



Hampton Zoning By-Law

By-law No. HAM-2023-16





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REPEAL AND TRANSITION

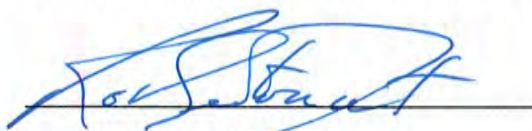
By-law No. 216-2021, Town of Hampton Zoning By-law, enacted on April 13, 2021 and amendments thereto and Ministerial Regulation for the Hampton Parish Planning Area Rural Plan 19-HAM-070-00, enacted on August 29, 2019 and amendments thereto are repealed.

The repeal of By-law No. 216-2021, Town of Hampton Zoning By-law, and Ministerial Regulation for the Hampton Parish Planning Area Rural Plan 19-HAM-070-00 shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of the repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

FIRST READING BY TITLE: November 21, 2023

SECOND READING BY TITLE: November 21, 2023

THIRD READING BY TITLE AND ENACTED: January 9, 2024


Robert Doucet, Mayor


Richard Malone, Clerk





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SCHEDULE A - ZONING MAP



SECTION 1

TITLE & SCOPE



The Council of Hampton, under the authority vested in it by the *Community Planning Act*, enacts as follows:

1.1 Title

This by-law may be cited as the Hampton Zoning By-law.

1.2 Purpose

- a) Divides Hampton into zones;
- b) Prescribes, subject to the powers vested in the Council, the Planning Advisory Committee, and the Development Officer, the purposes for which land, buildings, and structures in any zone may be used and regulates the standards to which land use and the placement, erection, alteration, and use of buildings and structures shall conform; and
- c) Prohibits the use, placement, erection, or alteration of land buildings, or structures other than in conformity with the purposes and regulated standards mentioned in paragraph (b).

1.3 Scope

- a) No building or structure shall be erected, altered, or demolished, nor the use of any building, structure or lot be changed unless a Development/Building permit has been issued and no Development/Building permit shall be issued unless all the provisions of this By-law are satisfied.
- b) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law, Subdivision By-law, or any other By-law in force within the Town or to obtain any license, permission, permit authority or approval required by this or any other By-law of the Municipality, or other lawful authority.
- c) Where the provisions of this By-law conflict with those of any other municipal, provincial or federal regulations, By-laws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

1.4 Severability

If any provision of the By-law is declared by a court or tribunal of competent jurisdiction to be invalid, that ruling shall not affect the validity of any other provision herein, nor of the By-law as a whole.

1.5 Repeal

- a) The Town of Hampton Zoning By-law and amendments thereto, are hereby repealed.
- b) The Hampton Parish Planning Area Rural Plan and amendments thereto, are hereby repealed.
- c) Notwithstanding the repeal of the By-laws detailed in paragraph (a) and (b):
 - i. Section 59 Conditions, pursuant to the Community Planning Act, which have been registered prior to the coming into force of this By-law shall remain in force;
 - ii. Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to be applicable.



SECTION 2

ADMINISTRATION

2.1 Administrative Area

The geographical area within the boundaries of Hampton are divided into zones as shown on the Zoning Map in Schedule A.

2.2 Zones

The following zones appear on the Zoning Map in Schedule A. The table below provides the zone and the corresponding symbol:

Zone	Symbol
One and Two Unit Residential	R1
Medium Density Residential	R2
Multi-Unit Residential	R3
Rural Residential	RR
Mini Home Park Residential	MHP
Town Centre	TC
Mixed Use	MU
General Commercial	GC
Rural	RU
Industrial	I
Institutional	INST
Conservation	C
Parks and Recreation	P
Aggregate Extraction	AE



2.3 Zone Boundaries

- Where a zone boundary follows a lot line, that lot line is the zone boundary;
- Where a zone boundary follows the sideline of a highway, road, lane, or street, such sideline is the zone boundary;
- Where a zone boundary follows a transmission right-of-way, rail right-of-way, or watercourse, the centre of that feature is the zone boundary;
- Where a zone boundary follows the municipal boundary, the municipal boundary is the zone boundary;
- Should any feature described in this section cease to exist, the centre of the former feature is the zone boundary; and
- Where none of the above applies, the zone boundary is determined by measuring the Zoning Map directly.

2.4 Properties Affected by More than One Zone

Where a lot is situated within more than one zone, the provisions of each zone shall be applied to the corresponding areas of the lot.

2.5 By-law Applicability and Enforcement

No person shall, within any zone, use any land or place, erect, alter or use any building or structure except in accordance with the provisions of this By-law.

2.6 Uses

2.6.1 Permitted Uses

If a use is not listed as a permitted use in a particular zone, it is hereby deemed to be a prohibited use in that zone unless determined to be a similar or compatible use by the Planning Advisory Committee in accordance with Section 2.9.2 of this By-law.

2.6.2 Conditional Uses

Notwithstanding Section 2.6.1, Conditional uses are:

- a) Subject to terms and conditions imposed by the Planning Advisory Committee; and
- b) Subject to all other provisions of this By-law.

2.6.3 Secondary Uses

- a) Secondary uses are:
 - i. Subordinate to the main use; and
 - ii. Located on the same lot as the main use.
- b) Secondary uses are subject to the requirements of the zone in which the main use is listed and may be subject to additional provisions described in Part 4 and 5 of this By-law.

2.6.4 Accessory Uses

- a) An accessory use is:
 - i. Subordinate to the main use or secondary use;
 - ii. Located on the same lot as the main use unless otherwise provided by this By-law; and
 - iii. Complementary to the main use, as the discretion of the Development Officer.
- b) Accessory uses are subject to the requirements of the zone in which the main use is listed and may be subject to additional provisions described in Part 4 By-law.

2.6.5 Incidental Uses

An incidental use is one which is customarily accompanying to a primary, secondary or accessory use and occur in consequence of a permitted land use.

2.7 Measurements and Calculations

- a) Numerical requirements in this By-law are provided in metric units of measurement.
- b) A numerical requirement shall be determined by measuring the closest distance in a straight line made along a horizontal plane and not by following the topography or slope of the land except as otherwise provided by this By-law.
- c) Where the calculation of a numerical requirement results in a fraction:
 - i. A fraction of less than one-half shall not be taken into consideration; and
 - ii. A fraction of one-half or more shall require rounding to the next higher full number.

2.8 Powers & Role of Council

2.8.1 Non-Conforming Use

- a) Pursuant to subsection 61(1) of the *Community Planning Act*, Council may require that any land, building or structure containing a non-conforming use shall be maintained and kept in a condition appropriate to the area in which it is located, in accordance with the standards prescribed by the Council.
- b) Pursuant to subsection 61(3) of the *Community Planning Act*, if the standards prescribed under paragraph (a) are not complied with, Council may perform, at the expense of the owner or occupier, the work required to meet the standards, or require the termination of the use.

2.8.2 Satisfactory Servicing

No building may be erected within the Town if, in the opinion of Council, satisfactory arrangements have not or cannot be made for the supply of electrical power, water, sewerage, streets, and other services and facilities.

2.9 Powers and Role of Planning Advisory Committee

The Planning Advisory Committee is an appointed body under Sections 3 to 8 of the *Community Planning Act*. The Planning Advisory Committee's role is to advise and make recommendations to Council on matters relating to community planning, to give its views on any by-law proposed to be made under the *Community Planning Act*, and to exercise the powers and perform the duties given to it by the *Community Planning Act* or Council.

2.9.1 Conditional Uses

- a) Conditional uses are approved subject to terms and conditions imposed by the Planning Advisory Committee.
- b) Conditional uses may be prohibited by the Planning Advisory Committee where compliance with terms and conditions imposed under clause (a) cannot reasonably be expected.
- c) Conditional uses are listed in each zone as "Conditional Uses".

- d) Town Council may enter into an agreement to assure the performance of the terms and conditions set out in subsection (a).

2.9.2 Similar or Compatible Uses

Pursuant to Section 55(1) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a proposed use of land or a building that is otherwise not permitted under this Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated.

2.9.3 Temporary Approvals

Pursuant to Section 53(2) of the *Community Planning Act*, the Planning Advisory Committee may, subject to the terms and conditions it considers fit:

- e) Authorize for a temporary period not exceeding one year a development otherwise prohibited by this By-law;
- f) Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this by-law if:
 - i. The applicant holds an authorization under subparagraph (a) that is to expire or has expired,
 - ii. An application to amend this by-law including a rezoning application has been made, and
 - iii. The Planning Advisory Committee has received a resolution from Council confirming that Council will consider the application referred to in (ii)
- g) Require the termination or removal of a development authorized under subparagraph (a) or (b) at the end of the authorized period.

2.9.4 Variances

Pursuant to Section 55(1)(b) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a reasonable variance from the requirements of this By-law authorized by section 53(2)(a) of the *Community Planning Act*, if in its opinion, it is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this by-law and the Hampton Municipal Plan.

2.9.5 Delegated Authority

Pursuant to Section 53(2)(j), the Planning Advisory Committee may delegate its authority to the Development Officer.

2.10 Powers of the Development Officer

2.10.1 Encroachment Occurring in Good Faith

Pursuant to subsection 53(7) and 53(8) of the *Community Planning Act*, if the location of a building or structure encroaches up to 60 cm on a setback requirement under subsection 53(2)(a)(v) of the *Community Planning Act*, or encroaches up to 30 cm on a yard requirement under subsection 53(2)(a)(iv) of the *Community Planning Act*, the encroachment does not constitute a violation of the requirements of this By-law, if the Development Officer determines the encroachment to have occurred in good faith.

2.10.2 Development Officer Variances

Pursuant to Section 55(2) of the *Community Planning Act* and subject to the terms and conditions they consider fit, the Development Officer may permit a reasonable variance from the requirements referred to in subsections 53(2)(a)(i), (iii), (iv), (v), (vii), (ix), and (xiii) of the *Community Planning Act* and referenced in the list below, if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this By-law and the Hampton Municipal Plan.

- a) 53(2)(a)(i) the minimum size and dimensions of lots and other parcels into which land may be subdivided, and the minimum and dimensions of land required for a particular class of use or size of building or structure;
- b) 53(2)(a)(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures;
- c) 53(2)(a)(iv) the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces;
- d) 53(2)(a)(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water;
- e) 53(2)(a)(vii) the placement, height, and maintenance of fences, walls, hedges, shrubs, trees, and other objects;
- f) 53(2)(a)(ix) the facilities to be provided and maintained for off-street parking and loading of vehicles; and
- g) 53(2)(a)(xiii) the location, dimensions, standards of construction and purposes of advertising signs and billboards.

2.11 Applications & Development Permit Approvals

2.11.1 Council Applications

Council applications include:

- a) Amendment to the Hampton Municipal Plan;
- b) Amendment to this By-law;
- c) Non-conforming use pursuant to the *Community Planning Act*; and
- d) A resolution pursuant to Section 59 of the *Community Planning Act*.

2.11.2 Planning Advisory Committee Applications

Planning Advisory Committee applications include:

- a) Similar or compatible use pursuant to the *Community Planning Act*;
- b) Temporary approval pursuant to the *Community Planning Act*;
- c) Variances pursuant to the *Community Planning Act*; and
- d) Conditional use pursuant to the *Community Planning Act*.

2.11.3 Development Officer Applications

Development Officer applications include:

- a) Variances pursuant to Section 53 (2)(a)(i),(iii),(iv), (v), (vi), (vii), (ix) or (xiii), and 53(2)(f) of the *Community Planning Act*; and
- b) Development Permits.

2.11.4 Development Permit Approvals

2.11.4.1 Development Permit Required

Pursuant to subsection 53(2)(b) of the *Community Planning Act*, a permit must be obtained when:

- a) a change in the purpose for which land or a building or structure is used;
- b) the use of land, buildings and structures for the purpose of displaying advertising signs or billboards; or
- c) the clearing and grubbing or excavation of sand, gravel, clay, shale, limestone or other deposits for purposes of the sale or other commercial use of the material excavated is proposed.

2.11.4.2 Development Permit Not Required

Notwithstanding Section 2.11.4.1, the following developments do not require a development permit, but may require a building permit under the Hampton's Building By-Law:

- a) Alterations to the interior of a building that do not change the use;
- b) Alterations to the exterior of a building that does not increase the exterior dimensions or size; or

- c) Changes to the copy of a sign where the sign copy area does not increase.

2.11.5 Zoning By-law and Section 59 Amendments

- a) A person who seeks to have this By-law amended shall submit a complete application in a form satisfactory to the Development Officer along with the applicable fee.
- b) Council may, if it deems fit, return all or any part of the fee mentioned in subsection (a).
- c) An application under this section shall include such information as may be required by Council for the purpose of adequately assessing the desirability of the proposal.
- d) Council may refuse to consider an application under this section if such application:
 - i. seeks to have Council change an area of land from one type of zoning to another contrary to the designation of the land in the Municipal Plan; or
 - ii. has not been signed by all registered owners of each property proposed for rezoning or an agent or agents for all of the owners.
- e) Where a property abuts a line separating designations in the Municipal Plan, it may be considered to be within either designation for the purposes of considering an amendment to this By-law.

2.11.6 Complete Applications

Applications submitted under Section 2.11 shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.





SECTION 3

DEFINITIONS

In this By-law, words have their ordinary meaning except when indicated or defined otherwise:

“abattoir” means the use of land, building or structure thereof in which animals are slaughtered.

“abut” means adjoining and having access thereto directly.

“access” means an access, exit, or driveway from a street to a lot.

“accessory building / structure” means a building that is detached, incidental, subordinate, and exclusively devoted to the main use, main building, or structure located on the same lot.

“accessory use” means a permitted use in a zone that is incidental to and exclusively devoted to a main use of any land, building, or structure located on the same lot.

“accommodation” means an establishment that provides lodging for travellers or transients, and includes but is not limited to, a bed and breakfast, hotel, motel, or other short-term lodging type but does not include a hostel or rooming house.

“Act, the” means the *Community Planning Act* of New Brunswick.

“adult entertainment facility” means an establishment where service or entertainment appealing to, or designed to appeal to, an erotic or sexual appetite or inclination is provided.

“Advisory Committee” means the Planning Advisory Committee established under Section 3 of the *Community Planning Act*.

“aggregate extraction use” means the use of land for the surface extraction, crushing, screening and stockpiling of sand, gravel, clay, shale, bedrock, limestone or other aggregate, as well as peat and may include washing and blasting where permitted under the appropriate provincial regulation;

“agricultural use” means an agricultural operation that is carried on for gain or reward, or in the hope or expectation of gain or reward, and includes:

- a) the clearing, draining, irrigating or cultivation of land;
- b) the raising of livestock, including poultry;
- c) the raising of fur-bearing animals;
- d) the raising of bees;
- e) the production of agricultural field crops;
- f) the production of fruit and vegetables and other specialty horticultural crops, including a greenhouse or nursery;
- g) the productions of eggs and milk;
- h) the production of maple syrup or similar products;
- i) the operation of agricultural machinery and equipment, including irrigation pumps;
- j) the preparation of a farm product distributed from the farm gate, including cleaning, grading, and packaging;
- k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption;

- l) the storage, use or disposal of organic wastes for farm purposes;
- m) the operation of pick-your-own farms, roadside stands, farm gate sales and farm tourist operations;
- n) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes;
- o) a greenhouse; and
- p) any other agricultural activity or process prescribed by provincial regulation.

