

VILLAGE OF HILLSBOROUGH RURAL PLAN

BY-LAW #51

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PART A: RURAL PLAN – TITLE & AREA DESIGNATION

TITLE AND AREA DESIGNATION

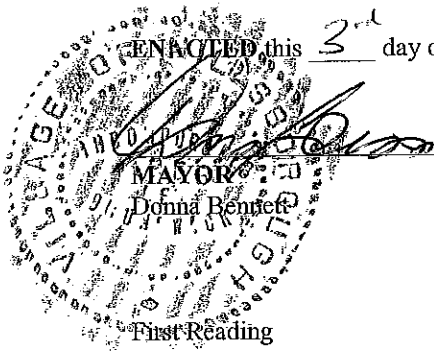
SECTION 1: Village of Hillsborough Rural Plan By-Law.

SECTION 2: By-Law No. 51

Under section 27.2(1) of the *Community Planning Act*, the Council of the Village of Hillsborough, makes the following Rural Plan By-law:

1. The area of land as shown on the map placed in Schedule A is designated for the purpose of the adoption of a rural plan and is the area which this By-law applies.
2. The Village of Hillsborough Rural Plan contained in this By-law is hereby adopted for the area described in Schedule A.
3. By-law No. 43 (The Village of Hillsborough Rural Plan) enacted on May 28, 2002, and filed in the Albert County Registry Office as number 3K on June 18, 2002 and any amendments thereto is hereby repealed, except for By-law No. 43-1.

ENACTED this 3<sup>rd</sup> day of May, A.D. 2010.



Shari Collins  
 VILLAGE CLERK  
 Shari Collins

First Reading April 5, 2010

Second Reading April 5, 2010

Third Reading May 3, 2010

I certify that this instrument is registered or filed in the

J'arreste que cet instrument est enregistré ou déposé au bureau d'enregistrement du comté de

ALBERT  
 County Registry Office,  
 New Brunswick

ALBERT  
 Nouveau-Brunswick

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date time-heure number-numéro

L. Clement  
 Deputy Registrar - Conservateur Adjoint

APPROVED pursuant to S.69 Community Planning Act

APPROUVÉ En application de l'article 69 loi sur l'urbanisme

Mary Mersereau  
 for - Minister / pour le/la Ministre  
 Department of Environment/  
 Ministère de l'Environnement

May 25, 2010  
 Date

Rural Plan on 2010 # 28911478

**VILLAGE OF HILLSBOROUGH RURAL PLAN**

**PART A: RURAL PLAN – TITLE & AREA DESIGNATION**

**TITLE AND AREA DESIGNATION**

SECTION 1: Village of Hillsborough Rural Plan By-Law.

SECTION 2: By-Law No. 51

Under section 27.2(1) of the *Community Planning Act*, the Council of the Village of Hillsborough, makes the following Rural Plan By-law:

1. The area of land as shown on the map placed in Schedule A is designated for the purpose of the adoption of a rural plan and is the area which this By-law applies.
2. The Village of Hillsborough Rural Plan contained in this By-law is hereby adopted for the area described in Schedule A.
3. By-law No. 43 (The Village of Hillsborough Rural Plan) enacted on May 28, 2002, and filed in the Albert County Registry Office as number 3K on June 18, 2002 and any amendments thereto is hereby repealed, except for By-law No. 43-1.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, A.D. 201\_\_.

\_\_\_\_\_  
**MAYOR**  
Donna Bennett

\_\_\_\_\_  
**VILLAGE CLERK**  
Shari Collins

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

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## **PART B: OBJECTIVES OF THE RURAL PLAN**

The Council of the Village of Hillsborough believes that the residents of the Village wish to take measures to conserve the residential character of the area, to promote commercial and tourist development and to ensure sound management of the environment.

The Village of Hillsborough has experienced a number of changes since the adoption of its current rural plan in 2002. Many of these changes have been positive for the Village. However, there are still a number of important issues that must be addressed, such as the lack of designated commercial land, increased development outside serviced areas and sufficient water quantity for Village residents.

There is a need to protect the rural character of the area as well as the quality of life of its residents. Therefore, it has been requested that this rural plan be adopted.

## **STATEMENTS OF POLICY AND PROPOSALS**

### **1.0 RESIDENTIAL USES**

The Village of Hillsborough has a population of just less than 1300. There has been relatively little change in that population over the past 10 years. However, the total number of dwellings has increased in spite of the very low population increase and immigration trend. Single detached dwellings remain the predominant types of housing.

Although the residents of Hillsborough are fond of the small-scale residential character of their Village, they understand there is plenty of room for growth. They believe this growth can be accommodated without compromising their quality of life.

Within the Village, there is a mix of family types. There is also a balance among residential and other uses. Residents are happy with the sense of community that Hillsborough promotes.

#### **Policy**

- P.1(1) It is the policy of the Village to conserve the residential character of the area and to have an optimum population density that fits with the Village's development constraints.
- P.1(2) It is the policy of the Village to promote diverse residential uses within the community.
- P.1(3) It is the policy of the Village to minimize land use conflicts between residential and other uses and to promote uses appropriate to a rural area.

Proposal

- P.1(4) It is proposed that residential zones that encourage compact residential development be created within the Village. A Single-Unit Dwelling zone will accommodate single-unit dwellings only. A Two-Unit Dwelling zone will accommodate both single- and two-unit dwellings. A Mini Home Residential zone will accommodate the expansion of existing and the creation of new mini home parks.
- P.1(5) It is proposed that dwelling units shall be subject to all applicable statutes and regulations including those respecting building, health and subdivision.
- P.1(6) It is proposed that home occupations shall be permitted within single-unit dwellings to allow a small business to operate from a residential property.
- P.1(7) It is proposed that bed and breakfast operations shall be permitted within certain residential zones to allow the rental of rooms to tourists as a secondary use.
- P.1(8) It is proposed that daycare operations shall be permitted within certain residential zones to accommodate the care of children as a secondary use.

**2.0 COMMERCIAL USES**

Within the Village, most commercial activity is centrally located. There is the potential for new commercial uses to ensure conveniences for the residents as well as to promote economic stability within the Village.

Situated on the Fundy Coastal Trail, there is a strong seasonal tourism industry within the Village. Eco-tourism plays an important role in the local economy. Commercial uses that cater to tourists are essential in promoting the Village as a place to visit.

Part of what makes the Village unique is the combination of residential and commercial uses. Within the Village core there are single- and multiple-unit dwellings as well as secondary dwelling units within commercial buildings. While residents of the Village wish to expand the area devoted to commercial uses within the community, they also want to maintain the residential character.

Policy

- P.2(1) It is the policy of the Village to control the type and location of development of commercial uses.
- P.2(2) It is the policy of the Village to maintain existing and create new areas designated for commercial uses within the Village.
- P.2(3) It is the policy of the Village to permit residential uses with commercial uses.

Proposal

- P.2(4) It is proposed that a Village Commercial zone be created in the Village. Within the Village Commercial zone, uses will be focused on those that are suitable for a rural village and those that are related to the tourism industry. Appropriate standards for lot sizes and setbacks will be established incorporating existing development and creating a compact Village centre.
- P.2(5) It is proposed that within the Village Commercial 1 zone, certain 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.
- P.2(6) It is proposed that secondary dwelling units will be permitted within commercial buildings in commercial zones to offer a residential alternative within the Village. Single and two -unit dwellings will be permitted within the commercial zone.
- P.2(7) It is proposed that multiple unit dwellings will be permitted in the Village Commercial zone subject to terms and conditions.
- P.2(8) It is proposed that a commercial use not indicated in the By-law may be considered subject to an agreement pursuant to section 39 of the *Community Planning Act*.

**3.0 PARKS, RECREATION AND INSTITUTIONAL USES**

Village members are proud of the amount of recreational opportunities and open spaces available to residents and visitors. Among others, there are hiking trails, a pool, a golf course, a wetland park, the Kiwanis Centre, an arena and a ballfield. These types of recreational opportunities and open spaces help characterize Hillsborough as a friendly type of community that people enjoy living in and visiting.

Existing recreational opportunities and open spaces can be maintained and improved and new ones can be created through the utilization of the dedication of lands for public purposes or cash in lieu clause of the Subdivision By-Law.

Institutional uses are important in a community to serve its social, religious, educational and cultural needs. Some institutional uses within the Village are the schools and churches. They are also centrally located and accessible to those who use them.

Policy

- P.3(1) It is the policy of the Village to facilitate the development of recreation activities and public open space for the enjoyment of the people living in the community.
- P.3(2) It is the policy of the Village to take advantage of the dedication of lands for public purposes or cash in lieu clause under the Subdivision By-Law.
- P.3(3) It is the policy of the Village to control the type and location of institutional uses.

Proposal

- P.3(4) It is proposed that recreational facilities and public open spaces be a permitted use everywhere in the Village where it is not in conflict with residential uses or conservation areas.
- P.3(5) It is proposed that institutional uses be located close to the concentration of development in order to provide service to those it is meant to serve.

**4.0 AGRICULTURE AND RURAL USES**

Agricultural and farming uses, including hobby farms, are an important part of the Village and its past. They help maintain a rural character as well as in some cases adding an economic benefit for those who choose to carry out these uses.

Much of the land within and just outside the Village boundaries reflects traditional rural activity and its complimentary uses. These rural activity uses often require larger lot sizes to ensure that conflicts do not arise between uses and to maintain a rural character.

Policy

- P.4(1) It is the policy of the Village to permit agricultural operations that are compatible with the natural environment systems and the built environment.
- P.4(2) It is the policy of the Village to recognize the importance of maintaining a rural character within the community.

