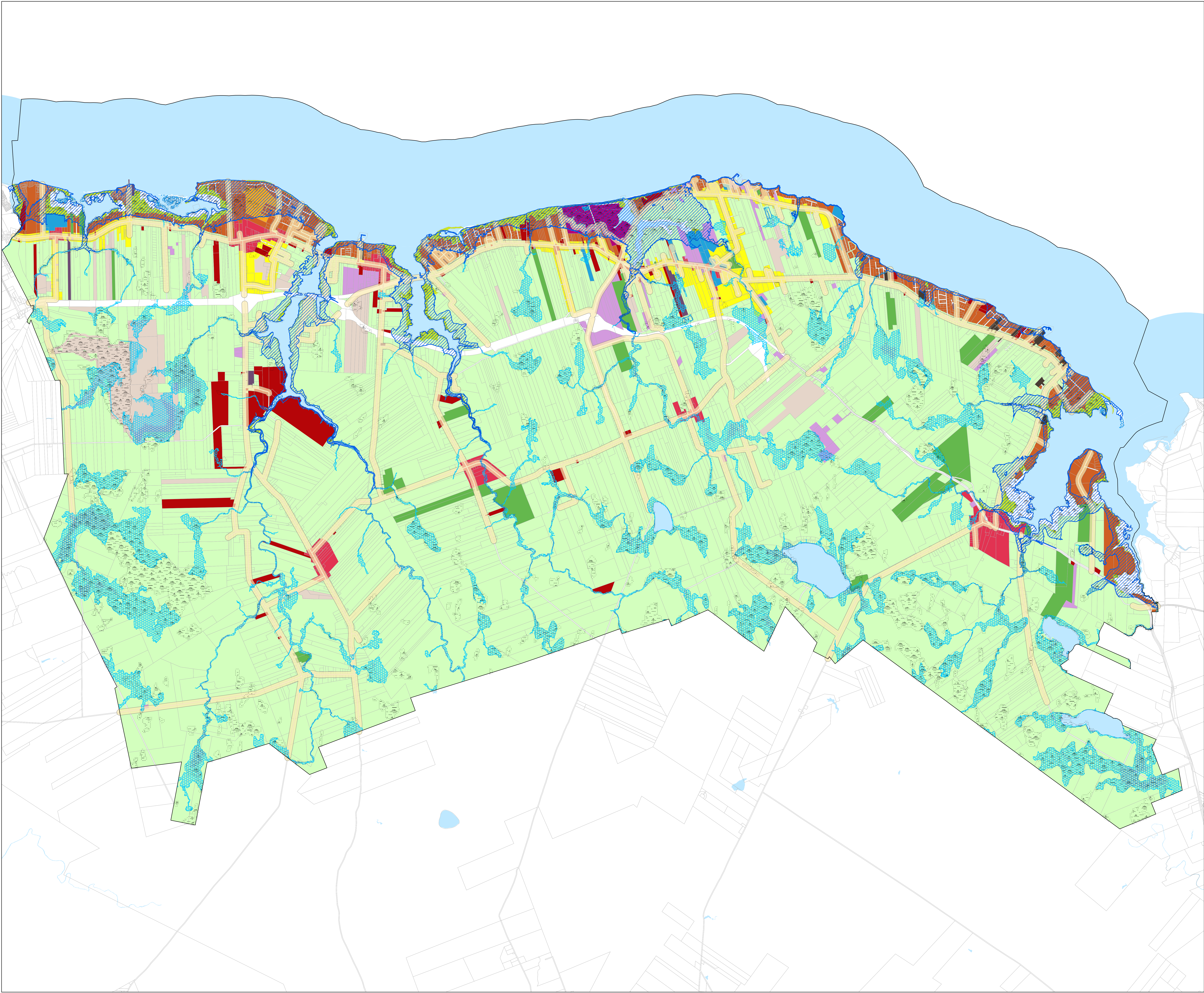
SECTION 6: SCHEDULES

6.38 SCHEDULE A: ZONING MAP

6.39 SCHEDULE B: INLAND FLOOD MAP

6.40 SCHEDULE C: SANDPIT MASTER PLAN

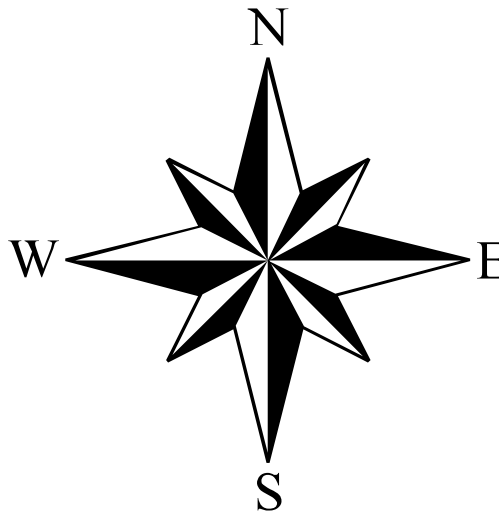
6.41 SCHEDULE D: REHABILITATION PLAN AND REHABILITATION RATIO



Carte de Zonage
Cap-Acadie
Zoning Map

ZONES

-  R-Résidentiel / R-Residential
 -  RC-Résidentiel côtière / CR-Coastal Residential
 -  CC-Commerce Centrale / CC-Central Commercial
 -  CG-Commerce générale / GC-General Commercial
 -  SC-Services collectif / IS-Institutional services
 -  P-Portuaire / P-Port
 -  IL-Industriel léger / LI-Light Industrial
 -  DR-Développement des ressources / RD-Resource Development
 -  DIR-Développement intensif des ressources / IRD-Intensive Resource Development
 -  RU-Rurale RA-Rural
 -  A-Agriculture / A-Agriculture
 -  E-Zone de Préservation de l'environnement/ E-Environment Conservation
 -  TI- Terrains intercalaire/ IF-Infill Overlay
 -  ENM-Zone d'Élévation du niveau de la mer / SLR-Sea Level Rise
 -  II-Zone d'inondation des terres intérieures < 1m profondeur IF-Inland Flooding < 1m Depth
 -  II-Zone d'inondation des terres intérieures > 1m profondeur IF-Inland Flooding > 1m Depth
-  Secteur assujettie au Règlement sur la modification des cours d'eau et des terres humides /Loi sur l'assainissement de l'eau. 2003-16
Area subject to the Watercourse and Wetland Alteration Regulation- Clean Water Act. 2003-16



