

PART A. TITLE AND AREA DESIGNATION

SECTION 1. **Village of Alma Rural Plan By-law**

SECTION 2. By-law No. 97

The Council of the Village of Alma, under the authority vested in it by section 27.2 of the *Community Planning Act* adopts the following Rural Plan By-law:

1. The area of land lying within the territorial limits of the Village of Alma, as outlined on the map attached as "Schedule A", entitled Village of Alma Zoning Map, is designated for the purpose of the adoption of this Rural Plan and is the area to which this By-law applies;
2. This Rural Plan By-law cited as the "Village of Alma Rural Plan" contained in this By-law is hereby adopted for the area of land as described in the preceding Section 1;
3. The "By-law No. 93, Village of Alma Rural Plan By-law" filed on December 21, 2016 at the County of Alberta as 23256176 is hereby repealed with all its amendments with the exception of By-law amendment 93-4 filed on April 17, 2015 at the County of Alberta as 34760331 which shall remain in effect.
4. This By-law has been prepared by the Southeast Regional Service Commission Planning Staff under the direction of Alma Village Council in consultation with the "New Alma Rural Plan Committee."

READ FIRST TIME _____

READ SECOND TIME _____

READ THIRD TIME _____

Village Clerk/Treasurer

Mayor

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PART B. OBJECTIVES OF THE RURAL PLAN

The need for a new rural plan for the Village of Alma has become apparent due to significant new economic development opportunities as well as a recognition of the importance of climate change and its impacts on coastal communities such as Alma. Over the years, many stakeholders have come together to identify opportunities for the community from a tourism perspective and promoting those opportunities is a key priority for Council. Second, Council understands that, while promoting the beauty of the region through tourism, residents of the Village wish to take measures to enhance and conserve the rural character of the area and ensure sound management of the environment. A final key objective is to attract new residential and commercial development to the Village to support the local community and travelling public.

The rural plan will guide development in an orderly fashion by providing a framework for achieving community objectives over a long-term period. The rural plan will also define policies for strengthening the Village's capability to accommodate a changing economy and environment while maintaining quality of life for its residents.

SECTION 1. STATEMENTS OF POLICY AND PROPOSALS

1.1 Residential Uses

According to the 2016 Census, the Village of Alma has a population of approximately 213 with the average age of residents' being 47 years old. Since 2006, the population has experienced a decline of 30% (Census 2016, 2011, 2006).

In 2006¹, 89% of dwellings in Alma were single-unit dwellings. The 2006 Census data also indicated that 78% of dwellings were constructed prior to 1986 and the remaining 22% were constructed between 1986 and 2006. And, while single-unit dwellings predominate Alma, certain types of dwellings - such as cottages and seasonal homes - are becoming more popular. According to 2013 tax assessment information, there were 103 full-time primary dwellings and 86 seasonal dwellings in the village.

Both seasonal and full-time residents of Alma enjoy the rural character of the Village. Situated in the heart of the upper Bay of Fundy, Alma has unique topography which is as a challenge to further residential development.

¹ 2016 Census data for dwelling characteristics was not available at the time of the writing of this by-law. In 2011, the National Household Survey replaced the Census and did not provide reliable data for small communities. As such, 2006 Census data is considered the best source of information at this time.

Policies

P.1(1) It is the policy of Council to conserve the residential character of the area and to have an optimum housing density that fits with the Village's vision.

P.1(2) It is the policy of Council to promote diverse residential uses within the community.

P.1(3) It is the policy of Council to minimize land use conflicts between residential uses and other uses by requiring buffers to be established.

P.1(4) It is the policy of Council to maintain a primarily residential area in the Residential Dwelling (R1) zone.

P.1(5) It is the policy of Council to accommodate a combination of residential uses, tourism-based accommodation and supportive retail, food service and similar uses within the Residential Tourism (RT) Zone.

P.1(6) It is the policy Council to permit the following compatible uses within residential zones, subject to the relevant provisions of this Rural Plan:

- a) Public utilities
- b) Parks and playgrounds
- c) Home occupations

1.2 Commercial Uses

Alma is the key regional service centre for tourism attractions from Hopewell Cape to the Fundy Trail. As a gateway to Fundy National Park, Council recognizes the importance of tourism and related economic and cultural opportunities which result from increased tourism. Village residents feel there is a potential for new commercial uses, including year-round businesses, which would contribute to economic stability and provide conveniences to the community and its visitors. Another key commercial industry in Alma is the fishery and related uses which is an integral part of the cultural fabric of the community.

Policies

P.2(1) It is the policy of Council to recognize tourism as a key economic driver of the community.

P.2(2) It is the policy of Council to establish a Commercial zone within the main area of the Village. Within this zone, uses will be focused on tourism development, existing fishery uses, and meeting local service needs. Appropriate standards for lot sizes and setbacks will be established incorporating existing development and will be flexible to respond to changing markets and tourism development over time.

P.2(3) It is the policy of Council to encourage the development of a variety of commercial uses in its Commercial (C1) zone.

P.2(4) It is the policy of Council to recognize that the fishery plays a significant role in the local economy.

P.2(5) It is the policy of Council that within the commercial zone where appropriate, certain new uses will be subject to terms and conditions due to the fact that they carry with them concerns of environmental safety, traffic generation, and compatibility with surrounding uses.

P.2(6) It is the policy of Council that secondary dwelling units will be permitted within commercial buildings in the commercial zone to offer a residential alternative housing option within the Village. As well, single-, two- and multiple-unit dwellings will be permitted within the commercial zone.

1.3 Institutional Uses

Parks, green spaces, and trails are keys to creating a total tourism and recreation experience within the Village. As well, open spaces and recreational opportunities help create the friendly type of community that people enjoy living in and visiting. Alma is fortunate that it can draw from recreational and open space opportunities that currently exist in Fundy National Park. Within the park there are trails for hiking and cross country skiing, a golf course, campground, beach and many other recreational uses.

There are a number of institutional uses within the Village that serve the social, religious, educational and cultural needs of members of the community, such as the community centre. Eventually, the community would also like to establish a Village Common and a waterfront boardwalk to support the tourism industry and provide a gathering and recreation place for local residents.

Policies

P.3(1) It is the policy of Council to facilitate the development of recreation areas and public open space in all areas of the Village for the enjoyment of the people living in and visiting the community.

P.3(2) It is the policy of Council to permit institutional uses in all zones except the Residential Dwelling (R1) and Environmental Risk (ER) zones.

P.3(3) It is a policy of Council to prohibit new private burial grounds.

Proposal

P.3(4) It is a proposal that the Village of Alma continue to work on development of recreational assets in partnership with the other communities in the Southeast Regional Service Commission.

1.4 Resource Uses

1.4.1 Fishing and Agricultural Uses

Alma has long been known as a rural fishing village as traditional fishing industry activities have been taking place for decades. There are numerous fish and boat sheds located along the shores and within the Village, some of which can cause conflicts with residential uses and tourism commercial uses. While agricultural uses have also occurred within Village boundaries to a limited extent, there are many areas that may be used for agricultural purposes in the future. Fishing and agricultural uses play an important role in maintaining Alma's diverse rural character. These uses also add an economic benefit to the Village. Much of the land outside the Village core reflects traditional rural activity and its complimentary uses. These rural activities often require larger lot sizes to ensure that conflicts do not arise between uses and to maintain a rural character.

Policies

P.4(1) It is the policy of Council to recognize the importance of maintaining Alma's fishing industry by permitting existing fishery uses to continue.

P.4(2) It is the policy of Council permit fisheries and agricultural operations in the Rural Area Zone.

P.4(3) Outside of the Rural Area Zone, it is the policy of Council to consider the development of new fishery uses as a specific use that is subject to conditional rezoning to an Intensive Resource Development (IRD) Zone under the *Community Planning Act*.

P.4(4) It is the policy of Council to recognize the importance of maintaining the rural character of the community.

1.4.2 Resource Uses

Pits, although meant to be temporary, can still have a negative effect on a small tourism-based community. Nonetheless, there are large tracts of uninhabited rural area that may be suitable for extraction. To address this, Village Council wishes to retain decision-making authority over location of such sites to ensure that conflict with existing residential and/or tourism efforts are minimized.

P.4(5) It is the policy of Council to consider the development of pits and quarries as a specific use that is subject to conditional rezoning to an Intensive Resource Development (IRD) Zone under the *Community Planning Act*.

P.4(6) It is the policy of Council to reduce conflicts between pit operations and other uses.

P.4(7) It is the policy of Council that pit operations would be considered in accordance with the requirements of Section 5.2 for excavation under this By-law.

1.5 Protection of Water Supplies and Conservation of the Physical Environment

Approximately two-thirds of Village residents rely on on-site water sources for consumption and use. These on-site sources have a high probability of being contaminated or of running dry during summer months. The public well and water distribution system services the remaining residents. This system serves the core area of the Village. Some lands associated with the well are protected under the Wellfield Protection Regulations of New Brunswick. This rural plan reflects the provisions of this regulation. A quality water source helps to maintain a sustainable community.