Proposal

- P.4(3) It is proposed that agricultural and farming operations, including hobby farms, be accommodated within the rural plan.
- P.4(4) It is proposed that an Agricultural zone be created to preserve the Agricultural lands in the Village and encourage agricultural activity.
- P.4(5) It is proposed that a Rural Area zone be created. Within the Rural Area zone, uses will be focused on those that create a rural character. Permitted uses may include rural-based commercial uses compatible with rural residential uses.
- P.4(6) It is proposed that the required lot size and frontage of lots, in unserved areas within the Rural Area zone, shall be sufficient to allow for separation between rural activity uses to create and retain a rural landscape.



## 5.0 RESOURCE USES

Currently, there are companies interested in resource development, such as oil and natural gas projects and aggregate extraction, within the Village. The community feels that resource development would promote economic benefits and attractiveness of the Village as long as it was carried out in a suitable manner to protect the Village and its residents. Excavation permits, which apply to both full-time as well as wayside pits and quarries, will provide all necessary information about a project and protect the Village.

Activities such as prospecting, staking and laying claims to resources are permitted throughout the Village under the *Mining Act, Oil and Natural Gas Act, Bituminous Shale Act, Quarriable Substances Act, and the Underground Storage Act.*

### Policy

- P.5(1) It is the policy of the Village to permit resource activities within the community.
- P.5(2) It is the policy of the Village to reduce conflicts between pit and quarry operations (including wayside pit and quarry operations) and other uses.

### Proposal

- P.5(3) It is proposed that gravel pit and quarry operations would be considered in accordance with the requirements of an excavation permit under this By-law.
- P.5(4) It is proposed that when a request for an excavation permit has been received, the following elements shall be considered:
- (a) projected extraction plan and its impacts on the water table;
  - (b) protection measures in order to protect people, adjacent properties and existing private and public infrastructure;
  - (c) required inspection type and its frequency; and
  - (d) site rehabilitation measures when the activity ceases.
- P.5(5) It is proposed to ensure that pit and quarry sites in operation when this By-law is implemented comply with the Acts and Regulations prescribed by the Departments of Environment and Local Government, Advanced Education and Labour and Natural Resources and Energy.

## 6.0 INDUSTRIAL USES

While Council recognizes the importance of a diverse tax base, it also realizes that there is not a large amount of land suitable for industrial development within the community. There is currently some land set aside for industrial use but a lack of proper servicing and infrastructure has left it fairly undeveloped. There may also be some lands outside the industrial area that could be used for industrial use. In either case, industrial uses should remain light in nature in order to protect the Village from unwanted noise, dust, smoke and other similar interference.

### Policy

P.6(1) It is a policy of the Village to control the type and location of light industrial uses.

### Proposal

P.6(2) It is proposed that an Industrial Zone be created. The Industrial zone will incorporate lands previously zoned Industrial and will permit light industrial uses.

P.6(3) It is proposed that new light industrial uses outside the Industrial zone shall only be considered as a rezoning under section 39 of the *Community Planning Act*.

P.6(4) It is proposed that when a request for industrial use has been received and is considered for rezoning under section 39 of the *Community Planning Act*, that the Council give terms and conditions in regard to protection of the natural environment and the resident's quality of life.

## 7.0 PROTECTION OF WATER SUPPLIES

A dependable source of water ensures a sustainable and attractive community. Currently, Village residents rely on both on-site and shared water sources for consumption and use. However, the shared water source may need to be supplemented or replaced in the near future. Council recognizes this and new shared water sources are being sought.

### Policy

P.7(1) It is the policy of the Village to provide sufficient water quantity and quality for its residents.

P.7(2) It is the policy of the Village to take every effort to protect its water supply, including on-site wells, from man-made pollution by not allowing unsuitable development.

### Proposal

P.7(3) It is proposed to permit development that will have minimum impact on the water supplies of the Village.

P.7(4) It is proposed to monitor the density of development in order to have an adequate supply of water for the Village.

## **8.0 SEWAGE COLLECTION AND TREATMENT**

The Village has recently received funding to upgrade their sewage collection and treatment system. This system was designed to accommodate sewage flows from the existing development with provisions for future growth. It is important from the point of view of maintaining public health and from the point of view of efficiently utilizing the Village's resources to establish an area within which all development will be required to connect to the new system.

### Policy

- P.8(1) It is the policy of the Village to protect the public health and safety of its residents by maintaining and operating a sewage collection and treatment system.
- P.8(2) It is the policy of the Village to ensure the quality of life of the residents, to control environment pollution, to do so in a manner that does not create an undue fiscal hardship.
- P.8(3) It is the policy of the Village to encourage developments within the area intended to be served by the municipal sewage collection system. In this regard the Village will establish a Service Development Boundary on the zoning map. Within the Service Development Boundary no new development of uses or any subdivision shall be permitted without providing for the connection and/or extension of the Village water and sewer systems to the development or the subdivision except where existing conditions would preclude such a connection.

### Proposal

- P.8(4) It is proposed to permit development that will have minimal impacts on the water supplies and natural environment of the Village.

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

Within the Village there are heritage buildings and sites of archeological interest that help define who a community is and how it began. A number of homes along Route 114 are considered heritage properties and have been maintained as such.

The community feels it is important to recognize the value, maintain and protect heritage buildings and sites of archeological interest. Heritage resources are important in fostering community pride and creating a sense of nostalgia, both of which are factors that sustain a population and bring visitors to an area.

### Policy

- P.9(1) It is the policy of the Village that local heritage character be defined, that sites or areas of archeological or historical interest, and buildings/structures of architectural or historical interest, be identified on an ongoing basis.

### Proposal

- P.9(2) It is proposed that heritage resources be conserved in a manner sympathetic to heritage character.

- P.9(3) It is proposed that adequate measures of protection be put in place for sites, buildings or structures of historical or archeological interest.
- P.9(4) It is proposed that if it is suspected that remains of archeological significance are found during the undertaking of any development, all activity in the immediate vicinity of the find shall be stopped and the Director of Archeological Services Branch, Department of Environment and Local Government shall be contacted.

## **10.0 CONSERVATION OF THE PHYSICAL ENVIRONMENT**

A large part of what makes Hillsborough an attractive area for its residents and visitors is the natural beauty, rural character, quality of life and environment of the Village. Community members are in agreement that these aspects of the Village must be maintained and protected.

Some areas within the Village present natural constraints to development, such as steep or unstable slopes, floodplains and sensitive habitats. It would not be prudent for development to occur on these sites due to the risk of degradation of the environment. As well, the safety of residents and their developments could be in jeopardy.

### Policy

- P.10(1) It is the policy of the Village to protect and ensure the quality of life of the residents, to control environment pollution, and to protect the aesthetic beauty of the natural environment.
- P.10(2) It is the policy of the Village to respect natural development constraints such as steep or unstable slopes, floodplains and sensitive habitats.

Proposal

- P.10(3) It is proposed that an Environmental Constraint zone be created. The Environmental Constraint zone will include areas such as steep or unstable slopes (25%), floodplains and sensitive habitats and uses within this zone will focus on those which will have minimal impact on these areas.

**11.0 GENERAL UTILITIES**

The provision of sewage collection, storm drainage, water, telephone and electric power supply are essential to development. Some components of these utilities are located within areas of the municipality by necessity. Structures range from transmission towers and switching or transformer stations to water pumping stations and water towers.

Some utility uses, such as transformer stations and high-voltage transmission lines, have a major impact on nearby users. Careful planning of the location of transmission lines and the attractive development of transformer stations can diminish much of the impact.

Federal communication authorities are in the process of deregulating the provision of local telephone services and the North American Free Trade Agreement is opening communities to competitive sources of electrical power supply. At the same time, a Trans-Maritime natural gas pipeline is now in the process of development. As a result, additional and new utility developments can be expected.

Policy

- P.11(1) It is the policy of the Village to recognize the importance of utility services to its residents.
- P.11(2) It is the policy of the Village to develop guidelines for the general location and site development of utility uses and a process for public information.
- P.11(3) It is the policy of the Village to seek to restrict the amount of clutter as new utility services develop, and in respect to natural gas distribution, to establish the Village's role, if any, in the maintenance of public safety.

Proposal

- P.11(4) It is proposed that utility-related uses be permitted in all zones.
- P. 11(5) It is proposed that the Village seek cooperation of utility firms in establishing guidelines for the general location and site development of utility uses, as well as establish a public information process, in order to ensure that concerns are addressed by the utility firms prior to the commencement of construction.
- P.11(6) It is proposed that the Village ensure that new utilities do not create clutter, and, in respect to natural gas distribution, that the cooperation of the Province is sought in establishing the responsibility and level of inspection required.

## 12.0 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 have to take every precaution to 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.12(1) It is the policy of the Village to recognize the need to consider amendments of the Plan and uses subject to terms and conditions.

### Proposal

P.12(2) It is the proposal of the Village, in considering amendments to this By-law and/or 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;
  - (iii) the adequacy or proximity of school, recreation or other community facilities; and
  - (iv) 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, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and from the site and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) 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.12(3) In addition to P.11(2), it is the proposal of the Village, in considering the imposition of terms and conditions for more than one main 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, aisles, fire lanes, 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

1.1 The Zoning Map entitled "Village of Hillsborough Zoning Map" is the zoning map designated for the Village of Hillsborough Rural Plan.

