

**VILLAGE OF RIVERSIDE-ALBERT  
RURAL PLAN BY-LAW**

**Under the COMMUNITY PLANNING ACT**

**BY-LAW NO. RARP - 2**

**PART A**

**RURAL PLAN - TITLE AND AREA DESIGNATION**

The Council of the Village of Riverside-Albert, under authority vested in it by the *Community Planning Act*, adopts the following Rural Plan By-Law:

1. This Rural Plan may be cited as the Village of Riverside-Albert Rural Plan By-Law.
2. The area of land outlined on the Map shown as Schedule "A", describing the municipal boundaries of the Village of Riverside-Albert in Albert County, is designated for the purposes of the adoption of this Rural Plan and is the area to which this By-Law applies.

READ FIRST TIME \_\_\_\_\_

READ SECOND TIME \_\_\_\_\_

READ THIRD TIME  
AND ENACTED \_\_\_\_\_

\_\_\_\_\_  
VILLAGE CLERK

\_\_\_\_\_  
MAYOR

## **PART B – Policies and Proposals**

### **1.0 BACKGROUND**

The Village of Riverside-Albert is situated at the junction of Shepody River and Crooked Creek along Provincial Route 114 between the villages of Hillsborough and Alma in southeast New Brunswick. A partner municipality in the Southeast Regional Service Commission (SERSC), Village Council requested an update to its Rural Plan originally adopted in 2000.

The following general objectives reflect Council's intention to actively seek economic investment in the community, while balancing environmental and social needs of the community. Council intends:

- To promote flexible development opportunities in the serviced areas of the Village, particularly along the Route 114 corridor;
- To embrace rural living and ensure a rural quality of life;
- To protect environmentally vulnerable areas of the community; and
- To work toward enhancing the range of recreational assets available to the community, with particular focus on natural assets.

### **2.0 POLICIES AND PROPOSALS**

This section of the Rural Plan sets policies and proposals, which Council considers appropriate to encourage growth and development within the Village. Policies are statements of general intent which are broad based and establish direction for zoning provisions. The *Community Planning Act* requires policies to be set on a number of topics included in this Rural Plan. Proposals are specific statements that the Village may undertake to implement the policy objectives. The following policies and proposals are intended to achieve the objectives of Council.

## **2.1 RESIDENTIAL**

The population of the Village has declined from a high in 1971 and has only recently leveled out to approximately 350 people. The child and youth population has declined in size relative to the total population; however, the Village supports a large senior population. Council is acutely aware of the changing demographics and is committed to creating a Rural Plan that is flexible and meets the needs of a changing population.

### **2.1.1 Policies**

- a) It is a policy of Council to encourage the development of a range of residential types to allow community members to remain in Riverside-Albert throughout their lives.
- b) It is a policy of Council to encourage residential development within the municipal servicing boundaries.
- c) It is a policy of Council that home occupations shall be permitted to encourage entrepreneurship and a range of economic development in the community.
- d) It is a policy of Council to encourage the adapted expansions of existing buildings in the sea level rise zone.

## **2.2 COMMERCIAL**

The Village has been established along a main transportation route, that being provincial highway Route 114. This is a main tourism route to and from significant tourist destinations such as Fundy National Park, Hopewell Rocks, and Cape Enrage. With the development of the Fundy Parkway and progress on the Fundy Trail Towns initiative, the village has significant economic development opportunity in servicing the travelling public. With the possible influx of tourists to the region, income opportunities for residents of the Village are changing. The community must be flexible to respond to market demands of the potential tourism trade and provide distinct and unique reasons for the travelling public to stop.

### **2.2.1 Policies**

- a) It is a policy of Council to create flexibility by promoting mixed use development in the serviced area of the village which incorporates institutional, commercial and residential uses, as well as promoting cultural, artistic, and recreational uses.
- b) It is a policy of Council to consider industrial development and campgrounds on a site-specific basis through a conditional zoning agreement as per the *Community Planning Act*.

### **2.2.2 Proposal**

- a) It is proposed that the conversion of residences to commercial uses in the Mixed Use zone meet zoning requirements which will have regard to:
  - (i) the location to off street parking; and
  - (ii) provisions for adequate visual buffering to reduce the impact of commercial development on neighbouring residential properties.

## **2.3 INSTITUTIONAL**

The Village is the regional home for relatively significant institutional uses, such as the regional medical centre, seniors care facility, the Albert County fairgrounds, and the Consolidated School, as well as many churches and other buildings. Council recognizes that the community and economy are changing. In order to respond to the changes in population and demand for services and economic development, Council understands that conversion of buildings formerly used for institutional purposes, may better serve the community in other ways.

### **2.3.1 Policies**

- a) It is a policy of Council to permit institutional uses in all areas of the community, except in those areas zoned Conservation (CON).
- b) It is a policy of Council to permit passive recreational uses such as trails, parks and playgrounds throughout the Village.

## **2.4 RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE**

According to the National Framework for Recreation, recreation fosters wellbeing of individuals, communities, as well as the built and natural environments. “Quality of Life” can be defined in terms of leisure pursuits and quality active/passive recreational services, all of which enhance the community’s ability to be healthy as well as to attract new residents. While traditional recreational uses, such as playgrounds and parks, generally do not meet the recreational demands of an aging population, Riverside-Albert has an abundance of natural assets that can be further harnessed to focus on low impact, passive, outdoor activities, such as bird watching and hiking trails. Situated in the heart of the Fundy Biosphere Region, Riverside-Albert is nestled between the region’s commercial centre of Greater Moncton and Fundy National Park, one of the most popular recreation areas in the province. The regional Trail Towns initiative proposes to utilize the geographic boundary of the Fundy Biosphere Reserve to develop world class hiking trail connections positively impacting the economies of connected communities. Recreation also includes hunting, all-terrain vehicle use and snowmobiling in the winter; such activities can cultivate local recreational assets into four-season tourism opportunities. When planning for recreational needs, innovation, flexibility and adaptability is required.