Water is also somewhat of a threat to development in the Village because of its close proximity to the Bay of Fundy coastline. Climate change brings with it inherent risks such as sea level rise, increased intensity and frequency of storm events and storm surge. The Village needs to adapt its policies to reduce the risk to the community. Further, storm water drainage is also an issue in Alma, a community with steep slopes and no municipal storm water drainage system.

Some areas within the Village present natural constraints to development, such as steep or unstable slopes, floodplains and sensitive habitats. It would not be wise for development to occur on these sites without careful consideration to the risk of degradation of the environment. As well, the safety of residents and their developments could be in jeopardy.

1.5.1 *Environmentally Sensitive Areas*

Policy

P.5(1) It is the policy of Council to protect water quantity and quality for its residents. As such, any development must comply with the Wellfield Protection regulations within Zones A, B, and C as labeled on the Zoning Map (Schedule A).

P.5(2) It is the policy of the Village to control environmental pollution and to protect the natural environment.

P.5(3) It is a policy of Council that Environmental Risk areas be identified. The Environmental Risk Zone will include areas such as flood risk areas, wetlands, and sensitive habitats. Slopes with a 25% grade will be shown on the zoning map and any new development adjacent to the slope shall be subject to terms and conditions.

1.5.2 *Stormwater Management*

P.5(5) It is a policy of the Village that storm water shall be drained in an efficient and economic manner and no new development shall be permitted to drain storm water onto neighbouring properties unless drainage easements or natural features exist.

1.5.2 Public Water and Sewage Collection

The Village has a sewage collection and treatment system serving residents of the core areas of the Village. This system was designed to accommodate sewage flows from the existing development in the core including the seasonal tourism uses for which Alma is so famous, with provisions for future growth. The Village will recover the operating costs and some of the capital costs of this system through user charges. It is important from the point of view of maintaining public health and from the point of view of efficiently utilizing the Villages resources to establish an area within which all development is required to connect to the new system.

Policies

P.5(6) It is the policy of Council to protect the public health and safety of its residents by maintaining and operating a sewage collection and treatment system.

P.5(7) To ensure the quality of life of the residents, it is the policy of Council to control environment pollution and to do so in a manner that does not create an undue fiscal hardship to the Village.

P.5(8) It is the policy of the Village to require developments within the area served by the central municipal services to connect to the sewage collection and where available water supply systems.

P.5(9) It is the policy of Council to maintain a Service Development Boundary on the zoning map. Within the Service Development Boundary no new development or any subdivision shall be permitted without providing for the legal connection and/or extension of the Village water and sewer systems to the development or the subdivision except where would preclude such a connection.

1.5.3 Flood Risk and Sea Level Rise

The Village of Alma, as well as the entire Bay of Fundy shoreline is experiencing the threat of climate change in the form of coastal erosion, sea level rise, as well as increased storm events and storm surges. The Village of Alma is situated next to the highest tides in the world and much of the downtown is at or near sea level. This, when combined with projections for highest high water large tide sea levels of 5.7m by 2100, and 1:100 storm projections at 7.7m, the Village will be subject to increasing risk of flood events.

Policies

P.5(10) It is a policy of Council to recognize the vulnerability of the community to the threat of climate change impacts such as sea level rise, increasing severity and frequency of storm events, coastal erosion, and storm surge.

P.5(11) It is a policy of Council to adopt a Sea Level Rise Zone based on 100-year 2100 storm event predictions to help the community adapt to the threat of climate impacts.

1.6 Public Utilities and Public Infrastructure

Public utilities such as power supply delivery lines, energy pipelines, underground cable systems, and telecommunication towers which are deemed essential to community function may continue to be developed within the Village boundary.

Council recognizes that increased traffic flow as a result of its being the eastern anchor of the Fundy Trail Parkway will create new challenges for the community. Being located in the heart of the Upper Bay of Fundy tourism experience, maintaining and or creating safe and reliable circulation within the Village for a wide range of transportation options is essential for both residents and tourists alike. As well, development of additional public infrastructure such as public washrooms, sidewalks, and boardwalks, are also a priority through the Vision Alma process.

Policies

P.6(1) It is the policy of Council to recognize the importance of public utility services to its residents and the travelling public.

P.6(2) It is a policy of Council that public utility uses be permitted in all zones.

P.6(3) It is the policy of Council to develop an adequate road network system and maintenance program.

Proposals

P.6(5) It is proposed that the Village of Alma seek the services of a professional engineering firm to study the existing road network system and determine the ownership and administrative tenure of the land currently used for access in the village. Further, it is proposed that, as part of this study, a management plan in terms of street network connectivity, maintenance, and future land management be developed.

P.6(7) It is proposed that funding be sought to undertake infrastructure improvements to support the community's goals including, but not limited to public washrooms, sidewalks, and boardwalks.

1.7 Heritage & Culture

The sea-faring heritage and culture of the Village of Alma is celebrated by both residents and tourists alike. Key cultural and heritage features include the traditional ties to the fishery, living on the edge of the highest tides in the world, and the historic shipyard wharf. The Village is poised to take advantage of the host of opportunities presented by its unique character and by its location in the region.

Policy

P.7(1) It is a policy of Council to recognize and preserve, where possible, significant heritage and cultural resources in the Village.

Proposal

P.7(2) In order to implement P.7(1), it is proposed that buildings, structures and sites of archaeological interest be identified and documented on an on-going basis.

1.8 Integrated Development

Policies

P.8(1) It is the policy of Council to acknowledge that some development schemes are unusual and consist of multiple uses and may not meet the zoning provisions established in the rural plan.

P.8(2) It is the policy of Council to permit integrated development schemes if such schemes are beneficial to the entire community and hazards can be considerably mitigated.

Proposals

P.8(3) It is proposed that request for an integrated development zone be studied in detail and each decision be based upon a complete analysis of the available information.

P.8(4) It is proposed that the Village of Alma Council seek the advice of the Southeast Regional Service Commission's Planning Review and Adjustment Committee and all other stakeholders who could help to analyze the request.

P.8(5) It is proposed that a proposed use in an integrated development zone be subject to the terms and conditions outlined in the Community Planning Act.

P.8(6) It is proposed that the Village of Alma Council reserve the right to refuse a rezoning request to create an integrated development zone if this zone is in conflict with the Rural Plan's objectives, if it poses a threat to the environment or public health, or if it diminished the quality of life of the community as a whole.

1.9 Amendments and Conditional Uses

From time to time, it may be necessary to consider amendments to the Plan to accommodate changes within the Village. The Council will ensure that the amendment is in accordance with the intent of the Plan and that the Village and its residents are protected from unsuitable development.

In some cases, certain uses in the Plan shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit the use where compliance with such terms and conditions cannot reasonably be expected.

Policy

P.9(1) It is the policy of Council to recognize the need to consider amendments of the Rural Plan and uses subject to terms and conditions.

Proposal

P.9(2) In order to implement P.9(1), it is proposed that for the imposition of terms and conditions, to have appropriate regard for the following matters:

- a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;*
- b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Village to absorb any costs relating to the development;*
 - (ii) the adequacy of central or on-site sewerage and water supply services and storm drainage measures; and*
 - (iii) the adequacy of road networks leading or adjacent to or within the development;**
- c) that controls are placed on the proposed development where necessary, so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the type of use;*
 - (ii) the height and lot coverage of any proposed building;*
 - (iii) traffic generation, access to and from the site and parking;*
 - (iv) site drainage;*
 - (v) open storage;*
 - (vi) signs; and*
 - (vii) any other relevant matter of planning concern;**
- d) that the proposed site is suitable in terms of steepness or grades, soil and geological conditions, location of watercourses, marshes or bogs and susceptibility of flooding as well as any other pertinent matter of environmental concern; and*
- e) that the proposal meets all necessary consideration in respect of public health and safety and that the site design meets all fire protection and access considerations.*

P.9(3) In addition to P.9(2), it is the proposed that, in considering the imposition of terms and conditions for more than one main residential building on a lot, to have appropriate regard for the following matters :

- a) the provision of adequate separation distances between buildings;*
- b) the design, layout, location and number of driveways, pedestrian accesses and parking spaces;*
- c) provisions for landscaping both at the edges of the property and within the parking lot;*
- d) measures for the storage of snow and its subsequent spring drainage;*

- e) *the provision of intra-lot vehicular access between adjacent sites occupied by similar uses in the case of commercial developments; and*
- f) *the general conformity of the proposed development with any other pertinent policy of this By-law.*

PART C. ZONING PROVISIONS

SECTION 1: ZONING MAP & INTERPRETATION

The Zoning Map entitled "Schedule A - Village of Alma Zoning Map" is the zoning map designated for the Village of Alma Rural Plan.

In this By-law:

ABATTOIR means the use of land, or building, or structure or part thereof, in which animals are slaughtered.

ACCESS means any public street or private access pursuant to the standards established in New Brunswick's Provincial Subdivision Regulation;

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

ACCESSORY DWELLING UNIT means an attached dwelling unit which is secondary to the main dwelling unit;

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

ACT means the *Community Planning Act*.