1.2 In this By-law

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

"accessory dwelling unit" means a dwelling unit which is secondary to the main dwelling unit, either contained within or attached to the main dwelling unit;

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

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

"Act" means the *Community Planning Act*;

"agricultural or farm use" means the use of land for production of plants and animals, including the breeding, raising or maintaining of livestock, fruit growing, the keeping of bees, fish farming, forages and cereal production, greenhouse farming, hydroponics farming, vegetable growing, tree growing and sod farming, excluding piggeries, henneries, fur farming and abattoirs;

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

"bake shop" means a shop where products of a bakery are made and sold by retail and for the purposes of this by-law includes a retail commercial use;

"bed and breakfast" means a single detached dwelling in which there is an owner or manager who provides overnight accommodation and meals (usually breakfast but occasionally other meals as well) for the traveling public;

"boarding 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;

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



“campground” means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers;

“car wash” means a building or part of a building containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed;

“cemetery” means land primarily used for internment of human or animal remains and where chapels, churches, funeral homes, columbarium, crematoria and related facilities may be incorporated as accessory uses;

“church” means a church, synagogue, temple, mosque or other place of worship and its related facilities;

"Commission" means the Greater Moncton Planning District Commission;

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

"convenience store" means an establishment where food, tobacco, drugs, periodicals or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood;

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

"Director" means the Provincial Planning Director appointed under section 4 of the Act;

“drive thru business” means an establishment which is designed to provide either completely or in part, services or products to customers while in their automobiles;

"dwelling" means a main building, or a portion of it, containing one or more dwelling units;

“dwelling, single unit” means a dwelling other than a mobile or mini home, travel trailer or motor home containing only one dwelling unit ;

"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;

“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 a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours;

"erect" means to 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;

"family" means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;

"floor area" means the total usable floor area contained within a building;

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

"front yard" means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a front lot line;

“garden nursery” means a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation and may also include the sale of related accessory supplies, including landscaping material;

"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;

“height” with reference to a building or structure, means the vertical distance of a building or structure between the established grade and highest point of the structure or building roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs, or one-quarter the height between the finished ceiling of the uppermost floor and the highest point of the roof for any other roof type;

"hobby farm" means an agricultural or farm use conducted on the property which is clearly secondary to the main use, does not change the character or use of the main use, does not significantly alter the appearance of the main use, and does not create or become a public nuisance, particularly in respect to the environment, smell, noise, traffic and/or parking;

"home occupation" means a secondary use conducted for gain and within a dwelling or within a building where the use is secondary and without limiting the generality of the foregoing, may include such occupations as doctor, dentist, architect, engineer, accountant, lawyer, designer, small appliance repair, beauty salon, barber shop and teaching of arts;

“hotel, motel or inn” means a commercial building providing temporary accommodations for travellers 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, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses;

"institutional use" means the use of land, buildings, or structures for religious, educational, health, indoor recreational facilities, community centre, government buildings, hospital, nursery home, seniors home, seniors congregate care facility, home for the aged or infirm or a residential care facility;

"lot" means one parcel of land described in a deed, transfer or subdivision plan, used or proposed to be used as the site of a building or structure or appurtenance thereto;

“lot area” means the total horizontal area within the lot lines of a lot;

“lot, corner” means a lot situated at the intersection of, and abutting on, two or more streets;

“lot coverage” means that percentage of the lot area that is permitted to be covered by all buildings and structures, excluding above ground swimming pools and that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone;

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

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

- (a) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be 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
- (b) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shore line of a lake river or stream, 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, through” means a lot bounded on two opposite sides by streets or highways provided, that if any lot qualifies as being both a corner lot and a through lot as defined herein, such lot shall be deemed to be a corner lot for the purpose of this by-law;

"main building" means a building in which is conducted the main or principal use of the lot on which the building is located;

“medical clinic, office or health practitioner” means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical and dental offices, occupational health and safety office, physiotherapy services, counseling services, chiropractic services, but does not include veterinary services;

"mini home" means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres throughout its entire length, exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

"Minister" means the Minister of Environment and Local Government;

"mobile home" means a trailer containing a water closet and a bath or shower;

“motorized vehicle repair” means a building or part of a building on a lot used for minor or major repair of recreational vehicles, light trucks and passenger vehicles, excluding buses, and includes auto body work, muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motorized vehicles but shall not include the manufacturing or fabrication of motorized vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels;

“motorized vehicle sales” means a building and/or land used for the display and sale of new and/or second-hand motorized vehicles and may include the servicing, repair, cleaning, polishing, painting and greasing of motorized vehicles, the sale of auto accessories and related products;

"multiple-unit dwelling" means a dwelling containing more than two dwelling units;

“office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government;

"park or 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;

"personal service shop" means a shop in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, shoe repair shops and tailoring shops, 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 including, but not limited to, the provision of electricity, water, sewage disposal, communication services and infrastructure, pipelines, railway, roads and sidewalks, traffic management systems, vehicular and pedestrian bridges, gas distribution systems, bus stops, street furniture and engineered public recreation facilities;

"recreational use" means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, 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 or non-motorized vehicles or any animals;

"residential establishment for adults" means a community residence, a special care home or a transition house providing services to persons with reduced mental, social and/or physical capacities as approved by the Department of Health and Community Services but does not include a facility whose primary objective is medical care or educational or correctional services;

"resource use" means the use of land, buildings or structures for the management, development and cultivation of forestry and mineral resources to ensure the continued production of products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource;

“restaurant” means a building where food and drink is served to the public primarily for consumption within the building;

“retail store” is synonymous with “retail use” and 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 or wholesale value and shall include minor food processing and packaging in connection with the sale of food products, but shall specifically exclude the sale of cars, trucks, vans, heavy equipment or other motorized vehicles;

"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, television sets, radios, home security systems, satellite systems, computers, 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/or for the sale of fuel, oils and accessories for motor vehicles and may also include vehicle washing establishments;

"shared parking" means a common area of parking of eight or more off-street vehicular parking spaces;

"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;

"sign, canopy" means a sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building or is a self-supporting structure, and canopy signs shall include marquees and gas bar canopies;

"sign, directory" means a sign with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo;

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

"sign, freestanding" means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground;

"sign, illuminated" means a sign that provides artificial light directly or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of 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 "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 deckline of a building with a mansard roof;

"sign, sandwich" means a two-sided A-frame style self-supporting sign which is not permanently affixed to the ground and designed to be moveable;

"sign, third-party" means a sign which indicates the distance or direction, or both, to a place of business or other premises indicated on the sign;

"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;

"single-unit dwelling" means a dwelling containing only one dwelling unit;

"street line" means the common line between a street and a lot;

"structure" means an erection other than a building or a power or telephone pole or lines;

"swimming pool" means an artificial body of water which is used for swimming or wading purposes and which has a possible maximum depth of water greater than 0.6 metres;

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

"two-unit dwelling" means a dwelling containing two dwelling units, neither of which is contained in the basement of the dwelling;

"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;

"wayside pit or quarry" means a temporary pit or quarry opened and used by a public or private road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way;

"width" means, in relation to a lot

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

"yard, front" means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or main structure on the lot;

"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 – PURPOSE, ADMINISTRATION, CLASSIFICATION & CONFORMITY**

### **2.1 PURPOSE**

The purpose of Part C is:

- (a) to divide the area referred to in Part A, paragraph 2 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
  - (i) land use, and
  - (ii) use, 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 DISTRICT PLANNING COMMISSION**

- (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 Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) 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, 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, and
  - (b) require the termination or removal of a development authorized under 2.2(2)(a) at the end of the authorized period.

### **2.3 POWERS OF COUNCIL**

- (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) 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.

## **2.4 AMENDMENTS**

- (1) A person who seeks to have this By-law amended shall
  - (a) address a written and signed application to the Village of Hillsborough, and
  - (b) shall pay a fee of \$1,000 dollars to the municipality.
- (2) The Village of Hillsborough may return to the applicant all or any part of a fee mentioned in paragraph (1)(b).
- (3) An application shall include such information as may be required by the Village of Hillsborough.

## **2.5 CLASSIFICATION**

- (1) For the purposes of the By-law, the area is divided into zones as delineated on the plan attached, entitled "Village of Hillsborough Zoning Map" and dated 2010:
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:
  - a) Residential Zones
    - (i) Single-Unit Residential Zone - R1 Zone
    - (ii) Single- and Two-Unit Residential Zone – R2 Zone
    - (iii) Mini Home Residential Zone – MH Zone
  - b) Village Commercial Zone –VC Zone
  - c) Industrial – I Zone
  - d) Parks, Recreation, Institutional Zone – PRI Zone
  - e) Rural Area Zone – RA Zone
  - f) Agricultural Zone – A Zone
  - g) Environmental Constraint Zone – EC Zone

## **2.6 EXISTING UNDERSIZED LOTS**



- (1) Nothing in this by-law shall prevent the use of an existing undersized lot provided:
  - (a) that the use of such lot is permitted in the zone in which the said lot is located; and
  - (b) that the lot requirements of the zone and any pertinent provincial regulations be satisfied.
- (2) Nothing in this by-law shall prevent the enlargement of an existing undersized lot, notwithstanding that it may still have less than the minimum frontage or area required by this by-law, provided that the contributing lot is not further reduced in area or frontage than the existing minimum requirement of this by-law.

**2.7 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, front yard, side yard, rear yard or height required by this by-law, the building may be used, enlarged, reconstructed, repaired or renovated provided that:

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

**2.8 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 \$100.00, the development officer may issue a letter of regarding conformity of the property with the zoning by-law.

**2.9 PLANNING COMMISSION APPLICATIONS AND FEES**

- (1) Where uses that are prescribed within any zone as being subject to terms and conditions as imposed by the Commission, 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 Commission and the appropriate permits issued.
- (2) 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 Subsection 35(a) of 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 Rural Plan.

