

ZONING BY-LAW

TOWN OF GRAND-BOUCTOUCHE



GRAND × BOUCTOUCHE

Kent Regional Service Commission

NOTE:

This is a translation of the French document entitled “Arrêté de zonage de la Ville de Grand-Bouctouche”. In the case of discrepancies between the two documents, the French version shall prevail.

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BY-LAW NO 2025-02
ZONING BY-LAW
TOWN OF GRAND-BOUCTOUCHE

PART 1 SCOPE OF APPLICATION AND RULES FOR INTERPRETATION

1.1 OBJECTIVE

1.1.1 This by-law:

- a) shall divide the municipality into zones;
- b) subject to the powers granted exclusively to the Commission, shall stipulate:
 - (i) those uses that may be assigned to land, buildings and structures within a zone,
 - (ii) mandatory standards for land use and for the installation, erection, alteration and use of buildings and structures;
- c) shall prohibit the use, installation, erection or alteration of land, buildings or structures not compliant with the ends and standards mentioned in this by-law.

(Note: Numerical requirements are indicated in metric system units. Imperial system units are only used for the reader's convenience. In the case of any incompatibility between the two, the metric measurement shall prevail.)

1.2 CLASSIFICATION

1.2.1 For purposes of the application of this by-law, the municipality shall be divided into zones delineated on the map attached in Appendix "A" and titled *Zoning Map of the Town of Grand-Bouctouche*, dated December 2024.

1.2.2 The zones mentioned in Appendix "A" shall be classified and designated as follows:

- a) residential single-unit R1 zone;
- b) residential single- & two-unit dwellings and low-density R2 zone;
- c) residential single- & two-unit dwellings and medium-density R2S zone;

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d) residential high-density	R3 zone;
e) mini home parks and mobile home parks	RM zone;
f) rural residential	RR zone;
g) unserviced residential	RS zone;
h) central commercial	CC zone;
i) regional commercial	CR zone;
j) industrial business park	IPA zone;
k) heavy industrial	ID zone;
l) community	CO zone;
m) resource	RE zone;
n) integrated development	AI zone;
o) agriculture	AG zone;
p) aqua cultural	AQ zone
q) tourism	CT zone
r) rural commercial	CL zone

1.2.3 Collectively,

- a) R1, R2, R2S, R3, RM, RR and RS zones shall be designated residential zones, unless otherwise indicated;
- b) CC, CR, CL and CT zones shall be designated commercial zones, unless otherwise indicated;
- c) IPA and ID zones shall be designated industrial zones, unless otherwise indicated;

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1.3 REQUIREMENT TO COMPLY

1.3.1 In all zones:

- a) land may be used and developed, and buildings and structures may, in whole or in part, be installed, erected, modified or used for the purposes mentioned in the relevant part of this by-law, in compliance with the requirements therein and any other provision of this by-law;
- b) land shall not be used or developed, and a building or structure shall not, in whole or in part, be installed, erected, modified or used for any purpose or under any conditions not permitted by this by-law.

1.4 ZONING MAP

1.4.1 Appendix “A” attached is the Zoning Map of the Town of Grand-Bouctouche and is an integral part of this by-law.

1.4.2 The extent and boundaries of the zones are indicated in Appendix “A”; provisions of this by-law apply respectively to all these zones.

1.4.3 The symbols used in Appendix “A” refer to the relevant zones established according to the classification in this by-law.

1.5 INTERPRETATION OF ZONE BOUNDARIES

1.5.1 Zone boundaries shall be determined as follows:

- a) A zone boundary indicated as being approximately at the lot line of a lot is deemed to be located at said lot line.
- b) A zone boundary indicated as or following the current or projected street line of a street, route, right-of-way or utility easement shall be considered to be the lot line of said street, route, right-of-way or easement.
- c) If a street or road that was declared to be public as indicated in Appendix “A” is closed, the property formerly in the street or road shall be included in the zone assigned to the adjacent property on each side of this street or road. When a closed street or road constitutes the boundary between two or more different zones, the new boundary shall be the former axis of the roadway of the closed street.
- d) When an electrical transmission line right-of-way or a watercourse is included on zoning maps and serves as a boundary between two or more different zones, the line passing down

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the middle of the right-of-way or watercourse and continuing in the general direction of the length of the right-of-way or watercourse shall be deemed the boundary between the zones, unless expressly provided otherwise.

- e) If none of these provisions applies, the zone boundary shall be established according to Appendix “A”.

1.6 ZONES NOT ON THE MAP

1.6.1 The zoning maps in this by-law may be altered to allow a zone defined in this by-law to be used, even if this zone was not previously on a zoning map. These alterations shall be made in compliance with the *Act* and shall respect the guidelines in the Town of Grand-Bouctouche’s Municipal Development Plan.

1.7 PERMITTED USES

1.7.1 Permitted uses in a zone are determined as follows:

- a) Any use that is not on the list of permitted uses for a zone is deemed prohibited in that zone.
- b) A use that comes with particular conditions or requirements shall be permitted if these conditions or requirements are met.
- c) When a use permitted in a zone is defined in any definition, the permitted uses in this zone are deemed to include any similar use corresponding to this definition, unless it expressly excludes such use.

1.7.2 Notwithstanding any other provision of this by-law, the following uses are permitted in all zones:

- (i) a public park,
- (ii) an open space,
- (iii) a recreational use (trails, wharf, etc.),
- (iv) a public utility.

1.8 POWERS OF COUNCIL

1.8.1 No building shall be erected in the municipality for which the Council deems that satisfactory steps have not been taken to ensure electrical and water supply, wastewater disposal, roadways or any other shared service or facility.

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1.8.2 If it deems a building or structure dilapidated, dangerous or unsightly, the Council may:

- a) either demand its improvement, removal or demolition at the owner's expense;
- b) or acquire the parcel on which the building or structure stands.

1.8.3 Despite any other provision in this by-law, the Council may, at its discretion, authorize a promoter to pay to the municipality a sum of \$1,000.00 per location instead of providing the off-street parking spaces called for by this by-law; this amount shall be payable on the terms and conditions established by the Council.

1.9 POWERS OF THE COMMISSION

1.9.1 No building or structure shall be erected on any site where the erection would normally be permitted by this by-law if the Commission deems the site unsuitable because of the nature of its soil or topography, in particular because it is marshy, subject to flooding or excessively steep.

1.9.2 The Commission may, on the terms and conditions that it feels necessary:

- a) authorize for a provisional period not exceeding one year a development otherwise prohibited by this by-law in compliance with section 53(2)i) (i)(ii) of the *Community Planning Act* of New Brunswick;
- b) require the cessation or removal of a development authorized under paragraph a) at the expiry of the period authorized.

1.9.3 A development permit shall be issued for a use to which the Commission may attach terms and conditions only if a written application for this use has been submitted to and studied by the Commission, and the Commission has approved this application in its initial form or with specific terms and conditions, or has refused to approve it because of uncertainty as to whether reasonable terms and conditions would be observed.

1.9.4 The Regional Service Commission may authorize:

- a) either the planned use of land or a building not permitted otherwise in the zoning by-law if the Commission deems it sufficiently comparable to a use that the by-law permits in the zone where the land or building is located or is sufficiently compatible with it;
- b) either any reasonable exemption from the prescriptions of the zoning by-law mentioned in paragraph 53(2)a) that the Commission deems desirable to develop a parcel of land, building or structure and that is compatible with the general objective of the by-law and with any plan adopted under this *Act* and related to the development.

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1.10 AMENDMENTS

1.10.1 Any person wishing to amend this by-law:

- a) shall first address a written and signed application to the Council in duplicate;
- b) if the application requires rezoning a sector, shall attach thereto:
 - (i) a statement of ownership of the sector,
 - (ii) the signature of at least one owner of each parcel in the sector;
- c) shall pay a maximum fee of \$1,500 (fifteen hundred dollars)

1.10.2 The Council may reimburse all or part of the fee charged to amend this by-law.

1.10.3 Any application presented under this article shall contain the information required by the Council or Commission to make an informed assessment of the advisability of the proposal

1.10.4 Before expressing to the Council its opinion on an application presented under this article, the Commission may make such inquiries as it deems necessary.

1.10.5 The Council may require the applicant to pay the costs of advertising a rezoning application.

PART 2 DEFINITIONS

In this by-law, an obligation is expressed essentially by the use of “shall”, and occasionally by verbs or locutions that include this notion. Plural or singular forms apply, if required, to the notions of singularity and plurality. All other words shall be understood in their ordinary meaning, except for the following terms, the definitions of which apply in this by-law.

“**abut**” for a lot line, the fact of sharing a point with another lot line; (*être attenant*)

“**accessory building**” building or attached structure located on the same lot as the main building, and assigned exclusively to an accessory use; this definition excludes any building attached in any way to the main building; (*bâtiment accessoire*)

“**accessory dwelling**” dwelling unit secondary to and located within the main dwelling; (*habitation accessoire*)

“**accessory use**” additional use that is naturally, habitually and normally connected to the main use of land or buildings, is dependant thereon, and is located on the same as the main use; (*usage accessoire*)

“**Act**” New Brunswick *Community Planning Act*; (Loi)

“**active transportation**” means the transportation of persons or goods by:

- a) human activity, including walking, jogging, running, snowshoeing, skiing and paddling, or
- b) the use of human-powered or partially human powered aids such as wheelchairs, scooters, watercraft, bicycles, e-bikes, skateboards and in-line skates. (transport actif)

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“adult arcade” means an establishment where, for any sort of consideration, one or more movie projectors, slide projectors or similar devices are used to show to five persons or fewer films, videocassettes, slides or other photographic reproductions characterized by the importance given to the representation or description of specific sexual activities or specified anatomical areas; (*salle de jeux électroniques pour adultes*)

“adult cabaret” means a nightclub, bar, restaurant or similar establishment regularly presenting stage shows characterized by the exhibition of specified anatomical areas or by specified sexual activities; (*cabaret pour adultes*)

“adult entertainment” means a use for adults, including an adult arcade, office, adult motion picture theatre, adult retail outlet/bookstore, escort service or massage parlour; (*divertissement pour adultes*)

“adult motion picture theatre” means an establishment where, for any sort of consideration, films, videocassettes, slides or other photographic reproductions characterized by the importance given to the representation or description of specified sexual activities or specified anatomical areas are presented; (*salle de cinéma pour adultes*)

“adult retail outlet/bookstore” means an establishment where more than 20 percent (20%) of the floor area or commercial shelving (whichever is less) is used to sell or rent, for any form of consideration, the following items:

(i) books, magazines, periodicals or other printed material, photographs, films, videocassettes, slides or other visual representations characterized by the importance given to the representation or description of specified sexual activities or specified anatomical areas,

(ii) instruments, devices or accessories designed for occasional use in sexual activities. (*établissement de vente au détail ou librairie pour adultes*)

“agriculture use” means an agriculture activity, except for a cannabis production facility, intensive livestock operation or slaughterhouse, carried out for payment or reward, or in the hope of payment or reward, and including the following elements:

- (a) cultivating the earth,
- (b) raising and keeping animals, including poultry,
- (c) keeping and raising bees,
- (d) producing field crops,
- (e) producing fruits, vegetables and other specialty horticultural products,
- (f) producing eggs and milk,
- (g) operating agricultural machinery, including irrigation pumps,
- (h) applying fertilizer, soil improvers, insecticides, fungicides and herbicides for agricultural purposes,
- (i) operating u-picks, agricultural product stands and agrotourism as part of an agricultural operation,
- (j) an aquaculture use,
- (k) processing agriculture products on the farm to prepare them for retail or wholesale sale,
- (l) preparing an agricultural product distributed at the farm, including cleaning, sorting and packaging,
- (m) storing, using or disposing of organic waste for purposes of agriculture;
the operation of a maple grove;
- (o) the operation of a greenhouse;
- (p) the use of agricultural structures, agricultural housing and ancillary buildings located on the land. (*usage agricole*)

“alteration” any change to a structural element or expansion of a building or structure; (*modification*)

“amenity area” lot dependant on a multiple-unit dwelling, reserved to be visually pleasing or for purposes of recreation or relaxation; (*espace d’agrément*)

“amusement place” means a building, hall or space offering equipment for any game of chance or skill, but not including places where the only equipment consists of pool tables, slot machines, bowling alleys and bingo halls; (*lieu d’amusement*)

“aquaculture use” means land dedicated to the processing, fishing, hatching, raising and reproduction of fish or others aquatic animals or plants for commercial or personal use; (*usage aquacole*)

“attached building” building, complete in itself, that shares one or more walls or parts of wall above grade with one or more adjacent buildings; (*bâtiment rattaché*)

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“automotive repair outlet” all or part of a building located on a lot, used for minor or major repairs to light trucks and passenger vehicles, excluding buses; these repairs include repairs to the body, muffler, brakes or tires and replacement of windows, repair and replacement of transmissions, setting trains and other customization work directly related to the repair or modification of motor vehicles. This definition does not include the fabrication or manufacture of automobile parts and accessories for sale or the retail sale of gas or other fuels; (*garage de réparation automobile*)

“bed-and-breakfast” or **“tourist home”** detached single-unit dwelling occupied by the owner or a manager and offering lodging and meals (generally breakfast, but sometimes other meals) to the public; (*gîte du passant/foyer touristique*)

“billboard sign” large panel installed on the ground or sign on an entablature placed flat against a wall, not related to a business or use located on the lot; (*panneau-réclame*)

“bituminous shale” includes the same definition as that found in the *Bituminous Shale Act*; (*schistes bitumineux*)

“boarding or rooming house” dwelling where persons, except the building owner, are housed, or housed and fed, for payment; (*pension ou garni*)

“brownfield development” means the remediation or decontamination and redevelopment of an abandoned, vacant, derelict or under-utilized commercial or industrial site that may be contaminated. (*réhabilitation de friches industrielles*)

“building inspector” means a person named under the provincial Construction Regulation in effect; (*inspecteur des constructions*)

“building” temporary or permanent structure covered by a roof and used or intended to house persons or animals or to shelter materials or equipment; this definition also extends to any recipient or container used for such purposes; (*bâtiment*)

“cannabis production facility” means a facility and premises authorized under a license issued by the government of Canada, in compliance with the *Cannabis Act*, to grow, produce, test, destroy, store or distribute cannabis, not including the retail sale of cannabis or of products related to cannabis; (*installation de production de cannabis*)

“cannabis” matches the definition given to this term by the government of Canada under the *Cannabis Act*; (*cannabis*)

“canopy sign” sign attached to or made part of a permanent projection of a building or a structural frame, whether fixed or projecting, and projecting from the exterior wall of the building. A marquee is a type of canopy sign; (*affiche sur auvent*)

“car wash” all or part of a building with one or more wash bays, automatic or not, where vehicles are washed; (*lave-auto*)

“cemetery” land used principally for the burial of human remains and to which a chapel, church, funeral home, crematorium and other related facilities may be incorporated as accessory uses. (*cimetière*)

“climate change adaptation” means the process of adjusting to actual or expected climate change and its effects to moderate harm or exploit opportunities. (*adaptation aux changements climatiques*)

“climate change mitigation” means efforts to avoid, reduce or remove the emission of greenhouse gas, as defined in the Climate Change Act, into the atmosphere. (*atténuation des changements climatiques*)

“climate resilient lands” means lands able to withstand and recover from extreme weather events and protect other lands and developments from the impacts of climate change, including:

- a) wetlands;
- b) dunes;
- c) beaches;
- d) floodplains;
- e) riparian zones, and
- f) vegetated and forested areas. (*terres résilientes face au climat*)

“Code” means the *National Building Code of Canada* in effect in the province of New Brunswick; (*Code*)

“commercial kennel” building or structure used to house more than four dogs either for commercial breeding purposes or as a boarding facility, with or without veterinary care; (*chenil commercial*)

“commercial recreation use” all or part of a building or lot used solely for a fee for recreational, sporting or entertainment activities; this definition includes in particular dance halls, hippodromes, raceways, firing ranges, marinas, bowling alleys, miniature golf courses, bingo halls, roller skating rinks and drive-in cinemas, as well as one or more dwelling units for maintenance or security staff; (*usage commercial à des fins de loisirs*)