AGRICULTURAL USE means

- a) the clearing, draining, irrigating or cultivation of land,
- b) the raising of livestock, including poultry,
- c) the raising of fur-bearing animals,
- d) the raising of bees,
- e) the production of maple syrup,
- f) the production of agricultural field crops,
- g) the production of fruit and vegetables and other specialty horticultural crops,
- h) the production of eggs and milk,
- i) the operation of agricultural machinery and equipment, including irrigation pumps,
- j) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption, including wineries, breweries and distilleries,
- l) the storage, use or disposal of organic wastes for farm purposes,
- m) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,

- n) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes,
 - o) any other agricultural activity or process prescribed by regulation,
 - p) temporary/seasonal dwellings for farm labour,
- but does not include an abattoir.

AWNING means a movable or immovable roof like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BAIT SHED means a building or structure used to store, prepare, or dispose of bait for use in the fishery.

BAR means a licensed establishment where alcoholic beverages are served for consumption on the premises without food.

BED AND BREAKFAST means a home occupation run by the owner who lives within the single family dwelling wherein rooms are rented and meals are served to overnight guests for commercial purposes.

BOARDING HOUSE – also known as a rooming house, means a dwelling in which the proprietor supplies for a fee sleeping accommodation with board, with or without meals, for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment, but does not include a hostel.

BUFFER AREA means open spaces, landscaped areas, hedges, trees, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDING means a roofed structure which is permanently affixed to the site and which is used or intended as a shelter for persons, animals or chattels.

BUILDING INSPECTOR means an officer or employee of the Commission, appointed by Council, charged with the duty of enforcing the provisions of the Building by-law.

CAMPER means any vehicle, whether towed or driven, that contains a kitchen, bedroom, and living area used for sleeping or eating accommodation. This definition includes travel trailers and motorhomes.

CAMPGROUND means an area of land, managed as a unit accommodating two (2) or more recreational vehicles, cabins, and tents, used on a short-term or seasonal basis, and where the accessory uses may include an administrative office, clubhouse, snack bar, laundry, convenience store, washrooms, showers, rain shelters, recreational facilities, and utility and grounds-keeping sheds.

COMMERCIAL USE means an occupation, employment, or enterprise that is carried on for profit.

COMMERCIAL USE, NON-RETAIL means a commercial use that does not include the sale of foods, merchandise, substances, or articles directly to the public.

COMMERCIAL VEHICLE means a motor vehicle used for commercial purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load, dump trucks, tractor trailers, semi-trailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes

COMMISSION means the Southeast Regional Service Commission, or its successor.

COMMON WALL/PARTY WALL means a wall jointly owned and/or jointly used by two or more parties or an extension of such a wall which is erected on a line separating two parcels of land each of which is or is capable of being held in unity of ownership.

CONDITIONAL USE means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning regulation and authorized by the Planning Review and Adjustment Committee.

CONTRACTORS YARD means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein;

COTTAGE means a detached building meant for temporary occupancy that accommodates one or more guests, which may or may not provide separate culinary and sanitary facilities.

COTTAGE CLUSTER means a development of two or more cottages.

DAY CARE means a facility that provides early learning and care for children from infancy to twelve (12) years of age, including afterschool programs and playschools that is licensed under the *Family Services Act* or *Early Childhood Services Act*.

DEPTH means, in relation to a lot, the distance measured from the front lot line to the rear lot line.

DEVELOPMENT OFFICER means a District Planning Director or a person appointed under the *Community Planning Act*.

DIRECTOR means the Provincial Planning Director appointed under the *Community Planning Act*.

DOG KENNEL means a service commercial establishment for the keeping, breeding, boarding or training of four or more mature male or female dogs.

DWELLING means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.

DWELLING, MULTIPLE-UNIT means a dwelling containing more than two dwelling units.

DWELLING, SEMI-DETACHED means a single unit dwelling attached to another single unit dwelling by a common, above-grade wall with each dwelling located on a separate lot.

DWELLING, SINGLE-UNIT means a dwelling, not including a mini/mobile home, containing only one dwelling unit.

DWELLING, TWO-UNIT means a dwelling containing two dwelling units.

DWELLING UNIT means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family, but does not include recreational vehicles designed for seasonal and non-permanent occupation.

ERECT means to construct, build, assemble or relocate a building or structure and any physical operations preparatory to the construction, building, assembly or relocation of the building or structure.

FISHERIES USE means a use of land, wharves and buildings for uses specific to the fishery including industrial fish plants, vessel construction and major repair, and storage of materials (boats, traps, nets and equipment) in the off-season.

FORESTRY USE means the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products.

FRONTAGE means the distance between the intersection of the side lot lines and measured from the front yard setback.

FUNERAL HOME means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for cremation or embalming.

GARDEN SUITE means a small, independent building, physically separate from the main dwelling unit with which it is associated, which is used as a dwelling unit.

GOVERNMENT USE means a municipal office, court house, registry office, health and welfare center, school, employment office, post office, or other office uses for purpose of local or other government administration.

GRADE means the lowest of the average levels of finished ground adjoining each exterior wall of a building.

GROSS FLOOR AREA means the total floor area in a building or structure measured between the exterior walls of the building or structure at the level of each storey below, at and above grade, excluding the area used for off-street unloading, parking, mechanical equipment, stairways or shafts.

GROUND FLOOR means the floor area of the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement or cellar, but excludes car parking areas within the building.

HABITABLE SPACE means an area in a structure for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered habitable space.

HEIGHT means the average vertical distance of a building between the established grade and the highest point of the roof surface or parapet, whichever is greater, but shall not include any construction used as an ornament or for the mechanical use of the building, chimney tower, steeple, solar collectors, or the like.

HOBBY FARM means a farm use conducted on the property which is secondary to the main use, does not change the character or use of the main use, and does not significantly alter the appearance of the main use.

HOME OCCUPATION means a secondary use conducted for gain within a dwelling or within an accessory building and without limiting the generality of the foregoing, may include professional occupations (such as doctor, architect, accountant, lawyer), caterer, small appliance repair, hair salon, and furniture repair, etc.

HOTEL, MOTEL or INN means a building or group of buildings where sleeping accommodation (with or without meals) is provided to the public.

INDUSTRIAL USE means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, and related accessory uses. Without limiting the generality of the foregoing, industrial uses may include such uses as pits and asphalt plants.

INSTITUTIONAL USE means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and may include community centres, indoor and outdoor recreation facilities, places of worship, cemeteries, government buildings, and schools.

LIGHT INDUSTRIAL USE means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of materials or goods, warehousing or bulk storage of goods and related accessory uses.

LIVESTOCK means pigs, horses, cattle, poultry, sheep, goats, llamas, and any other animal prescribed by the *Livestock Operations Act*.

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 of Deeds.

LOT, CORNER means a lot situated at the intersection of, and abutting on, two or more streets.

LOT, FLAG means a lot with less than the required frontage on a public street whereby the panhandle serves as an access corridor to property located behind lots with street frontages. No buildings are to be located within the panhandle or access corridor.

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

LOT AREA means the total horizontal area within the lot lines of a lot

LOT COVERAGE means the percent of the lot area covered by buildings or structures.

LOT LINE means a common line between a lot and an abutting lot, lane, street, parcel of land or body of water.

LOT LINE - FLANKAGE means a lot line which abuts a street other than a on a front lot line.

LOT LINE – FRONT means the cumulative lines common to a lot on an abutting street. In the case of a corner lot, the shorter side shall be considered the front.

LOT LINE – REAR means the lot line opposite to, not adjoining and most distant from the front lot line, and that approximately spans the width of the lot.

LOT LINE – SIDE means any lot line which meets the end of a front and rear lot line

LOT WIDTH means,

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

MAIN BUILDING means a building in which is conducted the main or principal use of the lot on which the building is located.

MAIN USE means the principle or primary use of the lot, building or structure.

MINI/MOBILE HOME means a factory built, detached structural unit designed to be and capable of being transported after fabrication to a lot and which is suitable for year-round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures and connection to utilities.

MINISTER means the Minister of Environment and Local Government.

ORDINARY HIGH WATER MARK (OHWM) is the boundary between the land of a waterfront property owner and 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.

PASSIVE USES are those activities that require minimal permanent development, or changes to landscape.

PARK / PLAYGROUND means any park or playground requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other development that disturbs the natural environment as little as possible.

PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress

of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

PERSONAL SERVICE SHOP means a shop in which persons are employed in providing direct services to individuals or pets, may include such establishments as hair salons, spas, laundromats, tailoring, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

PROFESSIONAL OFFICE means an office which is used to carry out the administrative duties of a business that performs services on or off the premises, and may include, but is not limited to real estate, investment, architecture, legal, or business management.

PUBLIC UTILITY means any building, structure, plant or equipment essential to the provision and operation of services to the general public (be it under public franchise or private ownership) including, but not limited to, the provision of electricity, gas, heat, steam, water, sewage disposal, communication services and infrastructure, pipelines, railway, roads and sidewalks, traffic management systems, vehicular and pedestrian bridges, and gas distribution systems.