### **2.4.1 Policies**

- a) It is a policy of Council to permit recreational uses in all zones except the Conservation (CON) Zone, and permit passive recreation uses in the Conservation (CON) Zone.
- b) It is a policy of Council to capitalize on natural assets by encouraging development of recreation-based businesses and opportunities.

### **2.4.2 Proposal**

- a) It is proposed to encourage property owners to give consideration to trail connectivity both within the community and to trails outside the village limits.
- b) It is proposed to work with regional partners to implement the appropriate recommendations of the Regional Recreation Plan.
- c) It is proposed to work with regional partners on the Trail Towns initiative to use recreation trails as an impetus to both economic development and community wellness.

## **2.5 RESOURCES**

The Village's land base supports some traditional activities such as forestry, agriculture and gravel pits, much of which is integral to the community's local economy. This rural nature should be celebrated as an inherent part of the community's identity. However, because tourism is of rising interest, resource development should also be balanced with the image that the community wishes to promote to the travelling public. Consequently, resource developments, specifically pits and quarries, should be considered on a case by case basis.

### **2.5.1 Policies**

- a) It is a policy of Council to support the rural economy of forestry and agricultural activities by zoning lands to accommodate their continuation and future expansion.
- b) It is a policy of Council to support local food production by encouraging gardening and permitting hobby farms in the Mixed Use (MU) zone.
- c) It is a policy of Council to zone any lands not serviceable by the municipal water and sewer systems as Rural Area.
- d) It is a policy of Council that pit operations will be considered on a site-specific basis through a conditional zoning agreement as per the Community Planning Act, and in accordance with the requirements of Section 3.28 under this By-law.

## **2.6 HERITAGE BUILDINGS AND SITES OF HISTORICAL OR ARCHEOLOGICAL INTEREST**

The historic and cultural resources within a community contribute to the overall quality of a community and promote civic pride. Every community has unique historical and cultural resources created through various traditions of the past, which sets it apart from other communities. The village has two provincially recognized heritage properties: The Consolidated School and Victoria Manor. Both were recognized in 1997. Additional protection may be desirable in order to recognize and protect properties of local and provincial interest.

### **2.6.1 Policy**

- a) It is a policy of Council to recognize and preserve, where possible, the community's historical/cultural character.

### **2.6.2 Proposal**

- a) It is proposed that the Village establish a committee to undertake an inventory, assessment and review of the community's historical sites and structures.

## **2.7 PROTECTION OF WATER SUPPLIES AND CONSERVATION OF THE PHYSICAL ENVIRONMENT**

The community's natural landscape and scenic views are significant assets and should be protected. Furthermore, the various natural waterways should be protected and preserved to ensure the system's ability to control and deal with storm water flows.

The Village's water supply is located just outside the western limits of the Village boundary. The Arabian Vault Brook, a tributary of Crooked Creek, provides the Village's water by gravity flow. The supply area was designated in 1990 under the protection of the *Clean Water Act* (Provincial Watershed and Wellfield Regulations). This regulation controls development within the watershed boundary and, specifically, within 30 meters of the stream. The Village Council has little or no voice on potential activity within the wellfield because it falls outside the Village boundary. It is generally accepted that municipal ownership of water supply areas is preferred.

A fundamental responsibility of municipalities is to protect public health and safety. The efficient and safe disposal of waste products partially fulfills this responsibility. Council has a public sewerage system and a public water supply and distribution system. The sewerage lagoon system provides services to all of the developed area of the Village and allows for closure of inadequate wastewater systems and several direct discharges into the Shepody River.

### **2.7.1 Policies**

#### *2.7.1.1 Environment and Water Quality*

- a) It is a policy of Council to control environmental pollution and to protect the natural environment.
- b) It is a policy of Council to protect water quantity and quality for its residents.
- c) It is a policy of Council 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 appropriate easements are established.
- d) It is a policy of Council to identify a Conservation (CON) Zone. The Conservation Zone will include areas such as flood risk areas, wetlands, and sensitive habitats. Uses within the Conservation Zone are limited to passive recreational and agricultural activities involving no permanent buildings.

### 2.7.1.2 Sewerage Collection and Treatment

- a) It is a policy of Council to protect the public health and safety of its residents by maintaining and operating a sewage collection and treatment system.
- b) It is a policy of Council to ensure the quality of life of the residents, to control environment pollution, and to do so in a manner that does not create an undue fiscal hardship to the Village.
- c) It is a policy of Council to require any new development that is capable of being served by the central municipal services to connect to the sewage collection and water supply systems.

### 2.7.1.3 Protection of Hydrographic Features

- a) It is Council's policy to protect wetlands, watercourses and water bodies by providing for buffers along all hydrographic features within the Village.

## 2.7.2 Proposals

- a) Council proposes to permit other development within the applicable zone to a distance within 15 m from a watercourse, and 30m from the Shepody River, Crooked Creek or Chapman's Creek, with approval from the province under the *Clean Water Act*.
- b) It is proposed to investigate the feasibility of acquiring and/or seeking control of land within the designated wellfield area and extending the Village boundaries to include those areas.
- c) It is proposed that Council prepare a five-year capital works program.

## **2.8 FLOOD RISK AND SEA LEVEL RISE**

The Village of Riverside-Albert, 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 is situated next to the highest tides in the world and much of the Village is at or near sea level. This, when combined with projections for highest high water large tide sea levels by 2100 for 1:100 storm projections at 8.7m, means that the Village will be subject to increasing risk of flood events.

### **2.8.1 Policies**

- a) 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.
- b) 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.
- c) It is a policy of Council to discourage non-adapted development in the sea level rise zone.
- d) It is a policy of Council to use the latest scientific data when writing regulations in the sea level rise zone in order to prevent serious damage to the natural and built environment.