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“**commercial vehicle**” vehicle registered by the Registrar of Motor Vehicles to transport persons or goods; (*véhicule utilitaire*)

“**community activity**” means an activity organized or sponsored by one or more organizations or interest groups and related to education, recreation, health and cultural activities of a community nature serving part or all of the community; (*activité communautaire*)

“**community identification sign**” permanent sign identifying a community, such as a subdivision, residential group of multiple dwelling units, condominium building or institutional use; (*affiche d’identification communautaire*)

“**community use**” means a non-profit use of a building or part of a building or lot, for community activities; (*usage communautaire*)

“**condominium development**” means a building or group of buildings where the occupants are the owners of their dwelling units, as established under the *Condominium Property Act*, c C-16.05; (*développement condominium*)

“**condominium/bare-lands property**” means a building or group of buildings where the occupants are the owners of their dwelling unit (freehold), including dependent interests in the descriptive statement and any other dependencies added to the shared parts, as established under the *Condominium Property Act*; (*propriété condominiale et propriété condominiale de terrain nu*)

“**convenience store**” retail store meeting the daily or occasional needs of residents of the neighbourhood and providing a variety of merchandise such as groceries, meats, beverages, dairy products, patent medicines, miscellaneous items, tobacco, hardware, magazines, videos and newspapers; (*dépanneur*)

“**corner lot**” lot situated at the intersection of two or more streets and abutting them; (*lot de coin*)

“**cultural facilities**” means any building, hall or land designed or used mainly for theatrical performances, dance performances, concerts, cinema, lectures, various art, cultural, academic or scientific exhibits that do not emphasize the description or depiction of anatomical parts or specific sexual activities; (*installation culturelle*)

“**daycare centre**” establishment providing care and supervision to children under the provisions of the *Early Childhood Services Act*; (*garderie*)

“**director**” means the Provincial Planning Director appointed under section 9 of the *Community Planning Act*; (*directeur*)

“**directory sign**” sign posted on a property where more than one establishment is located and bearing only the list of names of these businesses or organizations with no other advertising text except their logos; (*tableau indicateur*)

“**distribution centre**” building used for the storage, wholesale sale and distribution of merchandise and materials; (*centre de distribution*)

“**drive-thru business**” establishment designed to offer all or part of its services or products to clients in their vehicle; (*commerce de service au volant*)

“**dwelling unit**” one or more habitable rooms designed for one or more persons, occupied by them or designed for their use as an independent and distinct domicile, provided with cooking and sanitary facilities and bedrooms reserved for their exclusive use; (*logement*)

“**dwelling**” all or part of a building occupied or likely to be occupied as a domicile or residence by one or more persons and including one or more dwelling units, excluding hotels, motels, residential hotels or hostels; (*habitation*)

“**educational use**” means a place of education under the jurisdiction of a government authority and a place of instruction offering courses equivalent to those usually offered in a place of education under the jurisdiction of a government authority, and includes a daycare centre and residential buildings for staff and students, so long as these buildings are located on the same lot as the place of education; (*usage éducationnel*)

“**entertainment place**” means a cinema or other theatre, arena, auditorium, public place, billiard room, bowling alleys, skating rink, bingo hall and other similar places; (*lieu de divertissement*)

“**entertainment use**” means any paid activity carried out in all or part of a building, including entertainment, amusement or relaxation; this definition means in particular a bar, club or tavern where alcohol can be served, as well as arcades or electronic gaming locations and pool or billiard halls; however, this definition excludes an adult arcade, office, adult motion picture theatre, adult retail outlet/bookstore, escort service or massage parlour; (*usage de divertissement*)

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“environmentally sensitive area” means :

- a) a Provincially Significant Wetland, Designated Watershed Protected Area or Designated Wellfield Protected Area published on the GeoNB website or a watercourse or other wetland, and
- b) lands that are federally or provincially designated for environmental protection or conservation. (*zone écosensible*)

“erect” means to construct, build, assemble or reinstall a building or structure, and takes in preparatory site work; (*édifier*)

“escort service” means an establishment where, for some form of consideration, escorts are provided for sexual pleasure, and characterized by the importance attributed to specific sexual activities; (*agence d’escorte*)

“established grade” for a building, the definitive average elevation of the ground abutting its exterior walls; for a structure, the definitive average elevation of the ground immediately abutting its exterior walls; (*niveau établi du sol*)

“existing” which exists at the effective date of this by-law; (*existant*)

“extractive use” buildings, aggregate plants, storage locations and weigh scales related to excavation of rock, borrow material and earth destined for sale or commerce; this definition does not include works or storage facilities essential to a mining operation; (*installation d’extraction*)

“family” means one or more persons who are not necessary related to each other and who occupy a premise and form one single household, as opposed to a group of persons lodging in a hotel, boarding house or rooming house; (*famille*)

“fascia sign” sign, other than a placard, roof sign or projecting sign, attached to and supported by the wall of a building; (*affiche de façade*)

“flankage lot line” side lot line of a corner lot abutting the street; (*limite de flanc*)

“flankage yard” the side yard of a corner lot abutting a street; (*cour de flanc*)

“floor area” means the total usable floor surface within a building; (*superficie de plancher*)

“freestanding sign” sign, other than a portable sign, not supported against a building and permanently attached to the ground; (*affiche autoportante*)

“front lot line” shared lot line separating a lot from the street or other means of access, and:

- (i) in the case of a corner lot, the shortest lot line abutting the street is deemed the front lot line and the longest lot line abutting the street is deemed the flankage lot line; if the lot lines are the same length, the front lot line is one or the other lot line and the other lot line is the flankage lot line; the lot line separating the lot from the street is deemed the front lot line,
- (ii) in the case of a lot where one lot line is formed by the bank of a lake or river, the lot line giving onto the access road is deemed the front lot line; (*limite avant*)

“front yard” yard extending the entire width of a lot between the front lot line and the nearest main wall of any main building or structure located on the lot; (*cour avant*)

“garden suite” portable individual dwelling unit designed to be located in the rear yard of a lot holding a single-unit dwelling; (*pavillon-jardin*)

“gas bar” establishment, other than an automobile repair garage, where gas and other fluids needed for the operation of vehicles are sold to the public, and where other common consumer items may be sold; (*débit d’essence*)

“green infrastructure” means natural assets, including forests and climate resilient lands, enhanced assets, including urban trees and bioswales, and engineered assets, including permeable pavements and green roofs. (*infrastructure verte*)

“gross floor area” means the total sum of floor zones in a building located above and below grade, measured between the outside surfaces of the exterior limits of each storey of a building, but excluding parking areas within the building; and for the purposes of this clause, the walls of an interior yard are considered to be exterior walls; (*surface de plancher brut*)

“habitable space” the space in a dwelling unit where activities of daily life normally take place, including living rooms, dining rooms, kitchens, bathrooms, recreation rooms, storage rooms and workshops and game rooms located in the basement or attic; (*espace habitable*)

“height” with respect to a building or structure, the vertical distance separating the established grade and the highest point of the roof of the structure or building in the case of a roof terrace, hipped roof or gable roof, and to the roofline in the case of a mansard or gambrel roof. Also extends to the vertical distance on a building separating the established grade and the highest point of the building or structure; (*hauteur*)

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“hobby farm” means an agriculture activity or use secondary to a main residential use;

- (a) including pasture for a maximum of five 6 head of cattle or 25 hens, partridges or pheasants with an appropriate shelter,
- (b) a market garden or planting covering a maximum of 6,000 square metres;
- (c) not including any agriculture activity that would risk contamination of the water, air or soil and the surrounding environment, and
- (d) not including a poultry coop, pigsty or slaughterhouse. *“ferme d’agrément”*

“home occupation” secondary use clearly related and secondary to the residential use of the property exercised in an accessory building or in part of a dwelling unit; (*activité professionnelle à domicile*)

“hotel” or **“motel”** commercial building offering year-round temporary lodging to travellers or persons passing through, and possibly including a public dining room and a meeting room; (*hôtel/motel*)

“household pet” domestic animal kept ordinarily inside a dwelling or in an outdoor park or accessory building uniquely for pleasure with no other utility; this definition includes dogs, cats, rabbits, small birds and rodents, but excludes cattle, sheep, horses, pigs, poultry, bees and animals usually kept as farm animals; (*animal familier*)

“illuminated sign” sign projecting artificial light, directly or through a transparent or translucent material, from a light source plugged into the sign, or sign illuminated by a light centered on its surface or mainly directed thereon; (*affiche lumineuse*)

“in-law suite” apartment included in a main single-unit dwelling and accessible via the interior from the main dwelling unit; (*appartement de parents*)

“institutional services” means a use of land, buildings or structures for public or not-for-profit purposes, and may include, without being limited thereto, the following general descriptions, uses such as schools, churches, indoor recreational facilities, community centres, public hospitals and government buildings; (*service collectif*)

“intensive livestock operation” means a livestock establishment or operation including 250 animals or more; (*opération de bétail intensive*)

“interior lot” lot that is neither a corner lot nor a through lot; (*lot intérieur*)

“loading and unloading space” part of a lot reserved and maintained on the same lot as the main use and provided with sufficient facilities for access and egress in the form of driveways, entrances or maneuvering zones and used for the temporary parking of a commercial vehicle while merchandise or material is loaded or unloaded; (*lieu de chargement et déchargement*)

“local commercial centre” combination of two or three retail stores in the same building, in particular a bank or financial institution, office, convenience store, personal service shop or restaurant, but not drive-thru services, video rental stores or similar uses; (*centre commercial de quartier*)

“lot area” the total horizontal area included within the boundaries of a lot; (*superficie de lot*)

“lot coverage” the percentage of the area of a lot covered by all buildings and structures above grade, other than the swimming pools; this definition excludes the part of the lot area occupied by all or part of a building that is completely below grade; for the purposes of this definition, the maximum lot coverage of a lot in each zone is deemed to apply only to the part of the lot located in the target zone; (*coefficient d’occupation*)

“lot frontage” the horizontal distance separating the side lot lines measured along the front lot line; for a corner lot, the front and flankage lot lines are deemed to extend to their hypothetical point of intersection for calculating the lot frontage; (*façade*)

“lot line” shared boundary separating a lot from an abutting lot, alley, street, parcel or body of water; (*limite*)

“lot” parcel described in a deed of transfer or subdivision plan, used or designed to serve as the location of a building or structure or their outbuildings; (*lot*)

“main building” means the building where the main use of the lot takes place or is located; (*bâtiment principal*)

“main wall” the front, side or rear exterior wall of a building; (*mur principal*)

“massage parlour” means an establishment where, for any sort of consideration, massage is administered to the human body for purposes of sexual pleasure and which is characterized by the importance given to the representation or description of specified anatomical areas or specified or sexual activities; (*salon de massage*)

“medical and health office” establishment used by physicians and qualified staff to provide on an outpatient basis medical and health care. This definition applies to uses such as physician or dental offices, occupational therapists, workplace health and safety clinics, physiotherapy, counsellors, chiropractic services and supplementary clinical consultation services, excluding veterinary services; (*cabinet de médecin et clinique de santé*)

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“mini dwelling or mobile home” prefabricated dwelling designed to be transported to a lot in one piece and installed on a regulation foundation; (*mini-maison ou maison mobile*)

“multiple-unit dwelling” building other than a rowhouse dwelling, including at least three dwelling units; (*habitation multifamiliale*)

“natural gas” takes in the same definition as given in the *Oil and Natural Gas Act*; (*gaz naturel*)

“natural resource development area” means land on which a natural resource is being mined, the extraction of sand, gravel, clay, shale, limestone or any other material for development purposes or for sale or other commercial use of the material extracted;

- a) Lands that are designated for the potential extraction or production of natural resources in the future, including any related infrastructure;
- b) Forest land used for reforestation, silviculture and harvesting;
- c) Land used for the extraction and exploitation of aggregates, peat, mineral resources, oil and natural gas;
- d) Land used for the development and production of renewable electrical energy, including wind, solar, and tidal energy. (*exploitation des ressources naturelles*)

“neighbourhood daycare centre” establishment providing care and supervision to a maximum of fifteen (15) children under the provisions of the *Early Childhood Services Act*; (*garderie de quartier*)

“office” premise where a business can be carried out, a service provided or a consultation given, excluding premises where a product is fabricated or merchandise is sold at retail; (*bureau*)

“oil” includes the same definition as that found in the *Oil and Natural Gas Act*; (*pétrole*)

“outdoor display court” land where merchandise is displayed for public sale out of a retail point of sale on the same lot, and in particular land used to display cars, trucks, vans, RVs, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and houses; (*terrain d'exposition en plein air*)

“outdoor storage” storing merchandise, goods, stocks, material or equipment or other items by placing them on a lot outside a building but does not include outdoor display space; (*entrepotage en plein air*)

“parking garage” covered or closed establishment containing shared spaces to park vehicles; (*garage de stationnement*)

“parking lot” open area, other than a street or a space within a structure, for parking vehicles; (*terrain de stationnement*)

“parking space” place reserved for temporary storage or parking of motor vehicles, provided with sufficient entry and egress access for a motor vehicle to and from a street or road via driveways, entryways or maneuvering zones; (*location de stationnement*)

“paved” means the action of covering with tar and gravel, asphalt or Portland cement, concrete or a similar substance to create a smooth surface, including bitumen penetration, but does not include the use of clay, earth or slag; (*revêtu*)

“person” applies equally to an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trust or agent, including heirs, executors or other representatives of the estate of a person to whom the context applies legally; (*personne*)

“personal service shop” all or part of a building in which persons provide direct services or, in some other manner, directly meet the individual and personal needs of persons, in particular establishments such as barbershops, beauty salons, automatic laundries, hair salons, shoemakers, tailor shops, pick-up points for laundries and dry-cleaning establishments, but this definition excludes establishments fabricating merchandise for retail or wholesale sale; (*boutique de services personnels*)

“pet daycare” establishment providing care and supervision to a maximum of ten (10) animals. (*garde d'animal familial*)

“placards and signs” means an indication, description, illustration or emblem, illuminated or not, providing information, such as a product, place, activity, person, institution or business and displayed on the outside of a building. This definition excludes highway traffic signs as defined by legal opinions and the *Motor Vehicle Act*. (*enseigne*)

“playground” means a zone developed as open space, provided with equipment for children such as slides, swings or wading pools; (*terrain de jeu*)

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“prime agricultural area” area that meets at least one of the following criteria:

- a) land in class 2, 3 or 4 according to the Canada Land Inventory that is currently for agricultural use or cleared for agricultural purposes;
- b) it is used, prepared for use, or has been designated for future maple grove operations or wild blueberry or cranberry production;
- c) it is an existing woodlot associated with an agricultural operation that is part of an area that includes Canada Land Inventory Class 2, 3 or 4 lands that currently has the potential to be used as an agricultural use once cleared;
- d) it is land of Canada Land Class 5, 6 or 7 that is part of an area that includes land of Canada Land Class 2, 3 or 4 that is currently for agricultural use or cleared for agricultural purposes. (*usage agricole à fort rendement*)

“private access” means an access belonging to and normally maintained by an individual, business or association; (*accès privé*)

“projecting sign” sign wholly or partly supported by a building and projecting more than 30 centimetres from the building; (*affiche faisant projection*)

“public park” park belonging to a public authority, commission, Council or other authority, or under their responsibility, and established under the jurisdiction of the province of New Brunswick or the government of Canada; (*parc public*)

“public utility” means any agency that, as a franchisee or owner, supplies to the public electricity, gas heating, steam, communication services, rail transport, water, sewers, collection or other similar services, or a similar private business holding a franchise to offer public a service; (*utilité publique*)

“rear lot line” the lot line located the farthest from or opposite to the front lot line; (*limite arrière*)

“rear yard” yard extending the entire width of a lot between the rear lot line and the nearest main wall of any main building or structure located on the lot; (*cour arrière*)