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

“amenity space” means that part of a lot or building intended to be used privately or commonly for recreation or relaxation, such as, but not limited to, a balcony, courtyard, deck, garden, garden room, gym or fitness room, landscaped area, lounge area, gaming or computer room, movie room, pergola, play area, porch, rooftop deck, swimming pool, or veranda, but does not include a driveway or a parking lot.

“amusement place” means an amusement park or an establishment, other than a private club or an establishment authorized to serve beer or spirit, which for profit provides facilities for dancing, games, the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a restaurant or other commercial establishment.

“animal unit” means the number of livestock or poultry that produce one animal unit as follows:

- a) one horse, cow, steer, bull, pig or mule, including offspring until weaning;
- b) two llama, alpaca or donkey, including offspring until weaning;
- c) five sheep, goats or emu, including offspring until weaning;
- d) eight turkeys or geese; and
- e) twenty-five chickens, ducks or furbearing animals, excluding fox or mink.

“aquaculture use” means the cultivation of aquatic plants and animals, but does not include the cultivation of aquatic plants and animals in a laboratory for experimental purposes or in an aquarium.

“architect” means a person who is a registered member or licensee of the Architects’ Association of New Brunswick authorized to practise architecture in New Brunswick.

“array” means two or more wind turbines or solar collectors that are physically interconnected.

“artist or craftsperson studio” means an establishment used for creating, finishing, refinishing, or similar production of custom or handmade commodities together with the retailing of such commodities.

“assembly hall” means a building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes, and may include a banquet hall, private club or fraternal organization;

“**assembly use**” means the occupancy or use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational, or like purposes, and may include the consumption of food or drink.

“**automotive sales and rental establishment**” means an operation for the sales or rental of automobiles, light trucks, vans, motorcycles, recreational vehicles, or boats, as a main use, and may include the repair and maintenance of such vehicles and the sale parts and accessories to such vehicles, as an accessory use, but not including the public sale of fuels;

“**banquet hall**” means a room or building used for hosting a party, banquet, function, reception, or other social event such as a dinner theatre, and may include an area for food preparation. The use may be licensed with a Dining Room or Special Facility Licence under the Liquor Control Act.

“**bachelor apartment**” means a dwelling in which the sleeping and living areas are combined into one habitable room with kitchen, and sanitary facilities.

“**bar, lounge, or nightclub bar**” means an establishment licensed under the Liquor Control Act where liquor is served to the public, which may include live entertainment as a secondary use.

“**barrier free parking space**” means a parking space designed for the exclusive use of a person with a disability who displays on or in a vehicle a disabled persons identification plate, permit or placard issued under the authority of the *Motor Vehicle Act*.

“**basement**” means that portion of a building which is partly underground but which has an average of at least one-half of its height on three sides above the grade of the lot at such walls. May also be defined as a cellar.

“**bed and breakfast**” means an owner-occupied single-unit dwelling in which there are rooms for rent as short-term accommodation, and may include the provision of meals for persons staying temporarily at the establishment;

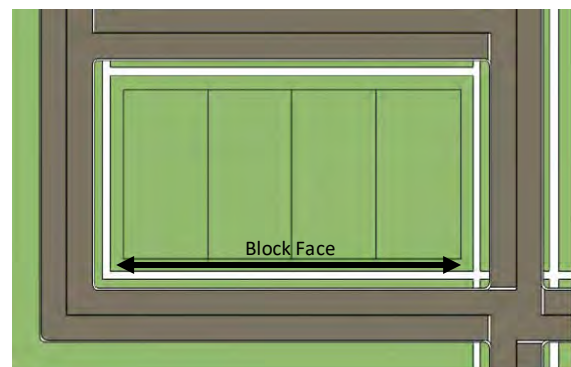
“**billboard sign**” means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of premises wherein it is displayed or posted.

“**blade**” means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind.

“**block face**” means all lots abutting both sides of a street between two intersecting streets. →

“**buffer**” means a spatial separation or setback between a defined use and a property line.

“**building**” means any roofed structure with solid exterior walls, whether temporary or permanent, designed or used for the accommodation, enclosure, or shelter of an animal, chattel, person, or material.

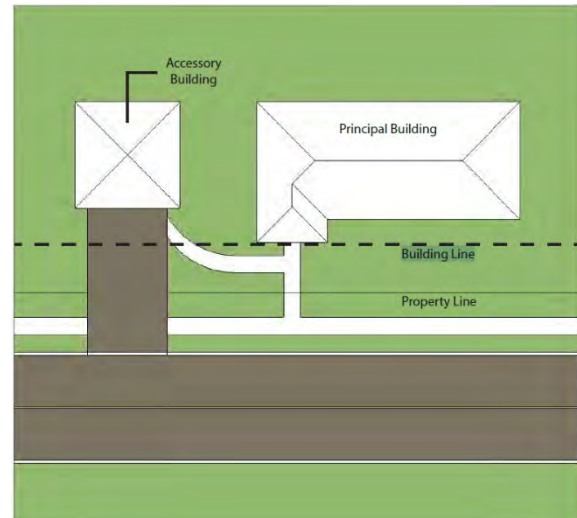


“**building inspector**” means the person appointed by Council as the Building Inspector for Hampton, or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law.

“**building line**” means any line defining the position of a building or structure on a lot. Also referred to as front yard line. →

“**building permit**” means a permit issued under Hampton’s Building By-Law.

“**business office**” means any building or part of a building in which one or more persons are employed in the management, directing or conducting of an agency, business, brokerage, labour or fraternal organization but does not include such uses as retail sales, manufacture, assembly or storage of goods or places of assembly.



“**campground**” means an area of land, managed as a unit, providing short-term or seasonal accommodation any combination of tents, tent trailers, travel trailers, recreational vehicles and campers, and includes services and facilities in connection with the accommodations.

“**cannabis**” means cannabis as defined by the Government of Canada, pursuant to the federal *Cannabis Act*, and the provincial *Cannabis Control Act*.

“**cannabis production or manufacturing facility**” means a facility and premises authorized by a license issued pursuant to the federal *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not included the retail sale of cannabis or cannabis related products.

“**cannabis retail sales**” means the retail sale of cannabis or cannabis related products to the general public.

“**carport**” means an accessory structure or building or structure without walls on at least two sides and attached to a permanent structure used for the parking or storage of a motor vehicle.

“**car wash**” means a structure containing facilities for washing automobiles.

“**cemetery**” means any land, building, or structure used for burying or interring the dead, and may include a pet cemetery, columbarium, mausoleum, mortuaries and associated building for grounds keeping, equipment storage, or administrative office space but does not include facilities associated with cremation.

“**chicken**” means to the female of the *gallus gallus domesticus* species and does not include roosters, toms, drakes, guineas or geese.

“**Clean Water Act**” means the Clean Water Act, SNB 1989, c C-6.1, of the Province of New Brunswick.

“**clerk**” means a clerk of a local government appointed under the Local Government Act.

“**clinic**” means a commercial building or part of a building used for medical, dental, surgical or therapeutic treatment of human beings but does not include a hospital or a professional office of a doctor located in a residence.

“**cluster development**” means a building abutting a parking area or street that contains three or more dwelling units arranged side by side and vertically separated with each dwelling unit having an exterior entrance.

“**commercial recreation establishment**” means a recreational facility operated as a business for gain or reward, but does not include campgrounds, tracks or facilities intended to be used for motocross, auto racing or similar activities;

“**commercial entertainment**” means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to, an arcade, auditorium for the performing arts, bingo hall, bowling alley, cinema or movie theatre, or other such amusement place, but does not include an adult entertainment facility or a casino.

“**commercial garage**” means any building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire;

“**commercial group**” means two or more commercial buildings located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

“**commercial use**” means any permitted use where the primary purpose is to sell, lease, or rent a product or service directly to the public, including, but not limited to, retail sales, commercial entertainment, or personal or professional services, but does not include any residential use.

“**commercial vehicle**” means any vehicle that is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.

“**community care centre**” means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, provided the facility complies with applicable legislation and without limiting the foregoing, a community care facility may include a day care centre, a nursing home or seniors residence.

“**community centre**” means an establishment that provides for non-commercial purposes cultural, educational, recreational, or social activity or event.

“**community garden**” means an area of land cultivated by the public.

“**conditional use**” means those uses of land, buildings and structures which are permitted, subject to terms and conditions imposed by the Planning Advisory Committee and which use may be prohibited by

the Planning Advisory Committee, where compliance with terms and conditions imposed by it cannot be reasonably expected.

“confined livestock area” means an outdoor nongrazing area where livestock is confined by fences or other structures or topography, and includes a feedlot and an exercise yard.

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work.

“corner lot” means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets.

“convenience store” means a retail store which serves the daily or occasional needs of the community with a variety of goods including grocery, sundries, hardware, magazines, and newspapers.

“conventional industrial use” means the use of lands, buildings or structures for the assembling, fabricating, manufacturing, processing, repairing, or storing of raw goods and materials.

“Council” means the mayor and councillors of the Town.

“crematorium” means a building or structure fitted with the proper appliances for the purposes of the cremation of human or animal remains.

“cultural establishment” means any use that provides display, storage, restoration, or an event related to art, literature, music, history, performance, or science, and includes, but is not limited to, an art gallery, archive, auditorium, library, museum, performing arts or interpretive centre, or theatre.

“day care centre” means an establishment that provides care and supervision for children under the appropriate Provincial legislation, licensing, and regulations.

“development” means:

- a) The erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices and pipelines defined in the *Pipeline Act, 2005* except for buildings and structures remote from a pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
- b) Any change in the purpose for which any land, building, or structure is used;
- c) Any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development mentioned in (a) or for purposes of the sale or other commercial use of the material excavated;
or
- d) The making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the *Pipeline Act, 2005*.

“Development Officer” means the person appointed by Council as the planning officer, or any person delegated authority by the municipal planning officer with respect to this By-Law.

“Director” means the Planning Director as defined within the *Community Planning Act*.

“driveway” means the portion of any lot or parking lot designed or intended to provide vehicular access from a street to a parking space or parking aisle.

“domestic animal” means an animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility, and includes dogs, cats, rabbits, rodents, small birds and other animals but excludes cattle, sheep, horses, pigs, poultry, goats and other animals normally raised on farms and exotic animals normally kept in zoos including lions and llamas.

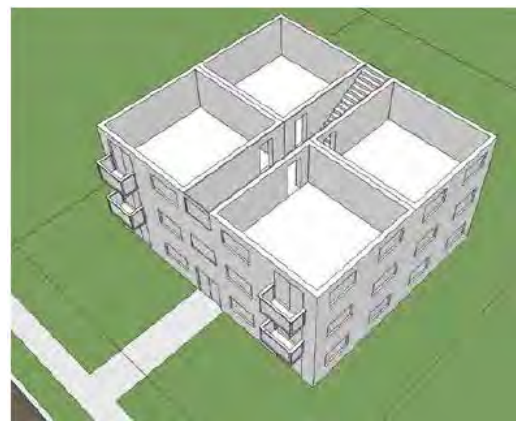
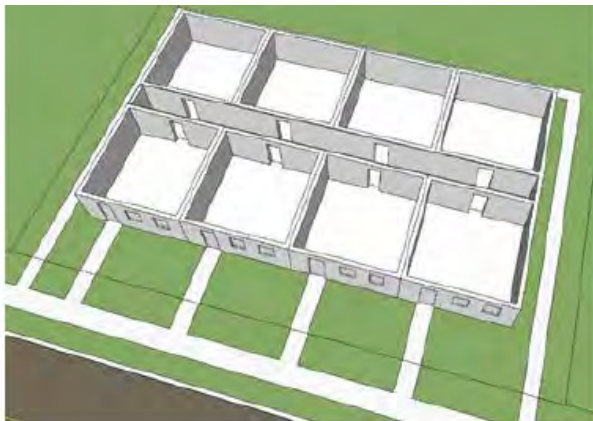
“drive-thru restaurant” means an establishment that serves prepared food to customers who pull up in their vehicles to a microphone and/or window while the customers remain in their vehicles.

“dry cleaning or laundry depot” means an establishment for the drop-off and pickup of fabrics, textiles, or other clothing to be cleaned off-site.

“dwelling” means a building or part of a building designed, occupied, or intended as a home, living quarters, or residence by one or more persons and containing one or more separate dwelling units, but does not include a hostel, hotel or motel.

“dwelling unit” means any room or suite of rooms used or intended to be used as a place of habitation by one or more persons.

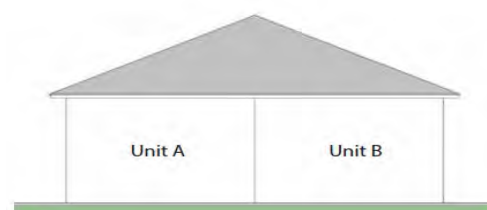
“dwelling, cluster” means a building that contains three or more dwelling units arranged side by side and vertically separated with each dwelling unit having an independent exterior entrance.



“dwelling, multi-unit” means a building or a portion thereof designed for or occupied as three or more dwelling units, but does not include a motel, hotel, or rooming house.

“dwelling, one-unit” means a detached dwelling unit.

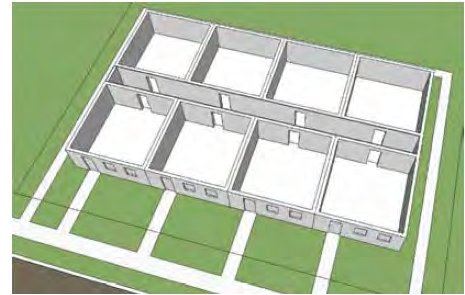
“dwelling, semi-detached” means a single unit Dwelling attached to one other single unit dwelling by a common above grade wall with each Dwelling Unit located on a separate abutting lot.



“dwelling, shared” means a use where bedrooms are rented for remuneration as separate rooms for residential accommodation and includes shared bathroom and kitchen facilities made available to all tenants. This does not include a bed and breakfast or supportive housing use.

“dwelling, small lot one-unit dwelling” means a detached dwelling unit on a lot with a minimum area of 555 m² (20m x 30m) in a subdivision development which consists of primarily semi-detached and/or townhouse dwellings.

“dwelling, townhouse” means a building abutting a public street that contains three or more dwelling units arranged side by side and vertically separated with each said dwelling unit having an independent exterior entrance.



“dwelling, two-unit” means a building divided into not more than two dwellings each of which has an independent entrance, either directly from an outside entrance or through a common vestibule and both units are on a single lot and can include a one-unit dwelling with a basement apartment.

“easement” means a right to use land, most commonly for access to other lands or as a right-of-way for a utility service or for a municipal service.

“engineer” means a professional engineer who is a member in good standing with the Association of Professional Engineers and Geoscientists of New Brunswick and registered or licensed to practice engineering in the Province of New Brunswick.

“erect” means to construct, build, assemble, or relocate a building or structure, and includes any physical operation preparatory thereto.

“escarpment” means a slope greater than 50% (i.e., a 2:1 slope).

“excavation” means the extraction of sand, gravel, clay, shale, limestone or other deposit for the construction of a building or structure or for purposes of the sale or other commercial use of the material extracted.

“excavation site” means a disturbance of the ground for the purposes of mining or extracting quarriable substances for sale or off-site use.