RECREATIONAL USE means the use of land, buildings and structures for parks, playgrounds, tennis courts, golf courses, boat clubs, picnic areas, swimming pools and similar uses to the foregoing, together with necessary and accessory buildings and structures but does not include commercial campgrounds nor a track for the racing of any form of motorized vehicles or any animals.

RECREATIONAL VEHICLE means any vehicle, whether towed or driven that is capable of being used on a short-term recreational basis for living, sleeping, or eating accommodation of persons, and includes travel trailers, pop-up trailers, campers, motorized campers, motorized homes or other similar vehicles.

RECYCLING DEPOT means a collection facility and distribution point for bottles, cans, tires, and other items to be reused or recycled, but does not include processing except assembly or packaging for shipping.

RESIDENTIAL CARE HOME means a shelter, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

RESOURCE USE means the use of land, buildings or structures for the management, development and cultivation of forestry and mineral resources.

RESTAURANT means a building where food and beverages, including the sale of alcohol, are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. This includes take-out service of food and beverages for off-site consumption.

RETAIL USE means a use in which foods, merchandise, substances, articles, or things are offered or kept for sale directly to the public.

SECONDARY USE means a use, other than a main or accessory use, occupying less floor area than the main use.

SERVICE SHOP means a building used for the sale or repair of household articles and shall include the repair or servicing of communication parts and accessories, electronic devices, furniture, appliance repair and other similar uses.

SERVICE STATION means premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and for the sale of fuel, oils and accessories for motor vehicles and may also include vehicle washing establishments.

SHIPPING CONTAINER / SEA CAN means any transport container so constructed that it is suitable for being attached to a motor vehicle or train, and is capable of being used for transporting goods, materials, equipment or livestock notwithstanding that such vehicle is on blocks or that its running gear is removed.

SIGN means any display of public advertisement in the form of a placard, boarding, bill board or other form or means or device whatsoever of public advertisement whether erected, pasted or painted, and includes any form, means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose.

SIGN, BILLBOARD means a large ground sign or fascia wall sign which is not related to any business or use located on the lot or premises.

SIGN, FASCIA means a sign erected against or parallel to the face of a building above a door and/or window.

SIGN, FREESTANDING means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground.

SIGN, PORTABLE means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and without limiting the generality of the foregoing, includes signs commonly known as a "sandwich sign" or "mini/mobile sign" and an inflatable device tethered to any building, structure, vehicle or other device.

SIGN, PROJECTING means a sign which is wholly or partially dependent upon a building for support and which projects more than 30 cm beyond such building.

SIGN, ROOF means a sign which is mounted on the roof of a building or which is wholly dependent on a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck-line of a building with a mansard roof.

SIGN AREA means the area of the smallest triangle, rectangle, circle or semicircle which can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures, which are attached or painted on a surface, shall be the smallest triangle, rectangle, circle or semicircle, which can wholly enclose all of the letters, numbers or insignia.

SIGHT TRIANGLE means the triangular-shaped area of land, free of buildings or structures, formed by measuring from the point of intersection of street lines on a corner lot, the distance as required by this By-law.

SPECIAL CARE HOME means a facility in which food, lodging and care or supervision are provided, with or without charge to persons unrelated to the operator of the facility, who on account of age, infirmity, physical or mental disability, require special care as approved by the appropriate provincial department.

STOREY means that portion of a building included between the surface of any floor and ceiling or roof structure next above it.

STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the Village of Alma.

STRUCTURE means a combination of materials that form a construction that is intended to be safe and stable, including but not limited to, a fence, deck, dock, or monument, but does not include a building, flagpole, or a public utility.

SWIMMING POOL means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, may hold water to a depth greater than 91 cm intended to be used for diving, swimming, or wading.

TOWNHOUSE means a building consisting of two to six dwelling units which are vertically attached by one or more common wall(s) and which the property may be subdivided, with each unit having independent entrances to a front and rear yard. Each unit shall be serviced by independent municipal sewer and water connections.

TOURISM USE means the use of land for attracting and serving of people visiting an area for recreation and vacations.

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

WAREHOUSING/STORAGE means a building used primarily for the storage of goods and materials for distribution or personal use.

YARD means that part of a lot required to be unoccupied by buildings or structures.

YARD, FLANKAGE means the yard other than a front yard that abuts a street.

YARD, FRONT means that part of the lot between the main building, structure or use and a front lot line.

YARD, REAR means that part of the lot between the main building, structure or use and a rear lot line.

YARD, REQUIRED means that part of the lot from the lot line and the minimum front yard setback requirement as established in this by-law.

YARD, SIDE means that part of the lot between the main building, structure or use and a side lot line.

ZONE means the category of use of land, buildings, structure or activities permitted by this By-law.

SECTION 2. PURPOSE, ADMINISTRATION, CLASSIFICATION & CONFORMITY

2.1 The Purpose of Part C

- a) to divide the area referred to in Part A, paragraph 1 into zones,
- b) to prescribe, subject to powers reserved to the Commission,
 - (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
- c) to prohibit land use, and the placement, erection or alteration of buildings or structures, other than in conformity with the purposes and standards mentioned in paragraph (b).

2.2 Powers of the Regional Service Commission's Planning Review and Adjustment Committee

2.2.1 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 Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

2.2.2 Conformity - In any zone:

- (a) Land may be used and developed, and buildings and structures or parts thereof may be placed, erected, altered or used, for a purpose mentioned in the specific zone in conformity with the requirements of that zone and any other provisions of this By-law;
- (b) No land may be used or developed, and no building or structure or part thereof may be placed, erected, altered or used for a purpose or in a manner other than permitted in this By-law;
- (c) No building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part hereof continues to contravene the provisions of this By-law;
- (d) Upon receipt of an application and fee in the amount of \$100.00, the Development Officer may issue a letter of confirmation regarding the zone applied to the property requested; and
- (e) Upon receipt of an application with a current Building Location Survey Certificate and fee in the amount of \$200.00, the Development Officer may issue a letter of regarding conformity of the property with the Zoning By-law.

2.2.3 Where uses that are prescribed within any zone as being subject to terms and conditions as imposed by the Committee, no development of any such use shall commence unless an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of

\$250.00, has been received and the application has been approved by the Committee and the appropriate permits issued.

- 2.2.4 Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$250.00 the Commission may permit, subject to terms and conditions as it sees fit:
- (a) as provided for by the Act, a proposed use of a land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted by the By-law for the zone in which the land or building is situated; or
 - (b) such reasonable variance from the requirements of this By-law as provided for by Subsection 35(b) of the Act, as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the By-law and the Municipal Development Plan.
- 2.2.5 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$250.00 the Committee may, in accordance with the Act, permit:
- (a) the continuance of a non-conforming use, even though such non-conforming use was discontinued for a consecutive period of ten months, or such further period as the Commission sees fit;
 - (b) the repair or restoration or use of a non-conforming building or structure that has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
 - (c) non-conforming use of a part of a building to be extended into a portion of the building that was constructed subsequent to the date the use became non-conforming; or
 - (d) a non-conforming use to be changed to a similar non-conforming use.”
- 2.2.6 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$250.00, the Committee may, subject to such terms and conditions as it considers fit:
- a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law,
 - b) to authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by the by-law if
 - i. the applicant holds an authorization under subparagraph (i) that is to expire or has expired,

- ii. an application with respect to the land has been made to amend the applicable zoning bylaw, basic planning statement or rural plan, and
 - iii. the advisory committee or regional service commission has received a resolution from the council confirming that the council will consider the application referred to in clause (ii); and
- c) require the termination or removal of a development authorized under 2.2.2(a) or (b) at the end of the authorized period.

2.3 Powers of Council

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

2.4 Amendments

- 2.4.1 A person who seeks to have this By-law amended shall

- (a) address a written and signed application to the Regional Service Commission and
 - (b) shall pay a fee of \$2000 dollars to the Regional Service Commission.

- 2.4.2 An application under this section shall include such information as may be required by the Regional Service Commission for the purpose of adequately assessing the desirability of the proposal.

- 2.4.3 Unless, upon the advice of the Regional Service Commission, the Council is of the opinion there is valid new evidence or a change in conditions, where an application under this Section has been refused by the Council, no further application may be considered by the Council for one year.

2.5 Public Utilities as Permitted Uses

In all zones created by this By-law, the use of land for the purposes of the supply of public utilities and services including, but not limited to:

- a) electric power or communication towers;
- b) natural gas and oil;
- c) water supply and storage;
- d) sanitary sewage disposal and treatment;
- e) drainage, including storm sewers; or
- f) streets, bridges, sidewalks or other traffic management systems; or
- g) all public services;

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a use permitted in any zone.

2.6 Development Permits

- 2.6.1 No person shall undertake a development without obtaining a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.
- 2.6.2 Any development permit shall be in force for a period of one (1) year from the date of issue and any permit may be reissued upon request, subject to review by the development officer.
- 2.6.3 Notwithstanding 2.6.1, no development permit shall be required for
- a) any accessory building or structure which has less than 10 meters square.
 - b) any portable sign or sign permitted according to section 7.14.3 of this By-law.
- 2.6.4 No development permit may be issued under this By-law unless a fee of twenty-five dollars (\$25) has been paid to the Regional Service Commission.