“recreational facility” means a location designed and equipped for sporting and recreational activities and other uses related to ordinary and usual recreational activities; (*installation récréative*)

“recycling depot” building used for the deposit, collection and handling of scrap paper, rags, tires, bottles or other material that must be transferred in bulk to other establishments for recovery and treatment; (*centre de recyclage*)

“residence for seniors” residential building with multiple dwelling units designed mainly for residents who need to live near shared facilities such as public transit services, retail businesses, the church, etc., including one or more common areas where residents may socialize and part of which may be given over to secondary uses, such as medical and health offices, shops offering personal services or a retail store not exceeding 16 square metres, as well as other similar uses. Common areas shall represent a surface equal to at least 10% of the total area of each dwelling unit; the outside area of the building shall correspond to more than 50% of the total area; (*établissement pour personnes âgées*)

“residential care facility” all or part of a building or location providing housing and nursing care, supervision or personal care to more than three persons with social, health, legal, emotional, mental or physical problems or incapacities. This definition also applies to establishments authorized under the *Family Services Act* or under any other provincial act, but excludes public or private hospitals or sanatoriums, prisons or houses of correction; (*installation de soins en établissement*)

“resource extraction” means any extraction of sand, gravel, clay, schist, limestone or any other material for development or for the sale or any other commercial use of the material extracted; (*extraction des ressources*)

“retail store” all or part of a building where objects, items, merchandise, substances, products or various things are sold or rented directly to the public at retail prices. May also include minor processing and packaging of food products as part of the sale of food products; (*établissement de vente au détail*)

“rowhouse dwelling” building divided vertically into three or more dwelling units, located on a common lot; (*maison en rangée*)

“salvage yard” lot used for the storage, handling, processing or sale of scrap, in particular material such as scrap paper, rags, bicycles, vehicles, tires, used metals or other salvaged material or merchandise; (*centre de récupération*)

“sandwich sign” freestanding two-sided sign, triangular in shape, not permanently attached to the ground and designed to be moved; (*affiche-annonce*)

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“**screening**” means the use of landscaping, fences or benches to separate different sectors or uses visually or auditorily; (*écranage*)

“**semi-detached dwelling**” single-unit dwelling separated from another single-unit dwelling by a partial wall above grade, each located on its own lot; (*habitation jumelée*)

“**service shop**” all or part of a building used for the sale and repair of household items. This definition includes shops for the replacement of glass and repair of radios, televisions and household appliances, but excludes industrial uses or fabrication, repair shops for vehicles designed and intended for use as industrial vehicles, heavy equipment or tow trucks; (*atelier de service*)

“**service station**” all or part of a building used for the retail sale of lubricants and gasoline and may also be used for the sale of automobile accessories and the general maintenance and repair of automobiles and may include car washes; (*station-service*)

“**shopping centre**” commercial development with a minimum surface area of 1,500 square metres containing more than one commercial establishment, designed, developed, operated or directed by one or more owners or tenants, where are found retail establishments, banks and financial institutions, restaurants, food stores, groceries and offices, characterized by shared parking lots and entries; (*centre commercial*)

“**side lot line**” lot line that is neither the front lot line, the flankage lot line nor the rear lot line; (*limite latérale*)

“**side yard**” yard extending between the front and rear yards separating the side lot line and the nearest main wall of any building on the lot; (*cour latérale*)

“**sight triangle**” triangular area containing neither buildings nor structures and formed by measuring, from the point of intersection of the street lines of a corner lot, the lot frontage or minimum length of the flankage yard required by this by-law along each of these street lines and joining these extreme points by a straight line; (*triangle de visibilité*)

“**silvicultural use**” means the sustainable growth and harvest of trees. This includes exploitation of firewood, wood pulp, trees and other primary forest products, sawing and cutting wood with a mobile sawmill, producing Christmas trees and special forest products like maple syrup, products from bark and wood for furniture; (*usage sylvicole*)

“**single-unit dwelling**” dwelling other than a mobile home or mini dwelling, touring trailer or RV containing only one dwelling unit; (*habitation unifamiliale*)

“**social club**” means a non-government, noncommercial, not-for-profit organization, the main activities of which are social, cultural, sporting or recreational; (*organisation sociale*)

“**specified anatomical areas**” means, as the case may be:

- (i) the human genital organs, the pubic region, the buttocks not completely covered or covered in an opaque manner and female breast below a point located immediately above the top of the areola,
- (ii) the male genitals in an obvious state of tumescence, even if they are covered completely or in an opaque manner. (*parties précises du corps humain*)

“**storey**” the part of a building defined by the surface of a floor and that of the floor above it and, by default, by the surface of the floor and the ceiling above it; (*étage*)

“**street line**” the boundary of a street; (*alignement*)

“**street or road**” the entire right-of-way of each street, road or road reserve devolved to the government of Canada or province of New Brunswick; (*rue ou chemin*)

“**structure**” any work erected, built or constructed using elements jointed together or such a work attached to the ground or supported by the ground or on other buildings or works; (*construction*)

“**subdivision sign**” temporary sign presenting the design plan for the project or subdivision development, indicating the name of the subdivision, the names of the architects, engineers, landscape architects, contractors or other artisans, as well as those of the owners, financial partners, sponsors and other persons or businesses playing a role or having an interest in the project; (*affiche de lotissement*)

“**swimming pool**” accessory in-ground or above-ground structure, basin or reservoir designed to hold water and used for swimming and having the capacity to contain water to a depth of at least 61 cm at all times; (*piscine*)

“**through lot**” lot bordered on two opposite sides by streets or roads, provided that, if it is the same time a corner lot and a through lot within the meaning of this by-law, it is deemed a corner lot for application of this by-law; (*lot transversal*)

“**townhouse dwelling**” single-unit dwelling separated from another single-unit dwelling by a partial wall above grade, each located on its own lot; (*habitation de ville*)

“**trailer, motor home, caravan and micro-home**” a closed-in nomadic dwelling on wheels housing a family that is designed as a travel tool and registered under the *Motor Vehicle Act*; (*roulotte, motorisé, caravane et micro-maison*)

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“**two-unit dwelling**” dwelling containing two dwelling units; (*habitation bifamiliale*)

“**veterinary clinic**” facility for the medical care and treatment of animals, including residential treatment, but excluding outdoor facilities such as kennels, pens and enclosures; (*clinique vétérinaire*)

“**warehouse**” building used mainly to store merchandise and material; (*entrepôt*)

“**watercourse**” any lake, river, stream, ocean or other body of water; (*cours d'eau*)

“**wetlands**” means transitional spaces between the land and aquatic systems where the water table is at or near the surface, or where the land is covered by a shallow body of water during a given part of the growing season, and where the land is characterized by poorly-drained soils and a predominance of hydrophytes or water-tolerant vegetation; (*terres humides*)

“**wholesale establishment**” building in which large quantities of merchandise are offered for sale mainly to industrial, institutional and commercial users, retailers or other merchants, generally for resale or commercial utilization; (*établissement de vente en gros*)

“**yard**” open and uncovered space located on a lot and depending on a building, except for a yard defined on at least two sides by buildings; (*cour*)

PART 3 GENERAL PROVISIONS

3.1 DEVELOPMENT PERMIT

3.1.1 No one shall undertake a development, and no development permit shall be issued, unless the development project complies with all the provisions of this by-law.

3.1.2 A development permit shall be in effect for a period of one year following its date of issue or after the conclusion of the project or the abandonment of the project for more than six months. Subject to examination by the Development Officer, the permit may be reissued on request.

3.1.3 A development permit that has been issued may include permission to undertake one or more developments or the development of all or part of the elements in a development, which shall be stipulated in the permit; it is also understood that no development permit shall cover more than one lot.

3.1.4 Notwithstanding subsection 3.1.1, a development permit shall not be needed in the case:

- a) of a sign governed by section 4.1.1 of this by-law.

3.1.5 No development permit shall be issued under this by-law unless the applicant has paid fees of:

- a) \$25 when the development project is for a single- or two-unit dwelling, a change of use, an accessory building or structure or a new secondary use;

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3.2 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

3.2.1 This by-law shall not exempt a person from the obligation to comply with the construction by-law or any other by-law in effect in the municipality, or to obtain a licence, permission, permit, authorization or certification required by any other by-law of the municipality or by a provincial or federal act or regulation.

3.2.2 The text with the strictest requirements shall prevail in the case of any incompatibility between this by-law and any other, municipal, federal or provincial regulation, by-law or code.

3.3 WASTEWATER SYSTEMS AND WATER SUPPLY

3.3.1 A development permit shall only be issued if the development project is served by municipal wastewater and water supply services.

3.3.2 If a lot with a septic tank and disposal field is developed, the minimum lot dimension stipulated in this by-law shall apply for purposes of obtaining the development permit. The regulations of the Department of Health and Community Services shall prevail for purposes of obtaining an installation permit for a septic tank.

3.4 LOT FRONTAGE FACING THE STREET

3.4.1 A development permit shall not be issued unless the lot or parcel to be used or on which the building or structure shall be erected abuts and gives onto a public street or private road (access).

3.5 MOVEMENT OF BUILDINGS

3.5.1 No building, even residential, shall be situated on a lot that is part of the territory to which this by-law applies unless a development permit issued by the Development Officer is obtained.

3.6 TEMPORARY STRUCTURES

3.6.1 This by-law shall not prohibit the use of land or the use or construction of a building or temporary structure accessory to a structure being used, such as a worksite barracks, construction camp, mobile home, sales or rental office, toolshed, maintenance shop or scaffolding, so long as a development permit has been issued and the building or temporary structure is removed within 14 days following completion of the work.

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3.7 RESTORATION OF PREMISES

3.7.1 This by-law shall not prohibit the repair or restoration of a building or structure.

3.8 EXISTING UNDERSIZED LOTS

3.8.1 This by-law shall not prohibit the use of a lot if:

- a) this use is permitted in the zone where it is located;
- b) the requirements relating to setbacks, height, the coefficient of occupation, all other pertinent requirements of the zone and all applicable provincial regulations are respected.
- c) the lot existed before this plan came into effect.
- d) the lot is served by an access as stipulated in this regulation.

3.9 EXISTING BUILDINGS

3.9.1 When no later than the effective date of this by-law a building is erected on a lot of which the lot frontage, area or depth is less than the minimum requirements, or on which the dimensions of the setback, side yard or rear yard are less than those required by this by-law, the building shall be expanded, rebuilt, repaired or renovated only if:

- a) the expansion, reconstruction, repair or renovation does not further reduce the mandatory front yard, side yard, flankage yard or rear yard that does not comply with this by-law;
- b) all the other applicable provisions of this by-law are met.

3.10 NONCOMPLIANT USES

3.10.1 Noncompliant uses are subject to the *Community Planning Act*.

3.11 ONE MAIN BUILDING PER LOT

3.11.1 Unless otherwise provided in subsection 3.11.2, placing or erecting more than one main building on a lot and modifying a building or structure on a lot so as to make it into a second main building, shall be prohibited.

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3.11.2 The Commission may, under the terms and conditions as it deems valid, consider approving a use in a zone occupying more than one main building on a lot, including strategic uses for single- or two-unit dwellings, by encouraging shared projects occupying more than one main building on a lot.

3.12 VEHICLES

3.12.1 A motor vehicle, trailer, traction motor, farm tractor, road construction machine and any vehicle pulled, propelled or moved by any force whatsoever shall not constitute a dwelling unit nor be used as a commercial building, except with express permission granted by any other legislative measure and by this by-law.

3.13 HEIGHT

3.13.1 These provisions of this by-law relating to height do not apply to church steeples, water tanks, elevator enclosures, silos, flagpoles, television or radio antennas, communications towers, fans, light wells, barns, chimneys, clock towers, wind turbines or solar collectors attached to main structures, unless they are expressly regulated. Such buildings or structures shall comply with all restrictions imposed by other competent government authorities.

3.14 SETBACK

3.14.1 Except for authorized encroachments, no building or structure shall be placed, erected or modified so as to be less than 6 metres from a street line for local streets, 7.5 metres from a street line for collector streets, 15 metres from a street line for arterial streets and for public streets or roads located in the Grand-Bouctouche industrial/business park.

3.14.2 As an exemption to subsection 3.14.1, a building may be placed, erected or modified so that the distance separating it from the street line is equivalent:

- a) if there are buildings on both sides and at a distance of less than 30 metres and encroach on the mandatory setback, to the average distance between the street line and the adjacent buildings;
- b) if a building is located less than 30 metres from only one side and encroaches on the mandatory setback, to the average between the depth of the setback and the distance between the street line and the adjacent building.

3.14.3 As an exemption to subsection 3.14.1, a structure may be placed, erected or modified so that the distance separating it from the street line is equivalent:

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- a) if buildings or structures are located on both sides and at a distance of less than 30 metres and encroach on the mandatory setback, to the average distance between the street line and the adjacent buildings or structures;
- b) if a building or structure is located less than 30 metres from only one side and encroaches on the mandatory setback, to the average between the depth of the setback and the distance between the street line and the adjacent building or structure.

3.14.4 When permission is granted to install a sign on a lot under subsection 3.14.3, the area of the sign installed shall not exceed that of existing signs, if the area of existing signs exceeds that called for in this by-law. The height of the new sign shall not exceed that of the highest sign used in the formula for calculating the average of the setback.

3.15 SETBACK FROM A WATERCOURSE

3.15.1 No development shall be authorized less than 30 metres from a watercourse or body of water, except under the terms and conditions set by the Commission, and unless provided otherwise in this by-law, no building or structure shall be located less than 15 metres from a watercourse or a wetland and without the permission of the provincial environment authority (under subsection 3.19.1).

3.16 SIGHT TRIANGLE

3.16.1 On a corner lot, placing a fence, sign or any other structure, or allowing a hedge, bushes, shrubs or any other vegetation to grow to a height exceeding one metre above the level of the streets abutting the lot is prohibited in the triangular section between the street lines on a distance of 4.6 metres from their point of intersection.

3.17 REDUCED LOT FRONTAGE ON A CURVE

3.17.1 When the front lot line is a curve or the side lot lines of a lot are not parallel, a minimum lot width equal to the minimum lot frontage required by this by-law, shall be required instead of this minimum lot frontage. For application of this article, the minimum width shall be measured along a horizontal line separating the side lot lines, the extremities of which shall be defined by the intersection of these side lot lines with the minimum setback required by the pertinent provision of this by-law.

3.18 ADMISSIBLE ENCROACHMENTS

3.18.1 Yards required under this by-law shall be entirely open and free of any structure, except to permit the uses or encroachments, subject to the following provisions:

- a) wheelchair access ramps and lifts may be located in any yard;
- b) stairs giving access to the first storey may be located in any mandatory front, rear or flankage yard;
- c) usual support projections, cornices, eaves, gutters, chimneys, pilasters, marquees or other construction elements may be developed or maintained in a yard, provided that no structure or element projects more than 0.6 metre onto a mandatory yard;
- d) window bays and solar panels shall not project more than 0.9 metre from the main wall onto the mandatory front, back or flankage yard;
- e) outdoor staircases giving access to the basement or to a storey above the first storey, balconies, porches, verandas and solariums may project up to two metres onto a mandatory front, back or flankage yard;
- f) subject to the other provisions of this by-law, except for provisions related to the sight triangle, this article shall not limit the location of decorative plants or landscaping in a yard.

3.19 RESTRICTIONS ON DEVELOPMENT NEAR A WATERCOURSE OR WETLAND

3.19.1 A development permit shall not be issued for a development located less than 30 metres from a watercourse or wetland unless a watercourse and wetland alteration permit has been obtained from the Department of the Environment.

3.20 OBTAINING LAND BY CUTTING OR FILLING

3.20.1 Subject to subsection 3.20.2, any development the objective of which is to obtain a lot by cutting or filling to a depth exceeding one metre shall be subject to the terms and conditions that the Commission deems necessary to protect property in the zone or in abutting zones, or public health, safety and wellbeing.