## **2.9 PUBLIC UTILITIES AND PUBLIC INFRASTRUCTURE**

There are a growing number of radio-communication towers being established in the region to permit seamless communication on a variety of platforms. These towers respond to a public need and are critical points of communication infrastructure and future technology development.

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

Council recognizes that increased traffic flow along Route 114 will result from the completion of the Fundy Parkway. 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.

### **2.9.1 Policies**

- a) It is a policy of Council to recognize the importance of public utility services to its residents.
- b) It is a policy of Council that public utilities be permitted in all zones.

## **2.10 INTEGRATED DEVELOPMENT AND DEVELOPMENT SCHEMES**

### **2.10.1 Policies**

- a) It is a policy of Council to acknowledge that some developments are unusual and cannot meet the zoning provisions established in the rural plan.
- b) It is a policy of Council to permit integrated development and development schemes on a case-by-case basis if such developments are beneficial to the entire community and hazards can be considerably mitigated.

### **2.10.2 Proposals**

- a) It is proposed that request for an integrated development zone and development scheme be studied in detail and each decision be based upon a complete analysis of the available information.
- b) It is proposed that the Village Council reserve the right to refuse a development scheme or rezoning request to create an integrated development zone if it is in conflict with the Rural Plan's objectives, if it poses a threat to the environment or public health, or if it may diminish the quality of life of the community as a whole.

## **2.11 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.

### **2.11.1 Policy**

- a) It is a policy of Council to recognize the need to consider amendments of the Rural Plan and uses subject to terms and conditions.

### **2.11.2 Proposal**

In order to implement policy 2.11.1, 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) site servicing;
  - (vi) open storage;
  - (vii) signs; and
  - (viii) 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.

# PART C - ZONING PROVISIONS

## SECTION 1: DEFINITIONS

In this By-Law

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

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

**ACCESSORY USE** means a use subordinate and incidental to and dependent upon a main use of land or buildings and located on the same lot with such main use.

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

**ADULT ENTERTAINMENT** means any premises or part thereof where entertainment, or services are designed to appeal to erotic or sexual appetites.

**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,
- 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,

**ALTERATION** means any change in a structural component or any increase in the volume of a building or structure.

**BAR or TAVERN** means a building or part thereof where alcoholic beverages are served for consumption on the premises in exchange for payment.

**BED & BREAKFAST/TOURIST HOME** means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the travelling public, notably tourists.

**BOARDING OR ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board, for monetary gain to persons exclusive of the owner of the building.

**BUILDING** means any roofed structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, chattels or equipment.

**CABIN** means a detached building meant for temporary occupancy to a maximum gross size of 58 m<sup>2</sup>, that accommodates one or more guests, which may or may not provide separate culinary and sanitary facilities.

**CABIN CLUSTER** means a development of two or more cabins on a single lot.

**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.

**CEMETERY** means land primarily used for internment of human remains and where chapels, churches, funeral homes, crematoria and related facilities may be incorporated as accessory uses.

**COMMERCIAL USE** means the use of land, building or structure for the purpose of buying and selling commodities and supplying of services, including tourism uses, as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses;

**COMMITTEE** means the Southeast Regional Service Commission's Planning Review and Adjustment Committee.

**CONVERTED BUILDING** means a building originally constructed for one purpose which has been converted to a different use.

**DAY CARE CENTRE** means a facility that provides early learning and care for children including the care and supervision of a child or group of children for a period of less than twenty-four hours. A day care centre, which may include afterschool programs and playschools, is licensed under the *Family Services Act* or *Early Childhood Services Act*.

**DEVELOPMENT** means (a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utilities; (b) any change in the purpose for which any land, building or structure is used, (c) any excavation of sand, gravel, clay, shale, limestone or other deposit for purposes of the sale or other commercial use of the material excavated, or (d) the making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the Pipeline Act, 2005;

**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 motel, hotel, hostel, or cabin.

**DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

**DWELLING, SINGLE UNIT** means a dwelling other than a mobile or mini home, travel trailer or motor home containing only one dwelling unit.

**DWELLING, TWO UNIT** means a building containing two dwelling units.

**DWELLING, MULTIPLE UNIT** means a building containing three or more 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.

**ENTERTAINMENT USE** means any activity carried on within a building or part of a building which involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes an arcade, movie theatre or amusement centre, but does not include adult entertainment.

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

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

**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.

**GROSS FLOOR AREA** means the total floor area of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level.

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

**HEIGHT** means the vertical distance between the finished average ground level and the highest point of the roof surface and/or in a SLR zone, “height” means the vertical distance between the minimal elevation level, 8.7m (CGVD28), to the highest point on the roof surface;

**HOBBY FARM** means a farm use conducted on the property which is clearly secondary to the main use of a single-unit dwelling, does not change the character or use of the main use, does not significantly alter the appearance of the main use and, does not create or become a public nuisance, particularly in respect to smell, noise, traffic or parking. Animals not considered part of a hobby farm include roosters and fur-bearing animals.

**HOME OCCUPATION** means a secondary use conducted for gain within a dwelling or within an accessory building by one or more of the occupants residing therein and may employ one additional person. Without limiting the generality of the foregoing, a home occupation may include professional occupations (such as doctor, architect, accountant, lawyer), caterer, small appliance repair, hair salon, and furniture repair, etc. and may include the storage of not more than a total of 3 commercially licensed vehicles or pieces of equipment for the purpose of performing work at other locations.

**HOTEL/MOTEL/INN** means a commercial building or buildings providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention room.

**INDUSTRIAL USE** means the use of land, buildings or structures for the manufacturing, processing, fabrication or assembly of raw materials or goods, warehousing, bulk storage of goods for sale and, without limiting the generality of the foregoing, 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 indoor and outdoor recreational facilities, community centres, hospital, funeral homes, cemeteries and crematoria, residential care homes, government buildings, and daycares.

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

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

**LOT** means a parcel of land used or proposed to be used as the site of a building or structure or appurtenance thereto.