“existing lot” means a lot, in existence at the time of the enactment of this Regulation.

E

F

“farmers market” means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a building, and may include the sale and service of alcohol subject to the appropriate liquor licensing requirements.

“financial institution” means the premises of a bank, trust company, finance company, mortgage company, or investment company where money is deposited, retained, loaned, exchanged or managed.

“flanking lot line” means the lot line which abuts a street on a corner other than the front lot line.

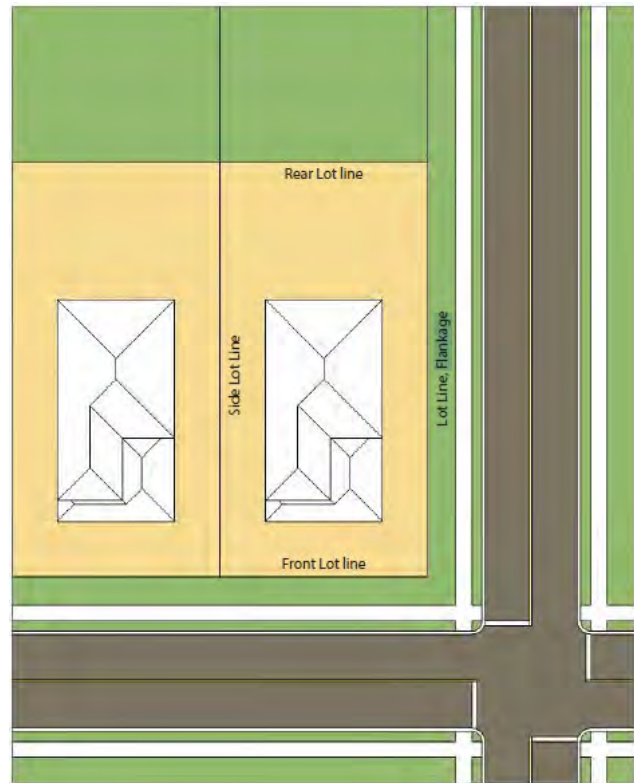
“flankage” yard means, the yard on a corner lot which is not the front yard.

“flood plain” means an area of low-lying land that is subject to flooding from adjacent or nearby waterbodies.

“floor area” means the maximum area bounded by the exterior faces of a building.

“forestry use” means the general growing, harvesting, and storage of trees and, without limiting the generality of the foregoing, may include silviculture activities, the raising and cutting of wood, pulpwood, sawlogs and other primary forest products, and the growing, harvesting and production of Christmas trees, maple syrup and fiddleheads, but does not include a sawmill.

“front lot line” means the line dividing a lot from the street, in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and where such lot lines are of equal length, the front lot line shall be either of the two lines. In the case of a through lot each boundary dividing the lot from the street shall be deemed to be the front lot line.



“front yard” means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure and minimum front yard means the minimum depth allowed by this by-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

“funeral home” means an establishment that provides the preparation of the dead for interment or cremation and the holding of a memorial service, and may include the accessory sale and storage of caskets, urns, and other related funeral items. An associated chapel or crematorium are permitted as secondary uses.

“garden centre” means the use of lands, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

“garden suite” means any secondary use to another dwelling unit that established in a separate building on the same lot.

“gasoline bar” means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. “Service Station” is a separate use.

“general service shop” means a shop for servicing, repairing, installing or renting things and equipment, including but not limited to radio or television service or repair shops, locksmith shops, small appliance service or repair shops, or household and carpenter tool service or repair shops.

“grade” means the finished level of the ground at the exterior walls of a building or structure.

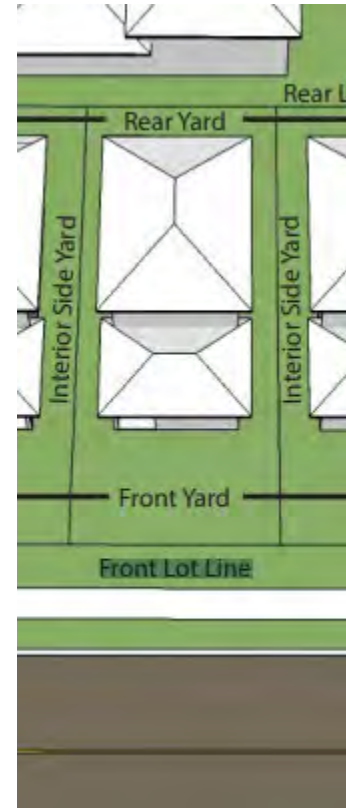
“greenhouse” means a primary or accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal use.

“grocery store” means a building used for the sale primarily of food products and which specifically excludes the sale of specialty products as a principle use.

“gross floor area” means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

“ground floor” means the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement, cellar, subcellar and/or car parking areas

“groundwater” means water occurring below the soil surface that is held in soil itself, subsurface water, or water stored in capillary pores cracks or crevices in the ground below the water table, and water occurring in the zone of saturation below the earth’s surface.



“group home” means a residence, licensed, or approved under Provincial statute, for the accommodation of a maximum of five (5) people, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being, but does not include a special care home, or nursing home, as defined in the Zoning By-law.

“guy wire” means a cable or wire used to support a tower.

“heavy equipment manufacturing, sales or service operation” means a building or part of a building or structure in which heavy machinery is manufactured, maintained, repaired, or offered for sale, rent, or leased.

“height” means the vertical distance between the average finished grade and a structure’s highest point but shall not include any construction used as an ornament or for the mechanical use of the building including chimney tower, steeple, solar collector, antenna, satellite receiving dish or wind turbine.

“hobby farm” means a small scale farm that is clearly accessory to a residential use. A hobby farm is intended for recreation and personal enjoyment rather than primary income. It may include the cultivating of land, the raising of animals, including the keeping of bees. Hobby farms shall be maintained in accordance with the provisions of section 4.14.

“home occupation” means an accessory use in a portion of a dwelling unit or accessory building where a business is conducted by the occupant of the dwelling unit.

“home industry” means a gainful occupation, trade or service for which purpose an accessory building or structure may be used, and, without limiting the generality of the foregoing, would include a shop for carpentry, electric equipment repair, woodworking, window framing, welding, plumbing, machine or auto repair, riding stables, a service shop, a blacksmith, and a storage building for vehicles, equipment and commodities, and a kennel.

“horse boarding stable or riding operation” means any land, building or structure used for the feeding, housing, exercising or riding of horses for gain or profit.

“hostel” means an establishment where temporary lodging is provided for individual travellers or transients in a shared or dormitory style room, but does not include a hotel, motel, or rooming house.

“hotel” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the interior and that may or may not have facilities for serving meals.

“incidental use” means a use subordinate to or ancillary to a main or accessory use that is expected to be carried out as part of the function of the permitted use.

“infill” means development consisting of either construction on one or more lots in an area which is mostly developed, or new construction between existing structures.

“institutional” means land, building, structures, or part of structure used by any organization, group, or association for the promotion of charitable, educational or benevolent purposes.

K

“interior lot” means a lot other than a corner lot.

“kennel” means an establishment for the keeping, breeding, boarding, or training of four or more household domestic animals such as dogs and cats.

L

“landscaping” means any combination of trees, shrubs, flowers, grass or other horticultural elements designed to enhance the visual amenity of a property and/or to provide screening to mitigate the impact of a land use, building or structure on an adjacent property.

“large scale wind turbine or LWT” means a wind turbine which has a power generation capacity of greater than 100kW.

“light industrial use” means the use of land, buildings or structures for the making of finished products or parts, usually from already prepared materials, including the processing, fabrication, assembly, treatment, packaging, removal, storage, sales and distribution of such products or parts, but excluding conventional industrial uses.

“liquor license establishment” means an establishment licensed under the *Liquor Control Act* where liquor may be sold and/or consumed.

“livestock” means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, poultry, goats, geese, mink and rabbits.

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area.

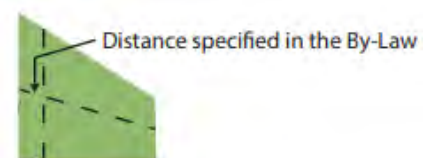
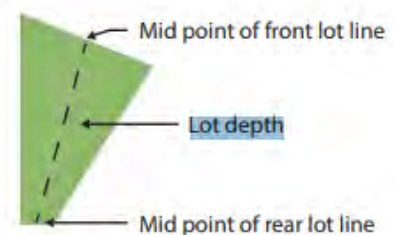
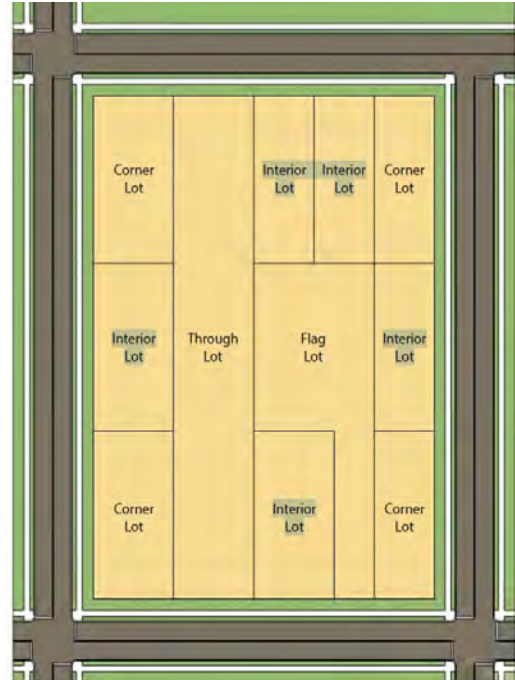
“lot” means a parcel or contiguous parcels of land in one ownership.

“lot, corner” means a lot having two adjacent sides fronting on two intersecting roads.

“lot, interior” means a lot other than a corner lot.

“lot depth” means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of the line joining the midpoints of the front and rear yard.

“lot frontage” means the horizontal distance measured along a street. Where a lot abuts two streets, the lesser distance shall be deemed the lot frontage. In the case of a curved corner or where side lot lines are not parallel, lot frontage means the distance



between the side lines of the lot, at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street.

“**lot line**” means the boundary or exterior line of a lot.

“**main building**” means a building in which the main or principal use of the lot is conducted.

“**main use**” means the primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under this Regulation;

“**manufactured or sectional home**” means a dwelling transported in two or more sections and assembled on site.

“**manufacturing or processing facility**” means a building or part of a building used primarily for the modification or fabrication of materials into products to be supplied or sold for further manufacturing or processing or for wholesale or retail outlets, but does not include salvage yards.

“**manure storage**” means a lagoon, tank, or other feature constructed or used to hold or contain manure, and shall not include temporary or seasonal manure storage on the ground nor the seasonal application of manure on agricultural lands, provided such activities are approved in accordance with applicable legislation.

“**medical clinic**” means a building, or part thereof, used exclusively by physicians, dentists or other health professionals, their staff and their patients for the purpose of consultation, diagnosis and office treatment of the general public, and may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

“**microbrewery/ distillery**” means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits. This use may include incidental retail sales include a licensed tasting room.

“**Minister**” the Minister responsible for the *Community Planning Act*.

“**mini home park**” means a lot under single ownership for the placement of two or more mini homes.

“**mini home**” means a detached, single dwelling unit having a width of 6 m or less that is designed to be transported and placed on a permanent foundation or similar support system. It does not include sectional homes transported in two or more sections and assembled on site.

“**motel**” means an establishment that

- a) consists of one or more buildings containing one or more attached accommodation units;
- b) may possess facilities for serving meals; and
- c) is designed to accommodate the traveling public whereby the automobile is the principal means of transportation.

N

“**nacelle**” means the frame and housing at the top of a wind turbine tower that encloses the gearbox and generator and protects them from the weather.

“**nameplate capacity**” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of a wind turbine.

“**neighbourhood day care**” means an establishment for the provision of care and supervision of 6 to 15 children operating in a residential area.

“**nursing home**” means a residential facility operated, whether for profit or not, for the purpose of supervisory, personal or nursing care of individuals who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves.

O

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

“**outdoor storage**” means storage not in a building or covered area, and includes materials covered by a canvas, plastic, steel dome, or any other type of covering material.

“**outdoor recreational facility**” means an area of land set aside for recreational purposes and may include, but is not limited to: playgrounds; baseball fields; golf courses; tennis courts; soccer and other athletic fields; outdoor rinks; outdoor swimming pools; areas designed for passive enjoyment and similar uses; and includes the buildings and structures in connection therewith but does not include campgrounds, tracks or facilities intended to be used for motocross, auto racing or similar activities.

“**outfitter operation**” means guiding services and may include the provision of supplies and equipment for hunting, fishing, and trapping.

“**overlay**” means a set of requirements described in this Zoning By-law, mapped in Schedule A, and imposed in addition to those of the underlying land use zone. Development within an overlay must conform to the requirements of both the overlay and the zone or the more restrictive of the two.

P

“**parking lot**” means a vehicular parking area serving the main use of the property.

“**passive recreational use**” means a recreational activity that generally does not require a developed site and may include, but is not limited to: trails used for hiking, cross-country skiing, bicycling, or horseback riding, nature interpretation, public boat launch, or observation activities, and gardening.

“**personal service**” means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the forgoing, barber shops, beauty shops, tailor shops, laundromat, shoe repair, health and wellness centres and excludes automobile service, dry-cleaning of articles or fabrics and the manufacturing or fabrication of goods for retail or wholesale distribution.

“**pet day care**” means an establishment where domestic animals such as dogs are cared for or boarded during daytime hours but does not include overnight boarding of the domestic animals. Such use may be commonly referred to as a ‘doggy day care’.

“**pet grooming**” means an establishment where animals are groomed and washed, and may include the ancillary sale of products related to this service, but does not include any associated outdoor kennel or overnight accommodation.

“**pit**” means a disturbance of the ground or an excavation for the purposes of removing a quarriable substance without the use of explosives.

“**planner**” means an individual who is entitled to use the appellation MCIP or RPP under the by-laws of the Canadian Institute of Planners.

“**place of worship**” means a building or structure used for public worship by any religious organization, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with or accessory thereto.

“**playground**” means an area of landscaped open space equipped with children’s play equipment such as slides, swings or wading pools.

“**quonset hut**” means a building made of corrugated metal and having a semicircular cross section.

“**quarry**” means a disturbance of the ground or an excavation for the purpose of removing a quarriable substance by the use of explosives.

“**quarriable substance**” means sand, gravel, clay, soil, ordinary stone, building or construction stone, and rock other than metallic ores, but does not include topsoil;

“**rear lot line**” means the line furthest from or opposite from the front lot line.

“**rear yard**” means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure and minimum rear yard means the minimum depth allowed by this by-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

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

“**recreational facility**” means a building or space designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, but does not include a commercial recreational establishment.

“**recreational vehicle**” means any vehicle used for sleeping or eating accommodation on a seasonal basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle and not used as a full-time residence.

Q

R

“**recycling facility**”, means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials which are to be delivered wholesale to other off-site operations for further processing or salvage, but does not include salvage yards.

“**restaurant**”, means a building or portion thereof where food and drinks (alcoholic and/or non-alcoholic) are prepared and served for public consumption, either within the restaurant or external to the restaurant, including a catering service or take-out restaurant, but does not include a drive-thru restaurant.