2.7 Temporary Construction Uses Permitted

Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is accessory to construction in progress, such as a work camp or construction camp, mini/mobile home, sales or rental office, tool or maintenance shed or scaffold, provided that a development permit has been issued and that the temporary building or structure be removed within 14 days of completion of work.

2.8 Existing Undersized Lots

Undersized lots in existence on the effective date of this By-law may be developed, provided that the proposed use is permitted in the zone in which the lot is located and the development meets all other aspects of this by-law.

2.9 Existing Buildings

Where a building or structure has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that the work does not further reduce the required yard that does not conform to this By-law.

2.10 Serviceable Area Boundary

- 2.10.1 Where any land is located within the Serviceable Area Boundary as shown on Schedule "A", no development of habitable buildings shall be permitted without connection of the development to the Village's public sanitary sewer and water supply systems except where existing conditions would preclude such a connection.
- 2.10.2 No development beyond the Serviceable Area Boundary shall be permitted to connect to either the Village's public sanitary sewer system, or the water supply system except where:
- a) the development may be connected to the sanitary sewer system so as to be drained by gravity flow; and
 - b) the development is no more than 100 m (328 ft) from the Serviceable Area Boundary.

2.11 Classification

2.11.1 For the purposes of the By-law, the area is divided into zones as delineated on the map attached, entitled "Village of Alma Zoning Map"

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

- a) Residential Zones
 - (i) Residential Dwelling Zone – R1 Zone
 - (ii) Residential Tourism Zone – RT Zone
- b) Commercial Zone – C Zone
- c) Rural Zones
 - (i) Rural Area Zone - RA Zone;
 - (ii) Intensive Resource Development Zone – IRD Zone
- d) Environmental Zones
 - (i) Environmental Risk Zone – ER Zone;
 - (ii) Sea Level Rise Zone – SLR Zone

SECTION 3. RESIDENTIAL ZONES

3.1 *R1 Zone – Residential Dwelling Zone*

3.1.1 Permitted Uses:

In any R1 zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- a) one of the following main uses:
 - (i) single-unit dwelling,
 - (ii) public utility,
 - (iii) parks or open space, and

- b) one of the following main uses:
 - (i) residential care home;
 - (ii) special care home;

which shall be a particular purpose in respect of which the Planning Review and Adjustment Committee may impose terms and conditions or prohibit the use where compliance with such terms and conditions imposed cannot reasonably be expected;

- c) one or more of the following secondary uses in conjunction with a single-unit dwelling:
 - (i) home occupation in the main dwelling in accordance with section 7.7;
 - (ii) garden suite in accordance with section 7.9;
 - (iii) accessory dwelling unit in accordance with section 7.10;
 - (iv) bed and breakfast in accordance with section 7.11

- d) any building, structure or use accessory to a permitted main or secondary use.

3.2 *RT Zone - Residential Tourism*

3.2.1 Permitted Uses

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

- a) one of the following main uses:
 - (i) a multiple-unit dwelling;
 - (ii) a single-unit, two-unit, or semi-detached dwelling;
 - (iii) townhouse;
 - (iv) residential care home;
 - (v) special care home;
 - (vi) an art gallery, craft or gift store;

- (vii) an institutional use;
 - (viii) a boarding house;
 - (ix) public utility; and
- b) subject to the relevant provisions of section 7, one or more of the following secondary uses in conjunction with a single-unit dwelling:
- (i) home occupation;
 - (ii) hobby farm;
 - (iii) garden suite;
 - (iv) accessory dwelling unit;
 - (v) bed and breakfast
 - (vi) day care;
 - (vii) retail use or restaurant;
- c) the following main uses:
- (i) a cottage cluster;
 - (ii) a hotel, motel or inn;

which shall be a particular purpose in respect of which the Committee may impose terms and conditions or prohibit the use where compliance with such terms and conditions imposed cannot reasonably be expected;

- d) any building, structure or use, accessory to a permitted main or secondary use.

3.3 Requirements for Residential Zones:

3.3.1 Any permitted use in any Residential Zone, must comply with the following regulations:

Units and Services	Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side Yard		Max. Height	Min. Rear Yard	Max Lot coverage
				Major	Minor			
Single Unit Detached dwelling (water and sewer)	690 m ²	23 m	6 m	2.5 m	1.5 m	9 m	6 m	50% (total gross ground floor area of all buildings & structures)
Single Unit Detached Dwelling (public sewer only)	1858 m ²	30.48 m	10 m	4.6 m	1.5 m	9 m		
Single Unit Detached Dwelling (unserved)	4000 m ²	54 m	10 m	4.6 m	1.5 m	9 m		

Units and Services	Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side Yard		Max. Height	Min. Rear Yard	Max Lot coverage
				Major	Minor			
Two-Unit Dwelling (water and sewer)	1395 m ²	36 m	6 m	2.5 m	1.5 m	11 m		
Two-Unit Dwelling (public sewer only)	2471 m ²	40 m	10 m	4.6 m	1.5 m	11 m		
Two-Unit Dwelling (unserviced)	5350 m ² or as regulated by province	59 m or as regulated by province	10 m	4.6 m	4.6 m	11 m		

3.3.2 With regard to semi-detached dwellings, where each dwelling unit shares a common wall, but is located on separate lots, the following regulations apply:

Residential	Min. Lot Size	Min. Lot Frontage	Min. Side Yard		Max. Height	Min. Rear Yard	Max. Lot coverage
			Side yards	Common (interior) wall			
Semi-detached (water and sewer)	697 m ²	18 m	2.5 m	0 m	11 m	6 m	50% (total gross ground floor area of all buildings & structures)
Townhouse - outside lot - inner lot	464 m ² 86 m ²	15 m 6 m	4.6 m	0 m 0 m			

3.3.3 RT Zone Additional Requirements for a Multiple-Unit Buildings (Dwelling, Motel, Inn, or Cottage Cluster)

Multiple-Unit	Min. Lot Size	Min. Lot Frontage	Min. Side Yard	Max. Height	Min. Rear Yard	Max. Lot coverage
With water and sewer	1180 m ² + 68m ² for each unit in excess of 3	32m plus 1.5m for each unit in excess of 3	6 m	11 m	6 m	33%
Public sewer only	1450 m ² + 100m ² /each unit in excess of 3	34m plus 1.5m for each unit in excess of 3	6 m			
Unserviced	7400 m ² or as regulated by the province	65m plus 1.5m for each unit in excess of 3	6 m			

3.3.4 Institutional Use Requirements

Institutional Use	Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side Yard		Max. Height	Min. Rear Yard	Max Lot coverage
water and sewer	1395 m ²	36 m	6 m	2.5 m	1.5 m	11 m	6 m	50%
public sewer only	2471 m ²	40 m	10 m	4.6 m	1.5 m	11 m		(total gross ground floor area of all buildings & structures)
unserved	5350 m ² or as regulated by province	59 m or as regulated by province	10 m	4.6 m	4.6 m	11 m		

3.3.5 Screened Parking

- a) In any parking lot for the use of a multiple-unit dwelling, hotel, motel, inn, or cottage cluster and containing more than four (4) units, vehicles shall be screened from adjacent residential uses and from a public or private street in accordance with the following requirements:
- (i) screening shall be in the form of fence 1.5m – 2m in height, or a 1.5 m of natural screening, and so located as not to conflict with any sight triangle requirements; and
 - (ii) natural screening shall consist of plant materials, placed at a rate of at least 1 per every 3 m (10 ft) of lot fronting the public or future street, characterized by dense growth which will form an effective year-round screen such as a row of coniferous trees or shrubs and shall be perpetually maintained.

SECTION 4. COMMERICAL ZONE

4.1 *C Zone –Commercial Zone*

4.1.1 Permitted Uses

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

- a) one or more of the following main uses:
 - (i) professional office or bank;
 - (ii) day care;
 - (iii) restaurant or bar;
 - (iv) institutional use;
 - (v) retail use (indoor and outdoor);
 - (vi) personal service shop;
 - (vii) service shop;
 - (viii) funeral home;
 - (ix) existing fisheries uses;
 - (x) micro-brewery or micro-distillery;
 - (xi) a single- unit, two-unit, semi-detached, or multiple-unit dwelling;
 - (xii) townhouse;
 - (xiii) residential care home;
 - (xiv) special care home;
 - (xv) boarding house;
 - (xvi) hotel, motel, inn;
 - (xvii) cottage cluster;
 - (xviii) bed and breakfast;
 - (xix) recreation use;
 - (xx) tourism use;
 - (xxi) public utility;
- b) secondary dwelling units in a commercial building as per section 4.1.2;
- c) home occupation, in conjunction with a single-unit dwelling and in accordance with sections 7.7 and 7.8; and
- d) any building, structure or use accessory to a permitted main or secondary use.

4.1.2 Secondary Dwelling Units are permitted provided that

- a) they are contained within the main building constituting the commercial use; and
- b) they are located above, behind or below the permitted commercial use which is at street level.