**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 or structures are to be located within the panhandle or access corridor.

**LOT, INTERIOR** means a lot other than a corner or through lot.

**LOT, THROUGH** means a lot bounded on two opposite sides by streets or highways provided, 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 FRONTAGE** means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

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

**LOT LINE, FRONT** means the line dividing the lot from the street or other means of access, and

- (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
- (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

**LOT LINE, REAR** means the lot line farthest from or opposite to the front lot line.

**LOT LINE, SIDE** means a lot line other than a front, flankage or rear lot line.

**LOT LINE, FLANKAGE** means a side lot line which abuts the street on a corner lot.

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

**MAIN BUILDING** means the building in which is carried on the principal purpose or purposes for which the building lot is used.

**MINI/MOBILE HOME** means a factory built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system, 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. Minimum measurements for a mini/mobile home are a width of four metres and length of ten metres.

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

**ORDINARY HIGH WATER MARK (OHWM)** is normally 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.

**OUTDOOR STORAGE** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.

**PARK / PLAYGROUND** means any park or playground 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, and may include such establishments as hair salons, spas, laundromats, tailoring, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

**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.

**RECREATION USE** means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.

**RECREATIONAL 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.

**RESIDENTIAL CARE FACILITY** 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 EXTRACTION** means the removal of resources from the land and includes sod farming, the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

**RESTAURANT** means a building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot or as a drive thru. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

**RETAIL STORE** means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value and shall include minor food processing and packaging in connection with the sale of food products.

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

**SCREENING** means the use of landscaping, fences or berm to visually and/or audibly separate areas or uses.

**SECONDARY USE** means a use, other than a main or accessory use.

**SERVICE SHOP** means a building or part of a building used for the sale and repair of household articles and shall include glass replacement shops, radio, television and appliance repair shops but shall not include industrial uses or manufacturing or motor vehicle repair shops.

**SERVICE STATION** means a building or part of a building used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include vehicle washing establishments.

**SHIPPING CONTAINER or SEA CAN** means any vehicle or shipping 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 jacked up or that its running gear is removed.

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

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

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

**SIGN, ILLUMINATED** means a sign lighted by or exposed to artificial lighting by lights inside the sign.

**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 any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building.

**SIGHT TRIANGLE** means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot a minimum of 4.6 metres along each such street line and adjoining such end points with a straight line.

**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 Riverside-Albert

**STREET LINE** means the boundary line of a street.

**STRUCTURE** means anything that is erected, built or constructed of parts joined together or any such erection, including but not limited to a fence, deck, dock or monument, but does not include a building, flagpole, or public utility.

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

**TOURISM USE** means the use of land for attracting and serving of people visiting an area for recreation and vacations, including overnight accommodations.

**TOURISM, RESIDENTIAL** means a tourism use that is undertaken in conjunction with a single-unit residential use, such as a bed and breakfast, tourist home, or farm vacation home; or is compatible with such residential uses such as a small hotel, motel or inn (8 or fewer units).

**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.

**VETERINARY CLINIC** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.

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

**WATERCOURSE** means any lake, river, stream, ocean or other body of water, which may be regulated by the province.

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

**YARD, FLANKAGE** means the side yard of a corner lot, which side yard abuts a street.

**YARD, FRONT** means that part of the lot between the main building, structure or use and a front lot line, or that part of the lot from the front lot line and the minimum front yard setback requirement as established in this by-law.

**YARD, REAR** means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or main structure on the lot.

**YARD, SIDE** means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot.

## **SECTION 2: SCOPE AND INTERPRETATION**

### **2.1. PURPOSE**

This By-Law:

- (1) divides the municipality into zones;
- (2) prescribes, subject to powers reserved in the Planning Review and Adjustment Committee:
  - (i) the purpose for which land, buildings and structures in any zone may be used,
  - (ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
- (3) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (2).

### **2.2 CLASSIFICATION**

- (1) For the purposes of this By-law, the municipality is divided into zones as delineated on the plan attached as Schedule “A”, entitled “Village of Riverside-Albert Zoning Map” and dated August 10, 1999, which forms part of this by-law.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:
  - a) Mixed Use (MU) Zone
  - b) Rural Area (RA) Zone
  - c) Conservation (CON) Zone
  - d) Sea Level Rise (SLR) Overlay Zone

### **2.3 INTERPRETATION OF ZONING BOUNDARIES**

Boundaries between zones shall be determined as follows:

- (1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- (2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in such bank.
- (3) Where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way, an easement line, or watercourse, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.

- (4) In situations where parcels are created from previously unzoned land, such parcels shall be zoned the same as the adjacent property.

## **2.4 ZONES NOT ON MAP**

The zoning map of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the *Community Planning Act* and must be in conformity with the policies and proposals of Part B.

## **2.5 DEVELOPMENT PERMITS**

- 2.5.1 No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.
- 2.5.2 Notwithstanding 2.5.1, no development permit shall be required for the following:
- a) any accessory building or structure which has less than 10 m<sup>2</sup> (107.6 sq. ft.) of gross floor area;
  - b) a Recreational Vehicle on a vacant lot as per section 3.21 of this By-law; and
  - c) any portable sign or sign permitted according to section 3.17 of this By-law.
- 2.5.3 No development permit may be issued under this By-law unless a fee of twenty-five dollars (\$25) has been paid.

## **2.6 SERVICEABLE AREA**

- 2.6.1 Where any parcel of land of land located in the area that has access to municipal services, no development of a new main building shall be permitted without legal connection of the development to the Village's public sanitary sewer and water supply systems.
- 2.6.2 Any parcel of land located where either the sanitary sewer or water supply system is not available, a new development must make a legal connection to the available service and otherwise meet standards for development as set out in this by-law.

## **2.7.1 POWERS OF THE COUNCIL**

- 2.7.2 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.
- 2.7.3 When, in the opinion of Council, a building or structure is dilapidated, dangerous, or unsightly, the Council may:

- a. require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
- b. acquire the parcel of land on which such building or structure is located.