3.20.2 As an exemption to subsection 3.20.1, this article shall not apply to the excavation or filling of land directly related to the construction of buildings or structures for which a development permit has been issued or is not necessary.

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3.21 ACCESSORY BUILDINGS AND STRUCTURES

3.21.1 Accessory uses, buildings and structures shall be authorized in all zones, but shall not:

- a) be used for residential purposes, unless a dwelling is a permitted secondary use;
- b) be constructed at a distance from the front lot line less than the mandatory minimum distance for the main building or less than 3 metres from any other lot line, unless the following rules are followed:
 - (i) in a residential zone, buildings or structures accessory to residential uses shall not be located less than 0.9 metre from a side or back lot line,
 - (ii) semi-detached shared garages shall be centered on the shared side lot line,
 - (iii) garages for boats and bridges for watercraft may be built up to the lot line when it corresponds to the high-water mark,
 - (iv) accessory buildings and structures located in an institutional, commercial or industrial zone shall not be constructed less than 2.4 metres from a side or rear lot line or less than half the height of the building or structure, whichever is higher, to a maximum of 6 metres;
- c) exceed 1.33 times the height of the main building in urban residential zones R1, R2, R2S, RM;
- d) exceed 12 metres in height in a rural residential zone.
- e) exceed 96 square metres in area for a lot measuring less than 3,000 square metres in an urban residential zone;
- f) exceed 96 square metres in area with a maximum lot coverage of 7% in an urban residential zone;
- g) exceed 556 square metres in area with a maximum lot coverage of 7% in RR, CT, CL, IPA, ID, CO, RE, AQ and AG zones;
- h) be located less than 3 metres from the main building in a residential zone or less than 3.7 metres in any other zone;
- i) be used to house animals other than pets, unless otherwise provided for in this by-law.

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3.22 FENCES

3.22.1 Notwithstanding any other provision of this by-law and subject to other provisions of this article, a fence may be placed or located in a yard.

- a) Except for chain-link security fences located in commercial or industrial zones, a fence located in the front setback shall not be more than one metre in height.
- b) The height of a fence shall not exceed:
 - (i) 2 metres in a residential zone,
 - (ii) 2.5 metres in any other zone.
- c) Electrification of, or the incorporation of barbed wire or other sharp and dangerous material in, a fence in a residential zone shall be prohibited unless this by-law permits an agriculture use that requires these fences for the keeping of field animals.

3.23 POOL FENCE

3.23.1 Land shall not be used for purposes of a swimming pool unless it is surrounded by a fence or the wall of a building or structure, or partly by walls and partly by fences, with a minimum height of 1.5 metres.

3.23.2 When a section of the wall of a building forms part of an enclosure:

- a) no main or service entry leading to the building shall be made therein;
- b) any access door, excluding a door giving access to a dwelling or a rooming house, shall close automatically and be provided with an automatic closure installed at a minimum height of 1.6 metres from the bottom of the door.

3.23.3 An enclosure shall not have on its exterior face any crosspieces or other attachment or support components that allow it to be climbed.

3.23.4 A fence forming all or part of an enclosure:

- a) shall be a chain-link fence or made of another sort of material as per subsection 3.23.5;
- b) shall neither be electrified nor include barbed wire or other sharp and dangerous material;
- c) shall be located:
 - (i) at least 1.2 metre from the edge of the swimming pool,

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- (ii) at least 1.2 metre from any object that would allow it to be climbed from the outside,
- (iii) so that the bottom part of the fence is no more than 10 centimetres above grade.

3.23.5 A fence designed and fabricated for the application of this article shall include:

a) for a chain-link fence:

- (i) diamond shaped links not exceeding 38 millimetres in size,
- (ii) minimum 12- or 14-gauge iron wires, if the latter are coated with vinyl or galvanized or coated with any other approved coating making them equivalent to 12-gauge,
- (iii) steel posts with a minimum diameter of 38 millimetres, designed to comply with provisions 4.1.10.1(2), (3) and (4) of the 1995 edition of the *National Building Code* buried to a depth exceeding the frost line, placed at maximum intervals of 3 metres, topped by a steel crossbar with a minimum diameter of 32 millimetres;

b) for a wooden fence:

- (i) vertical boards with minimum finished dimensions of 19 millimetres by 89 millimetres, attached at maximum intervals of 38 millimetres to the crosspieces and arranged so as to not allow it to be climbed from the outside,
- (ii) square or round wooden posts with a minimum diameter of 89 millimetres, buried to a depth exceeding the frost line, placed at maximum intervals of 2.5 metres, the part buried below grade having been impregnated with a wood preservative agent, and topped by a horizontal crosspiece measuring at least 38 millimetres by 89 millimetres;

c) for a structure differing from those described in paragraphs a) and b), the fence:

- (i) shall be equal in rigidity and height to the provisions in paragraphs a) and b),
- (ii) shall be assembled so as to prevent the passage of a spherical object measuring 100 mm (4 in.) through or under the fence,
- (iii) shall not contain crosspieces or other elements making it easier to climb,
- (iv) shall include crosspieces spaced less than 1.2 metre (3.93 feet) apart when the space between the vertical elements exceeds 50 mm.

3.23.6 Gates forming part of an enclosure shall be:

a) constructed from material of equivalent type and height to those making up the fence;

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- b) set on sturdy hinges;
- c) provided with an automatic closure set at a minimum height of 1.3 metre, measured from the lowest part of the gate;
- d) located such that the lower part of the gate is located no more than 10 centimetres above grade.

3.23.7 Fences:

- a) shall not exceed 2.75 metres in height;
- b) shall respect a setback of 1.0 metre from the side or rear yard lot lines if the fence is more than 2 metres high.

3.24 PRIVATE GARAGES AND CARPORTS

3.24.1 As an exemption to any other provision of this by-law relating to residential zones, no private garage or carport attached to or constituting part of a dwelling unit shall have a surface area exceeding 96 square metres. The rural residential zone permits a maximum area of 556 square metres.

3.24.2 A private garage or carport attached to or constituting part of a dwelling unit shall become an integral part thereof for purposes of determining the width or depth of a yard.

3.25 USES PROHIBITED IN CERTAIN YARDS

3.25.1 On a lot developed for more than one dwelling unit, the mandatory setback of the front yard shall not be used to store or display a vehicle, boat or other chattel.

3.26 OTHER REQUIREMENTS: SECONDARY USES

Neighbourhood Daycare Centres

3.26.1 When authorized under this by-law, a neighbourhood daycare centre shall meet the following requirements:

- a) receive a maximum of 15 children at the same time;
- b) follow all provincial regulations as required in the New Brunswick *Early Childhood Services Act*.

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Accessory Dwelling Units

3.26.2 When authorized under this by-law, an accessory dwelling unit shall not occupy an area exceeding 35% of the gross floor area of the dwelling.

Home Occupation or Home-based Business

3.26.3.1 A home occupation / home-based business authorized under this by-law may include the following types of use:

- a) a business or professional office;
- b) an in-home personal service shop, in particular a barber shop, beauty salon, tailor shop or shoe repair;
- c) in-home instructional services, in particular the teaching of music, arts and crafts or dance;
- d) an in-home household arts workshop, in particular sewing, woodworking, arts, crafts, painting, sculpture, molding or fabrication or repair of garden or home decorative items, clothing, personal effects or toys, and a catering service;
- e) a trade carried out in the home, in particular plumbing, electrical work, painting or other similar uses;
- f) an in-home repair shop, in particular radio or television maintenance and repair shops, locksmiths, small household appliance maintenance and repair shops, household tool and woodworking tool maintenance and repair shops, expressly excluding the repair of motor vehicles, construction equipment, pleasure vehicles or motorcycles, metalwork and sheet metal shops.
- g) another similar professional activity, with the approval and under the terms and conditions that the Council and the Commission may establish.

3.26.3.2 The exercise of a home occupation / business authorized by this by-law is subject to the following conditions:

- a) the floor area of the dwelling unit assigned thereto shall not exceed 35% of the total area;
- b) no change shall be made to the exterior aspect of the dwelling modifying the residential character of the building;
- c) no goods or services other than those directly linked to the professional activity in question shall be sold or provided;

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- d) there shall be no more than one non-illuminated sign advertising the business, such sign not to exceed 0.45 square metre in gross surface area;
- e) there shall be no open-air or external storage or display of material, equipment or containers related to the said professional activity indicating that part of the property is used other than as a single-unit dwelling;
- f) the home occupation shall not produce electrical interference, dust, noise or smoke outside the lot in question;
- g) two off-street parking spaces shall be provided on top of those required in the zone in question;
- h) no more than one commercial vehicle linked to the home occupation / business shall be parked on the premises in question.

Garden Suites

3.26.4 A garden suite authorized under this by-law shall meet the following requirements:

- a) shall be located at least 1.2 metre from a side lot line or at least 2.4 metres from the rear lot line, except in an RR and RS zone that permit 3 metres from any side or rear lot line;
- b) shall not exceed 6 metres in height;
- c) shall be located in the rear or side yard;
- d) shall be located on a lot that holds only one single-unit dwelling as its main use;
- e) shall not exceed 75 square metres in gross floor area;
- f) the lot shall receive all municipal services or be provided with a septic tank certified by the Department of Health and Community Services;
- g) an additional parking space shall be provided on top of the parking required for the main use of the lot;
- h) the access point of entry shall be shared by the main dwelling and garden suite.

In-law Suites

3.26.5 An in-law suite authorized under this by-law shall meet the following requirements:

- a) shall be contained within the main dwelling unit and share the same entry;

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- b) shall not occupy an area exceeding 35% of the gross floor area of the dwelling;
- c) the lot shall receive all municipal services or be provided with a septic tank certified by the Department of Health and Community Services;
- d) an additional parking space shall be provided on top of the parking required for the main use of the lot;
- e) the access point of entry shall be shared by the main dwelling and in-law suite.

Bed-and-Breakfasts and Tourist Homes

3.26.6 Bed-and-breakfasts and tourist homes authorized under this by-law shall meet the following requirements:

- a) the use shall take place in a single-unit dwelling;
- b) the maximum number of bedrooms assigned to the use shall be three.

3.27 RESIDENTIAL DEVELOPMENT NEAR A SPREADING BASIN OR PURIFICATION PLANT

3.27.1 As an exemption to the other provisions of this by-law, locating a dwelling less than 90 metres from a spreading basin or purification plant shall be prohibited.

3.28 LIGHTING IN A RESIDENTIAL ZONE

3.28.1 No one shall install an illuminated sign or illuminate the exterior of a building in a residential zone unless the light is directed elsewhere than on neighbouring properties and adjacent streets.

3.29 LANDSCAPING

3.29.1 The owner of a residential lot shall landscape:

- a) the front yard of the main building;
- b) any mandatory yard abutting the street;
- c) subject to subsection 3.29.3, any side yard;

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d) any part of the rear yard less than 4.5 metres from the main building on the lot.

3.29.2 This landscaping:

- a) shall include creating a lawn by laying or spreading and seeding at least 80 millimetres of topsoil;
- b) may include creating trails, patios, walks, shrubbery or ornamental trees.

3.29.3 As an exemption to other provisions of this article, a yard may, to a reasonable extent, be used to develop walks and entries giving access to the main building or to other uses on the lot.

3.29.4 The landscaping that is the subject of this article shall be completed at the latest in the year following the issue of the development permit for the main building on the lot.

3.30 AMENITY AREA IN THE REAR YARD OF MULTI-UNIT RESIDENTIAL DEVELOPMENTS

3.30.1 A lot shall not be developed for multi-unit residential use unless an amenity area, separate from any parking or entry and measuring at least 56 square metres, none of its dimensions measuring less than 6.1 metres, is provided at the rear of the building, along with an additional 7-metre amenity area for each dwelling unit exceeding two.

3.31 LANDSCAPING IN COMMERCIAL AND INDUSTRIAL ZONES

3.31.1 No lot shall be developed for commercial or industrial purposes unless the total area of the lot, except for the part used for buildings and structures:

- a) is paved, for entries and off-street parking areas;
- b) is landscaped, for the part of the lot other than the entries and off-street parking areas.

3.31.2 Landscaping shall include lawn, trees or bushes. Trees and bushes shall be planted at a minimum density of one tree or bush for each segment of 93 square metres of the minimum space landscaped.

3.31.3 When a lot with a commercial or industrial use or zoning abuts a residential lot, use or zone, this lot shall not be developed for a commercial or industrial use unless a 3-foot screening device such as raised earth, a hedge or a fence, or a combination thereof, is developed and maintained along the shared lot lines.

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3.32 OUTDOOR STORAGE

3.32.1 When a permitted use includes outdoor storage, the land used for this purpose shall be hidden from the street by a wall or solid decorative fence built from boards measuring between 2 metres and 2.5 metres in height. Nothing shall be piled up higher than the height of the fence.

3.33 SALVAGE OR RECYCLING OR SCRAP YARDS

3.33.1 The following provisions shall apply when land is used to store scrap, recycling products or automobile accessories:

- a) All operations shall be surrounded by a solid fence at least 3 metres and at most 5 metres in height, without openings other than the necessary access doors;
- b) The fence shall be located at least 6.1 metres from the front lot line and 1.5 metres from the rear and side lot lines; the land between the fence and one of the lot lines not used for entrance and exit shall be used only for landscaping;
- c) Nothing shall be piled higher than the fence.

3.34 SERVICE STATIONS

3.34.1 The following provisions shall apply in cases where a service station is a permitted use under this by-law:

- a) as an exemption from the other provisions of this by-law, a pump island may be located in the front yard;
- b) no part of a pump island shall be located less than 15 metres from a street line, lot line, parking lot, access ramp or entry;
- c) to determine the lot coverage, the part where the covered marquee is installed shall not make up part of the lot coverage and shall extend less than 6 metres from the lot lines;
- d) the minimum distance between entries or access ramps shall be 9 metres;
- e) the minimum distance between an entry or access point and an intersection shall be 15 metres;
- f) the width of the entry or access ramp shall be at least 6 metres and at most 8 metres.

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3.35 COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES

3.35.1 In a residential zone, other than a rural zone, land shall not be used to park or store a vehicle with a gross mass of 4,500 kilograms or more or a vehicle with a registration containing the designation “L” or “M”, nor shall it be used to park construction equipment, including bulldozers, backhoes, loaders and wheeled front-end shovel loaders.

3.36 PARKING REQUIREMENTS

3.36.1 No building or structure shall be installed, erected, modified or used unless off-street parking is provided and maintained in compliance with the following table, and an off-street parking space:

- a) shall measure at least 5.5 metres long and at least 2.8 metres wide, excluding the entries leading to it;
- b) shall be easily accessible from a public street;
- c) shall be located on the same lot as the use for which the space is provided;

PARKING REQUIREMENTS

Any dwelling, except as provided below	1 space per dwelling unit;
Multi-unit dwellings (except residences for seniors)	1.25 space per dwelling unit;
Residences for seniors	0.5 space per dwelling unit;
Rooming houses, boarding houses, bed-and-breakfasts and tourist homes	1 space per 2 bedrooms;
Retail establishments, service shops and personal service shops when the floor area:	
a) exceeds 1000 square metres	1 space per 30 square metres of gross floor area;
b) is less than 1000 square metres	1 space per 18 square metres of gross floor area;
Banks, financial institutions and offices	1 space per 30 square metres of gross floor area;
Restaurants	1 space per 4 seats;

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Drive-in restaurants	1 space per 6 square metres of gross floor area;
Licensed restaurants, lounges, taverns and drinking establishments	1 space per 3 seats or 1 space per 10 square metres of gross floor area, whichever is greater;
Cinemas	1 space per 5 seats;
Motels/Hotels	1 space per bedroom;
Institutional uses	1 space per 4 seats when seats are fixed, except as stipulated below:
or	1 space per 10 square metres of gross floor area when seats are not fixed, or 1 space for 4 persons who may be received at the same time;
Schools	3 spaces per classroom, plus 1 space per 20 high school students;
Hospitals	2 spaces per bed;
Residences for seniors or care homes	2 spaces per 5 beds;
Daycare centres	1.5 space per 38 square metres of gross floor area;
Medical clinics and offices of any health care professional	3 spaces per consultation room;
Funeral homes	30 spaces;
Warehouses, transport terminals, and industrial or general use	1 space per 93 square metres of gross floor area or 1 space per 4 employees, whichever is greater;
Any other use not stipulated above	1 space per 30 square metres of gross floor area.