- (3) 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, as provided for in Section 40 of 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 of the passing of the By-law; or
  - (d) a non-conforming use to be changed to a similar non-conforming use.

## **2.10 DEVELOPMENT PERMITS**

- (a) No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all provisions of this By Law.
- (b) Any development permit shall be in force for a period of one (1) year from the date of issue or until the project has been completed or is discontinued for a period of one year and any permit may be re-issued upon request, subject to review by the Development Officer.
- (c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.
- (d) Notwithstanding subsection (a), no development permit shall be required for the following:
  - (i) any accessory building or structure which has less than 6 square metres of gross floor area;
  - (ii) any sign, except signs permitted according to Subsection 10.24(1) of this By-law; and
  - (iii) any public utility.
- (e) No development permit may be issued under this By-Law unless a fee of twenty-five dollars (\$25) has been paid.

## **2.11 SERVICE AREA BOUNDARY**

- (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 system and the water supply system, except where the lot on which the development is proposed was existing prior to the effective date of this By-law.

- (2) No development beyond the Serviceable Area Boundary shall be permitted to connect to either the Village's public sanitary sewer system nor the water supply system except where:
- (a) the development may be connected to the central municipal sanitary sewer system so as to be drained by gravity flow; and
  - (b) the development is no more than 100 metres (328 ft) from the Serviceable Area Boundary.

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## SECTION 3 – RESIDENTIAL ZONES

### 3.1 R1 ZONE – SINGLE-UNIT RESIDENTIAL ZONE

#### 3.1.1 Permitted Uses

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

- (a) one of the following main uses:
  - (i) single-unit dwelling;
  - (ii) park or playground; and
- (b) one of the following secondary uses:
  - (i) home occupation in accordance with sections 10.14 and 10.15;
  - (ii) garden suite in accordance with section 10.16;
  - (iii) accessory dwelling unit in accordance with section 10.17; or
- (c) subject to terms and conditions, one of the following secondary uses:
  - (i) bed and breakfast in accordance with section 10.18; or
  - (ii) daycare centre in accordance with section 10.19; and
- (d) any building, structure or use accessory to an authorized main or secondary use.

#### 3.1.2 Zone Requirements

Any permitted use in an R1 zone, other than a park or playground, must comply with the following requirements:

- (a) minimum lot area:
  - (i) serviced: 690 square metres
  - (ii) unserviced: 4000 square metres
- (b) minimum lot frontage:
  - (i) serviced: 23 metres

- (ii) unserviced: 54 metres
- (c) minimum front or flankage yard: 6 metres
- (d) minimum side yard: 2.5 metres on one side and 1.2 metres on the opposite side, except in the case where there is vehicular access provided through a car port or garage, the larger side yard requirement of 2.5 metres may be reduced to 1.2 metres
- (e) minimum rear yard: 6 metres
- (f) maximum height of main building or structure: 9 metres
- (g) maximum lot coverage: 50%

### **3.2 R2 ZONE – SINGLE- AND TWO-UNIT RESIDENTIAL ZONE**

#### **3.2.1 Permitted Uses**

In an R2 zone, any land, building or structure may be used for the purposes of, and for no other purpose,

- (a) one of the following main uses:
  - (i) single-unit dwelling;
  - (ii) two-unit dwelling; or
  - (iii) park or playground; and
- (b) one of the following secondary uses, in conjunction with a single-unit dwelling:
  - (i) home occupation in accordance with sections 10.14 and 10.15;
  - (ii) garden suite in accordance with section 10.16;
  - (iii) accessory dwelling unit in accordance with section 10.17; or
- (c) subject to terms and conditions one of the following secondary uses, in conjunction with a single-unit dwelling:
  - (i) bed and breakfast in accordance with section 10.18; or
  - (ii) daycare centre in accordance with section 10.19; and
- (d) any building, structure or use accessory to an authorized main or secondary use.

**3.2.2 Zone Requirements**

Any permitted use in an R2 zone, except a park or playground, must comply with the following requirements:

- (a) minimum lot area for single-unit dwelling:
  - (i) serviced: 690 square metres
  - (ii) unserviced: 4000 square metres
- (b) minimum lot frontage for single-unit dwelling:
  - (i) serviced: 23 metres
  - (ii) unserviced: 54 metres
- (c) where a lot is unserviced and has been approved by the district medical health officer, the lot may be used as the location of a two-family dwelling where the lot has and contains a width of at least 59 metres and an area of at least 5350 square metres
- (d) minimum front or flankage yard: 6 metres
- (e) minimum side yard: 1.2 metres
- (f) minimum rear yard: 6 metres
- (g) maximum height of main building or structure: 11 metres
- (h) maximum lot coverage : 50%

**3.3 MH ZONE – MINI HOME RESIDENTIAL ZONE**

**3.3.1 Permitted Uses**

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

- (a) one of the following main uses:
  - (i) mobile home park containing a minimum of 25 lots; or
  - (ii) park or playground; and
- (b) any building, structure or use accessory to an authorized main use.

**3.3.2** In an MH zone, a public sewer system and water system shall service all lots.

### **3.3.3 Zone Requirements**

Any permitted use in an MH zone, except a park or playground, must comply with the following requirements:

- (a) minimum lot area: 666 square metres
- (b) minimum lot frontage: 18 metres
- (c) minimum front yard: 7.5 metres
- (d) minimum side or rear yard: 1.5 metres
- (e) maximum height of main building or structure: 6 metres

## **SECTION 4 – COMMERCIAL ZONES**

### **4.1 VC ZONE – VILLAGE COMMERCIAL ZONE**

#### **4.1.1 Permitted Uses**

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

- (a) one or more of the following main uses:
  - (i) single-, or two-unit dwelling, or semi-detached dwelling;
  - (ii) daycare centre;
  - (iii) commercial recreation use;
  - (iv) restaurant including drive thru and take out;
  - (v) educational establishment;
  - (vi) bank and financial institution;
  - (vii) funeral home;
  - (viii) garden centre;
  - (ix) grocery store;
  - (x) hotel, motel or inn;
  - (xi) beverage room, lounge or other premises licensed for the serving of alcoholic beverages (excluding an adult entertainment use);



- (xii) office use;
- (xiii) outdoor market;
- (xiv) personal service shop;
- (xv) communication use, such as radio or television station or printing establishment;
- (xvi) bake shop;
- (xvii) retail store;
- (xviii) cultural establishment;
- (xix) medical clinic, office of health practitioner; and
- (xx) gas bars, service stations and car washes.

(b) secondary dwelling unit in a commercial building; and

(c) any building, structure or use accessory to an authorized main or secondary use.

**4.1.2** Secondary dwelling units are permitted provided:

(a) they are contained either within the main building constituting the commercial use or within a single-unit dwelling; and

(b) they are located above, behind or below the permitted commercial use.

**4.1.3** The use of any land, building or structure for one of the following purposes is subject to terms and conditions:

- (i) multiple-unit dwelling;
- (i) public park, playground or recreation use;
- (ii) public or private school;
- (iii) church or church hall;
- (iv) fire and/or police station;
- (v) any other institutional uses;
- (vi) service shop;
- (vii) motorized vehicle repair outlet or motorized vehicle sales outlet;
- (viii) commercial parking lot and/or parking garage;
- (ix) gas bar or service station, with or without a car wash; or
- (x) building supply store and associated storage yard;

**4.1.4** In a VC zone, all lots shall be serviced by a public sewer system and water system.

**4.1.5 Zone Requirements**

Any permitted use in a VC zone, other than a multiple-unit dwelling, must comply with the following requirements:

- (a) minimum lot area: 690 square metres; in the case of a semi-detached 315 square metres
- (b) minimum lot frontage: 23 metres; in the case of a semi-detached 10.5 metres
- (c) minimum front or flankage yard: 4.5 metres
- (d) minimum rear yard: 1.2 metres
- (e) minimum side yard: 1.2 metres other than the common wall side of a semi-detached dwelling in which case the common wall side shall be 0.0 metres
- (f) maximum height of main building or structure: 15 metres

**4.1.6** No development shall be permitted and no main building or structure may be used on a lot as a multiple unit dwelling use unless:

- (a) the lot has an area of at least 690 square metres plus an additional 50 square metres for each unit in excess of three;
- (b) the lot has a frontage of at least 21 metres for three units, 24 metres for four units and 27 metres for five or more units;
- (c) the lot has a front or flankage yard or at least 4.5 metres; and
- (d) the height of the main building is not greater than 15 metres.

**4.1.7** Where any VC zone abuts a Residential zone or use, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1 metre of the side or rear lot line nor shall any above grade parking area exceed 24 spaces.

**4.1.8** Where any permitted main use includes outdoor storage, except for an motorized vehicle 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 metres and not more than 2.5 metres in height. No material shall be piled higher than the height the surrounding fence.

## SECTION 5 – INDUSTRIAL ZONE

### 5.1 I ZONE – INDUSTRIAL ZONE

#### 5.1.1 Permitted Uses

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

- (a) one of the following main uses:
  - (i) industrial use;
  - (ii) government garage;
  - (iii) car wash;
  - (iv) motorized vehicle repair or paint shop;
  - (v) garden nursery;
  - (vi) transportation terminal;
  - (vii) animal hospital or veterinary clinic;
  - (viii) recycling depot or salvage yard;
  - (ix) office building; or
  - (x) funeral home, including monument sales and display; and
- (b) any building, structure or use accessory to an authorized main use.