## **2.8 POWERS OF THE PLANNING REVIEW AND ADJUSTMENT COMMITTEE**

2.8.1 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.

2.8.2 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 2.8.2(a) or (b) at the end of the authorized period.

2.8.3 Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, the Committee may permit, subject to terms and conditions as it sees fit:

- a. uses that are prescribed within any zone as being subject to terms and conditions as imposed by the Committee in consideration the Proposals set out in Part B, Section 2.11.2 of this Rural Plan;
- b. as provided for by the *Community Planning 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
- c. such reasonable variance from the requirements of this By-law as provided for by the *Act*, and, 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 policies of the Rural Plan By-law.

2.8.4 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, the Committee may, as provided for in 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 Committee-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 of the passing of the Bylaw; or
- d. a non-conforming use to be changed to a similar non-conforming use.

2.8.5 Where uses are listed as being subject to any terms and conditions that may be imposed by the Committee no development permit for such use shall be issued unless written application for such use has been submitted to the Committee and the Committee has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected.

## **2.9 AMENDMENTS**

2.9.5 A person who seeks to have this By-law amended:

- a. Shall submit a signed application to the Southeast Regional Service Commission
- b. shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
  - (i) a statement as to the ownership thereof, and
  - (ii) the signature of at least one owner of each parcel of land therein; and
- c. shall pay a fee of \$1000 to the Southeast RSC.

2.9.6 The Southeast RSC may return all or any part of the fee mentioned in subsection (1) if the application is withdrawn or denied prior to public notice being given.

2.9.7 An application under this section shall include such information as may be required by the Council or Committee for the purpose of adequately assessing the desirability of the proposal.

2.9.8 Before giving its views to the Council with respect to an application under this section, the Committee may carry out such investigation as it deems necessary.

2.9.9 Unless, upon the advice of the Southeast RSC, 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.

## **SECTION 3: GENERAL PROVISIONS**

### **31 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 to obtain 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.

### **32 FRONTAGE ON STREET**

No development permit shall be issued except where the lot is intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road.

### **33 ONE MAIN DWELLING ON A LOT**

3.3.1 No more than one main dwelling may be placed or erected and no building or structure may be altered to become a second main dwelling on a lot.

### **3.4 EXISTING UNDERSIZED LOTS**

Unless otherwise provided for in this By-law, a lot registered prior to the effective date of this By-law, having less than the minimum frontage or area required by this By-law, may be used for a permitted use in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

### **3.5 EXISTING BUILDINGS**

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

3.5.1 the enlargement, reconstruction, repair or renovation does not further reduce the front, side, flankage or rear yard that does not conform to this By-law; and

3.5.2 all other applicable provisions of this By-law are satisfied.

### **3.6 ACCESSORY BUILDINGS**

3.6.1 Accessory uses, buildings and structures shall be permitted in any zone but shall not:

- a. be built in the required front or flankage yard except that:
  - i. in the Mixed Use zone, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than 0.6 metres;
  - ii. boat docks may be built to the lot line when the line corresponds to the high water mark; and
  - iii. accessory buildings and structures in an RA Zone shall not be built closer to any side or rear lot line than 2.4 metres or one half (1/2) the height of such building or structure, whichever is the greater.
- b. exceed 6 metres in height in any Mixed Use zone.

3.6.2 A sea can or shipping container may be used as an accessory building in the MU or RA zones, provided that:

- a. it is located in the rear yard; and
- b. it meets required setbacks for accessory buildings as per Section 3.6.1

### **3.7 HEIGHT REGULATIONS**

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, chimneys, clock towers, windmills, monuments, lightning rods, wind turbines, or solar collectors attached to the principle structures except where specifically regulated.

### **3.8 REDUCED FRONTAGE ON A CURVE**

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this By-law, where the side lot lines are not parallel, this shall be defined as the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, such parallel line being drawn through the point at which the line of minimum setback, required by by-law or regulation, intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

### **3.9 SIGHT TRIANGLE**

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

### **3.10 PERMITTED ENCROACHMENTS**

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- 3.10.1 Walkways, wheelchair ramps, lifting devices or steps may be located in any yard to provide access to the first storey entrance;
- 3.10.2 There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 0.6 metres into any required yard;
- 3.10.3 Window bays and solar collectors may be permitted to project not more than 0.9 metres from the main wall into a required front, rear or flankage yard;
- 3.10.4 Exterior staircases, balconies, unenclosed porches, verandas and sundecks shall be permitted to project a maximum of 2 metres into any required front or flankage yard; and
- 3.10.5 The provisions of this Section shall not restrict the location of ornamental planting, swimming pool enclosures or landscaping in any yard, with the exception of the sight triangle provision of this by-law, unless otherwise indicated in this By-law.

### **3.11 OFF-STREET PARKING REQUIREMENTS**

- 3.11.1 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.
- 3.11.2 An off-street parking space shall:
  - a. measure not less than 5.5 m in length and not less than 2.4 m in width, exclusive of driveways.
  - b. be readily accessible from the nearest public street; and
  - c. be located on the lot containing the use for which the spaces are provided, except as provided in section 3.11.5

3.11.3 The total required spaces by use are contained 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.

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 (cabin, hotel, motel, inn, campground)	1 space per unit
Retail stores, service and personal service shops	4 spaces per 93 m <sup>2</sup> gross floor area
Banks and offices	3 spaces per 93 m <sup>2</sup> gross floor area
Restaurants and bars	1 space per 4 seats
Theaters	1 space per 5 seats
Institutional uses (hospitals, schools, day cares, residential care homes, etc.)	Greater of 1 space per 4 fixed seats or 1 space per 10 m <sup>2</sup> gross floor area
Warehouses, general industrial	2 spaces per 93 m <sup>2</sup>
Any use not specified above	1 space per 31 m <sup>2</sup> of gross floor area or as per provincial regulation (whichever is more stringent shall prevail)

3.11.4 Mobility disabled parking space size and requirements shall be established as per the provincial building regulation.