“**retail store**”, means a building or part of a building primarily used for the sale of goods for direct use or consumption by the purchaser at a separate location, including establishments such as shoe stores, clothing stores, furniture stores, paint and hardware stores, book stores, and appliance and electronics stores, and excludes retail operations specifically defined in this by-law such as automobile dealerships, and grocery stores.

“**road, arterial**” means a road intended to move a relatively large volume of traffic at medium to high speeds. These roads are classified by the Minister of Transportation & Infrastructure under the *Highway Act* and include all roads assigned a route number from 1 to 99. They also may include town owned roads that function in a similar capacity.

“**road, collector**” means a road intended to collect traffic from local streets and land access roads. These roads are classified by the Minister of Transportation & Infrastructure under the *Highway Act* and include all named roads assigned a route number from 100-199. They also may include town owned roads that function in a similar capacity.

“**road, local**” means a road intended to provide property access. All local roads are classified by the Minister of Transportation & Infrastructure under the *Highway Act* and include all named roads assigned a route number greater than 199. They also may include town owned roads that function in a similar capacity.

“**rotor’s arc**”, means the largest circumferential path traveled by the wind turbine’s rotor blade.

“**rotor clearance**”, means the distance between the bottom tip of the blade at its lowest possible extension and the ground.

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

“**sawmill**” means a building or structure used to process wood from sawlogs to another use and may include land used for open storage of raw or finished lumber or products but does not include a portable milling machine used on a temporary basis.

“**self-service storage facility**” means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies.

“**secondary suite**” means a secondary, small dwelling unit is established within a one or two unit dwelling or townhouse dwelling.

“**secondary use**” means a use, other than a main or accessory use; and that is conducted, unless otherwise provided (expressly or by definition), entirely within a building or structure containing the main use on the lot.

“**self-storage**” means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway.

“**serviced lot**” means a lot that has access to municipal sewer.

“**service station**” means an establishment where fuel or lubricants are offered for sale via a gasoline bar, and may include minor automobile repair or maintenance, sale of convenience items, or a car wash inside a building or structure, but shall not include a vehicle repair garage, a vehicle body and paint shop, vehicle sales and leasing, or a vehicle rental use.

“**shared ride**” means where commuters join together in carpools or vanpools for a ride to work and back, or board at a nearby public transit.

“**shopping mall**” means a commercial development of at least 5575 m² of land, consisting of more than one business establishment, which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such retail stores, service shops and other establishments as permitted by this By-Law, in a unitary type building or buildings at least 1486 m² in size and characterized by the sharing of common parking areas and driveways.

“**side lot line**” means a lot line other than the front, flankage or rear lot line.

“**side yard**” means the yard extending from the front yard to the rear yard on either side, between a side lot line and the nearest main wall of any building or structure and minimum side yard means the minimum depth allowed by this by-law of a side yard on a lot between the side lot line and the nearest main wall of any main building or structure on the lot.

“**sign**” means any structure, device, light or natural object including the ground itself, or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, enterprise, organization, industry or business, or which shall display or include any device or representation intended to be seen from off the premises or from a parking lot.

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

“**small scale wind turbine or SWT**” means a wind turbine which has a power generation capacity of no greater than 100kW.

“**solar collector**” means a device or collection of devices that collect and/or concentrates solar radiation from the sun for the purpose of generating energy and may include but is not limited to evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials. Solar collectors do not include windows or greenhouses.

“**solar energy development**” means a project in which one or more solar collector(s) will be installed in accordance with the appropriate provincial and federal regulations and guidelines.

“**special care home**” means a facility licensed by the Province of New Brunswick where nursing care or room and board is provided to individuals incapacitated in some manner for medical reasons but does not include a hospital as licensed by the Province of New Brunswick.

“**special care facility**” means a building used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves.

“**storey**” means the portion of a building that is located between the top of a floor and the top of the next floor above it, or the portion between the top of a floor and the ceiling above.

“**stormwater management system**” means a system that has been constructed in accordance with an engineering drawing approved by the Town’s Engineer or their designate to collect and detain or retain stormwater on a lot or other parcel of land.

“**street line**” means the common line between a street and a lot.

“**structure**” means a combination of materials which forms a construction that is intended to be safe and stable, other than a building, or a power or telephone pole.

“**supportive housing**” means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of fifteen residents of any age pursuant to the Family Services Act or comparable legislative framework.

“**swimming pool**” means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, which has a depth greater than 60 cm. intended to be used for diving, swimming, or wading.

“**taxi stand**” means an establishment that carries passengers via automobile for a fee.

“**temporary garage**” means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of and must be located behind the building line.

“through lot” means a lot other than a corner lot which is bounded on opposite sides by two streets. →

“topsoil” means topsoil as defined under the *Topsoil Preservation Act*.

“topsoil removal operation” means an operation involving the removal of topsoil for the purposes of the sale or commercial use of the material excavated.

“tourist establishment” means an area of land, such as a campground, that is managed as a unit, operated to provide self-contained accommodations units to the traveling or recreating public, and includes services and facilities in connection with the accommodations.

“trucking operation” means a building or land on which a business or industry involving the maintenance, servicing, storage or repair of trucks and similar commercial vehicles is conducted, including the dispensing of fuel and petroleum products and the sale of parts and accessories.



U

“use”, means the purpose for which any land building or structure is utilized, occupied, maintained or leased.

“utility” means any agency, which under public franchise or ownership or under certificate of convenience provides the public with electricity, gas, heat, steam, communication, telephone, telecommunication tower, rail transportation, water or sewage or other similar services.

V

“vehicle” A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include rail cars running only upon rails.

“vehicle body and paint shop” means an establishment where motor vehicle bodies and frames are repaired and/or painted.

“vehicle repair garage” means an establishment involved in the repair of automobiles, trucks, motorcycles, snowmobiles, cars, and recreational vehicles or other vehicles, and may include the sale, installation, servicing, or machining of automotive parts and accessories, or a drive thru vehicle inspection, repair, servicing, or cleaning facility such as, but not limited to, automotive glass replacement, exterior vehicle cleaning, muffler replacement, safety inspection, tire alignment, tire replacement, transmission repair, or vehicle upholstery cleaning, but does not include a vehicle body and paint shop.

“vehicle sales and service” means an establishment where new and or used vehicles are sold or leased, and may include an associated vehicle repair garage that provides on-site servicing, repair, cleaning, or polishing of such vehicles and the sale of auto accessories or related products.

“**veterinary clinic**” means the office of a veterinary surgeon and premises for the treatment of animals but excludes a kennel.

“**veterinary services**” means the provision of services by veterinarians for the purpose of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

W

“**warehouse**” means a building used primarily for the storage or containment of manufactured goods and materials and may include the wholesaling and distribution of such goods.

“**watercourse**” means a waterbody recognized under the *Clean Water Act* and may include the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not.

“**wetland**” means land that

- d) either periodically or permanently, has a water table at, near or above the land surface or that is saturated with water;
- e) sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions; or
- f) As described by the appropriate provincial agency.

“**wind farm**” means an array of large-scale wind turbines.

“**wind turbine**” means a structure that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, rotor blades and nacelle.

“**wind turbine height**” means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor’s arc.

“**wind turbine tower**” means a freestanding structure or a structure attached to guy wires that serves to support other parts of the wind turbine.

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

Y

“**yard, front**” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a front lot line.

“**yard, rear**” means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a rear lot line.

“**yard, side**” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the building, structure or use on a lot.

Z

“**zone**” means a designated area of land use as shown on Schedule A of this By-law



SECTION 4

GENERAL PROVISIONS



4.1 Uses Permitted in All Zones

Nothing in this By-law shall prevent the use of any land for:

- a) Community Garden;
- b) Land for Public Purpose;
- c) Lane, Street, or Highway;
- d) Town Recreation Use;
- e) Park or Playground;
- f) Pipeline;
- g) Public Display;
- h) Stormwater Management System;
- i) Telecommunications Tower, subject to town siting policy;
- j) Temporary Parking Lot to Facilitate Snow Clearing;
- k) Utility Service Building or Structure; and
- l) Walking Trail

4.2 Access

4.2.1 General Access Provisions

- a) New development must have vehicular access to a publicly owned road, unless the Planning Advisory Committee specifies otherwise.
- b) The number of driveways shall be limited to one for each lot frontage.
- c) Notwithstanding (b), two driveways may be permitted:
 - a. When the lot frontage exceeds 60 metres, or
 - b. When the lot frontage exceeds twice the required lot frontage of the zone.
 - c. In a non-residential zone, a second driveway is permitted when required to serve a Secondary Use of Accessory Use in an accessory building.
- d) A lot with two driveways shall have a minimum distance of 7.5 metres from nearest edge to nearest edge.
- e) No access shall be constructed, installed or used within 15 metres of an intersection of two or more streets including a railway crossing unless otherwise prescribed by the appropriate Provincial agency.
- f) In a non-residential zone, a driveway must maintain a minimum distance separation of 30 metres from:
 - a. an at-grade intersection of two or more streets if traffic at such intersection is controlled by traffic lights;
 - b. an at-grade intersection of two or more streets, or a traffic circle, or with island channelization or other similar traffic control device;
 - c. an interchange; or
 - d. a railway grade crossing.
- g) Driveway widths shall not exceed:
 - a. 10.0 metres for two-way operation;
 - b. 8.5 metres for one-way operation.

- h) Driveway widths in subsection (g) may be increased to 11 and 9 metres respectively where:
 - a. a substantial portion of the vehicular traffic is composed of tractor trailers of 18 metres, or over, in length;
 - b. the abutting street is an arterial with four or more traffic lanes;
 - c. the slope of the access where it meets the abutting street is at least 6% than the slope of the street.
- i) Driveways shall meet the travelled portion of the fronting street at an angle of no less than 30 degrees perpendicular to the street.
- j) A driveway shall be located at least 3 metres from the side or flankage property line.
- k) A driveway shall be located at least 3 metres from the side or flankage property line.
- l) Driveways in non-residential zones shall be maintained with an all-weather, dust-free surfacing sufficient to carry imposed loads.
- m) Additional standards may be applied through the Access Control Policy.

4.2.2 Access to Commercial Zones from Residential Zones

- a) No vehicular access to any land in a Commercial Zone shall be permitted in a Residential Zone, other than through a public street.
- b) No vehicular access to any land in a Commercial or Industrial Zone shall be permitted in a Residential Zone, other than through a public street.
- c) A local street serving a residential zone shall not be used to access a commercial zone.

4.2.3 Corner Site Line

On a corner lot, no fence, sign, hedge, bush or tree or any other structure, vehicle or vegetation shall be placed or permitted to grow higher than 0.6 m above the grade of the center line of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m from their point of intersection.

4.2.4 Drive-Thru Queuing Spaces

- a) Queuing spaces shall be provided for Drive-Thru Business including Drive-Thru Restaurant, Car Wash, Gasoline Bar, Automotive Service Station, and Drive-In Commercial Garage, as follows:
 - a. A minimum of five in-bound queuing spaces shall be provided for approaching vehicles and any overflow beyond six vehicles shall not encroach on a public street;
 - b. A minimum of one out-bound queuing space shall be provided on the exit side of each service position. This space shall be located so as not to interfere with service to the next vehicle.
- b) Drive-through overflow shall be accommodated on site and shall not encroach on a public sidewalk or street.
- c) All queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide.
- d) All queuing lanes shall provide sufficient space for turning and maneuvering.

4.3 Accessory Buildings and Structures

4.3.1 Accessory Building Standards

- a) Except as otherwise provided by this By-law, an accessory building or structure shall be permitted in any zone subject to the requirements of this section.
- b) An accessory building or structure shall be located on the same lot as the main use.
- c) Notwithstanding (b) an accessory building may be located on a separate lot from the main use at the discretion of the Planning Advisory Committee.
- d) Except as otherwise provided by this By-law, an accessory building or structure shall not be placed, erected or altered so that it:
 - a. Is wholly or partially within the front yard of a lot;
 - b. Is so located as to block the only vehicle access to the rear of the lot. Should this be unavoidable, a minimum of 3 metres shall be retained along a side yard to allow for vehicle access;
 - c. Notwithstanding subsection (a), an accessory building may be placed in the front yard of a lot in the Rural and Industrial zones;
 - d. Notwithstanding subsection (a), an accessory building may be placed in the front yard of a Residential zone subject to conditions imposed by the Planning Advisory Committee.
- e) The total lot cover off all accessory building or structures, shall not exceed:

Zone	Accessory Building Size / Lot Coverage
Residential zones	7.5% of the lot area
TC, MU, GC	5% of the lot area
All other zones	Limited by the lot occupancy standards for that zone

- a) The percentages prescribed in the above table shall not exceed the lot occupancy requirements prescribed in any zone.
- f) The height of an accessory building shall not exceed the height of the main building of structure.
- g) The standards prescribed in this section do not apply to an active agricultural use registered or permitted by the appropriate Provincial agency.

4.3.2 Fences

A fence is permitted in any yard in any zone subject to the following conditions:

- a) A fence in any residential zone shall not exceed a maximum height of 1.5 metres in the front yard.
- b) A fence in any residential zone shall not exceed a maximum height of 1.5 metres in front of the building line.
- c) A fence in any residential zone may be a maximum of 2.5 metres in the side yard, behind the building line, and in the rear yard.

- d) A fence in any non-residential zone shall not exceed a maximum height of 2.5 metres in any yard.
- e) The standards prescribed in this section do not apply to an active agricultural use registered or permitted by the appropriate Provincial agency.
- f) Fences may be located on the lot line where all land owners adjoining the proposed fence have signed the Development / Building Permit application; otherwise the fence must be located 1 metre from the lot line.
- g) The finished side of a fence must face surrounding properties. All supporting posts and cross-members must face the lot on which a new fence is located.
- h) Fences shall not be constructed or contain barbed wire or other pointed object, except for a fence used in conjunction with an industrial use.

4.3.2.1 Deer Fencing

- a) Deer fencing shall not be located in the front yard of any zone.
- b) Notwithstanding (a) deer fencing may be located in the front yard in the RR and Rural zones.

4.3.3 Garbage Enclosures

4.3.3.1 Garbage Enclosures for Commercial Uses

When proposed, the outdoor storage of garbage, including recycling, shall be in accordance with the following:

- a) The enclosure shall be constructed of wooden or metal fencing or a walled structure or any combination, and may also include a gate.
- b) The enclosure shall have a minimum height of 1.5 metres or a height tall enough to block the garbage from view at ground level.
- c) The enclosure shall be located in the rear or side yard.

4.3.3.2 Garbage Enclosures for Multiple Unit Dwellings

- a) A garbage enclosure shall be required for multiple units of 18 or more dwelling units.
- b) The enclosure shall be constructed of wooden or metal fencing or a walled structure or any combination, and shall also include a gate.
- c) The enclosure shall have a minimum height of 1.5 metres or a height tall enough to block the garbage from view at ground level.
- d) The enclosure shall be located in the rear or side yard. When in the side yard, the enclosure shall be located behind the building line.
- e) The enclosure shall not be located in a required yard or form part of a proposed amenity space.

4.3.4 Outdoor Storage in a Residential Zone

- a) Storage of goods or materials shall be located in the side or rear yard in a Residential zone.
- b) Storage of goods or materials in a side yard shall be located behind the building line.