#### 5.1.2 Zone Requirements

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

- (a) in the case of a lot serviced by a sewer system for public use:
  - (i) minimum lot area: 540 square metres
  - (ii) minimum lot frontage: 18 metres
  - (iii) minimum front or flankage yard: 7.5 metres
  - (iv) minimum rear yard: 6 metres
  - (v) minimum side yard: 3 metres or one half the height of the main building to a maximum of 6 metres

- (vi) maximum height of main building or structure: 11 metres
  - (vii) maximum lot coverage: 50%
- (b) in the case of a lot not serviced by a sewage system for public use:
- (i) minimum lot area: 9,000 square metres
  - (ii) minimum lot frontage: 70 metres
  - (iii) minimum front or flankage yard : 7.5 metres
  - (iv) minimum rear yard: 7.5 metres
  - (v) minimum side yard: 3 metres or one half the height of the mainbuilding to a maximum of 6 metres
  - (vi) maximum height of main building or structure: 11 metres
  - (vii) maximum lot coverage: 50%

**5.1.3** Where any I zone abuts a Residential zone, no portion of any parking space or storage yard shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space or storage yard shall be located within 1.2 metres of the side or rear lot line nor shall any above grade parking area exceed 12 spaces.

**5.1.4** Outside storage shall be permitted and shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height. No material shall be stacked higher than the height of the surrounding fence.

## **SECTION 6 – PARKS, RECREATION, INSTITUTIONAL ZONE**

### **6.1 PRI ZONE – PARKS, RECREATION, INSTITUTIONAL ZONE**

#### **6.1.1 Permitted Uses**

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

- (a) one or more of the following main uses:
- (i) park or open space;
  - (ii) recreational use;
  - (iii) institutional use;
  - (iv) municipal servicing facility;
  - (v) sport field;

- (vi) community residential care facility; and
- (b) any building, structure or use accessory to an authorized main use.

### **6.1.2 Zone Requirements**

Any permitted use in a PRI zone must comply with the following requirements:

- (a) minimum lot area: 810 square metres
- (b) minimum lot frontage: 27 metres
- (c) minimum front or flankage yard: 6 metres
- (d) minimum rear yard: 6 metres
- (e) minimum side yard: 3 metres or one half the height of the main building to a maximum of 6 metres
- (f) maximum height of main building or structure: 15 metres
- (g) maximum lot coverage: 50%

## **SECTION 7 – RURAL AREA ZONE**

### **7.1 RA ZONE – RURAL AREA ZONE**

#### **7.1.1 Permitted Uses**

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

- (a) one of the following main uses:
  - (i) agricultural use and a single-unit dwelling for the residence by the owner;
  - (ii) forestry use and a single-unit dwelling for the residence by the owner;
  - (iii) single-unit dwelling;
  - (iv) two-unit dwelling;
  - (v) park or playground;
  - (vi) campground;
  - (vii) boarding or rooming house;
  - (viii) residential establishment for adults;

- (ix) resource use;
- (x) cemetery; and
- (b) one of the following secondary uses, in conjunction with a single-unit dwelling:
  - (i) home occupation in accordance with sections 10.14 and 10.15;
  - (ii) garden suite in accordance with section 10.16;
  - (iii) accessory dwelling unit in accordance with section 10.17;
  - (iv) bed and breakfast in accordance with section 10.18;
  - (v) daycare centre in accordance with section 10.19; or
  - (vi) hobby farm in accordance with section 10.20; and
- (c) any building, structure or use accessory to an authorized main use.

**7.1.2** The use of any land, buildings or structures for one or more of the following purposes are uses subject to terms and conditions:

- (a) public park, playground or recreation use;
- (b) school;
- (c) church or church hall;
- (d) fire and/or police station;
- (e) light industrial use; or
- (f) any other institutional uses.

**7.1.3 Zone Requirements**

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

- (a) in the case of a lot not serviced by a sewer system for public use:
  - (i) minimum lot area: 4000 square metres for a residential, park or playground, or fishery support use, 20 000 square metres for any other use
  - (ii) minimum lot frontage: 54 metres for a residential, park or playground, or fishery support use, 150 metres for any other use
  - (iii) minimum front or flankage yard: 7.5 metres for a residential, park or playground, or fishery support use, 15 metres for any other use
  - (iv) minimum side yard: 6 metres

- (v) minimum rear yard: 6 metres
- (vi) maximum height of main building or structure: 11 metres
- (b) subject to 7(3)(c), in the case of a lot that is serviced by a sewer system for public use:
  - (i) minimum lot area: 690 square metres
  - (ii) minimum lot frontage: 23 metres
  - (iii) minimum front or flankage yard: 6 metres
  - (iv) minimum side yard: 2.5 metres on one side and 1.2 metres on the opposite side, except in the case where there is vehicular access provided through a car port or garage, the larger side requirement of 2.5 metres may be reduced to 1.2 metres
  - (v) minimum rear yard: 6 metres
  - (vi) maximum height of main building or structure: 9 metres
  - (vii) maximum lot coverage: 50%
- (c) No development in the RA zone shall be permitted to connect to either the Village's public sanitary sewer system nor the water supply system except where the development may be connected to the public sanitary system so as to be drained by gravity flow.

## **SECTION 8 – AGRICULTURAL ZONE**

### **8.1 A Zone – Agricultural Zone**

#### **8.1.1 Permitted Uses**

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

- (a) one of the following main uses:
  - (i) passive recreational use;
  - (ii) flood control;
  - (iii) natural drainage corridor;
  - (iv) agricultural uses; or
  - (v) a single unit dwelling; and
- (c) any building, structure or use accessory to an authorized main use.

#### **8.1.2 Zone Requirements**

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

- (a) minimum lot size: 4,000m<sup>2</sup>
- (b) minimum lot frontage: 150m
- (c) minimum front yard: 15m
- (d) minimum rear yard: 6m
- (e) minimum side yard: 6m
- (f) minimum flankage yard: 6m
- (g) maximum building height: 11m

## **SECTION 9 – ENVIRONMENTAL CONSTRAINT ZONE**

### **9.1 EC ZONE – ENVIRONMENTAL CONSTRAINT ZONE**

#### **9.1.1 Permitted Uses**

In an EC zone, any land, building or structure may be used for 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 and marinas;
- (f) passive agricultural uses; and
- (g) well head protection areas.

**9.1.2** The uses listed in 9.1 may require a watercourse alteration permit, issued under the *Clean Water Act*.



## **SECTION 10 – GENERAL PROVISIONS**

### **10.1 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 to obtain any license, permission, permit, authority or approval required by any other by-law of the Village or statute and by-law of the Province of New Brunswick or Government of Canada.

### **10.2 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 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.

### **10.3 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.

### **10.4 FRONTAGE ON A STREET**

- (1) No development permit shall be issued except where the lot or parcel of land intended to be used, or upon which the building or structure is to be erected, abuts and fronts on a public street or road except where specifically provided for within this By-law.
- (2) Notwithstanding Subsection 10.4 (1), a development permit may be issued for a mobile home park containing privately owned streets.

### **10.5 LOT FRONTAGE FOR CURVED LOTS AND IRREGULARLY SHAPED LOTS**

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 frontage required by this by-law shall be required in lieu of such minimum lot frontage. Such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of the said lines with the minimum front or flankage yard as required by the applicable provision of this by-law.

### **10.6 FRONT OR FLANKAGE YARD**

- (1) Notwithstanding any minimum front or flankage yard requirement a structure may be placed, erected or altered so that it is as close to the street line as follows;
  - (a) where there is a building or structure on both sides and within 30 metres thereof, the mean distance between the street line and the adjacent buildings or structures; or
  - (b) where there is a building or structure 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 or structure.
- (2) Where a sign is permitted to line up with existing signs, the area of the sign being erected shall not be greater than that of the existing signs when the area of the existing signs exceed the by-law requirements; nor shall the height of the new sign exceed that of the highest sign being used in the averaging formula set out in section 10.6.

### **10.7 PERMITTED ENCROACHMENTS**

- (1) 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:
  - (a) uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard to provide access to the first storey entrance;
  - (b) 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;
  - (c) 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;
  - (d) exterior staircases, balconies, unenclosed porches, verandas and sundecks shall be permitted to project a maximum of two (2) metres into any required front, rear or flankage yard;
  - (e) the provisions of Section 10.9 (Off-street Vehicular Parking) shall not restrict the location of ornamental planting or landscaping in any yard, with the exception of the sight triangle provision of this by-law, unless otherwise indicated in this by-law;
  - (f) As set out in Section 4, a public utility may be located in any yard, and
  - (g) signs may be located in the front or flankage yard as set out in Section 10.24.

### **10.8 ILLUMINATION IN A RESIDENTIAL ZONE**

In a residential zone no yard lighting shall be erected so as to cause a nuisance to adjacent properties or to the travelling public on any street or public right-of-way.