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Spaces reserved for persons with reduced mobility

3.36.2 As an exemption to the parking requirements in section 3.36.1, additional parking spaces shall be reserved for persons with reduced mobility for all uses, except single- or two-unit dwellings, semi-detached dwellings and rowhouse dwellings and as per the following table:

Total number required on a lot	Total number of spaces reserved for persons with reduced mobility
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of the total
1,000 and over	20 spaces, plus 1 for each group of 100 spaces above 1,000

3.36.3 Standards for parking spaces reserved for persons with reduced mobility

- a) Each reserved parking space shall measure at least 24 square metres in all and 4 metres wide.
- b) When the lot lines of a parking lot are defined by a border, the parking lot shall have a sloped ramp as close as possible to the space to which it is assigned, which shall in no case be located more than 91.4 metres from that space.
- c) Each reserved parking space shall be located as close as possible to the location to which it is assigned.
- d) Each reserved parking space shall be clearly marked by a permanent sign set in the ground.

3.37 PARKING FOR MULTIPLE USES

3.37.1 The mandatory parking for a site with multiple uses shall equal the total number of spaces for each individual use, except for a shopping centre, for which the parking requirement shall be calculated as 1 space per 18 square metres of gross floor area.

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3.38 STANDARDS FOR PARKING LOTS

3.38.1 When a parking lot for more than 4 vehicles is required or proposed, the following shall apply:

- a) except in the case of a home business occupation, the parking lot shall have a stable paved surface;
- b) lights used to illuminate the lot shall be arranged to direct the light elsewhere than toward a streets or an adjacent lot or building;
- c) a structure not exceeding 4.6 metres in height and 5 square metres in area may be erected in the parking lot for the use of attendants;
- d) the parking lot shall be located on the same lot as the main use;
- e) no gas pump or other service station facility shall be located or maintained on the parking lot;
- f) the approaches or entries to the lot shall be delimited by an asphalt, Portland cement or concrete border, and the lines shall be delimited by a fence, border or other suitable obstacle designed to present a pleasant appearance; moreover, the approaches or entries shall not be located less than 15 metres from the boundaries of the right-of-way at a street intersection;
- g) subject to paragraph h), there shall be no more than two parking lot entry and exit ramps, and each shall measure 7.6 metres wide at the street line and beside the coating;
- h) despite paragraph g), the Commission may consider developing more than two access ramps, subject to terms and conditions;
- i) an entry leading to or within a parking lot or loading zone shall:
 - (i) for a one-way lane, be at least 3 metres wide,
 - (ii) for a two-way lane, be at least 6 metres wide,
 - (iii) not exceed 7.6 metres in width;
- j) the parking lot shall be leveled and drained in a manner deemed satisfactory by the municipal engineer to ensure that surface water shall not run off onto neighbouring land.

3.38.2 Any parking lot destined for more than 4 vehicles shall be hidden from residential uses and public or private streets as per the following standards:

- a) the screen shall consist of a band of landscaped open space measuring 1.5 metres wide and located so not to constitute an obstacle to any sight triangle;

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- b) this band shall comply with the requirements in subsection 3.29.2;
- c) the screen shall consist of plants placed at a minimum interval of one plant per 3 metres of lot frontage, characterized by dense growth that will form an effective perennial screen such as a row of coniferous or deciduous trees or bushes maintained permanently.

3.39 REQUIREMENTS FOR LOADING ZONES

3.39.1 The owner of any building, structure or premise used, in whole or in part, to carry out a commercial activity requiring the use of vehicles for the reception or delivery of material or merchandise, shall develop and maintain, according to the following conditions, off-street parking on the abutting land to park these vehicles and carry out loading and unloading operations;

- a) for retail or wholesale establishments, bulk storage establishments, warehouses or other similar establishments:
 - (i) 1 zone at least, if the gross floor area is equal to or less than 500 square metres,
 - (ii) 2 zones at least, if the gross floor area varies between 500 square metres and 2,323 square metres,
 - (iii) beyond 2,323 square metres, one additional zone per additional 2,323 square metres of gross floor area or fraction thereof;
- b) for commercial buildings or office towers, public gathering places, schools, hotels or motels or other similar buildings or premises:
 - (i) 1 zone at least,
 - (ii) 1 additional zone per additional 3,250 square metres of gross floor area beyond 2,790 square metres or fraction thereof;
- c) the loading or unloading zones in paragraph a):
 - (i) shall have a minimum length of 9 metres, a minimum width of 3 metres and clearance of 4.5 metres,
 - (ii) shall be located to allow the loading or unloading of merchandise or material at the places to which they are assigned,
 - (iii) shall be provided with suitable entries and exits and with lanes free of obstacles in which to maneuver,

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(iv) shall have a durable and clean coating to prevent dust.

3.40 QUEUING ZONES

3.40.1 Queuing zones shall be provided as follows for businesses serving customers in their vehicles:

- a) businesses serving customers in their vehicles such as drive-thrus, car washes and other similar uses:
 - (i) 8 queuing zones at the entry shall be provided for vehicles coming to the service window,
 - (ii) 1 exit queuing zone shall be provided at the exit of each service window, and this zone shall be located so as to not hinder service to the next vehicle;
- b) for businesses serving customers in their vehicles such as gas bars, automobile repair garages, banks, retail establishments and other similar uses:
 - (i) 5 zones at the entry,
 - (ii) 3 zones at the exit;
- c) all queuing zones shall measure at least 6.5 metres long and 3 metres wide; queuing lanes shall take in enough space for vehicles to turn and maneuver and shall not occupy part of a lane reserved for the Fire Department.

3.41 LOCATION OF PARKING FACILITIES

3.41.1 Parking facilities shall not be located in the setback of a mandatory front yard in a residential zone and entries shall not occupy more than 40% of the area of the mandatory front yard.

3.41.2 As an exemption to the foregoing, parking facilities may be authorized in the setback of the mandatory front yard of rowhouse developments.

3.42 REPLACEMENT ENERGY

3.42.1 When an energy system is a permitted use, the following provisions shall apply;

- a) wind, solar, biomass or other energy systems are subject to the control of the siting plan;

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- b) small structures (wind turbines less than 2 MW) shall be set back by at least 1.5 time their height from any private or public road, right-of way / easement and property lot line;
- c) large wind systems shall be set back at least 300 m from any existing dwelling;
- d) other systems shall meet government licencing requirements as well as the setback requirements in this by-law.

3.43 RESTRICTED DEVELOPMENT IN ENVIRONMENTS AFFECTED BY SEA LEVEL

3.43.1 As an exemption to other provisions of this regulation and subject to subsection 3.43.2, developing a habitable space less than 3.8 metres (CGVD2013) in elevation from a flood plain, wetland or watercourse shall be prohibited.

3.43.2 As an exemption to subsection 3.43.1

No main building or habitable structure shall be placed, erected or modified unless it meets the following conditions:

a) new building:

- i) the habitable or public shall be 3.8 metres or more in elevation (CGVD2013)
- ii) the permit application shall be accompanied by a plan showing the elevations of the space of the building mentioned in 4.15.2 i)
- iii) the minimum elevation shall not contain any opening or orifice in the foundation liable to negate the watertight nature of the building
- iv) the foundation in 4.15.2 iii) shall constitute an area unavailable for development as a dwelling

b) existing building: the building may not be expanded unless the work does not lessen the minimum elevation prescribed under this regulation.

Definitions: (CGVD2013): Height Reference System. Natural Resources Canada.

“elevation” means the vertical distance between the average high tide line according to (CGVD2013) and the highest watertight point in the building foundation.

“precautionary principle”: means the precautionary principle in international law defined in subsection 7 of the Bergen Ministerial Declaration on Sustainable Development (1990): “In order to achieve sustainable development, policies must be based on the precautionary principle.

Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”

“sustainable development”: means a measure designed to last 50 years.

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3.44 KENNELS

3.44(1) A kennel is a specific use permitted in the resource development zone for which the Commission may impose terms and conditions subject to subsection 34(5) of the *Community Planning Act*.

3.44(2) A lot provided for a kennel shall be at least 4,000 square metres in area.

3.44 (3) No building, structure or housing for animals shall be developed in the front yard required under this by-law.

3.44 (4) No building, structure or housing for animals shall be developed less than 10 metres from adjacent properties.

3.44 (5) Under section 34(4)(c) of the *Community Planning Act*, the Commission may issue terms and conditions to protect the health, safety and wellbeing of the public general, as well as to protect surrounding properties. Such terms and conditions may include the following, without limitation thereto:

- a) the standards for public and animal protection and safety as expressed in the *Code of Practice for Canadian Kennel Operations* dated September 1994 and published by the Canadian Veterinary Medical Association;
- b) adequate ventilation to reduce dampness and prevent illness;
- c) adequate management of animal excrement; and
- d) a service contract established with a veterinarian.

3.45 STANDARDS FOR HABITABLE VEHICLES / NON-PERMANENT

3.45(1) Subject to the provisions herein, installation of a trailer, caravan, motor home or any other habitable vehicles is prohibited, except in compliance with the standards in this by-law.

3.45(2) The uses mentioned in 3.45(1) are permitted:

- (a) on a lot with a permitted dwelling in RR zone,
- (b) on a vacant lot where dwellings are permitted, subject to the provisions for residential rural RR zone, including those on accessory buildings,
- (c) from April 1 to October 31 of each year,
- (d) within the setbacks prescribed in this by-law and in reference to 3.45(5),
- (e) and may occupy two (2) spaces per cadastral lot,
- (f) so long as they occupy a different space when stored than when in active use,
- (g) so long as they meet the applicable legislation and regulations governing connection to the appropriate systems of the main building, source of drinking water, wastewater, electricity or other,
- (h) are installed for a period exceeding one (1) year, in the case of major construction work on the property,

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(i) in one of the following zones: Residential RR and one of the following zones: Resource RE, Agriculture AG, Tourist Services CT adjacent to the RR zone.

3.45(3) Notwithstanding subsection 3.45(1)(2), the use of a trailer, caravan, motor home or other as a seasonal dwelling unit shall be prohibited in zones R1, R2, R2S, R3, RS and MM.

3.45(4) The use of a trailer, caravan, motor home or other as a permanent dwelling unit shall be prohibited.

3.45(5) To reduce the visual impact of its location, a trailer, caravan, motor home or other shall be set back a minimum of 30 metres from a collector or main communication route,

3.45(6) Notwithstanding subsection 3.45(b), only one accessory building with a maximum surface area of 20 square metres shall be permitted on a vacant lot while accompanying the seasonal use mentioned in subsection (3.45(2)(c) of a trailer, caravan, motor home or other.

3.45(7) Notwithstanding subsection 3.45(6), an accessory structure, excluding other permitted buildings, shall be permitted.

3.46 MICRO-HOMES

3.46(1) Subject to the provisions of this article, installation of a micro-home shall be prohibited except in compliance with the standards in this by-law.

3.46(2) The uses mentioned in 3.46(1) shall be permitted:

- (a) on a lot with a permitted dwelling in RR zone,
- (b) on a vacant lot where dwellings are permitted, subject to the provisions attached to Residential Rural zone RR, including those on accessory buildings,
- (c) within the setbacks stipulated in this by-law,
- (d) to occupy three (3) spaces by cadastral lot of 4,000 subdividable square metres,
- (e) if they meet the applicable legislation and regulations for connection to the appropriate systems of the main building, drinking water source, wastewater, electricity or other;

3.47 SHIPPING CONTAINER OR COMMERCIAL TRAILER / ACCESSORY STORAGE STRUCTURE

3.47(1) As an exemption and once certain conditions shall be in place, a shipping container or commercial trailer without hitch or wheels may be approved as an accessory use in zones that permit an accessory building. The exemption shall be granted only if the committee studying the exemption application is convinced that there will be no negative effect on safety or other important consideration for the community, and that the visual impact on the neighbourhood will be moderate or comparable to that of a permitted accessory building. A shipping container or

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commercial trailer shall be permitted as a permitted accessory use in zones IPA and IL in compliance with the requirements herein. A container or construction site trailer shall be permitted for the duration of the construction permit.

3.48 RECONCILIATION FOR DEVELOPMENT ALONG UNDESIGNATED ROADS

3.48(1) Before the issuing of a construction or development permit along an unmaintained public road or a private road, the Kent Regional Service Commission shall demand a waiver signed by the applicant recognizing the liability risks and restrictions related to public safety relating to such developments.

3.49 Should a provincial regulation on the abovementioned standards be adopted, the present standards included herein shall be replaced by the specific standards laid out in the provincial regulation on permitted uses.

PART 4 REGULATIONS FOR SIGNS

4.1 SIGNS AUTHORIZED IN ALL ZONES

4.1.1 The following non-luminous signs are authorized in all zones and a permit shall not be required to install them:

- a) a sign measuring a maximum of 0.6 square metre in surface area and indicating the name and address of a resident or the secondary uses exercised in a dwelling;
- b) a sign measuring a maximum of 0.6 square metre in surface area and regulating the use of the property, for example, a sign prohibiting intrusion;
- c) a real estate sale sign measuring a maximum of 0.75 square metre in surface area in a residential zone or 3 square metres in any other zone;
- d) a sign measuring a maximum of 0.6 square metre in surface area that regulates or indicates the direction or function of various parts of a building or place, including parking areas and traffic lanes;
- e) construction signs are permitted in all zones, with the understanding that they shall not:
 - (i) exceed 14 square metres in gross surface area,
 - (ii) measure more than 5 metres in height,

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- (iii) exceed a maximum number of one sign per 30 metres of lot frontage. One other sign may be erected for each additional 30 metres of lot frontage.
- f) a sign installed by or under the direction of a government organization, such as signs identifying public buildings, informing the public or regulating traffic or safety;
- g) the flag, logo, notice or advertisement of a charitable, religious or philanthropical organization, measuring no more than 0.6 square metre in surface area in a residential zone or 3 square metres in any other zone;
- h) any commemorative sign, plaque or tablet;
- i) any sign advertising candidacy for public office during a municipal, provincial or federal election, which shall be removed within 7 days following the election;
- j) community identification signs are permitted in all zones, with the understanding that they shall not:
 - (i) have a total surface area exceeding 3 square metres,
 - (ii) exceed 2 metres in height,
 - (iii) serve to advertise a third party;
- k) subdivision signs are permitted in all zones, with the understanding that they shall not:
 - (i) have a total surface area exceeding 4.5 square metres,
 - (ii) exceed 5 metres in height,
 - (iii) remain in place for more than 2 years after the date of issue of a development permit, nor be lighted.

4.2 SPECIAL CONDITIONS AND STANDARDS

4.2.1 No one shall install a sign other than in compliance with the following conditions and standards:

- a) no sign shall endanger public safety or health;
- b) no sign shall, for any reason, block the field of vision of drivers leaving a roadway or entry, or hinder the visibility of a traffic regulation device or signal on a public street;

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- c) no sign shall hinder free entry or exit through a door, window or other emergency exit;
- d) no sign shall be located on or near a sharp curve or below the summit of a hill, unless installed by a government organization;
- e) no sign other than a traffic regulation signal installed by a government shall contain the words STOP, LOOK, DANGER, ONE-WAY, or YIELD, or any other word, expression, term, symbol, light or character used to lead into error, cause confusion or hinder in any other way traffic on a public road;
- f) no sign shall be floodlit;
- g) no sign shall be painted on a tree, a rock, the side of a mountain or another natural object;
- h) a sign no longer advertising a business actually in operation or product sold is deemed an outdated sign and shall be removed by the owner or occupant of the property where it was installed within 60 days of the date on which the business or product sales ceased;
- i) no sign, except for a billboard sign or directory sign, shall be installed on property except to indicate the nature or ownership of the business carried out on the property where it is located;
- j) no sign, except for a sandwich sign, shall be placed or installed on property, unless permanently attached to the ground or to a building.