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

- a. the parking lot shall be maintained with a stable surface;
- 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 adjacent lot as 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.

## 3.12 FENCES

3.12.1 A fence may be placed or located in a yard with the following conditions:

- a. Fences may be located on the lot line where all owners affected by the proposed fence have signed the building permit application; otherwise a fence must be located 0.6 metres (2 ft) from any lot line;

- b. No fence located within the sight triangle or front or flankage yard shall exceed 1 metre in height, and shall not exceed 2 metres in height in any other yard;
- c. Notwithstanding 3.12.1b, a fence used to pen livestock for a hobby farm shall not exceed 2 metres in height in any yard in the MU zone; and
- d. Notwithstanding subsection 3.12.1b., a fence used to pen livestock in the RA Zone, may not exceed a maximum of 4m in height in any yard.

### **3.13 TOPSOIL REMOVAL**

3.13.1 Except where provided for within this by-law, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.

3.13.2 Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.

### **3.14 LOCATION OF A BUILDING**

3.14.1 No building may be erected or altered so that it is closer to a street line than 6 metres unless otherwise provided for in this by law.

3.14.2 Notwithstanding subsection (1), a building may be placed, erected or altered so that it is as close to the street line as:

- a. where there is a building on both sides and within 30 metres thereof, the mean of the distance between the street line and the adjacent buildings;
- b. where there is a building within 30 metres of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.

### **3.15 RESIDENTIAL DEVELOPMENT NEAR A LAGOON OR TREATMENT PLANT**

Notwithstanding any other provision of this By-Law, no dwelling may be located within 90 metres of a sewage lagoon or treatment plant.

### 3.16 ENCLOSURES FOR SWIMMING POOLS

No land may be used for the purposes of a swimming pool unless the pool is completely 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 metres in height, and provided that the swimming pool and enclosure is not located within the required front or flankage yard. Such an enclosure is to be constructed in conformity with the following:

3.16.1 Where a portion of a wall of a building forms part of an enclosure:

- a. No main or service entrance to the building may be located therein; and
- b. Any door, therein, other than a door to a dwelling or rooming unit, shall be self-enclosing and equipped with a self-latching device at least 1.5 metres above the bottom of the door.

3.16.2 An enclosure shall not have rail, bracing or other attachments on the outside thereof that would facilitate climbing.

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

- a. be made of chain link construction, with galvanized vinyl or other materials in compliance with section (4);
- b. not be electrified or incorporate barbed wire or other sharp dangerous materials; and
- c. be located
  - (i) at least 1.2 metres from any condition that would facilitate its being climbed from the outside, and
  - (ii) at least 1.2 metres from the edge of the swimming pool; and
  - (iii) so that the bottom of the fence is elevated by no more than 10 centimeters above grade;

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

- a. In the case of a chain link construction:
  - (i) no greater than 38 mm diamond mesh;
  - (ii) steel wire not less than No.12 gauge, or a minimum No.14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire; and
  - (iii) at least 38 mm diameter steel post set below frost in an envelope of concrete and spaced not more than 3 metres apart, with a top horizontal rail of at least 32 mm diameter steel.

- b. In the case of wood construction:
  - (i) vertical boarding, not less than 19 mm by 89 mm finished dimensions, spaced not more than 30 mm apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
  - (ii) supporting wood posts at least 89 mm round with 89 mm diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm by 89 mm finished dimensions; and
- c. In the case of construction with materials, and in a manner other than described in this section, rigidity equal to that provided thereby;

3.16.5 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 1.5 metres above the bottom of the gate; and
- d. be located so that the bottom of the gate be elevated by no more than 10 centimeters above grade.

### 3.17 SIGNS

Other than a traffic control device as defined in the Highway Act, a legal notice or a store window sign advertising goods for sale in the store, the location, dimensions, standards of construction and purposes of public advertisement in the form of a sign is permitted only upon compliance with the requirements of this section.

3.17.1 No person may use land, a building or structure for the display of public advertisement in the form of a sign without obtaining a permit.

3.17.2 Notwithstanding subsection 3.17.1, a person may place, erect or display a non-illuminated sign on any land, building or structure without obtaining a permit if the sign:

- a. advertises the sale, rental or lease of the land, building or structure and does not exceed 0.85 square metres in gross surface area;
- b. identifies by name the property or the residents of the property and does not exceed 0.45 square metres in gross surface area;

- c. warns against trespass and does not exceed 0.45 square metres in gross surface area;
- d. is a private traffic directional sign not exceeding 0.24 square metres in gross surface area;
- e. identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building or structure, but such sign shall be removed from the site within fourteen days after completion of the building or structure;
- f. menu boards associated with a drive-thru; or
- g. announces a candidate for public office in a municipal, provincial or federal election, but such sign shall be removed from the site within fourteen days after the election.

3.17.3 A sign may be placed, erected or displayed if the gross surface area (all sides) of the sign does not exceed the product of the lineal width of the lot on which the building is located, multiplied by one metre to a maximum area of ten square metres in the case of a fascia sign and fourteen square metres in area in the case of a free standing sign.

3.17.4 Third-party signs shall be permitted in all zones 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.

3.17.5 No sign may

- a. be an imitation of a traffic control device or contain the words “stop”, “go”, “caution”, “danger”, “warning,” or similar words arranged in such manner as to be construed as a traffic control device;
- b. revolve, flash, contain animated chasing borders, be automated changed copy signs, video signs or electronic message signs;
- c. have a size, location, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or;
- d. advertise an activity, business, product or service no longer conducted on the premises on which the sign is located or which is conducted at another location.