- c) Goods or materials shall be screened from view using any combination of a wooden or chain link fencing, a walled structure, berm, or landscaping. Chain link fencing must include filter strips woven into the mesh. The goods or materials shall not be stored so as to be higher than the screening.
- d) Notwithstanding (c), a seasonal woodpile may be covered with a temporary covering such as a tarp during winter months.

4.3.5 Swimming Pools & Enclosures

4.3.5.1 Swimming Pools

- a) An outdoor swimming pool is permitted in any zone and shall be accessory to the main use of the lot except in the Institutional zone.
- b) An outdoor swimming pool shall be located in the rear yard of a Residential zone.
- c) An outdoor swimming pool may be located in the side, flankage, or rear yard of any non-residential zone.
- d) An outdoor swimming pool shall be located a minimum of 3 metres from any lot line.

4.3.5.2 Swimming Pool Enclosures

- a) A swimming pool enclosure is subject to the specifications provided by the National Building Code and must be constructed to the prescribed standard of that code.
- b) An outdoor swimming pool must be completely enclosed by a fence or structure that is a minimum of 1.5 metres in height when measured from the ground to the top of the fence or structure.
- c) Any gate provided within the enclosure shall be self-closing or self-latching and be a minimum of 1.5 metres in height.
- d) When a building or structure forms part of the swimming pool enclosure, it must be a minimum of 1.5 metres in height and not provide unobstructed access to the swimming pool.

4.3.6 Temporary Garages

Notwithstanding section 4.3.1, a temporary garage (sometimes referred to as a temporary car shelter) may be erected in any zone subject to the following:

- a) One temporary garage is permitted per lot;
- b) In a Residential zone, a temporary garage is to be located on the driveway; and
- c) A temporary garage shall be setback a minimum of 1 metre from any property line.

4.3.7 Shipping Containers

- a) A shipping container may be used as an accessory building or structure in the Town Centre, Mixed Use, General Commercial, Rural Residential, Rural, Industrial, and Institutional zones and is subject to the provisions of that zone in addition to the rules of this section.

- b) In the Town Centre, Mixed Use, General Commercial, and Institutional zones, a shipping container used as an accessory building or structure is subject to the following:
 - a. The shipping container shall be located in the rear yard;
 - b. A lot shall contain no more than one shipping containers used as accessory building or structure. An additional shipping container may be permitted at the discretion of the Planning Advisory Committee.
 - c. The shipping container shall be maintained in good repair and painted in a colour scheme matching the main building;
 - d. The shipping container shall not be used for the storage of dangerous or hazardous materials or goods;
 - e. A shipping container may require screening to the satisfaction of the Development Officer;
 - f. Shipping containers shall not be stacked one upon another.
- c) In the Rural Residential zone, a shipping container used as an accessory building or structure is subject to the following:
 - a. The shipping container may be located in the rear or side yard and shall be located behind the building line;
 - b. The shipping container shall be maintained in good repair;
 - c. The shipping container shall not be used for the storage of dangerous or hazardous materials or goods;
 - d. A shipping container may require screening to the satisfaction of the Development Officer.

4.4 Aggregate Extraction Use

Aggregate extraction uses are subject to the following:

- a) No extraction will take place in or within 200 metres of a flood risk area or wetland unless approved and permitted by the appropriate provincial agency.
- b) No extraction will take place within 150 metres of a residential or institutional use.
- c) An undisturbed buffer strip of 30 metres in width, or as prescribed by a provincial approval to operate, will be maintained between the final perimeter of a pit or quarry and any lot.
- d) No extraction will take place within 30 metres of a public road primarily used to access residential development.
- e) No extraction will take place below the level of the water table unless it is demonstrated by a qualified hydrogeologist that there will be no negative consequences to the water table and the availability of water to surrounding wells.
- f) No extraction will take place within 30 metres of the boundary of a Wellfield Protected Area or a Watershed Protected Area.
- g) No extraction, processing or trucking activities shall be permitted between 8pm and 7am daily with additional considerations for statutory holidays and Sundays prescribed in the Noise By-law.

- h) Any site used for aggregate extraction will be kept clean of construction residue, domestic refuse, abandoned vehicles and equipment, and all other scrap and waste materials.
- i) A barricade such as a fence or berm shall be put in place around any pit or quarry that has a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 metres in height.
- j) Signage will be posted around the perimeter and visible from any access, warning people of any dangerous situations within the operation, including but not limited to blasting, heavy equipment operation, open pools, moving vehicles etc..
- k) Gates at all entrances and exists, closed and locked when site not in operation, unless it can be demonstrated that there is no need for this type of access control.

4.4.1 Application for Aggregate Extraction

The following information is to be submitted with an application for an aggregate operation:

- a) A copy of the approval to operate issued by the appropriate provincial agency.
- b) a site plan of the extraction site.
- c) a site rehabilitation plan.
- d) a final perimeter of the extraction area.
- e) a location and design of the entrance to the site.

4.4.2 Residential Development Near Aggregate Operations

- a) No residential building established after the adoption of this By-law may be erected within 100 metres of an approved final perimeter of an aggregate operation or the property line of an existing aggregate operation.
- b) Where a proposed dwelling would meet the required setback from an existing aggregate operation because of its location on a lot that was in existence on the adoption date of this By-law, the dwelling will be permitted where it can meet all other provisions of this By-law.

4.5 Converted Dwellings

Where permitted by this By-law, a one unit dwelling may be converted into a two-unit or multiple dwelling with a maximum of 6 dwelling units, subject to the following:

- a) The building shall have been erected as a one or two unit dwelling.
- b) There shall be no change to the exterior appearance of the building that would indicate the building has been converted to accommodate additional units.
- c) There shall be a minimum of one parking space per dwelling unit in addition to those required by any other uses on the lot.
- d) The lot may not contain a day care or supportive housing use.

4.6 Day Cares

4.6.1 Neighbourhood Day Care

A neighbourhood day care may be permitted as a Home Occupation in a one or two unit dwelling, town or row house dwelling, or mini home subject to the following:

- a) A neighbourhood day care shall comply with the Province's day care regulations;
- b) A copy of a license provided by the Province is required as part of a Development Application;
- c) A neighbourhood day care shall have no more than 15 child care spaces;
- d) Any fenced, outdoor play area shall be in the rear yard;
- e) A neighbourhood day care shall provide an off-street drop-off area so as to limit the obstruction of passing traffic, and conform with the parking provisions outlined in section 4.25; and
- f) No bed and breakfast, garden suite, secondary suite, or supportive housing is permitted in any building on the lot.

4.6.2 Day Care Centre

A day care centre shall be subject to the following:

- a) A Day Care Centre shall comply with the Province's day care regulations;
- b) Any fenced or outdoor play area shall be in the rear yard;
- c) One on-site parking space shall be provided for every five children;
- d) Pick-up and drop-off of children must occur on-site and not impact neighbourhood traffic patterns.

4.7 Development on an Escarpment

- a) No development shall be permitted within 30 m of the edge of an escarpment; and
- b) There shall be a pervious landscaping buffer of 15 m between any structure or building and the edge of an escarpment in accordance with a landscaping plan stamped by a licensed engineer.

4.8 Development Near a Watercourse, Wetland, Lake, or High Watermark

Any development within 30 metres of a wetland or the banks of a watercourse shall be subject to the regulations of the Province of New Brunswick.

4.9 Dwellings Per Lot

No more than one building containing one or more dwelling units shall be erected on any lot, except:

- a) In the Rural and Rural Residential zone, two main dwelling units shall be permitted per lot;
- b) Subject to section (a), dwellings shall be located so that they would be in conformity with the provisions of the Subdivision By-law if the lot were to be subdivided.

4.10 Existing Conditions

4.10.1 Existing Conditions

Notwithstanding anything else in this By-law, a lot containing a non-conforming use may be subdivided provided all other provisions of this By-law are satisfied.

4.10.2 Existing Structures

Where a building has been constructed on a lot having less than the required frontage or area, or having less than the minimum setback or side yard or rear yard required in this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- a) The enlargement, reconstruction, repair or renovation does not reduce the front yard, flankage yard, side yard or rear yard that does not conform to this By-law; and
- b) All other applicable provisions of this By-law and other town By-laws are satisfied.

4.10.3 Existing Undersized Lots

This By-law does not prevent the use of an existing lot provided:

- a) that the use of such lot is permitted in the zone in which said lot is located;
- b) that the setbacks, height, coverage and all other relevant requirements of the zone are maintained.

4.11 Filling and Excavating of Land

No excavation or stripping of top soil may be undertaken unless a Development Permit has been issued by the town in accordance with the Zoning By-law or other applicable Municipal and Provincial regulations.

4.12 Garden Suites

A lot containing a one or two unit dwelling may also contain a garden suite as a secondary use in a building or structure that is separate from the main building or structure and shall be subject to the following:

- a) A garden suite shall not exceed a maximum gross floor area of 72 square metres.
- b) A garden suite shall be located in the rear yard of the main building.
- c) The height of a garden suite shall not exceed the height of the main building or structure.
- d) The garden suite shall comply with all setback requirements of the zone in which it is proposed.
- e) The garden suite shall be of a similar appearance and design as the main building.
- f) Notwithstanding (e), a mini home may be used as a garden suite in the Rural and Rural Residential zones.
- g) The garden suite shall share a driveway or vehicle access with the main dwelling.

- h) Where municipal services are available, the garden suite shall be serviced from the main dwelling unit. A separate, independent connection to municipal services is prohibited.
- i) A lot is limited to one garden suite.
- j) Subdivision of a garden suite to create an undersized flag lot is prohibited.
- k) There shall be one on-site parking space provided for the garden suite.

4.13 Height Restrictions

The maximum height of buildings and structures as provided for in particular zones in this By-law, unless otherwise indicated, shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, telephone or radio antennae, ventilators, chimneys, clock towers, cupola, solar collectors or wind turbines.

4.14 Hobby Farms

Where permitted, a Hobby Farm is subject to the following requirements:

- a) A hobby farm is permitted in association with a residential use in Rural Residential and Rural zones
- b) The minimum size of lot used for a hobby farm shall be 1 hectare (2.5 acres);
- c) The Hobby Farm shall not employ more than five people in addition to those who live in the main dwelling unit.
- d) The hobby farm shall not be a hazardous or noxious trade, business or manufacturing plant, and shall not create or become a public nuisance;
- e) The hobby farm be clearly accessory to the main use and not change the residential character of the premises;
- f) that off-street parking be in accordance with section 4.24;
- g) no goods, wares or merchandise shall be offered or exposed to sale or rent on the premises unless such goods, wares and merchandise are either:
 - a. incidental to the Hobby Farm (farm gate sales) or
 - b. arts and crafts produced on the premises.

4.15 Home Occupation

4.15.1 Home Occupation General Requirements

Where permitted, a home occupation is subject to the following:

- a) A home occupation may be permitted within a dwelling unit or an accessory building or a combination of both.
- b) A home occupation must be clearly secondary to the residential use and the dwelling unit must be the principal residence of the operator.
- c) The maximum area of a home occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit.

- d) When a home occupation is contained within an accessory building, the accessory building shall meet the requirements of section 4.3 Accessory Buildings and Structures.
- e) There shall be no change to the exterior appearance of the main building.
- f) Outdoor storage shall be in accordance with section 4.22.
- g) Notwithstanding (e), a sign is permitted in accordance with the Sign By-law.
- h) Parking is provided in accordance with section 4.23.
- i) One vehicle with an image, logo, graphic, or sign associated with the home occupation is permitted on the lot. This does not include vehicles stored and fully enclosed within an accessory building.
- j) The home occupation does not employ more than three people on the premises, in addition to the people who live on the premises.
- k) The home occupation shall not produce or create excessive noise, fumes, dust, vibration, glare, electronic interference or odour detrimental to the general welfare of the surrounding neighbourhood.

4.15.2 Home Occupations Permitted by Development Permit

- a) Artist or Craft Person Studio
- b) Business Office, no additional staff
- c) Catering Establishment, excluding retail sales
- d) Neighbourhood Day Care
- e) Personal Service, no additional staff
- f) Pet Grooming, no additional staff
- g) Tailor or Clothing Maker, no additional staff

4.15.3 Home Occupation Subject to Planning Advisory Committee Approval

- a) Artist or Craft Person Studio with Gallery and Retail Sales
- b) Business Office
- c) Carpentry and Repair Shop, including Retail Sales
- d) Catering Establishment, including Retail Sales
- e) Instructional Service
- f) Personal Service
- g) Pet Grooming
- h) Tailor or Clothing Maker
- i) Any other use the Planning Advisory Committee deems appropriate and suitably non-impactful to the character of the area.

4.16 Home Industry

4.16.1 Home Industry General Provisions

Where permitted, a home industry is subject to the following:

- a) A home industry may be considered a second main use on a lot which contains a one unit dwelling.
- b) A home industry shall be located within a separate building from the main dwelling.
- c) A home industry shall conform to the rules of the zone to which it is proposed.
- d) Outdoor storage shall be in accordance with section 4.22.
- e) A sign shall be permitted in accordance with the Sign By-law.
- f) Parking shall be provided in accordance with section 4.23.
- g) No more than four vehicles with an image, logo, graphic, or sign associated with the home industry are permitted on the lot. This does not include vehicles stored and fully enclosed within an accessory building (garage).
- h) Where permitted, a kennel use is permitted as a home industry under the following conditions
 - a. The kennel be limited to a maximum of 15 dogs
 - b. The kennel is appropriate licensed with the Province

4.17 Keeping of Chickens

The keeping of chickens is permitted as an accessory use on a lot containing a one unit dwelling having a minimum lot size of 1100 m², subject to the following:

- a) The keeping of chickens is registered with the town in accordance with the following:
 - a. An application is submitted by the legal registered owner of property or the written permission of the owner is provided
 - b. An application described above includes a site plan depicting the proposed location of the coop and run, the location of potable wells and other structures on the property, and the distance to neighbouring properties.
 - c. An applicant pays a Registration Fee upon submission of application.
- b) The keeping of chickens includes compliance with the following:
 - a. No more than 6 chickens are kept at any given time;
 - b. Male fowl are not to be kept at any time;
 - c. Chickens may not run at large;
 - d. Chicken enclosures shall contain an enclosed, roofed coop connected to a run that shall be fully enclosed and shall be designed and constructed to ensure proper ventilation and provide significant space for the hens;
 - e. Coops and associated runs must be a minimum of 3 metres from any potable water well and 4.5 metres from adjacent property lines;

- f. Coops and associated runs may not be located within the front yard of the property and shall be visually screened from a public street;
 - g. Coops shall be maintained so as not to cause a nuisance to neighbouring properties;
 - h. The sale of eggs is not permitted; and
 - i. Slaughter or disposal of chickens on site is prohibited.
- c) Sections (a) and (b) do not apply to the Rural Residential or Rural zones.