4.1.3 The use of any land, building or structure for:

- a) one of the following purposes:
 - (i) automobile sales lot;
 - (ii) commercial parking lot;
 - (iii) warehousing or storage;
 - (iv) service station, including recycling depot;
 - (v) landscaping or construction business

Shall be a particular purpose in respect of which the Planning Review and Adjustment Committee may impose terms and conditions or prohibit the use where compliance with such terms and conditions cannot reasonably be expected.

4.2 Zone Requirements

4.2.1 In any Commercial Zone no main building or structure shall be placed, erected or altered to become a main building on a lot, unless the lot conforms to the following requirements for serviced lots;

Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side and Rear Yard	Max. Height
540 m ²	18 m	1.5m	0m	15m

4.2.2 Notwithstanding 4.2.1, in any Commercial Zone no main building or structure shall be placed, erected or altered to become a main building on a lot for the purposes of being used as a multiple unit dwelling, unless the lot conforms to the following requirements:

- a) the lot has an area of at least 590 m² plus an additional 50 m² for each unit in excess of three;
- b) the lot has a frontage of at least 21 m for three units, 24 m for four units and 27 m for five or more units.

4.2.3 The provisions of 4.2.1 and 4.2.2 referring to lot area and frontage are applicable to serviced lots only. For unserviced lots, the minimum lot size required will be determined by provincial regulations.

4.2.4 Where any commercial use abuts a residential use, a fence or other visual and physical barrier is required.

4.2.5 Where any permitted main use includes outdoor storage, except for an automobile sales operation, the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 m and not more than 2.5 m in height. No material shall be piled higher than the height of the surrounding fence.

SECTION 5. RURAL ZONES

5.1 RA Zone – Rural Area Zone

5.1.1 Permitted Uses

In an RA zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- a) one or more of the following main uses:
 - (i) agricultural use
 - (ii) forestry use
 - (iii) fisheries use,
 - (iv) single-unit, or two-unit dwelling,
 - (v) mini/mobile home
 - (vi) institutional use
 - (vii) campground, subject to provisions on 5.1.3
 - (viii) cottage cluster
 - (ix) hotel, motel, or inn
 - (x) kennel
 - (xi) residential care home
 - (xii) special care home
 - (xiii) recreation use;
 - (xiv) boarding house;
 - (xv) service station or repair garage;
 - (xvi) tourism use
 - (xvii) non-retail commercial uses
 - (xviii) public utility; and

- b) one or more of the following secondary uses, in conjunction with a single-unit dwelling in accordance with section 7:
 - (i) home occupation;
 - (ii) garden suite;
 - (iii) accessory dwelling unit;
 - (iv) bed and breakfast;
 - (v) day care;

- c) any building, structure or use, accessory to a permitted main or secondary use; and

- d) the use of any land, buildings or structures for a light industrial use shall be a particular purpose in respect of which the Planning Review and Adjustment Committee may impose terms and

conditions or prohibit the use where compliance with such terms and conditions imposed cannot reasonably be expected.

5.1.2 Zone Requirements

Any permitted use in an RA zone must comply with the following requirements:

USE	Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side Yard	Min. Rear Yard	Max. Height
Single dwelling unit	4000 m ²	54m	7.5 m	6 m	6 m	11 m
Any other uses	20,000m ² <i>Or as regulated by the province</i>	150m	15 m	6m	6 m	26 m

5.1.3 Campgrounds

Campgrounds are permitted in the RA zone subject to the following requirements. Campgrounds shall:

- a) be developed with at least two accesses built to accommodate emergency vehicles;
- b) ensure that entrances and exits for vehicles are designed in such a way as to minimize any conflict between vehicles and pedestrians and to not interfere with traffic flow on roadways or pathways;
- c) erect and/or maintain an appropriate buffer, whether natural or artificial, between the development and adjacent properties;
- d) preserve, as much as possible, the natural state of the site by minimizing the removal of trees and disturbance of soil;
- e) ensure the proposal meets all the necessary requirements in terms of public health and safety, and the outdoor development meets all considerations related to fire protection and access;
- f) maintain operation on a seasonal basis; and
- g) provide proof of Environmental Impact Assessment (EIA) approval or exemption.

5.2 IRD Zone – Intensive Resource Development Zone

5.2.1 In an Intensive Resource Development Zone, any land, building, or structure may be used for the purpose of:

- (a) One or more of the following main uses:
 - (i) a forestry use;
 - (ii) an agricultural use;

- (iii) resource extraction, which includes sand, gravel, clay, shale, limestone, peat or any other material for development purposes, for sale, or for any other commercial use, subject to Sections 5.2.2 and 5.2.3
 - (iv) a fisheries use;
 - (v) a salvage yard;
 - (vi) an industrial uses; and
 - (vii) public utilities.
- (b) One or more buildings, structures or accessory uses related to the main use of the land, building or structure if this Section permits such a main use

5.2.2 Subject to zoning provisions, activities related to pits and quarries may be allowed by permit issued by the Regional Service Commission with the following conditions:

- (a) All permits require a master plan and a rehabilitation plan, established with terms and conditions, approved as a conditional zoning under the *Community Planning Act*. All modifications to the master plan require approval under the *Act*;
- (b) The renewal of a permit is conditional to the compliance of the provisions, as well as in the Master Plan, the Rehabilitation Plan and the determined rehabilitation ratio;
- (c) Pit Permits will be valid for one year from the 1st of April of that year to the 1st of April of the next year, and shall be renewed annually, subject to the terms and conditions listed in Section 5.2.3;
- (d) The permit fee is \$1000, except if fees are paid prior to the commencement of annual work, wherein the cost is \$500; and

5.2.3 All extraction sites and all master plans must meet the following standards:

- (a) No extraction shall be undertaken:
 - (i) Within 30 metres of any hydrographic source;
 - (ii) Below the groundwater table;
- (b) The extraction site shall be of a minimum distance of 10 metres from the property limits, 100 metres from the street, and 150 metres from any existing dwelling;
- (c) The operator shall keep the access routes and streets free of dust while transporting the materials;
- (d) The main entrances to the site shall have a barrier to control access to the site;
- (e) For public safety, signs shall be placed at each entrance (main entrance, secondary entrance, tracks and/or trails, etc.) bearing the word "Danger", the nature of the operation and a no trespassing. Fencing may be required around part, or all of the site or pit extraction area;
- (f) The operation shall maintain safety slopes at 35% or less, unless it is demonstrated that the ground can be stabilized in such a way as to prevent landslides and erosion;

- (g) All surface water shall either be contained within the site limits, or pass through a sedimentation basin before running outside site limits;
- (h) At the time the extraction activity has permanently ceased, all debris must be removed from the site and the rehabilitation process must be completed.

SECTION 6. ENVIRONMENTAL RISK

6.1 ER Zone – Environmental Risk Zone

6.1.1 Permitted Uses

In an ER zone, any land, building or structure may be used for the purposes of, and for no other purpose than one or more of the following uses:

- a) passive recreational uses;
- b) park or open space;
- c) flood control;
- d) natural drainage corridors;
- e) boat launches, wharves and marinas; and
- f) public utilities.

6.2 SLR Zone - Sea-Level Rise Zone

6.2.1 With regard to development in the flood risk area, the Sea Level Rise Zone is intended to:

- a) promote sustainable development based on the precautionary principle;
- b) anticipate, prevent and work against the deterioration of the coastal environment;
- c) prevent serious and irreversible damages to the environment as well as to residents and their property;
- d) permit only developments that demonstrate an adaptation to the effects of sea level rise and storm surges in flood-risk zones;
- e) establish minimal requirements for the prevention of the deterioration of the environment.

6.2.2 No main building may be erected, constructed or modified in a SLR zone unless it meets the following minimal requirements:

- a) In the case of a new building:
 - i. the minimum elevation of the habitable part must be of 7.7m (CGVD28), and

- ii. any permit request must be accompanied by:
 - a. a survey plan demonstrating the elevation of the habitable part of the building;
 - b. a plan demonstrating the flood proofing of all electrical, mechanical and plumbing by design or by elevation within the habitable part of the building.
 - c. an engineered drainage plan – if the adaptation method includes more than one meter of land filling for properties of less than one acre.

- b) In the case of an existing building the building may be expanded after the adoption of this by-law if:
 - i. It does not reduce the existing elevation of the building; and
 - ii. It does not increase the non-adapted habitable portion of the building by 25%. A larger non-adapted expansion necessitates full adaptation of the entire building; and
 - iii. A non-adapted expansion is limited to one per main building; and
 - iv. The landowner signs a waiver acknowledging the risks associated with non-adapted development in the Sea Level Rise Zone.

6.2.3 Section 6.2.2 does not apply to accessory structures, marine uses, open space uses or temporary uses permitted under this by-law.

SECTION 7. GENERAL PROVISIONS

7.1 *Licenses, Permits and Compliance with Other By-Laws*

Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-Law or any other by-law in force within the Village, or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Village or statute and regulation of the Province of New Brunswick or Government of Canada.