4.3 MANDATORY PERMIT

4.3.1 Except for signs authorized in all zones, no one shall construct, install, display, modify or move a sign, and the owner or tenant of a property may not authorize the construction, installation, display, modification or movement of a sign on property without having previously procured a permit as per the provisions of this by-law.

4.4 FREESTANDING SIGNS

4.4.1 Freestanding signs are authorized in all zones, except residential zones, with the understanding that they shall not exceed:

- a) a maximum height of 10 metres;
- b) 9 square metres of gross area or, in the case of a multiple rental building containing 3 or more businesses, 20 square metres of gross area;

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- c) one per 30 metres of lot frontage and one additional sign for each additional 30 metres of lot frontage.

4.5 PROJECTING SIGNS

4.5.1 Projecting signs are authorized in all zones, except residential zones, with the understanding that they shall not:

- a) exceed 6 square metres in surface area per side of the sign;
- b) project more than 2.5 metres from the building wall;
- c) be installed more than 3 metres above grade;
- d) project above lot lines, street lines or sight triangles;
- e) exceed a maximum of one sign per business operated;
- f) project more than 30 centimetres above a building roof;
- g) swing freely on their supports.

4.6 BILLBOARD SIGNS

4.6.1 Billboard signs are authorized in highway commercial zones, industrial zones, open space zones and the special zone for the holding marsh only if they do not exceed:

- a) a maximum height of 10 metres;
- b) 18 square metres in gross area;
- c) one per 30 metres of lot frontage and one additional sign for each additional 30 metres of lot frontage.

4.7 SIGNS MOUNTED FLAT ON A WALL

4.7.1 In all zones, except for residential zones, signs mounted flat are authorized on the condition that none:

- a) shall be attached to a wall or surface of a building, or painted or installed thereon, unless the side of the sign is parallel to the wall;

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- b) shall be painted upon or cover a fence or roof;
- c) shall extend beyond the ends of the wall on which it is installed;
- d) shall occupy more than 0.6 square metre per linear metre of the wall on which it is installed, distribution being proportional for each business for buildings with multiple occupants.

4.8 CANOPY SIGNS

4.8.1 Subject to the following provisions, a canopy sign shall be authorized only in commercial and industrial zones, with the understanding that it shall not:

- a) be placed, installed or modified, unless it is attached to a marquee, canopy or drop arm awning, or it is painted or placed thereon.

4.8.2 No canopy or drop arm awning:

- a) shall exceed the length of the building wall on which it is placed;
- b) shall project above a street line;
- c) shall be placed, installed or modified, unless it is placed on the building at a minimum height of 2.5 metres above grade.

4.9 DIRECTORY SIGNS

4.9.1 Directory signs are authorized in all industrial and commercial zones, on the condition that:

- a) they shall not exceed 12 square metres in surface for each display side;
- b) they shall not exceed a height of 10 metres above grade;
- c) they shall not be located on property, unless several businesses are located therein, or shall not display the list of business names unless said businesses are located close together.

4.10 SANDWICH SIGNS

4.10.1 Sandwich signs are authorized in all commercial and industrial zones, on the condition that:

- a) they shall not exceed 0.5 square metre in surface if they only have one side;

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- b) there shall be a maximum of one sign per business;
- c) they shall not hinder pedestrian or vehicular traffic on public land such as a sidewalk or a street right-of-way.

4.11 SIGNS IN SPECIFIED ZONES

4.11.1 In rural zones, the following freestanding signs may be placed, installed or displayed:

- a) one sign not exceeding 9 square metres in surface in one place indicating the name of a farm;
- b) one sign identifying the business being operated or one sign located on a farm advertising the sale of its products, on the condition that it shall not exceed 1.5 square metres in surface area;
- c) one sign not exceeding 10 metres in height.

4.12 SETBACK APPLICABLE TO SIGNS

4.12.1 A sign authorized under this by-law shall not be placed, erected or modified so that the distance between it and the street line is less than the mandatory setback provided of 10 cm for a placard or sign up to one metre in gross area with the addition of 10 cm of setback for each square metre of gross surface area of a placard or sign.

4.13 NONCOMPLIANT SIGNS

4.13.1 The provisions of this by-law concerning existing signs that do not comply with the by-law when it comes into effect shall not be retroactive, except that movement or removal of said signs shall result in them being subject to the provisions of this by-law. The provisions of this article shall not exempt the owner of a noncompliant sign from the obligation to maintain it.

4.14 ABANDONED AND ILLEGAL SIGNS

4.14.1 The owner or tenant of property on which a sign is located shall be prohibited from leaving the sign, its sides, its supports, its electrical system or its base to become unsightly, dilapidated or dangerous.

4.14.2 All or part of a sign, including its frame, supports, base and electrical wiring, shall be constructed to meet the requirements of the construction by-law and the pertinent fire and electrical codes. It may become necessary to remove a sign that has become unsightly or so dilapidated that

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it constitutes a danger.

4.14.3 Any sign that no longer advertises an actual business or service on the premises shall be removed within 60 days of the cessation of the business or service.

4.15 NUMBER OF SIGNS

4.15.1 To determine the number of signs authorized by this article, a sign is deemed to be a single display surface or a display device containing organized elements that are related to each other or arranged to form a whole. Signs with two or three sides are assimilated with signs with only one side. When information is displayed randomly, without any organic connection among elements, or in the case of reasonable doubt about the connections to be made among the different elements, each element is deemed to constitute a simple sign.

4.16 SIZE OF SIGNS

4.16.1 The total authorized surface area of a sign is equal to the surface of the smallest triangle, rectangle or circle that can totally circumscribe the side of the sign or the surface of a sign with one, two or three sides on the plane of its largest dimension.

PART 5 RESIDENTIAL ZONES

5.1 R1 ZONE (RESIDENTIAL SINGLE-UNIT DWELLINGS)

Permitted uses in R1 zones

5.1.1 No development shall be permitted, and the land, buildings or structures located on a lot in an R1 zone shall not be assigned to any purpose other than the following:

- a) one of the following main uses:
 - (i) a single-unit dwelling,
 - (ii) a semi-detached dwelling;

- b) either one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a bed-and-breakfast or tourist home,
 - (v) an in-law suite,

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- (vi) a garage loft dwelling
 - (vii) a market garden
- c) or one of the following secondary uses per dwelling unit related to a permitted residential use, subject to the pertinent provisions of section 3.26:
- (i) a home occupation or business;
- d) subject to section 3.21, an accessory use, building or structure related to the main permitted use of the land, building or structure;

Requirements for R1 zones

5.1.2 In an R1 zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres, except in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot with a minimum area of 270 square metres;
- b) the lot has a minimum lot frontage of 18 metres, except in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot, each lot shall have a minimum lot frontage of 9 metres;
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 2.5 metres and 1.2 on the opposite side, except that in the case of a semi-detached dwelling, each lot shall have a side yard measuring at least 2.5 metres and zero metre on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 45% of its surface area;
- g) the main building has a maximum height of two storeys (11 metres).

5.2 R2 ZONE (RESIDENTIAL SINGLE- & TWO-UNIT DWELLINGS AND LOW-DENSITY)

Permitted uses in R2 zones

5.2.1 No development shall be permitted, and the land, buildings or structures located on a lot in a R2 zone shall not be assigned to any purpose other than the following:

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- a) one of the following main uses:
 - (i) a single-unit dwelling,
 - (ii) a two-unit dwelling, duplex, triplex and fourplex,
 - (iii) a semi-detached dwelling,
 - (iv) a rowhouse dwelling containing a maximum of 6 dwelling units, subsection 5.2.2.2

- b) either one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a bed-and-breakfast or tourist home,
 - (v) an in-law suite,
 - (vi) a garage loft dwelling
 - (vii) a market garden

- c) or one of the following secondary uses per dwelling unit related to a permitted residential use, subject to the pertinent provisions of section 3.26:
 - (i) a home occupation or business;

- d) subject to section 3.21, an accessory use, building or structure related to the main permitted use of the land, building or structure;

Requirements for R2 zones

5.2.2.1 In a R2 zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres, except in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot with a minimum area of 270 square metres;

- b) the lot has a minimum lot frontage of 18 metres, except that in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot, each lot shall have a minimum lot frontage of 9 metres;

- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;

- d) the lot has a rear yard measuring at least 6 metres;

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- e) the lot has a side yard measuring at least 2.5 metres and 1.2 on the opposite side, except that in the case of a semi-detached dwelling, each lot shall have a side yard measuring at least 2.5 metres and zero metre on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 50% of its surface area;
- g) the main building has a maximum height of two storeys (11 metres).

5.2.2.2 Subject to the relevant provisions of section 1.9.3, no development is permitted, and no main building or construction shall be developed or used for the purposes of a townhouse comprising a maximum of 6 dwelling units, unless the following conditions are met:

- a) the lot has a minimum area of 180 square metres per dwelling unit, when each dwelling unit in a townhouse is located on a separate lot;
- b) the lot has a minimum lot frontage of 6 metres per dwelling unit, when each dwelling unit in a townhouse is located on a separate lot;
- c) the lot has a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on both sides, except in the case of a townhouse dwelling, where each lot shall have a side yard measuring at least 3 metres and zero metres on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 60% of its surface area;
- g) the main building has a maximum height of two storeys, 11 metres.

5.2.2.3 By way of derogation from subsection 5.2.2.2 and subject to the pertinent provisions of section 1.9.3, no development shall be permitted, and no main building or structure shall be developed or used as a dwelling with a townhouse containing more than 6 units, unless the following conditions are fulfilled:

- a) the lot has a minimum area of 180 square metres per dwelling unit, when each dwelling unit in a townhouse is located on a separate lot;
- b) the lot has a minimum lot frontage of 6 metres per dwelling, when each dwelling unit in a townhouse is located on a separate lot;
- c) the lot has front a yard measuring at least 6 metres and, if in the case of a corner lot, a flankage yard measuring at least 6 metres;

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- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on both sides, except in the case of a townhouse dwelling, where each lot shall have a side yard measuring at least 3 metres and zero metres on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 60% of its surface area;
- g) the main building has a maximum height of two storeys, 11 metres.

5.2.2.4 Subject to provisions of section 1.9.3, no development shall be permitted, and no main building or structure shall be developed or used as a dwelling on a lot that is not serviced by a community sewage disposal system, unless the following conditions are fulfilled:

- a) the lot shall have a minimum area of 4000 square metres for a single family dwelling, 5350 square metres for a two family dwelling, 6700 square metres for a three family dwelling, 8050 square metres for a four family dwelling,
- b) the lot shall have a minimum lot frontage of 54 metres for a single family dwelling, 59 metres for a two family dwelling, 63 metres for a three family dwelling, 68 metres for a four family dwelling,
- c) the lot shall have a yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres,
- d) the lot shall have a rear yard measuring at least 6 metres,
- e) the lot shall have a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater,
- f) the lot shall have a development coverage of 45% or less of its surface area,
- g) the main building shall have a maximum height of two storeys, 11 metres,
- h) the Council must approve the installation of a private sewage disposal system on its territory.

5.3 R2S ZONE (RESIDENTIAL SINGLE- & TWO-UNIT DWELLINGS AND MEDIUM-DENSITY)

Permitted uses in R2S zones

5.3.1 No development shall be permitted, and the land, buildings or structures located on a lot in a R2S zone shall not be assigned to any purpose other than the following:

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- a) one of the following main uses:
 - (i) a single-unit dwelling,
 - (ii) a two-unit dwelling, duplex, triplex and fourplex,
 - (iii) a semi-detached dwelling,
 - (iv) a rowhouse dwelling containing a maximum of 12 dwelling units, subsection 5.3.2.2
 - (v) a multiple-unit dwelling containing a maximum of 24 dwelling units, section 5.3.2.3

- b) either one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a bed-and-breakfast or tourist home,
 - (v) an in-law suite,
 - (vi) a garage loft dwelling
 - (vii) a market garden

- c) or one of the following secondary uses per dwelling unit related to a permitted residential use, subject to the pertinent provisions of section 3.26:
 - (i) a home occupation or business;

- d) subject to section 3.21, an accessory use, building or structure related to the main permitted use of the land, building or structure;

Requirements for R2S zones

5.3.2.1 In a R2S zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres, except in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot with a minimum area of 270 square metres;
- b) the lot has a minimum lot frontage of 18 metres, except that in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot, each lot shall have a minimum lot frontage of 9 metres;
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;

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- e) the lot has a side yard measuring at least 2.5 metres and 1.2 on the opposite side, except that in the case of a semi-detached dwelling, each lot shall have a side yard measuring at least 2.5 metres and zero metre on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 50% of its surface area;
- g) the main building has a maximum height of two storeys (11 metres).

5.3.2.2 Subject to the relevant provisions of section 1.9.3, no development is permitted, and no main building or construction shall be developed or used for the purposes of a townhouse comprising a maximum of 12 dwelling units, unless the following conditions are met:

- a) the lot has a minimum area of 180 square metres per dwelling unit, when each dwelling unit in a townhouse is located on a separate lot;
- b) the lot has a minimum lot frontage of 6 metres per dwelling unit, when each dwelling unit in a townhouse is located on a separate lot;
- c) the lot has a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on both sides, except in the case of a townhouse dwelling, where each lot shall have a side yard measuring at least 3 metres and zero metre on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 60% of its surface area;
- g) the main building has a maximum height of 11 metres.

5.3.2.3 Subject to the pertinent provisions of section 1.9.3, no development shall be permitted, and no main building or structure shall be developed or used as a dwelling with multiple dwelling units containing a maximum of 24 dwelling units unless the following conditions are fulfilled:

- a) the lot shall have a minimum area of 836 square metres, plus an additional 50 square metres for each dwelling unit above six;
- b) the lot shall have a minimum lot frontage of 25 metres;
- c) the lot shall have a yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot shall have a rear yard measuring at least 6 metres;

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- e) the lot shall have a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot shall have a lot coverage less than or equal to 60% of its surface area;
- g) the main building shall have a maximum height of 11 metres.

5.3.2.4 Subject to provisions of section 1.9.3, no development shall be permitted, and no main building or structure shall be developed or used as a dwelling on a lot that is not serviced by a community sewage disposal system, unless the following conditions are fulfilled:

- a) the lot shall have a minimum area of 4000 square metres for a single family dwelling, 5350 square metres for a two family dwelling, 6700 square metres for a three family dwelling, 8050 square metres for a four family dwelling,
- b) the lot shall have a minimum lot frontage of 54 metres for a single family dwelling, 59 metres for a two family dwelling, 63 metres for a three family dwelling, 68 metres for a four family dwelling,
- c) the lot shall have a yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres,
- d) the lot shall have a rear yard measuring at least 6 metres,
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side;
- f) the lot shall have a development coverage of 45% or less of its surface area,
- g) the main building shall have a maximum height of two storeys, 11 metres,
- h) the Council must approve the installation of a private sewage disposal system on its territory.

5.4 R3 ZONE (RESIDENTIAL HIGH-DENSITY)

Permitted uses in R3 zones

5.4.1 No development shall be permitted, and the land, buildings or structures located on a lot in a R3 zone shall not be assigned to any uses, except as follows:

- a) one of the following main uses:
 - (i) a single-unit dwelling,
 - (ii) a two-unit dwelling, duplex,

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- (iii) a semi-detached dwelling,
 - (iv) a rowhouse dwelling containing a maximum of 24 dwelling units, 5.4.2.2
 - (v) a multiple-unit dwelling containing a maximum of 48 dwelling units, 5.4.2.3
 - (vi) a townhouse dwelling having a maximum of 24 adjacent units. 5.4.2.2
- b) either one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
- (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a bed-and-breakfast or tourist home,
 - (v) an in-law suite;
 - (vi) a market garden.
- c) or one of the following secondary uses per dwelling unit related to a permitted residential use, subject to the pertinent provisions of section 3.26:
- (i) a home occupation or business;
- d) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;
- e) despite paragraph 5.4.1a) and subsection 5.4.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
- (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) a community use,
 - (v) a residence for seniors,
 - (vi) a residential care facility,
 - (vii) a local convenience store,
 - (viii) a daycare centre, and
 - (ix) a personal service shop.