4.18 Landscaping, Lighting, and Amenity Space

4.18.1 Landscaping

- a) All new development proposed on an undeveloped lot or infill residential development on three lots of more must be supported by the following:
 - a. An interim drainage plan, stamped by a licensed engineer shall be submitted with each application for a Development Permit. Interim drainage control measures may be required in accordance with the interim drainage plan prior to construction;
 - b. A permanent drainage plan must be submitted prior to the Town issuing a Building Permit. This plan must provide for replacement of the interim drainage control facilities with permanent drainage control facilities consisting of berms, swales and retention ponds, etc. as a means of managing run-off, flood waters and erosion control; and
 - c. a landscaping plan approved by the Development Officer.
- b) All new development on undeveloped land including residential development of three lots or more that is considered infilling may remove only such trees as directly impede the construction of buildings and services may be removed. Where any trees must be destroyed, the developer shall replace them to the satisfaction of the Town with trees of sufficient maturity to enhance the appearance of the development at the time it is completed;
- c) In all zones where landscape buffers are required, the buffer shall be landscaped with grass, ground cover, shrubs, bushes or other living plant material in addition to the tree requirement for that zone; and
- d) Final grading of all developed land shall include all grading necessary to divert surface water from the main building and from adjacent properties and insofar as it is possible, to contour the yard to the surrounding terrain, together with the installation of a lawn having a minimum of 8.75 cm of topsoil; and may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines, flowers and gardens.
- e) Landscaping of the lot must be completed within twelve (12) months of the date of occupancy of such dwelling constructed or within twelve (12) months after the date of completion for commercial and institutional properties.

4.18.2 Landscaping in Residential Zones

- a) The owner of a lot being developed for residential purposes in a residential zone shall landscape:

- a. An area within the front yard, or the flankage yard on a corner lot, of the main building or structure;
- b. An area within 2 metres of the main building or structure;
- b) New residential development located adjacent to a non-residential zone shall maintain a minimum 10 metres landscaped setback from the adjoining property line and screening and buffering shall be provided to the satisfaction of the Development Officer.

4.18.3 Lighting

- a) No exterior lighting shall be used in a manner which produces a direct glare on the neighbouring property, or which produces a visual disturbance that obstructs scenic views. All exterior lighting shall be shielded so that the source of light (light bulb) cannot be directly seen from off the property;
- b) Interior or exterior lighting, including signs, shall not be of such intensity, or located or directed in such a way, as to produce glare onto public streets or neighbouring property; and
- c) In the Town Centre and Mixed Use Zone:
 - a. Exterior lighting shall be of a style and character which is harmonious with the small town heritage character of the town
 - b. Exterior lighting shall be properly scaled for pedestrians;
 - c. Lighting structures in parking areas shall not exceed 6 m in height;
 - d. Sources of light shall have shielded light sources to prevent glare.
 - e. Pedestrian walkways may be illuminated by low level lighting standards with shielded light sources.

4.19 Liquor License

A liquor license shall be considering incidental the following main or secondary uses:

- a) Accommodation;
- b) Assembly Use;
- c) Banquet Hall;
- d) Commercial Recreation Establishment;
- e) Cultural Establishment;
- f) Farmers Market;
- g) Grocery Store;
- h) Microbrewery or Distillery;
- i) Personal Service;
- j) Place of Worship;
- k) Restaurant;
- l) Recreation Facility;

- m) Retail use;
- n) Or any use not listed above that the sale or liquor may be considered reasonably compatible with the main use at the satisfaction of the Development Officer.

4.20 Minimum Building Dimension

Except in the Rural and Rural Residential zones, a main building containing a dwelling unit shall have a continuous length and width of at least 5.5 metres.

4.21 Multiple Uses

- a) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied.
- b) Where any land or building is used for more than one purpose and more than one standard applies, the more stringent standard shall prevail.

4.22 Outdoor Storage in Commercial Areas

Where any portion of any lot in any Town Centre, Mixed Use, and General Commercial Zone is to be used for outdoor storage, the following shall apply:

- a) Any area devoted to open storage shall not exceed 50 % of the lot area;
- b) No outdoor storage shall be permitted within any required front yard; and
- c) No outdoor storage shall be permitted within any yard where such yard abuts any Residential zone or residential use, except where a fence or other visual and physical barrier is provided within the abutting yard.

4.23 Parking and Loading

4.23.1 General Parking Provisions

The following general provisions will apply to all parking requirements:

- a) Parking requirements shall be in conformity with the parking provisions as provided in this By-law;
- b) Parking shall be provided upon the same lot as, or within 150 metres of, the use for which the parking is intended;
- c) A change of use does not require additional parking spaces above those already provided;
- d) Individual parking stalls shall have a minimum dimension of 2.7 metres by 6 metres;
- e) Notwithstanding (d), barrier free parking spaces shall be provided in keeping with section 4.23.2

4.23.2 Barrier Free Parking Spaces

- a) A minimum of 1 additional barrier free parking space shall be provided where 5 standard spaces are provided; and 1 additional space provided for every 25 parking spaces;
- b) The parking space(s) closest to a facility shall be reserved for barrier free parking spaces;

- c) Each barrier free parking spaces shall contain an area of not less than 24 m² measuring 4 m by 6 m;
- d) Each barrier free parking space shall be clearly identified; and
- e) Where a parking area is defined by curbing, a ramped curb shall be provided so as to allow a person with a mobility aide to easily travel through or over such curbing.

4.23.3 Parking Space Requirements by Use

Use	Minimum # of Spaces Required
Residential Use in any zone	1 space for each dwelling unit
Commercial Uses in Mixed Use and General Commercial zones	1 space for every 36 square metres of gross floor area
Assembly uses such as arenas, auditoriums, places of worship, funeral homes, commercial entertainment, or schools	1 space for every 5 persons comprising capacity patronage
Day Care Centre	1 space for every 5 children
Medical clinic, hospital, supportive facilities, veterinary clinics	1 space for every 5 patient beds or rooms; 1 space for every 2 staff at peak employment period
Home Occupation or Home Industry	1 space for every staff person who does not reside on the lot
Shared Dwelling, bed and breakfast, inn	1 space for every 2 guest rooms
Licensed Bar, nightclub, lounge, tap room	1 spaced for every 6 persons comprising capacity patronage
Hotel or motel	1 space per guest room
Office of business office	1 space for every 46.5 square metres of gross floor area
Restaurant	1 space for every 5 persons at licensed capacity
Drive Thru or Take Out Restaurant	1 space for every 20 square metres of retail sales floor area
Warehouse or Manufacturing Buildings, Self Storage	1 space for every 200 square metres

4.23.4 Commercial Vehicle Parking

- a) One commercial vehicle per dwelling, including school buses and transport truck cabs, is permitted to be parked in any residential zone provided the vehicle is operated by a resident of the dwelling.
- b) Commercial transport truck trailers shall not be permitted in any residential zone.
- c) Notwithstanding (b), commercial transport truck trailers shall be permitted in the Rural Residential zone provided the vehicle is operated by a resident of the dwelling.

4.23.5 Loading Standards

Off-street loading spaces shall:

- a) Measure a minimum of 9 metres by 4 metres and have an overhead clearance of 4 metres.

- b) With the exception the Town Centre zone, be located so that the merchandise or materials are loaded or unloaded on the premises being served.
- c) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
- d) be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, as set in the following table:

Total Floor Area	Number of Spaces
Up to 1860 square metres	1
1860 to 4650 square metres	2
For each additional 4650 square metres	1

4.23.6 Parking Lot Standards

A parking lot with the requirement of 7 or more spaces is required to be paved and parking spaces delineated by painted lines.

- a) Parking in Town Centre and Mixed Use zones are encouraged to be located in the rear yard;
- b) Parking lots in the front of the building line in the Town Centre zone are required to be paved and parking stalls painted;
- c) Parking lots in Town Centre that do not front onto the street are not required to be paved;
- d) Parking lots in the General Commercial zone are required to be paved and parking stalls painted;
- e) A parking lot with less than 7 spaces shall be maintained with a crushed rock or gravel surface or paved surface;
- f) Parking lot design requirements, including landscaping and curbing requirements, shall be at the discretion of the Development Officer.
- g) A parking lot with no less than 30 and no more than 50 required spaces shall include a minimum of one landscaped pedestrian strip having a minimum width of 1 metre incorporated into the parking lot design.
- h) A parking lot with more than 50 required spaces shall include one or more landscaped islands equal to one square metre for each parking space. The island or islands shall be landscaped with native tree and plant species and be enclosed with permanent and continuous curbing.

4.24 Permitted Encroachments

Unless otherwise indicated in a particular zone, every part of any yard setback required by this By-law shall be open and unobstructed by any structure subject to the following:

- a) Projections of sills, cornices, eaves gutters, chimney breasts, pilasters, canopies, or other architectural features as well as solar panels may be constructed in any yard provided that no such feature shall project more than 0.6 m into a side yard setback and 2 m into the required rear yard setback. This also includes fire escapes, exterior staircase, porches, verandahs and decks;

- b) Window bays may be permitted to project a maximum of 1 m into a required yard setback; and
- c) Uncovered patios or steps shall not project further than 0.8 m into a required side yard setback.

4.25 Recreational Vehicle or Equipment Storage

A recreational vehicle and associated recreational equipment may be stored in the side or rear yard and behind the building line on a lot used for a residential dwelling, and shall be behind the building line.

4.26 Residential Development near a Lagoon or Treatment Plant

The separation between lagoons and residential uses and other uses will be in accordance with provincial guidelines and regulations.

4.27 Secondary Suites

A main building may also contain a secondary suite subject to the following:

- a) A secondary suite shall not exceed 72 square metres.
- b) There shall be no change to the exterior appearance of the building that would indicate the building has a secondary suite.
- c) Where secondary to a non-residential use, the secondary suite shall have an entrance that is separate from that of the main use.
- d) Parking shall be provided in accordance with 4.26.

4.28 Shared Dwellings

A shared dwelling is subject to the following requirements:

- a) accommodations for compensation are provided for no more than six persons;
- b) no Supportive Housing or Day Care use be permitted on the same lot;
- c) the exterior of the building is not altered or, if newly constructed, the shared dwelling shall reasonable meet the established character of the surrounding neighbourhood, including façade design, cladding material, and building massing;
- d) parking is provided at the rear or the side of the building; and
- e) no sign advertising the existence of the shared dwelling house shall be displayed except a sign permitted in a residential zone by the Sign By-law.

4.29 Solar Collectors

4.29.1 Roof or Wall Solar Collectors

- a) Roof or wall solar collectors are considered an accessory use to the main use and are permitted in all zones subject to the conditions prescribed in this section.
- b) Solar collectors are to be non-reflective and attached to a roof or wall of a building.
- c) Solar collectors are exempted from building height in accordance with section 4.13;

- d) A solar collector located on a pitched roof must not extend beyond the outermost edge of the roof, but may:
 - a. project a maximum of 0.5 m from the surface of the roof when the solar collector is located 5.0 m or less from a side property line, measured directly from any point along the side property line; and
 - b. where the solar collector is located more than 5.0 m from a side property line, it may project a maximum of 1.3 m from the surface of the roof.

4.29.2 Ground Solar Collectors

- a) A ground solar collector may be permitted as an accessory use in any zone and shall be subject to the requirements of section 4.3 in addition to the following:
 - a. A ground solar collector shall not project beyond the height of any roof line or peak of any existing building on the same lot.
 - b. A ground solar collector shall be located in a side or rear yard when accessory to a main use.
 - c. A ground solar collector must be located and arranged so that direct or indirect glare does not impact the use of adjacent lots or impact traffic safety.
- b) Where permitted as a main use:
 - a. a ground solar collector shall conform to the setback requirements for the zone in which it is proposed or as determined by the Provincial regulation.
 - b. A ground solar collector must be located and arranged so that direct or indirect glare does not impact the use of adjacent lots or impact traffic safety.
 - c. When located adjacent to a residential zone or lot containing a dwelling unit, the ground solar collector shall be screened by fencing or landscaping at the satisfaction of the Development Officer.

4.30 Special Event Uses

Nothing in this By-law shall prevent uses for special occasions and events such as midways, circuses, fairs, or festivals provided that such uses remain in place no longer than 10 days subject to a Development Permit being obtained from the Town.

4.31 Supportive Housing

Where permitted by this By-law, Supportive Housing shall comply with the following:

- a) Within the R1 and R2 zones, Supportive Housing uses shall be limited to a maximum 15 beds;
- b) A Tourist Establishment - Bed and Breakfast, Home Occupation, Day Care, or Secondary Suite are not permitted on the same lot;
- c) When abutting a lot containing a one or two unit dwelling, there shall be appropriate screening between the Supportive Housing use (including parking) and the adjacent use.

4.32 Temporary Construction Uses

The use of land for the temporary location of a building or structure, or for other purposes incidental to a main construction project is permitted to continue up to sixty days following completion of the main construction project.

4.33 Tourist Establishment

Where a tourist establishment is permitted, the following conditions shall apply:

- a) the area of the lot must not be less than 8000 square metres.
- b) all tents, tent trailers, bunkhouses, travel trailers, recreational vehicles and campers, and their accessory uses shall be located at least 5 metres from any property line.
- c) when abutting a residential dwelling or Residential zone, a 2 metres fence, in accordance with section 4.3.2 shall be required, unless an adequate treed buffer is maintained to reasonably shield the use from view at the satisfaction of the Development Officer.
- d) Notwithstanding the above, a bed and breakfast may be permitted in compliance with the following:
 - a. A bed and breakfast shall not be conducted in a dwelling or on a lot that also contains a supportive housing, day care or secondary or garden suite use.
 - b. Parking be provided in accordance with section 4.23.
 - c. A bed and breakfast be limited to a maximum of 6 sleeping rooms.
- e) A sign may be permitted in association with the Sign By-law.

4.34 Unserviced Lots

The minimum lot size of unserviced lots shall meet the minimum of the zone unless otherwise prescribed by the requirements of the Provincial Government.

4.35 Utility Service Buildings and Structures

Nothing in this By-law shall prevent the erection, placement, alteration, or use of a utility service building or structure or pipeline in any zone.

4.36 Vehicle Body

No automobile, travel trailer, truck, bus, coach, street car, or any structure of similar nature shall be used for the permanent habitation of humans, animals, reptiles, fish, birds, etc.

4.37 Wind Turbines

4.37.1 Small Scale Wind Turbines

- a) A small wind turbine (SWT) shall only be permitted in all Residential and Commercial zones and the Rural and Institutional zones.
- b) The rotor clearance of any SWT shall not be less than 8 m.
- c) A SWT shall be setback no less than 1.5 times the total height from the property line and shall have a mean value of sound pressure that does not exceed the greater of 45 dBA or 5 dBA above the background noise levels at the nearest receptor.
- d) Any climbing apparatus associated with the wind turbine shall be a minimum of 3.5 m above grade.
- e) Any guy wires associated with a wind turbine must be clearly visible to a height of 2 m above grade.
- f) All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.
- g) All outdoor storage associated with a wind turbine facility shall be screened from view from adjacent properties and roads or highways.
- h) SWT shall be painted or finished in a non-reflective and non-obtrusive colour; be artificially lighted to the extent required by Transport Canada and NAV Canada.
- i) The owner of a SWT that has been inactive for more than 12 consecutive months shall remove the wind turbine within 60 days from the date of notification.

4.37.2 Large Scale Wind Turbines and Wind Farms

Standards or requirements for all large scale wind turbine or wind farm development shall be established pursuant to an agreement approved by Council under Section 59 of the Community Planning Act.

A photograph showing a flooded area with utility poles and construction barriers in the foreground. The scene is dimly lit, suggesting an overcast day. In the foreground, there are several orange and white striped traffic barrels and wooden barriers on a paved road. In the background, a large body of water has flooded the area, submerging utility poles and some structures. The sky is blue with some clouds.