**10.9 OFF-STREET VEHICULAR PARKING**

- (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.
- (2) An off-street parking space shall have an area of at least 13.2 square metres measuring not less than 5.5 metres in length and not less than 2.4 metres in width, exclusive of driveways thereto.
- (3) An off-street mobility disabled parking space shall have an area of at least 28 square metres measuring not less than 6.1 metres in length and not less than 4.6 metres in width, exclusive of driveways thereto.
- (4) An off-street parking space
  - (a) shall be readily accessible from the nearest public street; and
  - (b) shall be located on the lot containing the use for which the spaces are provided.
- (5) An off-street mobility disabled parking space
  - (a) where the limits of the parking lot are defined by a curb, shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall be further than 90 metres from the location which it is intended to serve;
  - (b) shall be located as close as possible to the location it is intended to serve; and
  - (c) shall be clearly identified by a ground sign and a permanently affixed freestanding sign.
- (6) The total required spaces by use are in the following charts. Where the total required spaces for any use is not a whole number, the total spaces required shall be the next largest whole number.

| <u>Use</u>   | <u>Parking Requirement</u>  |
|--|---|
| Any dwelling except as specified below                                     | 1 space per dwelling unit   |
| Multiple unit dwellings  | 1.25 spaces per dwelling unit   |
| Senior citizen apartments  | 1 space per dwelling unit   |
| Boarding and rooming houses  | 1 space per bedroom   |
| Retail stores, service and personal service<br>Shops where the floor area: |   |
| (a) exceeds 464.5 square metres  | 1 spaces per 30 square metres gross floor area  |
| (b) does not exceed 464.5 square metres                                    | 1 spaces per 40 square metres gross floor area  |
| Banks, financial institutions and offices                                  | 1 spaces per 50 square metres gross floor area  |
| Restaurants  | 1 space per 4 seats   |
| Licensed restaurants, lounges, taverns                                     | Greater of 1 space per 3 seats or 1 space per 10 square metres gross floor area       |
| Theatres   | 1 space per 5 seats   |
| Institutional uses except as specified below                               | Greater of 1 space per 4 fixed seats or 1 space per 10 square metres gross floor area |
| Schools  | 1 space per classroom plus 1 space per 10 highschool students                         |
| Hospitals  | 2 spaces per bed  |
| Homes for the aged and nursing homes                                       | 2 spaces per 5 beds   |
| Daycare facilities   | 1.5 spaces per 38 square metres gross floor area                                      |
| Medical clinics and health practitioner office                             | 3 spaces per consulting room  |
| Funeral homes  | 15 spaces   |
| Warehouses, transport terminals, general industrial                        | Greater of 2 spaces per 93 square metres gross floor area or 1 space per 4 employees  |
| Any use not specified above  | 1 spaces per 25 square metres gross floor area  |

| <u>Use</u>   | <u>Parking Requirement (Mobility Disabled)</u>   |
|--|--|
| Medical clinics, offices of health practitioners   | 1 space per 5-15 spaces required, 1 additional space for each additional 15 required spaces to a maximum of 10 |
| Homes for the aged, nursing homes  | 1 space per 20 beds to a maximum of 10   |
| Multiple unit dwellings  | 1 space per 30 units to a maximum of 10  |
| Restaurants and theatres   | 1 space per 50 seats to a maximum of 10  |
| All other uses excluding fire stations, boarding houses and any industrial use which does have a retail function | 1 space per 15-100 spaces required, 1 additional space for each additional 100 required to a maximum of 10     |

- (7) Where a parking lot for more than four vehicles is required or proposed, the following standards shall apply:
- (i) except in the case of a home occupation, the parking lot shall be maintained with a stable surface;
  - (ii) lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
  - (iii) the parking lot shall be located on the same lot as the main use;
  - (iv) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
  - (v) where municipal storm infrastructure is available at the front of the lot, approaches or driveways to the parking lot shall be defined by a curb of concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
  - (vi) the location of approaches or driveways to the parking lot shall be no closer than 15.2 metres from the limits of the right-of-way at a street intersection;
  - (vii) entrance and exit ramps to the parking lot shall not exceed two in number and each ramp shall be a width of 7.6 metres at the street line and edge of pavement; notwithstanding, the Commission may consider the creation of more than two access ramps, subject to terms and conditions;
  - (viii) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3 metres for one-way traffic and a minimum width of 6.1 metres for two-way traffic; the maximum width of a driveway shall be 7.6 metres; and
  - (ix) the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto abutting lots.

**10.10 ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES**

- (1) No accessory building or accessory structure shall

- (a) exceed 6 metres in height;
  - (b) be placed, erected or altered so that it is
    - (i) in the front yard of the main building or structure, or
    - (ii) closer than one metre to a side or rear lot line;
  - (c) except for agricultural purposes or hobby farm permitted under this By-law, be used for agricultural purposes or for the keeping of animals other than household pets;
  - (d) occupy more than ten per cent of the area of a lot in total;
  - (e) exceed 84 square metres in area in any Residential Zone; or
  - (f) be constructed:
    - (i) prior to the time of construction of the main building to which it is an accessory, or
    - (ii) prior to the establishment of the main use of the land where no main building is required.
- (2) The following requirements apply to shipping containers:
- (a) shall not be used as accessory buildings in a residential or commercial zone;
  - (b) shall be used as accessory buildings only in an industrial zone 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.
- (3) Notwithstanding Section 10.22, non-commercial wind energy system shall be subject to the provisions of Section 10.23 of this By-law.

#### **10.11 TEMPORARY CONSTRUCTION USES AND SEASONAL VENDING FACILITIES**

- (1) 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, mobile home, sales or rental office, tool or maintenance shed or scaffold, provided that a development permit has been issued and the temporary use is discontinued and removed within 30 days following completion of construction.

- (2) Temporary vending facilities for the sale of seasonal products such as, but not limited to, outdoor garden centers and ice cream vendors shall be permitted in commercial zones provided that:
- (i) the vending facilities are readily moveable;
  - (ii) the vendor has obtained the necessary approvals from the relevant government department;
  - (iii) the vending facilities are designed to the satisfaction of the Development Officer;
  - (iv) the vending facilities meet the required setback requirements for main buildings in the zone; and
  - (v) the operator is responsible for the clean-up of associated litter and or waste within a 10-metre radius of the facility.

#### **10.12 VEHICLE BODIES**

- (1) A motorized vehicle, trailer, travel trailer, motor home, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, shall not constitute a dwelling unit nor shall they be used as a commercial building, except as specifically permitted by other legislation.
- (2) A travel trailer or motor home may be used as living accommodations in any zone that permits a tourist related campground.

#### **10.13 NUMBER OF MAIN BUILDINGS AND STRUCTURES ON A LOT**

- (1) No more than one main building or structure shall be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot except in accordance with this section.
- (2) Where more than one main building is proposed on any lot, the Commission shall consider such a proposal subject to the imposition of such terms and conditions as it deems advisable. In considering such terms and conditions, the Commission shall have regard for :
- (a) the provision of adequate separation distances between buildings ;
  - (b) the design, layout, location and number of driveways, aisles, fire lanes, 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 winter 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.

**10.14 HOME OCCUPATION IN THE MAIN DWELLING**

- (1) Where a home occupation is permitted under this By-law, it is subject to the following requirements:
  - (a) not more than two persons are engaged in the home occupation in addition to members of the family resident in the dwelling unit in which the home occupation is carried out;
  - (b) it is confined to the dwelling unit referred to in paragraph (a) and no part of the occupation is carried on in an accessory building or accessory structure;
  - (c) the floor area of the dwelling unit which is devoted to the home occupation does not exceed 35%;
  - (d) 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 square metres in gross surface area;
  - (e) no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit;
  - (f) no equipment or material used in the home occupation is stored in any other place than in the dwelling unit referred to in paragraph (a);
  - (g) 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 residence is permitted;
  - (h) at least two additional parking spaces are required on the premises, other than those under section 10.9; and
  - (i) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.

**10.15 HOME OCCUPATION IN A BUILDING WHERE THE USE IS SECONDARY**

- (1) A home occupation in a building where the use is secondary is subject to the following requirements:
  - (a) not more than two persons are engaged in the home occupation in addition to members of the family resident in the dwelling unit on the property on which it is located;
  - (b) no change shall be made to the property which would indicate that a home occupation is being conducted therein, except for one non-illuminated sign which shall not exceed 0.75 square metres in gross surface area;
  - (c) 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-family dwelling;
  - (d) 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 residence is permitted;
  - (e) at least two additional parking spaces are required on the premises, other than those under section 10.9; and
  - (e) adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front end first.



- (2) The following home occupations in a building where the use is secondary
- (a) carpentry workshop,
  - (b) cabinet-making workshop,
  - (c) craft workshop,
  - (d) pottery workshop,
  - (e) painting workshop,
  - (f) re-upholstering workshop, or
  - (g) autobody repair shop;

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 imposed cannot reasonably be expected.

#### **10.16 GARDEN SUITES**

A garden suite shall comply with the following:

- (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 yard;
- (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 square metres gross floor area.

#### **10.17 ACCESSORY DWELLING UNITS**

An accessory dwelling unit shall comply with the following:

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

#### **10.18 BED AND BREAKFAST**

A bed and breakfast shall comply with the following:

- (a) the use shall be conducted within the principal single-family dwelling;

- (b) the number of bedrooms devoted to the use shall not exceed five in number;
- (c) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- (d) no sign in connection with the use shall exceed 0.75 square metres in area nor exceed one in number; and
- (e) parking shall be provided at the side and/or rear of the lot, but not within the required yards.

#### **10.19 DAYCARE CENTRE**

A daycare centre shall comply with the following:

- (a) it shall be designed to accommodate not more than 15 children at any one time;
- (b) is shall be located on a local street which permits on-street parking;
- (c) no sign in connection with the use shall be illuminated nor shall any sign exceed 0.75 square metres in gross surface area nor exceed one in number; and
- (d) it shall comply with all Provincial regulations as stated in the Family Services Act of New Brunswick.

#### **10.20 HOBBY FARM**

A hobby farm shall comply with the following:

- (a) it shall be used for the keeping of hooved animals for non-commercial purposes;
- (b) if it includes an enclosed structure to shelter the animal(s), the shelter shall be on the same lot as the residential use;
- (c) the enclosed structure shall not be located in the front yard and must be set back 6 metres from rear and side lot lines;
- (d) the enclosed structure shall not cover any more than 50% of the available rear yard; and
- (e) a minimum lot area of 8 000 square metres shall be required for the first animal and 4 000 square metres for each additional animal.