Requirements for R3 zones

5.4.2.1 In a R3 zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or a main structure, unless:

- a) the lot has a minimum area of 540 square metres, except that in the case of a semi-detached

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dwelling, when each dwelling unit is located on a separate lot, each lot shall have a minimum area of 270 square metres;

- b) the lot has a minimum lot frontage of 18 metres, except that in the case of a semi-detached dwelling, when each dwelling unit is located on a separate lot, each lot shall have a minimum lot frontage of 9 metres;
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 2.5 metres and 1.2 metre on the opposite side, except that in the case of a semi-detached dwelling, each lot shall have a side yard measuring at least 2.5 metres and zero metre on the side shared with another dwelling;
- f) the lot has a lot coverage less than or equal to 50% of its surface area;
- g) the main building has a maximum height of 11 metres.

5.4.2.2 When main uses are permitted for rowhouse dwellings, no development shall be permitted, and a lot shall not be assigned for development of a main building or main structure, unless the following conditions are fulfilled:

- a) the lot shall have minimum area of 180 square metres per dwelling unit, when each dwelling unit in a rowhouse dwelling is located on a separate lot;
- b) the lot shall have a minimum lot frontage of 6 metres per dwelling unit, when each dwelling unit in a rowhouse dwelling is located on a separate lot;
- c) the lot shall have a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot shall have a rear yard measuring at least 6 metres;
- e) the lot shall have a side yard measuring at least 3 metres on both sides, except in the case of a semi-detached dwelling, where each lot shall have a side yard measuring at least 3 metres and zero metre on the side shared with another dwelling;
- f) the lot shall have a lot coverage less than or equal to 60% of its surface area;
- g) the main building shall have a maximum height of 11 metres.

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5.4.2.3 When main uses are permitted for multiple-unit dwellings, no development shall be permitted, and a lot shall not be assigned for development of a main building or main structure, unless the following conditions are fulfilled:

- a) the lot shall have minimum area of 836 square metres, plus 50 additional square metres for each dwelling unit over six;
- b) the lot shall have a minimum lot frontage of 25 metres;
- c) the lot shall have a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot shall have a rear yard measuring at least 6 metres;
- e) the lot shall have a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot shall have lot coverage less than or equal to 60% of its surface area;
- g) the main building shall have a maximum height of 5 storeys or 20 metres.

5.5 RM ZONE (MINI DWELLING AND MOBILE HOME PARK)

Permitted uses in RM zones

5.5.1 No development shall be permitted, and the land, buildings or structures located on a lot in a RM zone shall not be assigned to any uses except as follows:

- a) one of the following main uses:
 - (i) a mini dwelling or mobile home park,
 - (ii) a mini dwelling, micro-home or mobile home,
 - (iii) a single-unit dwelling;
- b) one of the following secondary uses per dwelling unit related to a permitted main use, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) a home occupation or business;
 - (iii) a market garden;

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- c) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;
- d) despite paragraph 5.5.1a) and subsection 5.5.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
 - (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) a community use,
 - (v) a residence for seniors,
 - (vi) a residential care facility,
 - (vii) a local convenience store,
 - (viii) a lot displaying mini dwellings or mobile homes.

Requirements for RM zones

5.5.2 In a RM zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 465 square metres;
- b) the lot has a minimum lot frontage of 15 metres;
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 4.5 metres;
- e) the lot has a side yard measuring at least 2.4 metres on one side and 1.2 metre on the other;
- f) the lot has a lot coverage less than or equal to 45% of its surface area;
- g) the main building has a maximum height of 11 metres.

5.5.2.1 As an exemption to subsection 5.5.2, no development shall be permitted, and no main building or main structure shall be developed or used for purposes of micro-dwelling units, unless the following conditions are fulfilled:

- a) the lot shall have a minimum area of 836 square metres, plus 50 additional square metres for each dwelling unit over six;

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- b) the lot shall have a minimum lot frontage of 25 metres;
- c) the lot shall have a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot shall have a rear yard measuring at least 6 metres;
- e) the lot shall have a side yard measuring at least 3 metres or the equivalent of half the height of the main building, whichever is greater;
- f) the lot shall have a lot coverage less than or equal to 50% of its surface area;
- g) the main building shall have a maximum height of 6 metres.

5.6 RR ZONE (RESIDENTIAL RURAL)

Permitted uses in RR zones

5.6.1 No development shall be permitted, and land, buildings or structures located on a lot in a RR zone shall not be assigned to any purpose other than the following:

- a) one of the following main uses:
 - (i) a single-unit dwelling, chalet, camp and micro-home,
 - (ii) a two, three and four-unit dwelling,
 - (iii) a semi-detached dwelling,
 - (iv) a normally accessory building.
- b) one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a home occupation or business,
 - (v) a bed-and-breakfast or tourist home,
 - (vi) an in-law suite,
 - (vii) an artisanal home commercial activity,
 - (viii) a commercial kennel or veterinary clinic,
 - (ix) a private school,
 - (x) a private stable,
 - (xi) a roadside stand for the sale of agricultural products,
 - (xii) a convenience store with a gross floor area not exceeding 150 square metres,

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- (xiii) an agricultural use, a garden and a greenhouse;
 - (xiv) an artisanal pasture / hobby farm measuring 2 hectares allowing 6 farm animals plus 25 hens, for any lot measuring less than 8,000 square metres, a minimum of 15 laying hens, excluding roosters,
 - (xv) the sale of used automobiles, with a maximum of 4 autos on display at any time.
- c) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;
- d) despite paragraph 5.6.1a) and subsection 5.6.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
- (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) other institutional uses,
 - (v) a residence for seniors,
 - (vi) a residential care facility,
 - (vii) a local convenience store,
 - (viii) a personal service shop.

Requirements for RR zones

5.6.2 In a RR zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has: the lot shall have a minimum area of 4000 square metres for a single family dwelling, 5350 square metres for a two family dwelling, 6700 square metres for a three family dwelling, 8050 square metres for a four family dwelling,
- b) the lot has a minimum lot frontage of 54 metres for a single family dwelling, 59 metres for a two family dwelling, 63 metres for a three family dwelling, 68 metres for a four family dwelling,
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side;

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- f) the lot has a development coverage of 45% or less of its surface area;
- g) the main building or structure has a maximum height of 11 metres.

Other requirements

5.6.3 A minimum distance of 30 metres shall be established separating any owner's residence from any barn, kennel, stable or other building for the housing of animals, and 150 metres from any other dwelling.

5.7 RS ZONE (RESIDENTIAL UNSERVICED)

Permitted uses in RS zones

5.7.1 No development shall be permitted, and land, buildings or structures located on a lot in a RS zone shall not be assigned to any purpose other than the following:

- a) one of the following main uses:
 - (i) a single-unit dwelling,
 - (ii) a two, three and four-unit dwelling,
 - (iii) a semi-detached dwelling;
 - (iv) a rowhouse dwelling

- b) one of the following secondary uses related to a permitted single-unit dwelling, subject to the pertinent provisions of section 3.26:
 - (i) a neighbourhood daycare centre,
 - (ii) an accessory dwelling unit,
 - (iii) a garden suite,
 - (iv) a home occupation or business,
 - (v) a bed-and-breakfast or tourist home,
 - (vi) an in-law suite,
 - (vii) an artisanal home commercial activity,
 - (viii) a private school,
 - (ix) an artisanal agriculture use, a maximum of 6 hens, no rooster,
 - (xi) a convenience store with a gross floor area not exceeding 150 square metres,
 - (xii) a greenhouse,
 - (xiii) the sale of used automobiles, with a maximum of 4 autos on display at any time.

- c) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;

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d) despite paragraph 5.7.1a) and subsection 5.7.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:

- (i) a public or private school,
- (ii) a church or parish hall,
- (iii) a police station or fire hall,
- (iv) a community use,
- (v) a residence for seniors,
- (vi) a residential care facility,
- (vii) a local convenience store,
- (viii) a personal service shop.

Requirements for zones RS

5.7.2 In a RS zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 4000 square metres for a single-family dwelling, 5350 square metres for a two-family dwelling, 6700 square metres for a three-family dwelling, 8050 square metres for a four-family dwelling,
- b) the lot has a minimum lot frontage of 54 metres for a single-family dwelling, 59 metres for a two-family dwelling, 63 metres for a three-family dwelling, 68 metres for a four family dwelling,
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres,
- d) the lot has a rear yard measuring at least 6 metres,
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side,
- f) the lot has a development coverage of 45% or less of its surface area,
- g) the main building or structure has a maximum height of 11 metres,
- h) the Council must approve the installation of a private sewage disposal system on its territory.

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Other requirements

5.7.3 A minimum distance of 30 metres shall be established separating the owner's residence from any barn, kennel, stable or other building for the housing of animals, and 150 metres from any other dwelling.

PART 6 COMMERCIAL ZONES

6.1 CC ZONE (CENTRAL COMMERCIAL)

Permitted uses in CC zones

6.1.1 No development shall be permitted, and land, buildings or structures located on a lot in a CC zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) a retail store,
 - (ii) a bank or other financial institution,
 - (iii) a communications facility, in particular a radio or television station or printshop,
 - (iv) an entertainment establishment, other than adult entertainment,
 - (v) a funeral home,
 - (vi) a hotel, motel or inn,
 - (vii) an establishment, in particular a medical and health office, a veterinary clinic or an educational organization or a social or philanthropic organization,
 - (viii) a municipal or government office,
 - (ix) a museum, library, cultural centre or similar use,
 - (x) a residence for seniors,
 - (xi) an office,
 - (xii) a personal service shop,
 - (xiii) land or a structure or building destined for use as parking
 - (xiv) a restaurant, including drive-thrus,
 - (xv) a bakery with a maximum gross floor area of 185 square metres,
 - (xvi) a distillery or brewery with a maximum gross floor area of 285 square metres,
 - (xvii) a retail or wholesale store or service shop, including courier services or small machinery services,
 - (xviii) a boarding house or rooming house,
 - (xix) a daycare centre,
 - (xx) a residential care facility,
 - (xxi) a public or private school,
 - (xxii) a church or parish hall,
 - (xxiii) a police station or fire hall,
 - (xxiv) an institutional use,

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- (xxv) a residence for seniors,
- (xxvi) a commercial care facility,
- (xxvii) a multiple-unit dwelling with a commercial use on the ground floor,
- (xxviii) an establishment selling or repairing automobiles, motorcycles, ATVs, pleasure boats,
- (xxix) a single- or two-unit dwelling,

b) one of the following secondary uses related to a permitted main use:

(i) a garden suite;

c) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;

d) despite paragraph 6.1.1a) and subsection 6.1.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:

- (i) an entertainment use,
- (ii) a bus or public transit service terminus,
- (iii) a taxi parking lot or taxi dispatch office,
- (iv) a gas bar or service station,
- (v) a multiple-unit dwelling,
- (vi) a single- or two-unit dwelling,
- (vii) a body shop.

Requirements for CC zones

6.1.2 In a CC zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres;
- b) the lot has a minimum lot frontage of 18 metres;
- c) the lot has a front yard measuring at least 0 metre and, if it is a corner lot, a flankage yard measuring at least 0 metre;
- d) the lot has a rear yard measuring at least 4.5 metres;
- e) the lot has a side yard measuring at least 1.2 metre;
- f) the lot has a maximum lot coverage de 75% of the area of the lot;

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- g) the main building has a maximum height of 5 storeys or 20 metres.

6.2 CR ZONE (REGIONAL COMMERCIAL)

Permitted uses in CR zones

6.2.1 No development shall be permitted, and land, buildings or structures located on a lot in a CR zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
- (i) a garage for the repair of automobiles, motorcycles, ATVs, pleasure boats,
 - (ii) an establishment selling automobiles and an exterior display area,
 - (iii) a bank or other financial institution,
 - (iv) a billboard sign or other advertising placard or sign,
 - (v) a car wash,
 - (vi) a communications facility, in particular a radio or television station or printshop,
 - (vii) a drive-thru business,
 - (viii) a gas bar,
 - (ix) an entertainment establishment, other than adult entertainment,
 - (x) a grocery or convenience store,
 - (xi) a funeral home,
 - (xii) a hotel, motel or inn,
 - (xiii) a commercial use for recreational purposes,
 - (xiv) a medical and health office or veterinary clinic,
 - (xv) a museum, library, cultural centre or similar use,
 - (xvi) a home or residence or seniors, single- or two-unit dwelling
 - (xvii) an office,
 - (xviii) a personal service shop,
 - (xix) land or a structure or building destined for use as parking,
 - (xx) a restaurant, including drive-thrus,
 - (xxi) a retail bakery,
 - (xxii) a retail or wholesale store or service shop, including courier services, small machinery services and a body shop,
 - (xxiii) a service station,
 - (xxiv) a shopping centre,
 - (xxv) a taxi parking lot or taxi dispatch office,
 - (xxvi) a business serving customers in their vehicles,
 - (xxvii) a business selling automobiles parts and accessories to customers in their vehicles,
 - (xxviii) a boarding house or rooming house,
 - (xxix) a daycare centre,
 - (xxx) a building materials store,

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- (xxxii) a greenhouse or nursery;
- b) a maximum of 4 dwelling units as a secondary use related to a permitted main use, on condition that the residential use is not located on the ground floor at the front of the building;
- c) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;
- d) despite paragraph 6.2.1(a) and subsection 6.2.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
 - (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) other institutional uses,
 - (v) a residence for seniors,
 - (vi) a residential care facility,
 - (vii) a bus or public transit service terminus,
 - (viii) a lot selling caravans or mobile homes,
 - (ix) a lumber warehouse for a building materials store.

Requirements for CG zones

6.2.2 The following provisions apply to CG zones.

6.2.2.1 When main uses other than a multiple-unit dwelling are permitted, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres;
- b) the lot has a minimum lot frontage of 18 metres;
- c) the lot has a front yard measuring at least 7.5 metres and, if it is a corner lot, a flankage yard measuring at least 7.5 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 1.2 metre on side and 4 metres on the other;
- f) the lot has a lot coverage less than or equal to 60% of its surface area;

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In the case of discrepancies between the two documents, the French version shall prevail.

g) the main building has a maximum height of 14 metres.

6.2.2.2 When main uses are permitted for a multiple-unit dwelling, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless the following conditions are fulfilled:

- a) the lot has a minimum area of 836 square metres, plus 50 additional square metres for each dwelling unit over 16;
- b) the lot has a minimum lot frontage of 25 metres for three dwelling units; 24 metres for four dwelling units; and 27 metres for five or more dwelling units;
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot has a lot coverage less than or equal to 45% of its surface area;
- g) the main building has a maximum height of 20 metres.

6.3 CT ZONE (TOURIST COMMERCIAL)

6.3.1 No development shall be permitted, and the land, buildings or structures on a lot in a CT zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) a government establishment,
 - (ii) an establishment for public gatherings or social, cultural or recreational activities,
 - (iii) a park, open space, playground, sports field or recreational facility,
 - (iv) a building for educational purposes; ex.: kindergarten, school, college, sport, culinary arts,
 - (v) a commercial day-care centre,
 - (vi) a care home or residence for seniors,
 - (vii) an agriculture use,
 - (viii) a silviculture or aquaculture use,
 - (ix) a campground, inn, bed-and-breakfast, single- or two-unit dwelling,
 - (x) a restaurant, tourism-related culinary service,

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In the case of discrepancies between the two documents, the French version shall prevail.