SECTION 5

FLOODPLAIN OVERLAY

Overlays provide guidelines and standards that are to be applied in conjunction with the land use zones found in Part 6 through 13 of this By-law. Overlays are land use management tools that allow for a more holistic approach as they consider the common conditions of a broader area that may be subject to several different land use zones. The following section describes the administration of a Floodplain Overlay which is further defined in the Zoning Map in Schedule A.

This overlay is informed by the town's Climate Change Adaptation Plan and associated vulnerability assessments and built from flood plain mapping that represents the furthest inland reaching limit, to ensure areas at risk are subject to an increased level of review. The intent of the overlay and the additional review is to ensure development is reviewed beyond localized impact, with a lens to surrounding property, municipal infrastructure, and public health and safety.

Lands within the Floodplain Overlay are subject to the rules of their zone and the Floodplain Overlay, including the terms and conditions applied by the Planning Advisory Committee.

5.1 Floodplain Overlay Provisions

No main building may be erected, constructed or modified unless it meets the following minimum requirements:

- a) In the case of new main building:
 - a. A minimum floor elevation greater than the known minimum flood extent may be required at the discretion of the Planning Advisory Committee.
 - b. A development or building permit application shall include:
 - i. A site plan and elevation drawings demonstrating the elevation of habitable space in the proposed building;
 - ii. A plan and drawings that demonstrate the flood proofing of all electrical, mechanical, and plumbing systems, by design, for the area below the required elevation.
 - iii. A drainage plan, if the adaptation measures result in more than 1 metre of fill (in elevation) for properties less than 4000 square metres.
 - iv. A site plan demonstrating that access to the property and dwelling unit is at an elevation that does not impact access to the property or dwelling unit during a flood event.
 - c. Other terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Planning Advisory Committee
 - d. The applicant may be required to enter into development agreement with the Town to be registered with Service New Brunswick on the title of the property.

- b) In the case of an existing building, the building may be expanded or modified if:
 - a. It does not reduce the elevation of the existing building
 - b. It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2m² (250ft²)
 - c. A non adapted expansion or modification is limited to one per main building
 - d. The Development Officer or committee may impose additional terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
 - e. The applicant may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.
- c) This section does not apply to accessory buildings or structures, open space uses or temporary uses permitted by this bylaw. Accessory building and structures are subject to section 4.3.



SECTION 6

RESIDENTIAL ZONES

6.1 One and Two-Unit “R1” Zone

The One and Two-Unit Residential Zone is intended to continue the established neighbourhood development patterns found throughout the Town. Single and two-unit homes will make up the majority of development in this zone with the sensitive introduction of townhomes in key areas.

6.1.1 Permitted Uses

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Dwelling, One-unit
- b) Dwelling, Two-Unit
- c) Dwelling, Semi-Detached
- d) Dwelling, Small Lot One-Unit subject to section 6.1.5

6.1.2 Secondary Uses

One or more of the following uses are permitted in association with uses permitted in subsection 6.1.1:

- a) Home Occupation, subject to section 4.15
- b) Garden Suite, subject to section 4.12
- c) Secondary Suite, subject to section 4.27
- d) Supportive Housing, subject to section 4.31

6.1.3 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Dwelling, Townhouse, maximum 4 units
- b) Neighbourhood Day Care on serviced lots only and subject to section 4.6
- c) Accessory Building/Structure for the keeping of horses where the land has a minimum of 2 hectares, providing it is not located in a residential subdivision
- d) Outdoor recreation facility
- e) Tourist Establishment – Bed and Breakfast

6.1.4 Zone Standards

The following standards apply to this zone:

- a) Minimum Lot Area
 - Interior Lot, serviced 690 square metres
 - Corner Lot, serviced 900 square metres
 - Un-serviced 4,000 square metres
 - Dwelling, small lot one unit 555 square metres
- b) Minimum Lot Frontage
 - Interior Lot, serviced 23 metres
 - Corner Lot, serviced 30 metres
 - Un-serviced 54 metres
 - Dwelling, small lot one unit 20m
- c) Minimum Lot Depth 30 metres
- d) Minimum Front Yard 7.5 metres
- e) Minimum Rear Yard 7.5 metres
- f) Minimum Side Yard 2.5 metres
- g) Minimum Flankage Yard 3.5 metres
- h) Maximum Building Height 9 metres
- i) Maximum Lot Occupancy 50 percent
- j) Other Requirements in accordance with the General Provisions, Parts 4

6.1.5 Conditions of Use

- a) Small-lot one-unit dwellings with a minimum lot area of 555 square metres in subdivision developments where semi-detached or townhouse dwellings currently exist on 50% of the lots on an established street and/or are currently approved on 50% of the lots on a subdivision under development may be approved subject to terms and conditions as may be imposed by the Planning Advisory Committee.

6.2 Medium Density Residential “R2” Zone

The Medium Density Residential Zone is intended for residential development with three or more units. In certain circumstances, lower density development could be permitted in this zone but development pattern and land potential should be considered. This zone allows the Town to introduce more dense development in response to evolving housing needs while still maintaining the residential character of established neighbourhoods.

6.2.1 Permitted Uses

Any land, building or structure may be used for the purposes of one or more of the following uses:

- a) Dwelling, Townhouse
- b) Dwelling, Cluster
- c) Dwelling, Multi-Unit to a maximum of 12 units
- d) Dwelling, Shared
- e) Dwelling, Converted
- f) Dwelling, Small Lot One-Unit, subject to section 6.1.5
- g) Supportive Housing, subject to section 4.34

6.2.2 Secondary Uses

One or more of the following uses are permitted in association with uses permitted in subsection 6.2.1:

- h) Gard2.18 cmen Suite, subject to section 4.12
- i) Home Occupation, subject to section 4.15
- j) Secondary Suite, subject to section 4.27

6.2.3 Conditional Uses

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Neighbourhood Day Care, subject to section 4.6
- b) Dwelling, Multi-Unit 13 units or more, up to 3-storeys in height
- c) Dwelling, One-unit
- d) Dwelling, Semi-Detached
- e) Dwelling, Two-Unit
- f) Additional main buildings

6.2.4 Zone Standards

- a) Minimum Lot Area:
- One Unit, Two Unit, or Semi Detached, serviced lot 500 square metres
 - One Unit, Two Unit, or Semi Detached, unserviced lot 4,000 square metres
 - Townhouse Dwelling, serviced lot 345 square metres
 - Townhouse Dwelling, unserviced lot 6,700 square metres
 - Multi-unit Dwelling, serviced lot the greater of 690 square metres
- OR**
- For each dwelling unit therein having 3 or more bedrooms 90 square metres
 - For each dwelling unit therein having 2 bedrooms 70 square metres
 - For each Studio or dwelling unit therein having 1 bedroom 50 square metres
 - For each room for a Supportive Housing Facility or Shared Dwelling 20 square metres
 - Multi-unit Dwelling, unserviced lot 8,050 square metres
- b) Minimum Lot Frontage,
- One Unit, Two Unit, or Semi-Detached Interior Lot, serviced 30 metres
 - One Unit, Two Unit, or Semi-Detached Interior Lot, unserviced 54 metres
 - One Unit, Two Unit, or Semi-Detached Corner Lot, serviced 37 metres
 - One Unit, Two Unit, or Semi-Detached Corner Lot, unserviced 59 metres
 - Townhouse Dwelling for each Unit, serviced 6 metres
 - Townhouse Dwelling for each Unit, unserviced 10 metres
 - Multi-unit Dwelling, serviced 30 metres
 - Multi-unit Dwelling, unserviced 68 metres
- c) Minimum Lot Depth 30 metres
- d) Minimum Front Yard 3 metres
- e) Minimum Rear Yard 5 metres
- f) Minimum Side Yard 2 metres
- g) Minimum Flankage Yard 3 metres
- h) Maximum Building Height 11 metres
- i) Maximum Lot Occupancy 50 percent
- j) Other Requirements in accordance with the General Provisions, Parts 4

6.3 Multi-Unit Residential “R-3” Zone

The intent of this zone is to permit more moderate and contextually appropriate density throughout the Town. Low-density residential housing types are permitted through conditional approval to ensure flexibility in the development process. Areas in the R-3 zone are typically evolving towards or are adjacent to mixed use areas and are generally close to amenities like sidewalks, trails, and commercial areas.

6.3.1 Permitted Uses

Any land, building or structure may be used for the purposes of one or more of the following uses:

- a) Dwelling, Townhouse
- b) Dwelling, Multi-unit
- c) Dwelling, Converted
- d) Dwelling, Shared, subject to section 4.28
- e) Day Care Centre, subject to section 4.6
- f) Neighbourhood Day Care, subject to 4.6

6.3.2 Secondary Uses

One or more of the following uses are permitted in association with uses permitted in subsection 6.3.1:

- a) Garden suite, subject to section 4.12
- b) Home Occupation, subject to section 4.15
- c) Secondary suite, subject to section 4.27

6.3.3 Zone Standards

- a) Minimum Lot Area:
 - Townhouse Dwelling, serviced lot 500 square metres
 - Townhouse Dwelling, unserviced lot 6,700 square metres
 - Multi-unit Dwelling, serviced lot the greater of 500 square metres
- OR**
- For each dwelling unit therein having 3 or more bedrooms 90 square metres
 - For each dwelling unit therein having 2 bedrooms 70 square metres
 - For each Studio or dwelling unit therein having 1 bedroom 50 square metres
 - For each room for a Supportive Housing Facility or Shared Dwelling 20 square metres
 - Multi-unit Dwelling, unserviced lot 8,050 square metres
- b) Minimum Lot Frontage,

- Townhouse Dwelling for each Unit, serviced 6 metres
- Townhouse Dwelling for each Unit, unserviced 10 metres
- Multi-unit Dwelling, serviced 30 metres
- Multi-unit Dwelling, unserviced 68 metres
- c) Minimum Lot Depth 30 metres
- d) Minimum Front Yard 3 metres
- e) Minimum Rear Yard 5 metres
- f) Minimum Side Yard 2 metres
- g) Minimum Flankage Yard 3 metres
- h) Minimum Gross Floor Area for a Dwelling Unit in a Multiple Dwelling
 - For each Dwelling Unit having 3 or more bedrooms 70 square metres
 - For each Dwelling Unit having 2 bedrooms 60 square metres
 - For each Bachelor/Studio or Dwelling Unit having one bedroom 40 square metres
- i) Maximum Building Height 11 metres
- j) Maximum Lot Occupancy 50 percent
- k) Other Requirements in accordance with the General Provisions, Parts 4

6.4 Rural Residential “RR” Zone

The Rural Residential zone is made up of mainly residential uses on larger lots in unserviced, rural areas of Hampton. The intention of this zone is to ensure the rural character of the town continues through the allowance of a variety of secondary uses in keeping with the established development pattern.

6.4.1 Permitted Uses

Any land, building or structure may be used for the purposes of one or more of the following uses:

- a) Dwelling, One-unit
- b) Dwelling, Two-Unit
- c) Dwelling, Converted
- d) Home Industry, subject to section 4.16
- e) Supportive Housing, subject to section 4.31

6.4.2 Secondary Uses

One of the following uses are permitted in association with uses permitted in subsection 6.4.1:

- a) Home Occupation, subject to section 4.15
- b) Garden Suite, subject to section 4.12
- c) Secondary Suite, subject to section 4.27
- d) Hobby Farm, subject to section 4.14
- e) Livestock Facilities, subject to section 6.4.5
- f) Tourist Establishment - Bed and breakfast, subject to section 4.33
- g) Greenhouse
- h) Ground Solar

6.4.3 Conditional Uses

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Accommodations
- b) Cultural Establishment
- c) Retail Use - Convenience store
- d) Day care centre, subject to section 4.6
- e) Tourist Establishment, subject to section 4.33
- f) Special Care Facility
- g) Dwelling, Shared, subject to section 4.28

6.4.4 Zone Standards

- a) Minimum Lot Area:
 - One Unit, no public sewer 4,000 square metres
 - Two Unit, no public sewer 5,345 square metres
 - Two Unit, public sewer/water 818 square metres
- b) Minimum Lot Frontage,
 - One Unit, no public sewer 54 metres
 - One Unit, public sewer/water 18 metres
 - Two Unit, no public sewer 59 metres
 - Two Unit, public sewer/water 23 metres
- c) Minimum Lot Depth
 - One Unit, no public sewer 38 metres

- One Unit, public sewer/water 30 metres
- Two Unit, no public sewer 38 metres
- Two Unit, public sewer/water 30 metres
- d) Minimum Front Yard - Arterial/Collector Road 15 metres
- e) Minimum Front Yard – Local Road 7.5 metres
- f) Minimum Rear Yard 7.5 metres
- g) Minimum Side Yard 3 metres
- h) Maximum Building Height 12 metres

6.4.5 Conditions of Use: Livestock Facilities

The following lot and development standards apply to livestock facilities established after the adoption of this By-law:

- a) Minimum Lots Size
 - a. 1 or less AU of rabbits, ducks, chickens, turkeys, and geese 4,000 m²
 - b. 2 or less AU of all species 9,000 m²
 - c. 2 to 4 AU of all species 20,000 m²
 - d. > 4 to 6 AU of all species 30,000 m²
- b) Minimum Setback from all Lot Lines
 - a. 1 or less AU of rabbits, ducks, chickens, turkeys, and geese 3 m
 - b. 2 or less AU of all species 6 m
 - c. > 2 to 4 AU of all species 10 m
 - d. > 4 to 6 AU of all species 18 m
- c) Additional animal units will be permitted on lots larger than 3 hectares subject to approval or exemption under the *Livestock Operations Act* and in conformity with the minimum distance separation requirements of this Zoning By-law.
- d) Animal waste shall be stored and disposed in accordance with New Brunswick Department of Agriculture, Aquaculture and Fisheries requirements.

6.5 Mini Home Park “MHP” Zone

Mini Home Parks may continue in their established areas. The expansion or redevelopment of a Mini Home Park is only permitted through a rezoning process.

6.5.1 Permitted Uses

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Mini home park serviced by communal water and municipal sanitary services
- b) Mini home dwelling
- c) Business office associated with the management of the Mini Home Park

6.5.2 Secondary Uses

One or more of the following uses are permitted in association with uses permitted in subsection 6.5.1

- a) Home Occupation, subject to section 4.15

6.5.3 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Day Care Centre, subject to section 4.6
- b) Neighbourhood Day care, subject to section 4.6

6.5.4 Zone Standards

- a) Minimum Lot Area 360 square metres
- b) Minimum Lot Frontage 12 metres
- c) Minimum Front Yard 7 metres
- d) Minimum Rear Yard 7 metres
- e) Minimum Side Yard 2.5 metres
- f) Minimum Flankage Yard 2.5 metres
- g) Maximum Building Height 6 metres
- h) Maximum Lot Occupancy 35 percent
- i) Other Requirements in accordance with the General Provisions, Part 4



SECTION 7

**COMMERCIAL &
MIXED ZONES**

7.1 Town Centre “TC” Zone

The Town Centre represents the historic centre of the town. It is the central area for events, culture, and a mixed-use land development pattern traditional of a historic small town. The Municipal Plan directs the Town Centre Zone to permit a range of commercial uses and multi-unit residential to facilitate a vibrant community hub.