### **3.18 OTHER REQUIREMENTS**

#### **3.18.1 Day Cares**

A day care shall comply with the following requirements:

- a. no sign shall exceed 0.75 m<sup>2</sup> in gross surface area nor exceed one in number;
- b. off-street parking requirements as per section 3.12; and
- c. it shall be licensed and comply with all Provincial regulations.

#### **3.18.2 Home Occupations**

Home Occupations shall comply with the following requirements:

- a. no change shall be made to the dwelling unit or 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 m<sup>2</sup> in gross surface area;
- b. 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. at least two additional parking spaces are required on the premises, other than those under section 3.11 of this By-law.

#### **3.18.3 Garden Suites**

A garden suite shall comply with the following regulations:

- a. it shall not be located closer than 1.2 metres of any side or rear lot line;
- b. it shall not exceed 4.6 metres in height;
- c. it shall be located in the rear or side yard;
- d. it shall be located on a lot which host a single detached dwelling as a main use; and
- e. it shall not exceed 75 square metres of gross floor area.

### **3.19 LANDSCAPING REQUIREMENTS**

- a. In any zone, the owner of a lot developed for residential or commercial purposes shall landscape:
  - (i) the front yard of the main building;
  - (ii) the rear and side yards within 4.5 metres of any main building thereon; and
- b. A yard mentioned in subsection a. may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot; and
- c. All grading shall be done to divert surface water from the building and away from adjacent properties and insofar as possible, to contour the yard to the surrounding terrain.

### **3.20 SCREENING BETWEEN SINGLE-UNIT DWELLINGS AND OTHER USES**

Where a single-unit dwelling exists, the construction of, addition to, or change of use to a multiple-unit dwelling, institutional use, or commercial 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. Such screening shall be placed upon the lot with the new use.

### **3.21 RECREATIONAL VEHICLES AND OUTDOOR STORAGE**

3.21.1 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 storage of items in subsection a) is not permitted:
  - i) in the front yard of the main building; or
  - ii) within 3 m of the side lot line or rear lot line; and
- c. The use of a Recreational Vehicle for a seasonal residence on a vacant lot is permitted in the MU zone if a legal connection to municipal services is made.

### **3.22 CAMPGROUNDS**

3.22.1 Campgrounds may be allowed through a conditional zoning agreement made under the *Community Planning Act* subject to the following:

- a. Campgrounds must be developed with at least two accesses to accommodate emergency vehicles;
- b. Campground developers must 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 maintain an appropriate buffer, whether natural or artificial, between the development and adjacent residential properties;
- d. Preserve 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. Only maintain operation on a seasonal basis; and
- g. Provide proof of Environmental Impact Assessment (EIA) approval or exemption.

### 3.23 HOBBY FARMS

3.23.1 Hobby farms may be established on properties in the Village 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 <sup>2</sup> (1 acre) per animal
B	Small hooved animals (sheep, goats, etc.)	10	8000 m <sup>2</sup> (2 acres)
C	Small animals or fowl (any combination of chickens, turkeys, rabbits, etc.)	25	4000 m <sup>2</sup> (1 acre)
D	Backyard hens	12	2000 m <sup>2</sup> (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 (1/2 acre) = 4.5 acres required)*

3.23.2 Animals associated with hobby farms must be appropriately fenced, penned, or housed to prevent trespass onto public roads and adjacent properties.

3.23.3 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.

3.23.4 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.

3.24.5 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.

### 3.24 RESOURCE EXTRACTION

3.24.1 Activities related to gravel pits may be permitted through a conditional zoning agreement, with Council having regard for the following conditions:

- a. All permits require a master plan, and a rehabilitation plan approved under terms and conditions as per the *Community Planning Act*;
- b. The renewal of a permit is conditional to the compliance of the provisions stated in Section 3.24.2, as well as in the Master Plan, the Rehabilitation Plan and the determined rehabilitation ratio (see Schedule E);
- 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 3.24.2; and
- d. The permit fee is \$1000, except if fees are paid prior to the commencement of annual work, wherein the cost is \$500.

3.24.2 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; and
- 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.

### **3.25 INDUSTRIAL USES**

3.25.1 In considering a conditional zoning agreement for light industry, Council shall establish conditions related to:

- a. Separation from established residential areas;
- b. Access to arterial roadways;
- c. The location and access to off street parking and the design of the parking lot layout;
- d. Provisions for the preservation of the existing landscape by minimizing tree and soil removal;
- e. Provisions for adequate site grading and landscaping in respect of the impact on adjacent properties;
- f. Potential environmental impacts; and
- g. The design of the proposed development in terms of building height, setback, roof type and pitch, building separation distances, the availability of adequate water supply, and the availability and adequacy of municipal services.

## SECTION 4: ZONES

### 4.1 Mixed Use (MU) Zone

Unless otherwise indicated on the zoning map located in Appendix A of this By-Law, the Mixed Use (MU) Zone extends 100 metres from every road on which lots with this zone are situated.

#### 4.1.1 MU Zone Permitted Uses

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

- (a) one of the following main uses:
  - (i) a single unit dwelling,
  - (ii) a two-unit or semi-detached dwelling,
  - (iii) a multiple unit dwelling not exceeding 6 units; or
  - (iv) a residential care home.
  
- (b) one or more of the following main uses:
  - (i) a commercial use,
  - (ii) a restaurant,
  - (iii) a tourism use,
  - (iv) a residential tourism use,
  - (v) a day care,
  - (vi) a hotel, motel, inn, or cabin cluster
  - (vii) a welding shop
  - (viii) an institutional use,
  - (ix) a park, playground or recreation use
  - (x) a place of entertainment, recreation and assembly,
  - (xi) a boarding or rooming house,
  - (xii) existing agriculture
  - (xiii) public utilities
  
- (c) one or more of the following secondary uses in conjunction with a single-unit dwelling, subject to the relevant provisions of this regulation:
  - (i) a garden suite,
  - (ii) a home occupation,
  - (iii) a hobby farm.
  