7.2 *Site Triangle*

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

7.3 *Multiple Uses*

In any zone, where any land or building is used for more than one use, all provisions of this By-law relating to each use shall be satisfied, except as otherwise provided.

7.4 *Off-street Parking*

7.4.1 No building or structure shall be placed, erected, altered or used unless off-street vehicular parking spaces are provided in accordance with the requirements of this section.

7.4.2 An off-street parking space shall measure not less than 5.5 m in length and not less than 2.4 m in width, exclusive of driveways.

7.4.3 An off-street mobility disabled parking space shall be established as per provincial regulations.

7.4.4 An off-street parking space shall be:

- a) readily accessible from the nearest public street; and
- b) located on the lot containing the use for which the spaces are provided, except as provided in section 7.4.7.

7.4.5 An off-street mobility disabled parking space:

- a) shall be located as close as possible to the location it is intended to serve; and
- b) shall be clearly identified by a ground sign and a permanently affixed freestanding sign.

7.4.6 The total required spaces by use are in the following chart. Where the total required spaces for any use is not a whole number, the total spaces required shall be the next largest whole number.

a) PARKING TABLE

Use	Parking Requirement
Any dwelling (except as specified below)	1 space per dwelling unit
Multiple-unit dwelling	1.25 spaces per dwelling unit
Tourist accommodations (cottage, hotel, motel, inn, campground)	1 space per unit
Retail stores, service and personal service shops where the floor area:	
b) exceeds 464.5 m ²	4 spaces per 93 m ² gross floor area
c) does not exceed 464.5 m ²	3 spaces per 93 m ² gross floor area
Banks and offices	3 spaces per 93 m ² gross floor area
Restaurants and bars	1 space per 4 seats
Theaters	1 space per 5 seats
Institutional uses	Greater of 1 space per 4 fixed seats or 1 space per 10 m ² gross floor area
Warehouses, general industrial	Greater of 2 spaces per 93 m ² or 1 space per 4 employees
Any use not specified	3 spaces per 93 m ² gross floor area

- b) Mobility disabled parking space size and requirements shall be established as per the provincial regulation.

7.4.7 Where a parking lot for more than four vehicles is required, the following standards shall apply:

- a) except in the case of a home occupation, the parking lot shall be maintained with a hardened surface (e.g., asphalt, concrete);
- b) lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- c) required parking shall be located on the same lot or within 150m of the main use;
- d) the parking area shall be graded and drained in such a manner as to ensure that the surface water will not escape onto abutting lots and no parking area shall be permitted within 1 m of any property line.

7.4.8 Notwithstanding the provisions of Section 7.4, an exemption to off-street parking requirements is given to businesses located in the Commercial (C) Zone that *do not* provide seating for the service of food or drink to customers.

7.5 Accessory Buildings and Accessory Structures

7.5.1 No accessory building or accessory structure shall:

- a) exceed 11 m in height;
- b) in terms of floor area:

- (i) exceed 84 m² in the R1 zone;
 - (ii) exceed the floor area of the main building in the RT or C zones;
- c) be placed, erected or altered so that it is
- (i) closer than 1m to a side or rear lot line; and
 - (ii) not within the required front or flankage yard.

7.5.2 Shipping Containers / Sea Cans may be considered accessory structures. The following additional provisions apply to Shipping Containers / Sea Cans:

- a) To reduce the potential visual and noise impacts, the structure must be screened from adjacent properties by an opaque fence that is 1.5 to 2 metres in height, or in the case of a natural screen of trees or shrubs, is 2m wide and a minimum of 1.5m in height.
- b) shall be used as accessory buildings only in the IRD or RA Zones provided that applicable requirements for accessory buildings and zone standards including those relating to setbacks, screening and landscaping be respected;
- c) shall not be placed in the front or flankage yard of any lot, or between the main building and any street; and
- d) shall not be used in any zone as a dwelling or other form of accommodation, including offices. These structures are not permitted in the front yard;

7.6 *Number of Main Buildings on a Lot*

7.6.1 No more than one main building containing a residential unit shall be placed or erected on a lot, and no building may be altered to become a second main building or structure on a lot except in accordance with this section.

7.6.2 Notwithstanding 7.6.1, more than one main residential building is permitted on a lot for a cottage cluster. In such cases, a site plan that shows the buildings meeting all other regulations must be prepared and submitted prior to issuance of a development permit.

7.6.3 Where more than one main building is proposed on any lot for uses other than a cottage cluster, the Planning Review and Adjustment Committee shall consider such a proposal subject to such terms and conditions as it deems advisable.

7.7 *Home Occupation in the Main Dwelling*

Where a home occupation is permitted under this By-law, it is subject to the following requirements:

- a) it is confined to the dwelling unit and no part of the occupation is carried on in an accessory building or accessory structure;

- b) the floor area of the dwelling unit which is devoted to the home occupation does not exceed 35% of the gross floor area;
- c) no change shall be made to the dwelling unit which would indicate that a home occupation is being conducted therein, except for one non-illuminated sign which shall not exceed 0.75 m² in gross surface area;
- d) no equipment or material used in the home occupation is stored in any other place than in the dwelling unit;
- e) no sound, noise, glare, vibration, smoke, odors, heat produced as a result of the occupation which would exceed that which is normally produced by a single dwelling unit is permitted; and
- f) at least two additional parking spaces are required on the premises, other than those under section 7.4 of this By-law.

7.8 Home Occupation in an Accessory Building

7.8.1 A home occupation in an accessory building is subject to the following requirements:

- a) no change shall be made to the accessory building which would indicate that a home occupation is being conducted therein, except for one non-illuminated sign which shall not exceed 0.75 m² in gross surface area;
- b) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single dwelling unit;
- c) no sound, noise, glare, vibration, smoke, odors heat produced as a result of the occupation which would exceed that which is normally produced by a single dwelling unit is permitted; and
- d) at least two additional parking spaces are required on the premises, other than those under section 7.4 of this By-law.

7.9 Garden Suites

7.9.1 A garden suite shall comply with the following requirements:

- a) it shall not be located closer than 1.2 m of any side or rear lot line;
- b) it shall not be located in the front yard setback;
- c) it shall not exceed 4.6 m in height;
- d) it shall be located on a lot which hosts a single-family dwelling as a main use; and
- e) it shall not exceed 75 m² gross floor area.

7.10 Accessory Dwelling Unit

An accessory dwelling unit shall comply with the following requirements:

- a) it is attached to the principal dwelling unit;
- b) it shall not exceed 35% of the gross floor area of the principal dwelling unit; and
- c) it shall be completely self-contained, including provisions for cooking, sleeping and bathing.

7.11 Bed and Breakfasts

A bed and breakfast shall comply with the following requirements:

- a) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- b) no sign in connection with the use shall exceed 2.0 m² in area nor exceed one in number; and
- c) parking shall be provided on-site, but not within the required yards.

7.12 Day Care

A day care shall comply with the following requirements:

- a) no sign in connection with the use shall be illuminated nor shall any sign exceed 2.0 m² in gross surface area nor exceed one in number; and
- b) it shall be licensed and comply with all Provincial regulations.

7.13 Landscaping

7.13.1 In any zone, the owner of a lot developed for residential purposes shall landscape:

- a) the front yard of the main building;
- b) the required yards that abut a street; and
- c) the rear yard within 4.5 m of any main building thereon.

7.13.2 In any zone, the owner of a lot developed for commercial, institutional purposes shall comply with the following requirements:

- a) in the case of driveways and off-street parking areas, the area consists of a hard stable surface;
- b) in the case of that part of the lot not subject to the operation of subsection (a), the area is landscaped; and
- c) the required landscaped area under subsection (b) shall be grassed and trees and/or shrubs shall be planted at a minimum rate of 1 tree or shrub for each 14 m² of the minimum landscaped area. Where possible, existing trees and shrubs shall be maintained.

7.13.3 The landscaping under this section shall be completed no later than one year from the date of the granting of the development permit for the main building located thereon.

7.14 Signs

7.14.1 No person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this By-law.

7.14.2 A sign permit application and applicable fee shall be submitted for each sign for which a permit is required under the provisions of this By-law. The sign permit application shall include the following information:

- a) dimensions of the sign and its supporting framework;
- b) site plan of the location of the proposed sign in relation to property lines, street lines and/or buildings;
- c) sketch of the proposed sign showing details of sign font, color and material; and
- d) any other information that may be required to determine compliance with this By-law.