#### **10.21 LANDSCAPING REQUIREMENTS**

- (1) In any zone, the owner of a lot developed for residential purposes (except multiple-family dwellings) shall landscape:
  - (a) the front yard of the main building;
  - (b) the required yards that abut a street; and

- (c) all of the rear yard within 4.5 metres of any main building thereon.
- (2) Landscaping mentioned in section 10.21(1)
  - (a) include sodding or at least 80 millimetres of top soil and the seeding thereof; and
  - (b) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.
- (3) In any zone, the owner of a lot developed for commercial, industrial, institutional or multiple-family dwelling purposes shall comply with the following:
  - (a) in the case of driveways and off-street parking areas, the area is paved, except where the use abuts an RA Zone, the parking area shall be graveled or paved;
  - (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 square metres of the minimum landscaped area. Where possible, existing trees and shrubs shall be maintained.
- (4) Landscaping under this section shall be completed not later than one year from the date of the granting of the building permit for the main building located thereon.

## 10.22 NON-COMMERCIAL WIND ENERGY SYSTEM

- (1) Non-commercial wind energy systems shall be permitted as an accessory use in all zones, subject to the following provisions:
  - (a) Minimum lot area – 0.2 ha;
  - (b) Maximum tower height – 150 feet (45m);
  - (c) Only one non-commercial wind energy turbine shall be permitted per lot;
  - (d) Shall be setback, at minimum, 1.5 times the total height of the wind turbine from the rear, front and side lot lines, dwellings, transmission lines, and public right-of-ways;
  - (e) Any climbing apparatus shall be a minimum of 3 m above grade;
  - (f) The rotor clearance shall be a minimum of 4.5m from grade;
  - (g) Subject to the National Building Code, a non-commercial wind energy systems under 6m may be mounted on or attached to another structure;
  - (h) Anchor points for guy wires shall be located on the property that the system is located on. The minimum setback for the guy wire anchors shall be 3 m from all property lines.
    - (i) There shall be no signs, advertisements or objects attached to or added to the turbine.
    - (j) In addition to the application for a development permit, the following information is required:
      - i. the manufactures information regarding the type of turbine, total height, rotor diameter, rated output, and Canadian Safety Certification;
      - ii. a site plan, drawn to scale, showing the location of the non-commercial wind energy system in relation to lot lines, dwelling and distance from adjacent dwellings; and
      - iii. authorization documents from Transport Canada and Nav Canada.

- (2) The owner shall remove the non-commercial wind energy system from the lot following one year of inactivity. A new application shall be submitted and approved before a new turbine is installed or a wind turbine is restarted after the expiration of the one-year period. All supporting structures shall be removed within 60 days of the notification by the Village.

### **10.23 HEIGHT REGULATIONS**

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

### **10.24 SIGNS**

- (1) No person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this By-law.
- (2) A \$25.00 permit fee shall be submitted for each sign for which a permit is required under the provisions of this By-law.
- (3) The following signs shall be permitted in all zones and no sign permit shall be required for their erection:
  - (a) any sign which has an area of not more than 0.75 square metres and which identifies the name and address of a resident;
  - (b) any sign which has an area not more than 0.45 square metres and which regulates the use of a property, as do "no trespassing" signs;
  - (c) any real estate sign (non-illuminated) which has an area of not more than 0.75 square metres in any residential area or 2.2 square metres in any other zone;
  - (d) any sign which has an area of not more than 0.75 square metres 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 square metres 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.
- (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 shall be located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body;
  - (e) 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;
  - (f) no sign may incorporate a searchlight, stringlight, 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;
  - (g) no sign may be painted on a tree, stone, cliff or other natural object; and
  - (h) any sign which no longer advertises a bonafide business conducted or product sold shall be deemed to be obsolete signs 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.
- (5) Freestanding signs are permitted in all zones except Residential zones provided that no sign shall:
- (a) exceed a maximum height of 10 metres;
  - (b) exceed a maximum size of 9 square metres in gross surface area;
  - (c) exceed a maximum of one in number for every 30 metres of frontage;
  - (d) be located closer to any street line than 2 metres within a Commercial zone, otherwise 4.5 metres; and
  - (e) in the case of a corner lot, be located closer to the street line of intersection or intersecting streets than 4.5 metres.
- (6) In a Rural Area zone, the following freestanding signs may be placed, erected or displayed:
- (a) one sign not exceeding 9 square metres in area indicating the name of a farm;
  - (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 square metres in area; and
  - (c) hunting and trapping signs under the *Fish and Wildlife Act*.
- (7) Projecting signs are permitted in all zones except Residential zones, provided that the sign shall:
- (a) not exceed a maximum of 6 square metres in area per sign face;
  - (b) not project more than 2.5 metres from the building wall and be at least 3 metres from the ground;
  - (c) not project over property lines;
  - (d) not exceed one in number per business carried on therein; and

- (e) not project more than 30 centimetres above the roof of a building.
- (8) Billboard signs shall only be permitted in Industrial and Rural Area zones, provided that no sign shall:
- (a) exceed a maximum height of 10 metres;
  - (b) exceed 18 square metres in gross surface area;
  - (c) exceed a maximum of one sign for every 30 metres of frontage; and
  - (d) be located so that it is closer to any street line than 7.5 metres.
- (9) Facia wall signs shall be permitted in all zones, provided that:
- (a) in Residential and Rural Area zones, facia signs shall not exceed 0.75 square metres 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 be limited to a height not exceeding 1.5 metres;
  - (d) signs shall not exceed the length of the wall of the building upon which the sign is displayed; and
  - (e) signs shall not project more than 23 centimetres from the wall on which the sign is located.
- (10) Freestanding signs are permitted in all Commercial, Parks, Recreation, Institutional and Rural Area zones provided that no sign shall:
- (a) exceed a maximum height of 5 metres;
  - (b) exceed a maximum size of 6 square metres in gross surface area for a single-business property and 9 square metres in gross surface area for a multiple-business property;
  - (c) if sectional, exceed a maximum size of 12 square metres in gross surface area for a single-business property and 18 square metres for a multiple-business property;
  - (d) extend beyond the street right-of-way line at the outermost point; and
  - (d) be located lower than 60 centimetres above the ground.
- (11) 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; and
  - (b) such signs shall not exceed three in number for each business.
- (12) 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.

- (13) 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.
- (14) 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 in the opinion of the Development Officer, has become unsightly, or is in such a state of disrepair as to constitute a hazard, may be required to be removed.

**10.25 THE MAKING OF LAND BY CUTTING AND FILLING**

- (1) In any zone, development which is for the purposes of making land involving the cutting and filling to a depth in excess of 1 meter shall be a purpose which is subject to such terms and conditions as the Commission considers necessary.
- (2) Subsection 10.25(1) does not apply to the extraction or filling of land directly related to the construction of buildings or structures for which a development permit has been issued or is not required.
- (3) Except where provided for in this by-law, no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.

**10.26 SCREENING OF COMMERCIAL, INDUSTRIAL, MULTIPLE-FAMILY USES**

Where a lot in a commercial, industrial or multiple-family dwelling zone abuts an R1 or R2 zone, such lot shall not be developed for commercial, industrial or multiple-family dwelling use unless a screening facility, such as an earth berm, hedge or fence or a combination thereof, is provided and maintained along abutting property lines.

**10.27 FENCES AND WALLS**

- (1) A fence or wall in a front yard shall not exceed eighty centimetres in height unless it is a security fence of chain link construction.
- (2) No fence or wall shall exceed in height
  - (c) two metres in an R1 or R2 zone and be made from material likely to harm people, such as barb wires, or
  - (d) two and one-half metres in any other zone.

**10.28 ENCLOSURES FOR SWIMMING POOLS**

- (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 metres in height.

- (2) 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-closing and equipped with a self-latching device at least 1.3 metres above the bottom of the door.
- (3) An enclosure should not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (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 10.28(5)
  - (b) not be electrified or incorporate barbed wire or other sharp dangerous material; and
  - (c) be located
    - (i) at least 1.2 metres from the edge of the swimming pool,
    - (ii) at least 1.2 metres 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 centimetres above grade.
- (5) 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 galvanized treatment or other approved coating forming a total thickness equivalent to No. 12 gauge wire, and,
    - (iii) at least 38 mm diameter steel posts, 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; or
  - (b) in the case of wood construction;
    - (i) vertical boarding, not less than 19 mm x 89 mm finished dimensions spaced not more than 38 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 square or round with 89 mm diametres, 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 x 89 mm finished dimensions; and
  - (c) in the case of construction other than described in subsections (a) and (b), such enclosure shall
    - (i) provide rigidity and height equal to that provided in paragraphs (a) and (b);
    - (ii) be assembled so as not to permit the passage of a 100 mm sphere through or under it;
    - (iii) not have horizontal rails or other features that would facilitate climbing; nor
    - (iv) have any horizontal rails spaced closer than 1.2 metres when the vertical picket spacing is greater than 50 mm;



- (6) 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 metres above the bottom of the gate; and
  - (d) be located so that the bottom of the gate be elevated by no more that 10 centimetres above grade
- (7) Enclosures shall:
  - (a) not exceed 2.75 metres in height
  - (b) be setback 1.0 metres from a side or rear yard line when the enclosure is higher than 2.0 metres.