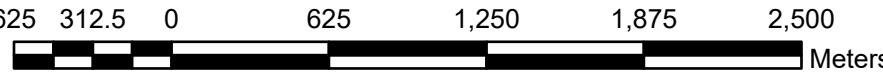
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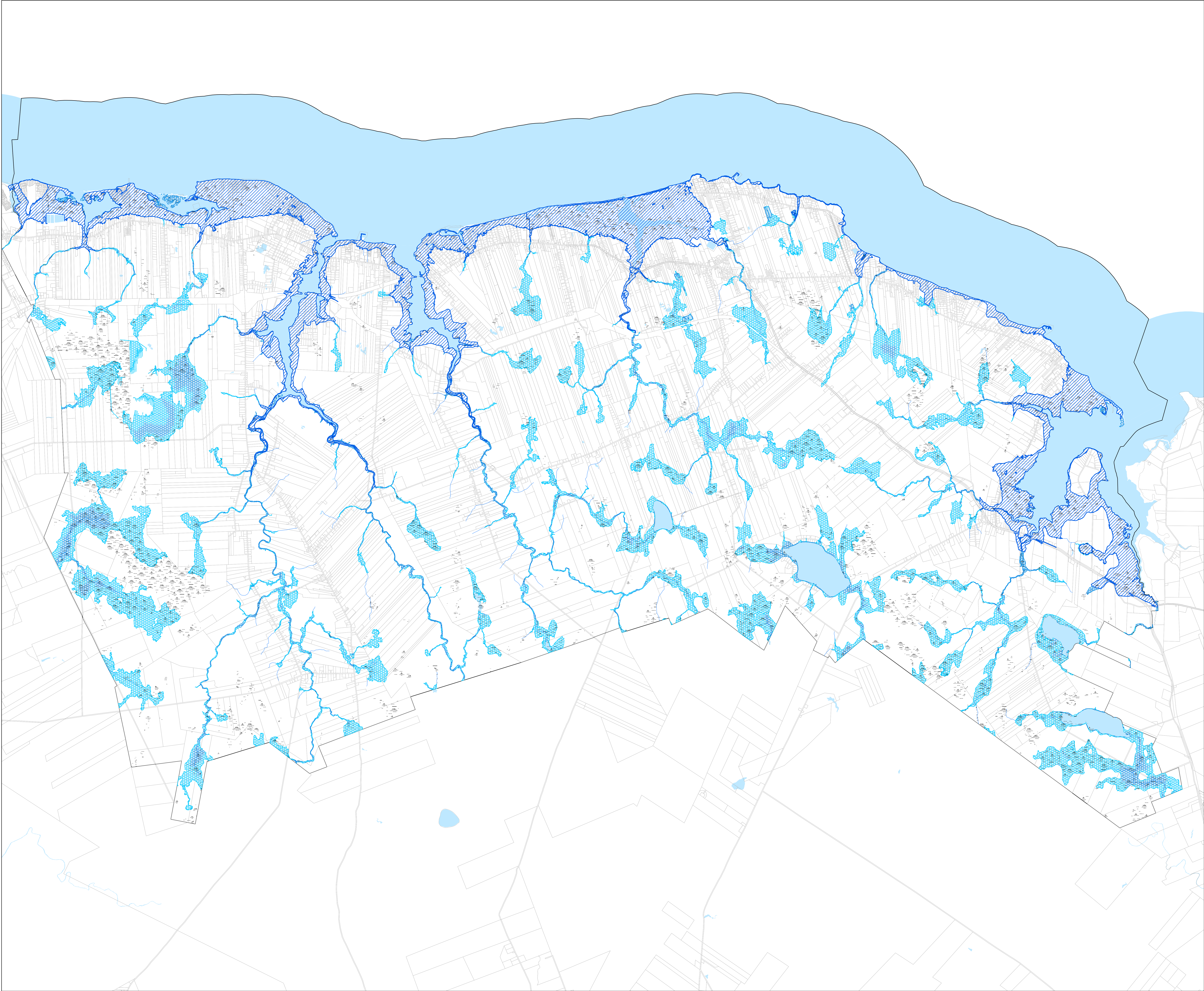


COMMISSION DE SERVICES RÉGIONAUX
SUD-EST SOUTHEAST
REGIONAL SERVICE COMMISSION

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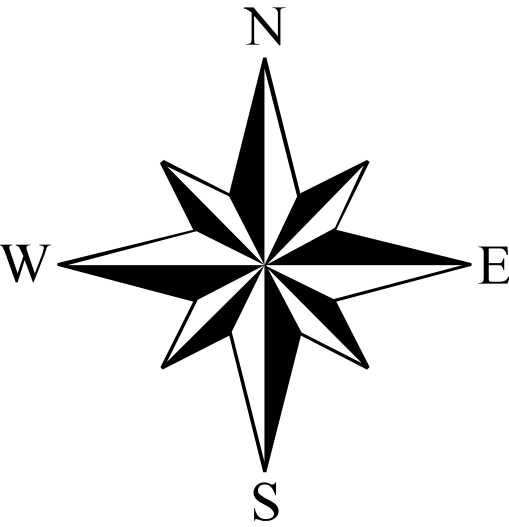




Cap-Acadie Hydrographic Map

ZONES

-  ENM-Zone d'Élévation du niveau de la mer /
SLR-Sea Level Rise
-  II-Zone d'inondation des terres intérieures < 1m profondeur
IF-Inland Flooding < 1m Depth
-  II-Zone d'inondation des terres intérieures > 1m profondeur
IF-Inland Flooding > 1m Depth
-  Secteur assujéti au Règlement sur la modification des
cours d'eau et des terres humides
-Loi sur l'assainissement de l'eau, 2003-16
Area subject to the Watercourse and
Wetland Alteration Regulation- Clean Water Act, 2003-16



Carte préparée par:



COMMISSION DE SERVICES RÉGIONAUX

**SUD-EST
SOUTHEAST**

REGIONAL SERVICE COMMISSION

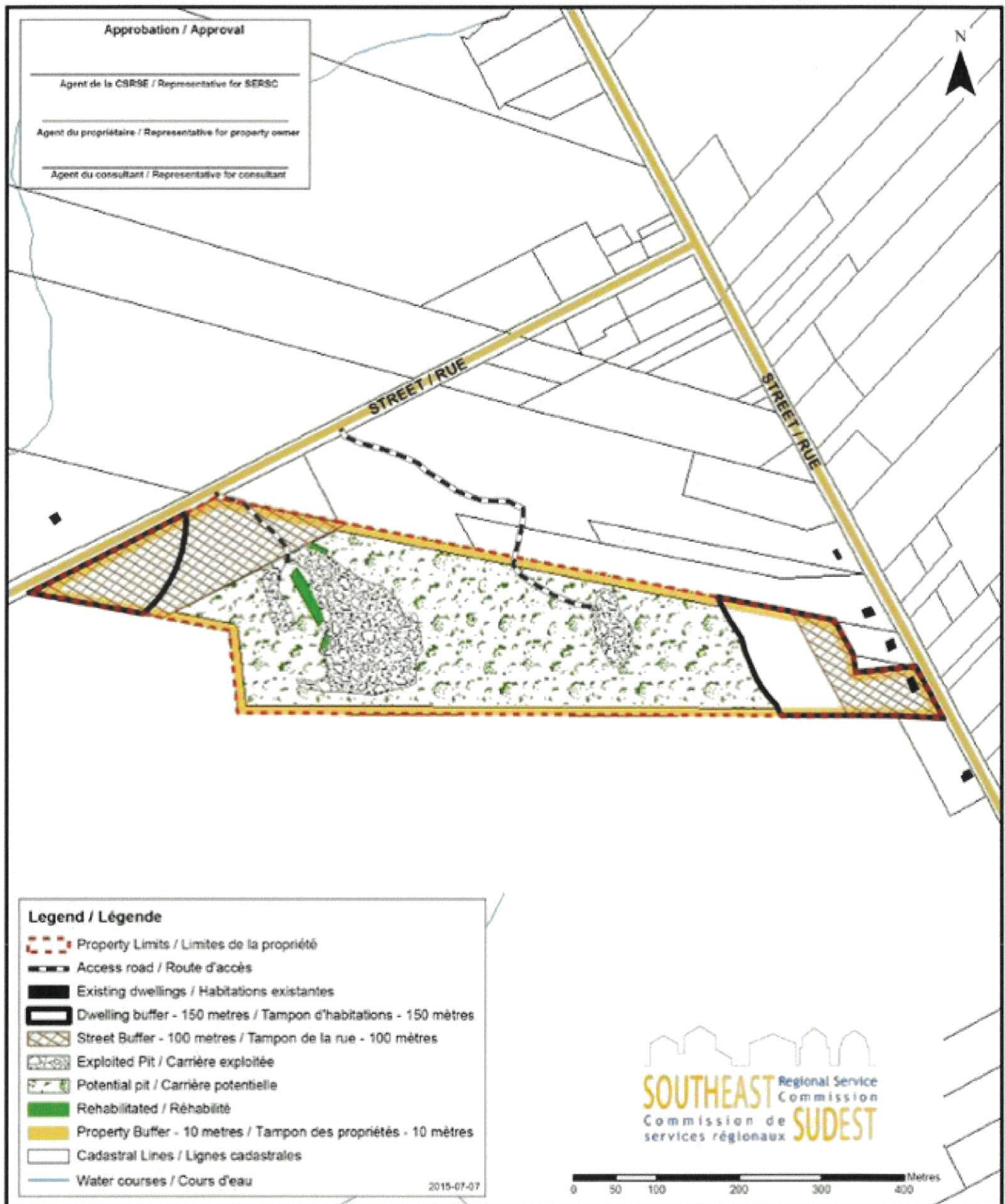
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Meters

Pit Master Plan - PID #00000000 - Name of Company
Plan maître de carrière - NID #00000000 - Nom du Compagnie



ANNEXE D: Équation pour déterminer le ratio de réhabilitation

$$\text{Ratio de réhabilitation} = \frac{(\text{aire de la carrière potentielle} + \text{aire de la carrière exploitée})}{\text{aire de la carrière potentielle}}$$