7.14.3 The following signs shall be permitted in all zones and no sign permit shall be required for their erection, except for the placement in the site triangle:

- a) any sign which has an area of not more than 0.75 m² and which identifies the name and address of a resident;
- b) any sign which has an area not more than 0.45 m² and which regulates the use of a property, such as “no trespassing” signs;
- c) any real estate sign (non-illuminated) which has an area of not more than 0.75 m² in any residential area or 2.2 m² in any other zone;
- d) any sign which has an area of not more than 0.75 m² and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas;
- e) any sign which has an area of not more than 4.6 m² and which is incidental to construction;
- f) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety;
- g) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization;
- h) any memorial sign, plaque or tablet; and
- i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

7.14.4 All signs shall comply with the following:

- a) no sign may create a hazard to public safety or health;
- b) no sign may, for any reason, obstruct the vision of drivers leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets;
- c) no sign shall obstruct free ingress to or egress from a fire escape door, window or other required exit;
- d) no sign other than a traffic control sign erected by a government body may use words such as “STOP”, “LOOK”, “DANGER”, “ONE WAY” or “YIELD” or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road;
- e) no sign may incorporate a searchlight, spinner or streamer except for occasions such as grand openings, country fairs and public festivals, or used as temporary holiday decorations for a period not exceeding 30 calendar days;
- f) no sign may be painted on a tree, stone, cliff or other natural object; and

- g) any sign which no longer advertises a bonafide business conducted or product sold shall be deemed to be obsolete and shall be removed by the owner or occupant of the property upon which they are erected, within 60 days of the date of discontinuance of the business or product sold. The Village reserves the right to remove such signs;
- h) prohibited signs in all zones include revolving, flashing, animated chasing borders or moving signs, automated changed copy signs, and video signs or electronic message signs.

7.14.5 Freestanding signs are permitted the Commercial (C) and Rural Area (RA) zones provided that no sign shall:

- a) a limit of 1 signs per lot
- b) exceed a maximum height of 5 m
- c) exceed a maximum size of 6 m² in gross surface area for a single-business property and 9 m² in gross surface area for a multiple-business property;
- d) extend beyond the street right-of-way line at the outermost point.

7.14.6 Projecting signs are permitted in all zones except Residential zones, provided that no sign shall:

- a) exceed a maximum of 6 m² in gross surface area;
- b) project more than 1 m from the building wall; and
- c) project more than 30 cm above the roof of a building.

7.14.7 Awnings shall be permitted in the Commercial (C) zone, provided that:

- a) an awning may extend over a public sidewalk if the lowest part is not less than 2.5 m above the sidewalk, the supporting structure does not rest on the sidewalk or street right-of-way and it does not project more than one half the width of the sidewalk;
- b) lettering shall be confined to the front facing portion of the awning; and
- c) valances on an awning shall not be more than 30 cm wide.

7.14.8 Fascia signs shall be permitted in all zones, provided that:

- a) in residential zones, fascia signs shall not exceed 0.75 m² in area nor shall any sign be illuminated or be used for any purpose other than to identify the residents therein, to warn against trespassing or to announce a secondary use;
- b) no sign shall be painted upon or cover a fence or roof;
- c) signs shall not exceed the length of the wall of the building upon which the sign is displayed; and
- d) signs shall not project more than 23 cm from the wall on which the sign is located.

7.14.9 Portable signs shall be permitted in the Commercial (C) zone provided that:

- a) such signs will not exceed one in number for each business; and
- b) such signs shall not be placed on any part of the sidewalk or street right-of-way.

7.14.10 Third-party signs shall be permitted in all zones except for Residential Dwelling (R1) zone provided that:

- a) such signs shall not be erected without the written consent of the owner, or an agent acting on behalf of the owner, of the lot on which it is erected;
- b) such signs shall not exceed one in number for each business.

7.14.11 In a Rural Area (RA) zone, the following freestanding signs may be placed, erected or displayed:

- a) one sign not exceeding 9 m² in area indicating the name of a farm; and
- b) one sign identifying a business carried on therein or a sign located on a farm advertising the sale of products produced thereon provided such sign does not exceed 1.5 m² in area.

7.14.13 A sign may be illuminated by shielded lights positioned to shine directly on the sign.

7.14.14 The provisions of this By-law with respect to existing signs which do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect, except that relocation, alteration, or removal of any such non-conforming signs shall render such signs subject to the provision of this By-law. The provision of this section shall not exempt the owner of a non-conforming sign from the obligations for proper maintenance of such sign.

7.14.15 No person being the owner or lessee of property upon which a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical systems or anchorage to become unsightly, dilapidated or unsafe.

7.14.16 Every sign and its parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with any Building By-Law requirements and relevant fire and electrical codes. A sign which has become unsightly, or is in such a state of disrepair as to constitute a hazard, may be required to be removed.

7.15 Fences and Screening

7.15.1 A fence or wall in a front yard shall not exceed eighty cm in height unless it is a security fence of chain link construction.

7.15.2 No fence or wall shall:

- a) be made from material likely to harm people, such as barbed wires, or
- b) exceed 2m in height in a residential zone (excepting for the purposes of a swimming pool enclosure as per 7.16)
- c) exceed 2.5 m in any other zone.

7.15.3 Where a single-unit dwelling exists, the construction of, addition to, or change of use to a multiple-unit dwelling, institutional use, commercial use, or fisheries use shall require a screening facility, such as a natural hedge a minimum of 2 m in width, opaque fence, or a combination thereof, which is provided and maintained along the common property lines between the new use and the existing single-unit dwelling.

7.16 *Enclosures for Swimming Pools*

7.16.1 No land may be used for the purpose of a swimming pool unless the pool is enclosed by a fence, or by the wall of a building or structure, or by a combination of walls and fences, at least 1.5 m in height.

7.16.2 Where a portion of a wall of a building forms part of an enclosure, any door therein, other than a door to a dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.3 m above the bottom of the door.

7.16.3 An enclosure should not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

7.16.4 Where a fence forms an enclosure or part thereof, the fence shall:

- a) be made of chain link construction or other materials in compliance with section 7.16.5
- b) not be electrified or incorporate barbed wire or other sharp dangerous material; and
- c) be located:
 - (i) at least 1.2 m from the edge of the swimming pool,
 - (ii) at least 1.2 m from anything that would facilitate its being climbed from the outside, and
 - (iii) so that the bottom of the fence be elevated by no more than 10 cm above grade.

7.16.5 Gates forming part of an enclosure shall:

- a) be equivalent to the fence in content, manner of construction and height
- b) be supported on substantial hinges
- c) be self-closing and equipped with a self-latching device at least 1.3 m above the bottom of the gate; and
- d) be located so that the bottom of the gate be elevated by no more than 10 cm above grade

7.16.6 Enclosures shall:

- a) not exceed 2.75 m in height
- b) be set-back 1.0 m from a side or rear yard line when the enclosure is higher than 2.0 m.

7.17 Campers and Outdoor Storage

7.17.1 Notwithstanding any other provisions in this Regulation,

- a) outdoor storage of a fishing or recreational boat, professional fishing gear, or a camper is permitted by the owner of said items on the land containing his/her residence;
- b) the use of a camper for a seasonal residence on a vacant lot only permitted in the Rural Area zone.

7.18 Landfill

7.18.1 No landfill shall be placed within 30 m of the banks or shores of any watercourse, lake or marsh of more than 1 ha in area without proof of prior approval from the appropriate Provincial authority responsible for environmental regulation.

7.19 Heritage and Archeological Value

7.19.1 For any development, construction, or demolition that will have a foreseeable impact on a building or site designated under the Historic Sites Protection Act, the developer must contact the Heritage Planner, Heritage Branch of the Department of Environment and Local Government for approval of the proposed development or project.

7.19.2 For any development or project such as sewage/wastewater, treatment facility, small craft launching facility, or uses having direct access to the shore or any major body of water, i.e. lake, pond, or marsh of more than 2 hectares, the developer must contact the Resource Management Officer, Archeological Services Branch, Department Environment and Local Government, for approval of the proposed development or project.

7.20 Setback from Watercourses

7.20.1 In all zones, no development shall be permitted within 30 m of a watercourse without the issuance of a Wetland and Watercourse Alteration (WAWA) Permit.

7.21 Wellfield Protection Areas

7.21.1 In regards to Proposal P.6(4), any development within Zones A, B, or C of the Wellfield Protection Area shall comply with the province's Wellfield Protection Designation Order.

7.22 *Hobby Farms*

7.22.1 Hobby farms may be established in the Residential Tourism (RT) zone subject to lot size as per the following table:

Type	Livestock	Max Number of Livestock	Minimum lot size required
A	Large animals (cattle, horses, hogs, llamas, emus, etc.)	5	4000 m ² (1 acre) per animal
B	Small hooved animals (sheep, goats, etc.)	10	8000 m ² (2 acres)
C	Small animals or fowl (any combination of chickens, turkeys, rabbits, etc.)	25	4000 m ² (1 acre)
D	Backyard hens (does not include roosters)	12	2000 m ² (½ acre)

Please note: minimum lot sizes listed in the table above must be tallied for hobby farms with more than one animal type (e.g., 2 horses (2 acres) + 4 goats (2 acres) +12 chickens (.5 acre) = 4.5 acres required)

- 7.22.2 Animals associated with hobby farms must be appropriately fenced, penned, or housed to prevent trespass onto public roads and adjacent properties.
- 7.22.3 Housing for Type A and B livestock (as listed above) must be situated in the rear yard, but not closer to the side or rear lot line than 15m.
- 7.22.4 Housing for Type C and D livestock (as listed above) must be situated in the side or rear yard, but not closer to a lot line than 5m.
- 7.22.5 Apiaries are permitted on a hobby farm. No more than twelve (12) hives are permitted, and must be located in the side or rear yard.