### **10.29 EXCAVATION OF SAND, GRAVEL OR ROCK**

- (1) No person shall undertake or continue the excavation of sand, gravel or rock unless an excavation permit has been issued for the excavation by the Building Inspector under this section.
- (2) A person seeking to obtain an excavation permit under this section shall make application in writing to the Building Inspector on a form provided by the inspector.
- (3) An application referred to in subsection (2) shall:
  - (a) state the name and address of the applicant and the location of the proposed excavation,
  - (b) be accompanied by a plan drawn to a scale not less than one to one thousand indicating the boundaries of the land involved in the proposed excavation and the boundaries of that part proposed to be excavated,
  - (c) indicate the lowest level of the proposed excavation,
  - (d) set out the methods to be employed by the person named in the proposed permit to maintain accesses to the excavation and public streets over which excavated material is transported in a dust-free condition by means of paving, sweeping, calcium chloride or the use of water,
  - (e) indicate the estimated date of commencement of the work involved in the excavation, and
  - (f) include a proposal for rehabilitation of the site of the excavation as provided for in this By-law and the proposed time limit for the rehabilitation.
- (4) Subject to subsection (7), the Building Inspector shall issue an excavation permit if
  - (a) an application under subsection (2) has been received;
  - (b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements of this By-law;
  - (c) the fee set out in subsection (14) has been paid; and

- (d) the applicant has deposited the sum of money or the surety bond mentioned under paragraph 10.29(11) to the account of the Commission.
- (5) An excavation permit is valid until the thirty-first day of December of the year of issue.
- (6) An excavation permit shall
  - (a) be on a form provided by the Building Inspector,
  - (b) set out the details of the proposal set out in the application for the permit, and
  - (c) be signed by both the Building Inspector and the applicant.
- (7) A Building Inspector shall not issue an excavation permit if the inspector is of the opinion that
  - (a) the proposed work would be apt to
    - (i) create a hazard to human life,
    - (ii) cause injury to a person,
    - (iii) damage adjoining property, or
    - (iv) adversely affect a public water main, a sewer, a watercourse or a street,
  - (b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability of hazard, or
  - (c) the Building Inspector and the applicant have not agreed on
    - (i) the level referred to in paragraph 10.29(3)(c), or
    - (ii) a time limit referred to in paragraph 10.29(3)(f).
- (8) An excavation permit is subject to the following terms and conditions:
  - (a) that no excavation take place below the lowest level agreed to between the Building Inspector and the applicant;
  - (b) accesses to the excavation and public streets over which excavated material is transported are maintained by the holder of the permit in a dust-free condition by means of paving, sweeping calcium chloride or the use of water;
  - (c) that the excavation and any related work is carried on only between the hours of 7:00 a.m. and 7:00 p.m. and only on days others than Sundays and statutory holidays unless authorized as a condition of the permit;
  - (d) that no operation relating to the excavation is conducted so as
    - (i) to be apt to create a hazard to human life, to cause injury to person or to damage adjoining property,
    - (ii) to permit ponding of water in excess of 60 centimetres in depth,
    - (iii) to lower the water table on adjoining properties, or

- (iv) to prejudice proposed or required rehabilitation of the land;
- (e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
- (f) that the final perimeter of an excavation shall not be located within:
  - (i) 30 metres of the right-of-way boundary of a public highway, unless with the written permission of the Minister of Department of Transportation;
  - (ii) 15 metres of any non-residential property boundary, unless with the written permission of the property owner;
  - (iii) 60 metres of the bank or the ordinary high water mark of any watercourse, unless a watercourse alteration permit is obtained from the Minister of Environment and Local Government;
  - (iv) 100 metres of the boundary of any existing area which has been designated by the Minister of Natural Resources and Energy as a natural protected area or the Minister of Tourism and Parks as a cultural heritage resource;
  - (v) 100 metres of the foundation of a residential, industrial, institutional or commercial structure unless with the written permission of the owner;
  - (vi) the protected area of a public water supply wellfield;
  - (vii) a Protected Area as designated by the *Clean Water Act* for drinking water supply watersheds;
  - (viii) 100 metres of a private water supply well in the case of a pit, unless with the written permission of the well owner;
  - (ix) 300 metres of a commercial, industrial, agricultural or communal well in the case of a pit, unless with the written permission of the Minister of Environment and Local Government and the well owner;
  - (x) 600 metres of any water supply well in the case of a quarry, unless with the permission of the Minister of Environment and Local Government and the well owner and unless it can be technically demonstrated to the Minister of Environment and Local Government that extraction activities will not impact on the water supply, in no case shall this limit be less than 300 metres;
- (g) that an undisturbed buffer strip shall be maintained at least 15 metres wide between the final perimeter of an excavation and a public highway or a non-residential property;
- (h) that a remnant berm between two adjacent properties that area excavated may be removed entirely with a written, legally documented agreement by both property owners;
- (i) that in the event that an historic site is unearthed in an excavation the operator shall notify the Heritage Branch of the Department of Environment and Local Government and shall cease operations until assessment and instructions are provided by said authority;
- (j) that the following blasting standards shall be followed:
  - (i) the proponent shall perform a pre-blast survey for all structures within 600 metres of the excavation operation;

- (ii) the proponent shall perform a representative pre-blast survey of water quality and quantity for drinking water wells within 600 metres of the excavation operation;
  - (iii) all blasts shall be monitored in accordance with an approved schedule for air blast concussion and ground vibration;
  - (iv) air blast concussion shall not exceed 128 dB within 7 metres of the nearest structure located off the site;
  - (v) ground vibration shall not exceed 12.5 mm/sec (0.5 inches per second) peak particle velocity measured below grade or less than 1 metre above grade in any building or structure located off site.
  - (k) that adequate signage is posted around the perimeter and visible from any access, warning people of any dangerous situations associated with the operation, including but not limited to such activities as blasting, heavy equipment operation, open holes, moving vehicles, etc.;
  - (l) that gates shall be at all entrances and exits to operating sites and these gates shall be closed and locked when the site(s) is not operating;
  - (m) that a barricade such as a fence or berm shall be put in place around any excavation that has (a) a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 metres in height and (b) more than 60 centimetres of standing water;
  - (n) that if there is any liquid discharge from the operation, an explanation for this and a water treatment and sedimentation control plan shall be included in the permit application that shall ensure the following standards are met: (a) maximum suspended solids less than 25 ppm and (b) pH between 6.5 and 9.0;
  - (o) that if there is the potential for noise to impact an adjacent property owner, a noise mitigation strategy must be submitted with the permit application demonstrating the means by which the proponent will alleviate or reduce sources of noise associated with the excavation activity, the objective of which shall be to achieve a noise level of less than 5dB at the point of reception;
  - (p) that when operations cease annually at the end of the summer, the slope of the excavation is not steeper than 1 1/2 horizontal to 1 vertical for the full depth of the slope; and
  - (q) that the land of the site of the excavation is rehabilitated as provided for in this section.
- (9) The owner of the site of the excavation for which an excavation permit has been issued shall rehabilitate the land of the site within the time limit specified in the permit upon
- (a) depletion of the shale, sand, gravel or rock from the site to the extent that further operation would no longer be viable,
  - (b) the expiration or revocation of the permit, or
  - (c) cessation of operations for a period of at least one year.
- (10) Rehabilitation referred to in subsection (9) shall include the following:
- (a) where an excavation is over 6 metres deep, a terrace shall be provided not less than 6 metre in width at each 6 metre interval of the depth;
  - (b) except for terraces provided for under paragraph (a), slopes of the excavation shall be not steeper than 1 1/2 horizontal to 1 vertical;

- (c) all plants, equipment, buildings or structures placed or erected on the site for purposes of the excavation shall be removed;
  - (d) all stock piles, shale or other excavated material shall be removed from the site, back-filled into the excavation where feasible or brought to a common grade with the rest of the land; and
  - (e) the site shall be cleared of debris and, except for areas under water or on exposed rock, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 15 centimetres, seeded with grass or other ground cover to prevent erosion and replanted with the species and quantity of trees originally found on the land.
- (11) No permit may be issued under this section until the applicant has deposited a sum of money, or a surety bond in lieu thereof, issued by an insurance company licensed to carry on business in the Province of New Brunswick, in an amount determined by the Commission, and payable to the Commission, to be adequate to insure the excavation project will be completed and to cover the estimated cost of rehabilitation required under Section 10.29(13).
  - (12) If the holder of an excavation permit violates any of the terms and conditions referred to in subsection (8), or any provision of this section, the building inspector may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.
  - (13) If an owner referred to in subsection (9) fails to meet the requirements of that subsection, the Minister may cause the required rehabilitation to be done and may recover from the owner all costs connected with the rehabilitation.
  - (14) The fee for the issue or renewal of an excavation permit is \$500 for commercial use or \$25 for non-commercial use.

### **10.30 LANDFILL**

- (1) No person shall use any of the following materials as landfill:
  - (a) toxic or radioactive materials;
  - (b) waste;
  - (c) scrap iron;
  - (d) construction leavings; or
  - (e) material likely to harm a watercourse or the water table.
- (2) No landfill shall be placed within 30.00 metres of the banks or shores of any watercourse, lake or marsh of more than 1 hectare in area.

### **10.31 SETBACK FROM WATERCOURSES**

No development shall be permitted within 30 metres of a watercourse or wetland unless a watercourse alteration permit has been issued by the Department of Environment.

**10.32 HERITAGE AND ARCHEOLOGICAL VALUE**

- (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.
- (2) For any development or project such as sewage/wastewater, treatment facility, park 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 of Environment and Local Government, for approval of the proposed development or project.

**10.33 MINI HOMES**

Notwithstanding modifications, mini homes are not permitted in any zone except for the MH—Mini Home Zone. |

**10.34 PORTABLE GARAGES**

Portable garages are not permitted in any zone.

\_\_\_\_\_  
KIM JARDINE, Minister  
Department of Environment and Local Government

\_\_\_\_\_  
Date