- (d) a service station or bar/tavern, subject to terms and conditions as per Section 2.11.2 as established by the Planning Review and Adjustment Committee;
  
- (e) any accessory building, structure or use, incidental to any permitted main use of the land, building, or structure.

#### 4.1.2 Mixed Use (MU) Zone Requirements

Within any MU zone, no development shall be permitted and no main building or structure may be located on a lot unless:

a) Lots with Municipal Services:

Use	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 Dwelling	450 m <sup>2</sup>	15 m	6 m	2.4 m	1.2 m	9 m	6 m	50%  (total gross ground floor area of all buildings & structures)
Two-Unit Dwelling	450 m <sup>2</sup>	36 m	6 m	2.5 m	1.2 m	11 m		
Semi-detached	225 m <sup>2</sup> /lot	7.5 m/lot	6 m	2.4 m	0 m	11 m		
Institutional Use	670 m <sup>2</sup>	21 m	5 m	2.5 m	1.2 m	11 m		
Commercial Use	450 m <sup>2</sup>	15 m	5 m	2.5 m	1.2 m	15 m		

b) Lots without Municipal Sewerage Services:

Use	Min. Lot Size	Min. Lot Frontage	Min. Front or Flankage Yard	Min. Side Yard	Max. Height	Min. Rear Yard	Max Lot coverage
Residential	4000 m <sup>2</sup>	54 m	7.5 m	2.5 m	9 m	6 m	50%
Commercial	4000 m <sup>2</sup> or as regulated by province	54 m or as regulated by province	7.5 m	2.5 m	11 m		
Institutional	4000 m <sup>2</sup> or as regulated by province	54 m or as regulated by province	7.5 m	2.5 m	15 m		

c) Requirements for Multiple-Unit Dwellings, Motel, Inn, or Cabin Clusters

	Min. Lot Size	Min. Lot Frontage or Flankage Yard	Min. Side Yard	Max. Height	Min. Rear Yard	Max. Lot coverage
Serviceable Lot	1180 m <sup>2</sup> + 68m <sup>2</sup> for each unit in excess of 3	32 m plus 1.5m for each unit in excess of 3	6 m	11 m	6 m	50%
Unserviceable Lot	7400 m <sup>2</sup> or as regulated by the province	65 m plus 1.5m for each unit in excess of 3	6 m			

### **4.1.3 MU Zone Additional Requirements**

In the case of commercial or institutional uses or multiple-unit dwellings, hotels, motels, inns or cabin clusters containing more than four (4) units, in this zone:

- a. no portion of any parking area shall be located within 2 metres of any street line;
- b. no parking space shall be located closer than 3 metres from a lot line of any property occupied by a single-unit or two-unit dwelling, except where an opaque fence or natural physical barrier (hedge, coniferous trees, etc.) is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property;
- c. no portion of any lot in a Mixed Use Zone shall be used for the collection or storage of refuse unless the refuse is stored in a refuse container and the refuse container is screened by an opaque fence or similar structure.

## **4.2 Conservation (CON) Zone**

### **4.2.1 CON Zone Permitted Uses**

No development shall be permitted nor shall any land be used on a lot, within a CON Zone for any purpose other than one or more of the following uses:

- a. conservation areas and open space for natural, aesthetic or scientific interest, including interpretative uses or displays,
- b. passive recreational uses such as trails and parks
- c. passive agricultural uses that do not include permanent buildings or structures,
- d. public works associated with flood control or sewerage treatment or other similar uses,
- e. boat launching areas,
- f. construct and/or operate intake structures and conveyance works associated with a commercial aquaculture facility and for the purposes of this By-Law includes a hatchery,
- g. public utility.

## 4.3 Rural Area (RA) Zone

### 4.3.1 RA Zone permitted uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an RA zone for any purpose other than,

- a. One of the following main uses:
  - (i) a single unit dwelling;
  - (ii) a two-unit dwelling or semi-detached dwelling;
  - (iii) a mini/mobile home; or
  - (iv) a residential care home.
  
- b. One or more of the following main uses:
  - (i) an agricultural use;
  - (ii) a forestry use;
  - (iii) a kennel;
  - (iv) an institutional use;
  - (v) a tourism use;
  - (vi) a recreation use;
  - (vii) public utility; or
  - (viii) a cabin cluster.
  
- c. one or more of the following secondary uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of section 3.20:
  - (i) a daycare centre;
  - (ii) a garden suite;
  - (iii) a bed and breakfast/tourist home; or
  - (iv) a home occupation.
  
- d. any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure, subject to section 3.6.
  
- e. Notwithstanding section 4.3.1, the use of any land, building or structure for a cabin cluster shall be a particular purpose in respect of which the Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

### 4.3.2 RA Zone Requirements

Within any RA Zone, no development shall be permitted and no main building or structure may be used on a lot unless:

Use	Min. Front or Flankage Yard	Min. Side Yard	Max. Height	Min. Rear Yard	Max Lot coverage
Residential (Single, two-unit semi-detach)	7.5 m	2.5 m	9 m	11 m	33%
Cabin cluster	7.5 m	6 m	11 m		
Commercial	7.5 m	2.5 m	11 m		
Institutional	7.5 m	2.5 m	15 m		

### 4.4 Integrated Development (ID) Zone

4.4.1 No development shall be permitted nor shall any land, building or structure be used on a lot within an ID (Integrated Development) zone except where Council has approved the development of a specific proposal pursuant to the *Community Planning Act*.

### 4.5 Sea Level Rise (SLR) Overlay Zone

4.5.1 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.

4.5.2 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 minimal elevation of the habitable part must be of 8.7m (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.

- d. In the case of an existing building, the building may be expanded after the adoption of this Regulation 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 the lesser of 25% or 23.2 square meters. A larger non-adapted expansion necessitates full adaptation; 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.

4.5.3 Section 4.5 does not apply to accessory structures, marine uses, open space uses or temporary uses permitted under this by-law.