- (xi) a retail store, convenience store, grocery store, market,
 - (xii) a personal services establishment,
 - (xiii) a retail or rental store;
 - (xiv) a cabin, chalet or dome establishment;
 - (xv) a trail system;
 - (xvi) a rowhouse.
 - (xvii) a distillery or brewery with a maximum gross floor area of 285 square metres.
- b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

6.3.2 In a CT zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 4000 square metres for a single-family dwelling, 5350 square metres for a two-family dwelling, 6700 square metres for a three-family dwelling and 8050 square metres for a four-family dwelling;
- b) the lot has a minimum frontage of 54 metres for one dwelling, 59 metres for a two-family dwelling, 63 metres for a three-family dwelling and 68 metres for a four-family dwellings;
- c) the lot has a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side;
- f) the lot has a development coverage of 45% or less of its surface area;
- g) the main building or structure has a maximum height of 14 metres;
- h) the dwellings not mentioned above will be considered by derogation.

6.4 CL ZONE (RURAL COMMERCIAL)

6.4.1 No development is permitted, and the land, buildings or structures located on a lot in a CL zone shall not be assigned to any purpose other than the following:

- a) one or more of the following primary uses:
 - (i) a retail store, convenience store, grocery store, market;

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- (ii) a restaurant, a tourism culinary experience service;
- (iii) a park, open space, playground, sports or recreational facility;
- (iv) a building for educational purposes; ex.: kindergarten, school, college, sport, culinary, arts;
- (v) a commercial day care centre;
- (vi) a care home or residence for seniors;
- (vii) agricultural use;
- (viii) silvicultural or aquaculture use;
- (ix) a campground, inn, bed and breakfast, single- and two-unit dwelling;
- (x) a wholesale establishment;
- (xi) a sales and service establishment of ATV, boats, camping trailers, etc.
- (xii) a personal services establishment;
- (xiii) a retail or rental store;
- (xiv) an automotive body shop;
- (xv) a veterinarian clinic for pets and domestic animals;
- (xvi) a recycling center;
- (xvii) a commercial greenhouse or garden center;
- (xviii) a landscaping business;
- (xix) a commercial kitchen with food preparation and storage service;
- (xx) an online ordering and delivery service;
- (xxi) a distillery or brewery with a maximum gross floor of 285 square metres.

b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

6.4.2 In a CL zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 4000 square metres for a single-family dwelling, 5350 square metres for a two-family dwelling, 6700 square metres for a three-family dwelling and 8050 square metres for a four-family dwelling;
- b) the lot has a minimum frontage of 54 metres for a single-family dwelling, 59 metres for two-family dwelling, 63 metres for three-family dwellings and 68 metres for a four-family dwelling;
- c) the lot has a front yard measuring at least 6 metres and, in the case of a corner lot, a flankage yard measuring at least 6 metres;
- d) the lot has a rear yard measuring at least 6 metres;
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side;

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- f) the lot has a development coverage of 45% or less of its surface area;
- g) the main building or structure has a maximum height of 14 metres;
- h) dwellings not mentioned above will be considered by derogation.

PART 7 INDUSTRIAL ZONES

7.1 IPA ZONE (BUSINESS PARK)

Permitted uses in IPA zones

7.1.1 No development shall be permitted, and the land, buildings or structures located on a lot in an IPA zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) a fabrication, processing or manufacturing establishment, distillery, brewery;
 - (ii) subject to paragraph 7.1.3 (c), a salvage yard, recycling facility or depot, or scrapyard;
 - (iii) a transportation, storage or distribution establishment;
 - (iv) a retail establishment or service shop;
 - (v) an office;
 - (vi) a restaurant;
 - (vii) general communications and telecommunications facilities;
 - (viii) a vehicle sales and maintenance establishment and the related display area;
 - (ix) a daycare centre;
 - (x) a greenhouse or nursery;
- b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;
- c) despite paragraph 7.1.1a) and le subsection 7.1.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
 - (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) other institutional uses,
 - (v) a residence for seniors,

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In the case of discrepancies between the two documents, the French version shall prevail.

- (vi) a residential care facility,
- (vii) a wind turbine,
- (viii) an indoor cannabis production facility.

Requirements for IPA zones

7.1.2 In an IPA zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 540 square metres;
- b) the lot has a minimum lot frontage of 18 metres;
- c) the lot has a front yard measuring at least 15 metres and, if it is a corner lot, a flankage yard measuring at least 15 metres;
- d) the lot has a rear yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- e) the lot has a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot has a lot coverage less than or equal to 45% of its surface area;
- g) the main building has a maximum height of 15 metres.

Other requirements for IPA zones

7.1.3 In an IPA zone, no development shall be permitted, and no lot shall be assigned for the development of a main building, main structure or permitted secondary uses unless the following conditions are fulfilled:

- a) if a IPA zone abuts a residential zone, a parking area or storage lot shall not be located in a side or rear yard, unless a barrier fence or screen is installed, and no parking area or storage lot shall be located, even in part, less than 1.5 m from the side or rear lot line.
- b) outdoor storage shall be permitted and shall be screened from the street and from neighbouring residential properties by a wall or a solid decorative fence made from boards measuring 2 to 2.5 metres in height. Nothing shall be piled up higher than the surrounding fence. If possible, standing trees shall be preserved.
- c) a salvage yard, recycling facility or depot or scrapyards shall not be located such that a storage area or building used for this use is less than 30 metres from the street line of an adjacent lot serving a residential use.

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7.2 ID ZONE (HEAVY INDUSTRIAL)

Permitted uses in ID zones

7.2.1 No development shall be permitted, and land, buildings or structures located on a lot in an ID zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) a heavy fabrication, processing or assembly facility,
 - (ii) a salvage yard, hazardous materials recycling facility or heavy scrapyards,
 - (iii) establishment for the transportation of oversized loads or the fabrication and repair of heavy equipment,
 - (iv) an establishment for exotic performances,
 - (v) an office,
 - (vi) a restaurant,
 - (vii) general communications and telecommunications facilities,
 - (viii) resource exploitation,
 - (ix) a daycare centre;
 - (x) an indoor cannabis production facility
 - (xi) a distillery or brewery exceeding 300 metres square in floor area,
 - (xii) an adult entertainment establishment.

- b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure;

- c) despite paragraph 7.2.1a) and subsection 7.2.2, the assignment of any land, building or structure to one or more of the following conditional uses, which are particular items to which the Commission may tie the fulfillment of terms and conditions or prohibit the use if it is reasonably uncertain whether the terms and conditions imposed will be observed:
 - (i) a public or private school,
 - (ii) a church or parish hall,
 - (iii) a police station or fire hall,
 - (iv) other institutional uses,
 - (v) a residence for seniors
 - (vi) a wind turbine.

Requirements for ID zones

7.2.2 In an ID zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 4,000 square metres;

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- b) the lot has a minimum lot frontage of 54 metres;
- c) the lot has a front yard measuring at least 15 metres and, if it is a corner lot, a flankage yard measuring at least 15 metres;
- d) the lot has a rear yard measuring at least 7.5 metres or equivalent to half the height of the main building, whichever is greater;
- e) the lot has a side yard measuring at least 7.5 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot has a lot coverage less than or equal to 45% of its surface area;
- g) the main building has a maximum height of 15 metres.

Other requirements for ID zones

7.2.3 In an ID zone, no development shall be permitted, and no lot shall be assigned for the development of a permitted main building or structure or secondary use, unless the following conditions are fulfilled:

- a) if a ID zone abuts a residential zone, a parking area or storage lot shall not be located in a side or rear yard, unless a barrier fence or screen is installed, and no parking area or storage lot shall be located, even in part, less than 5 metres from the side or rear lot line.
- b) outdoor storage shall be permitted and shall be screened from the street and from neighbouring residential properties by a wall or a solid decorative fence with a height of 2 to 3.6 metres. Nothing shall be piled up higher than the surrounding fence. If possible, standing trees shall be preserved.
- c) salvage yard, hazardous materials recycling facility or scrapyards shall not be located such that a storage area or building used for this use is less than 150 metres from the street line of an adjacent lot serving a residential use.

PART 8 COMMUNITY USES

8.1 CO ZONE (COMMUNITY ZONE)

Permitted uses in CO zones

8.1.1 No development shall be permitted, and land, buildings or structures located on a lot in a CO zone shall not be assigned to any purpose other than the following:

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- a) one or more of the following main uses:
- (i) a building for public gatherings or social, cultural or recreational activities, educational purposes or a community use or other similar use,
 - (ii) a church and other religious institutions, in particular cemeteries or crematoria and similar uses,
 - (iii) a daycare centre,
 - (iv) government uses and buildings (federal, provincial and municipal),
 - (v) a care home or residence for seniors,
 - (vi) a hospital,
 - (vii) a park, open space, playground, campground, golf club or other recreational facility,
 - (viii) a university or community college and related buildings and facilities, in particular buildings belonging to fraternities, dormitories and necessary residences mainly for the use of students and staff,
 - (ix) a single- or two-unit dwelling,
 - (x) a multiple-unit dwelling,
 - (xi) a communications tower,
 - (xii) a medical and health office,
 - (xiii) an open space linear trail,
 - (xiv) interpretive activities related to sectors of natural or scientific interest
- b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

Requirements for CO zones

8.1.2 In a CO zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a minimum area of 900 square metres;
- b) the lot has a minimum lot frontage of 30 metres;
- c) the lot has a front yard measuring at least 10 metres and, if it is a corner lot, a flankage yard measuring at least 10 metres;
- d) the lot has a rear yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- e) the lot has a side yard measuring at least 3 metres or equivalent to half the height of the main building, whichever is greater;
- f) the lot has a lot coverage less than or equal to 50% of the area of the lot;

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g) the main building has a maximum height of 15 metres.

PART 9 RESOURCE USES

9.1 RE ZONE (RESOURCE)

Permitted uses in RE zones

9.1.1 No development shall be permitted, and land, buildings or structures located on a lot in an RE zone shall not be assigned to any purpose other than the following:

a) one or more of the following main uses:

- (i) a park or open space,
- (ii) interpretive activities related to sectors of natural or scientific interest
- (iii) an agriculture use not requiring permanent structures,
- (iv) an open space linear trail,
- (v) a public work related to flood mitigation facilities and wastewater purification or other similar uses,
- (vi) a wind farm,
- (vii) a single- or two-unit dwelling,
- (viii) a camp or micro-home adjacent to an RR zone
- (ix) a communications tower,
- (x) a forestry use.

b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

Requirements for RE zones

9.1.2 In a RE zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- b) the lot has a rear yard measuring at least 4.5 metres;
- c) the lot has a side yard measuring at least 3 metres;
- d) the main building has a maximum height of 11 metres;
- e) the lot has a maximum lot coverage of 10% of the area of the lot.

9.1.3 In a zone RE, no residential development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

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- a) the lot shall have a minimum area of 4000 square metres for a single family dwelling, 5350 square metres for a two family dwelling, 6700 square metres for a three family dwelling, 8050 square metres for a four family dwelling,
- b) the lot shall have a minimum lot frontage of 54 metres for a single family dwelling, 59 metres for a two family dwelling, 63 metres for a three family dwelling, 68 metres for a four family dwelling,
- c) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres,
- d) the lot has a rear yard measuring at least 6 metres,
- e) the lot has a side yard measuring at least 3 metres on one side and 3 metres on the opposite side,
- f) the lot shall have a development coverage of 45% or less of its surface area,
- g) the main building or structure has a maximum height of 11 metres,
- h) the non-mentioned dwellings, can be considered throughout a variance process.

9.2 AG ZONE (AGRICULTURE)

9.2.1 No development shall be permitted, and land, buildings or structures located on a lot in an AG zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) cultivating the earth,
 - (ii) raising and keeping cattle, including poultry, keeping and raising bees,
 - (iii) producing field crops,
 - (iv) producing fruits, vegetables and other specialty horticultural products,
 - (v) producing eggs and milk,
 - (vi) operating agricultural machinery and equipment, including irrigation pumps,
 - (vii) applying fertilizers, soil improvers, insecticides, fungicides and herbicides for agricultural purposes,
 - (viii) operating u-pick farms, agricultural product stands, and agrotourism as part of an agricultural operation,
 - (ix) an aquaculture use,
 - (x) processing agricultural products on the farm to prepare them for retail or wholesale sales,

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- (xi) preparing an agricultural product distributed at the farm, including cleaning, sorting and packaging,
- (xii) storage, use or elimination of organic waste for agricultural purposes,
- (xiii) a park or open space,
- (xiv) interpretive activities related to sectors of natural or scientific interest e,
- (xv) an agriculture use not requiring permanent structures,
- (xvi) an open space linear trail,
- (xvii) a public work related to flood mitigation facilities and wastewater purification or other similar uses,
- (xviii) a wind farm;
- (xix) a forestry use;
- (xx) a dwelling mentioned in paragraph (5.5) RR zone,
- (xxi) a temporary lodging facility for agriculture workers.

b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

Requirements for AG zones

9.2.2 In an AG zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- b) the lot has a rear yard measuring at least 4.5 metres;
- c) the lot has a side yard measuring at least 3 metres;
- d) the main building has a maximum height of 11 metres;
- e) the lot has a maximum lot coverage of 10% of the area of the lot.

9.3 AQ ZONE (AQUACULTURE)

9.3.1 No development shall be permitted, and land, buildings or structures located on a lot in an AQ zone shall not be assigned to any purpose other than the following:

- a) one or more of the following main uses:
 - (i) processing aquaculture products to prepare them for retail or wholesale sales,
 - (ii) processing activities related to the fishing, raising, hatching and reproduction on the farm of aquaculture products to prepare them for retail or wholesale sales;
 - (iii) a park or open space;
 - (iv) interpretive activities related to sectors of natural or scientific interest;
 - (v) an aquaculture use not requiring permanent structures;
 - (vi) an open space linear trail;

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- (vii) a public work related to flood mitigation facilities and wastewater purification or other similar uses;
 - (viii) a wind farm.
- b) subject to section 3.21, the development of accessory buildings, structures or uses related to the permitted main use of the land, building or structure.

Requirements for AQ zones

9.3.2 In an AQ zone, no development shall be permitted, and no lot shall be assigned for the development of a main building or main structure, unless:

- a) the lot has a front yard measuring at least 6 metres and, if it is a corner lot, a flankage yard measuring at least 6 metres;
- b) the lot has a rear yard measuring at least 4.5 metres;
- c) the lot has a side yard measuring at least 3 metres;
- d) the main building has a maximum height of 11 metres;
- e) the lot has a maximum lot coverage of 20% of the area of the lot.

PART 10 AI ZONE (INTEGRATED DEVELOPMENT)

10.1 AI ZONE (INTEGRATED DEVELOPMENT)

Permitted uses in AI zones

10.1.1 No development shall be permitted, and land, buildings or structures shall not be located on a lot in an AI zone unless the Council has approved a specific proposal under section 58 of the *Community Planning Act*.

Requirements for AI zones

10.1.2 The standards or requirements for AI zones shall not be subject to this by-law; rather, they are governed by the proposal approved by the Council under section 59 of the *Act*.

PART 11 REPEAL OF THE BY-LAW

11.1 By-law no 2021-03, “*Arrêté de zonage de la Ville de Bouctouche*” adopted on March 29, 2021 and registered in the Provincial Registry Office on April 27, 2021, bearing registration number 41213100, is hereby repealed with the exception to a zoning by-law modification for the “La Source” Development adopted on June 17, 2014 and registered in the Provincial Registry Office on July 11, 2014, bearing registration number 33953564.

First reading (by title): (French Version)	<u>April 8, 2025</u>
Second reading (by title): (French Version)	<u>April 8, 2025</u>
Summary reading: (French Version) Under subsection 15(3) of the <i>Local Governance Act</i>	<u>April 30, 2025</u>
Third reading (by title) and adoption: (French Version)	<u>April 30, 2025</u>

NOTE: This is a translation of the French document entitled “*Arrêté de zonage de la Ville de Grand-Bouctouche*”. In the case of discrepancies between the two documents, the French version shall prevail.

Seal

Aldéo Saulnier
Mayor

Serge Arsenault
Municipal Clerk

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