7.1.1 Permitted Uses

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- | | |
|--|--|
| a) Accommodation | l) Dwelling, Converted, subject to section 4.5 |
| b) Artist or Craft Person Studio | m) Financial Institution |
| c) Assembly Use | n) Institutional Use |
| d) Business Office | o) Microbrewery / Distillery |
| e) Cannabis Retail Sales | p) Office |
| f) Cultural Establishment | q) Personal Service |
| g) Clinic | r) Recreation Facility |
| h) Commercial Recreation Establishment | s) Recreational Use |
| i) Day Care Centre, subject to section 4.6 | t) Restaurant, excluding drive-thru |
| j) Dwelling, Multi-Unit | u) Retail Store |
| k) Dwelling, Townhouse | v) Veterinarian Clinic |

7.1.2 Secondary Uses

- a) Home Occupation, Subject to section 4.15
- b) Garden Suite, subject to section 4.12
- c) Secondary suite, subject to section 4.27

7.1.3 Conditional Uses

Any land, building or structure may be used for the purposes of, and for no other purpose than the following subject to the terms and conditions imposed by the Planning Advisory Committee:

- | | |
|--|--|
| a) Bar, Lounge or Nightclub Bar | h) Garden Centre |
| b) Carwash | i) Restaurant, drive-thru |
| c) Dry-Cleaning or Laundry Depot | j) Service Station |
| d) Dwelling, One-Unit or Two-Unit | k) Supportive Housing, subject to section 4.31 |
| e) Dwelling Unit located on the Ground Floor, subject to section 7.1.6 | l) Taxi Stand |
| f) Dwelling, Shared | m) Warehouse, subject to 7.1.5 |
| g) Funeral Home | |

7.1.4 Zone Standards

- | | |
|---|---|
| a) Minimum Lot Area, Interior Lot | 690 square metres |
| b) Minimum Lot Area, Corner Lot | 780 square metres |
| c) Minimum Lot Frontage, Interior Lot | 23 metres |
| d) Minimum Lot Frontage, Corner Lot | 26 metres |
| e) Minimum Lot Depth | 30 metres |
| f) Minimum Front Yard | nil or in line with adjacent building lines |
| g) Minimum Rear Yard | nil |
| h) Minimum Side Yard | nil |
| i) Minimum Flankage Yard | nil |
| j) Minimum Ground Floor Area: | |
| a. One-Unit Dwelling or Two-Unit Dwelling | |
| • 1 Storey | 89 square metres |
| • Split-Level | 71 square metres |
| • 1 ½, 2, or 3 Storeys | 62 square metres |
| b. Semi-Detached Dwelling | |
| • 1 Storey | 70 square metres |
| • Split-Level | 65 square metres |
| • 1 ½, 2, or 3 Storeys | 55 square metres |
| k) Maximum Building Height | 11 metres |
| l) Maximum Lot Occupancy | 100 percent |
| m) Front and flankage building facades: | |
| a. Shall have cladding comprised of wood, stone, brick, cementitious material or any combination thereof that highlights the colonial design preference of the town's downtown. | |
| b. May have cladding of a high quality vinyl at the discretion of the Development Officer or Planning Advisory Committee. | |
| c. Shall not exceed a continuous building length along Main Street of 46 metres. | |
| n) Other Requirements in accordance with the General Provisions, Parts 4 and 5 | |

7.1.5 Conditions of Use: Warehouse

- a) A Warehouse may not front onto Main Street;
- b) Notwithstanding subsection (a); a Warehouse may be permitted to front onto Main Street if it is determined to be incidental to the main use.

7.1.6 Conditions of Use: Dwelling Units of the Ground Floor

A dwelling unit with frontage onto Main Street is subject to the following:

- a) A dwelling unit shall not be located so as to have ground floor windows that face Main Street;
- b) A dwelling unit may be located on the ground floor in the Town Centre zone if it forms part of a multi-unit dwelling that includes a lobby that fronts onto Main Street.

7.2 Mixed Use “MU” Zone

The Mixed-Use Zone is intended to allow areas along collector and arterial streets to evolve with market demand. These areas are typically residential in character but support smaller scale commercial and service activity.

7.2.1 Permitted Uses

Any land, building or structure may be used for the following purposes of and for no other purpose than:

- a) Accommodation
- b) Artist or Craft Person Studio
- c) Assembly Use
- d) Banquet Hall
- e) Business Office
- f) Clinic
- g) Commercial Recreation Establishment
- h) Convenience Store
- i) Cultural Establishment
- j) Day Care Centre, subject to section 4.6
- k) Dwelling, Multi-unit
- l) Dwelling, Converted subject to section 4.5
- m) Dwelling, Semi-detached
- n) Dwelling, Shared, subject to section 4.28
- o) Dwelling, Townhouse
- p) Dwelling, Two-unit
- q) Financial Institution
- r) Funeral Home
- s) Microbrewery / Distillery
- t) Office
- u) Personal Service
- v) Recreational Facility
- w) Restaurant
- x) Retail Store
- y) Supportive Housing, subject to section 4.31
- z) Vehicle Repair Garage, Existing
- aa) Veterinary Clinic

7.2.2 Secondary Uses

- a) Home Occupation, subject to section 4.15
- b) Neighbourhood Day care, subject to section 4.6
- c) Secondary suite, subject to section 4.27
- d) Garden Suite, subject to section 4.12

7.2.3 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Bar, lounge or nightclub bar
- b) Dwelling, One-unit
- c) Dwelling, Multi-unit, up to and including 24 units
- d) Garden Centre
- e) Pet Day Care
- f) Restaurant, drive thru

7.2.4 Zone Standards

- a) Minimum Lot Area, Interior Lot 690 square metres
- b) Minimum Lot Area, Corner Lot 780 square metres
- c) Minimum Lot Frontage, Interior Lot 23 metres
- d) Minimum Lot Frontage, Corner Lot 26 metres
- e) Minimum Lot Depth 30 metres
- f) Minimum Front Yard 5 metres
- g) Minimum Rear Yard 7 metres
- h) Minimum Side Yard 2 metres
- i) Minimum Flankage Yard 3.5 metres
- j) Minimum Ground Floor Area:
 - a. One-Unit Dwelling or Two-Unit Dwelling
 - 1 Storey 89 square metres
 - Split-Level 71 square metres
 - 1 ½, 2, or 3 Storeys 62 square metres
 - b. Semi-Detached Dwelling
 - 1 Storey 70 square metres
 - Split-Level 65 square metres
 - 1 ½, 2, or 3 Storeys 55 square metres
- k) Maximum Building Height 11 metres
- l) Maximum Lot Occupancy 50 percent
- m) Other Requirements in accordance with the General Provisions, Parts 4

7.3 General Commercial “GC” Zone

The General Commercial Zone is intended for areas located in proximity to major transportation corridors. These areas are therefore able to draw in the travelling public and therefore are better suited to larger scale commercial uses that would otherwise detract from the character of the town’s Downtown and mixed-use areas.

7.3.1 Permitted Uses

Any land, building or structure may be used for the following purposes of and for no other purpose than:

- | | |
|--|--|
| a) Accommodation | q) Financial Institution |
| b) Assembly Use | r) Garden Centre |
| c) Banquet Hall | s) Grocery Store |
| d) Business Office | t) Microbrewery / Distillery |
| e) Cannabis Retail, | u) Office |
| f) Car Wash | v) Parking lot, to facilitate shared ride only |
| g) Clinic | w) Personal Service |
| h) Convenience Store | x) Pet Grooming |
| i) Commercial Recreation Establishment | y) Repair Service |
| j) Cultural Establishment | z) Restaurant |
| k) Day Care Centre, subject to section 4.6 | aa) Recreational Facility |
| l) Dry Cleaning or Laundry Depot | bb) Retail Store |
| m) Dwelling, Multi-unit: 12 or more dwelling units | cc) Shopping Mall |
| n) Dwelling, Converted subject to section 4.5 | dd) Self Storage |
| o) Drive-Thru Restaurant | ee) Vehicle Sales and Service |
| p) Farmers Market | ff) Vehicle Repair Garage |
| | gg) Veterinary Clinic |

7.3.2 Secondary Uses

- a) Home Occupation, subject to section 4.15

7.3.3 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Service Station
b) Bar, Lounge or Nightclub Bar
c) Commercial Garage

- d) Dwelling, Multi-unit: 6 to 11 dwelling units
- e) Manufacturing or processing facility (does not include salvage yard); subject to section 7.3.6
- f) Pet Day Care
- g) Recycling Facility; subject to section 7.3.7
- h) Vehicle Body and Paint Shop
- i) Warehouse; subject to section 7.3.7
- j) An additional dwelling unit

7.3.4 Zone Standards

- | | |
|--|-------------------|
| a) Minimum Lot Area | 690 square metres |
| b) Minimum Lot Frontage, Interior Lot | 23 metres |
| c) Minimum Lot Frontage, Corner Lot | 26 metres |
| d) Minimum Lot Depth | 30 metres |
| e) Minimum Front Yard | 9 metres |
| f) Minimum Rear Yard | 7 metres |
| g) Minimum Side Yard | 2 metres |
| h) Minimum Flankage Yard | 3.5 metres |
| i) Maximum Building Height | 15 metres |
| j) Maximum Lot Occupancy | 50 percent |
| k) Other Requirements in accordance with the General Provisions, Parts 4 | |

7.3.5 Condition of Use: Manufacturing or Processing Facility (does not include Salvage Yard)

A Manufacturing or Processing Facility shall not front onto William Bell Drive or Main Street.

7.3.6 Condition of Use: Recycling Facility

A Recycling Facility shall not front onto William Bell Drive or Main Street

7.3.7 Condition of Use: Warehouse

- a) A Warehouse shall not front onto William Bell Drive or Main Street;
- b) Notwithstanding subsection (a); a Warehouse may be permitted to front onto William Bell Drive if it is determined to be incidental to the main use on the lot.



SECTION 8

RURAL “RU” ZONE

The Rural zone is made up of a mix of residential and non-residential uses on larger lots in unserved, rural areas of Hampton. This zone supports rural character by allowing a broad range of lower intensity residential and non-residential uses outside of settlement areas.

8.1.1 Permitted Uses

Any land, building or structure may be used for the following purposes of and for no other purpose than:

- | | |
|---|--|
| a) Agricultural Use | r) Office |
| b) Aquaculture use | s) Outfitter operation |
| c) Cemetery | t) Personal service |
| d) Community centre | u) Recreation use |
| e) Conservation use | v) Recreational facility |
| f) Convenience store | w) Restaurant |
| g) Day care centre, subject to section 4.6 | x) Retail store |
| h) Dwelling, One-unit | y) Service station |
| i) Dwelling, Two-unit | z) Solar collector (ground); subject to section 4.29 |
| j) Dwelling, Converted subject to section 4.5 | aa) Special care facility |
| k) Farmers Market | bb) Supportive housing; subject to section 4.31 |
| l) Forestry use | cc) Tourist Establishment, subject to section 4.33 |
| m) Funeral home | dd) Vehicle repair garage |
| n) Home Industry, subject to section 4.16 | ee) Vehicle sales and service |
| o) Institutional use | ff) Veterinary Clinic |
| p) Kennel | |
| q) Mini home | |

8.1.2 Secondary Uses

- a) Garden Suite, subject to section 4.12
- b) Home Occupation, subject to section 4.15
- c) Hobby Farm, subject to section 4.14
- d) Livestock Facility, subject to section 6.4.5
- e) Secondary Suite, subject to section 4.27
- f) Supportive Housing, subject to section 4.31
- g) Neighbourhood Day care centre, subject to section 4.6

8.1.3 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Bar, Lounge or Nightclub Bar
- b) Crematorium
- c) Dwelling, shared, subject to section 4.28
- d) Heavy equipment manufacturing, sales or service operation
- e) Hotel or motel
- f) Light industrial use
- g) Pet Day Care
- h) Sawmill, subject to section 8.1.5
- i) Self Storage Facility
- j) Trucking operation
- k) Warehouse

8.1.4 Zone Standards

- | | |
|--|---------------------|
| a) Minimum Lot Area | 4,000 square metres |
| b) Minimum Lot Frontage | 54 metres |
| c) Minimum Lot Depth | 38 metres |
| d) Minimum Front Yard - Arterial/Collector Road | 15 metres |
| e) Minimum Front Yard - Local Road | 7.5 metres |
| f) Minimum Rear Yard | 7.5 metres |
| g) Dwelling, Minimum Side Yard | 3 metres |
| h) Non-Residential, Minimum Side Yard | 4.5 m |
| i) Other Requirements in accordance with the General Provisions, Parts 4 | |

8.1.5 Conditions of Use: Sawmills

- a) A stationary sawmill is permitted provided that outdoor storage of logs or lumber shall be a minimum of 15 metres from a public road frontage.
- b) A temporary or mobile sawmill shall conform with the following:
 - a. Shall be permitted on a lot not less than 2 hectares;
 - b. Shall be setback a minimum of 50 metres from any property line;
 - c. Shall be setback a minimum of 150 metres from a residential structure on an abutting lot;
 - d. Shall be permitted to operate on a lot for a period not exceeding 6 months;
 - e. May only process timbre removed from the lot on which it is located. Timbre from an off-site location shall not be processed on the lot;



Commercial Vehicles

SECTION 9

INDUSTRIAL ZONE

This zone keeps light, lower impact industrial uses reasonably separated from residential and key commercial areas. These areas generally have easy access to major transportation corridors and limited connectivity to local roads to ensure the impact of heavy traffic on residential areas is lessened.

9.1.1 Permitted Uses

- | | |
|---|---|
| a) Business Office; | j) Recycling Facility; subject to section 7.3.6 |
| b) Cannabis Manufacturing or Production, subject to section 4.5 | k) Sawmill, subject to section 8.1.5 |
| c) Commercial Garage | l) Service Station |
| d) Dry Cleaning or Laundry Depot | m) Self-storage |
| e) Heavy equipment manufacturing, sales or service operation | n) Solar collector; subject to section 4.29 |
| f) Light industrial use | o) Trucking operation |
| g) Manufacturing or processing facility | p) Vehicle Body and Paint Shop |
| h) Microbrewery/ Distillery | q) Vehicle repair garage |
| i) Outdoor storage | r) Vehicle sales and service |
| | s) Warehouse |
| | t) Wind Turbine |

9.1.2 Zone Standards

No building or structure may be placed, erected, or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out below:

- | | |
|------------------------------------|-----------|
| a) Minimum Front Yard | 15 metres |
| b) Minimum Rear Yard | |
| • When abutting a Residential zone | 50 metres |
| • When abutting any other zone | 15 metres |
| c) Minimum Side Yard | |
| • When abutting a Residential zone | 50 metres |
| • When abutting any other zone | 10 metres |

9.1.3 Conditions of Use: Buffering of Industrial Uses

- a) When an industrial use abutting a residential lot, screening may be required at the satisfaction of the Development Officer and may include fencing, subject to section 4.3.2, or a landscaped buffer or trees or hedges, newly planted or existing.



SECTION 10

**INSTITUTIONAL “INST”
ZONE**

The Institutional Zone is intended for schools, government buildings, and buildings provided a necessary community service.

10.1.1 Permitted Uses

Any land, building or structure may be used for the following purposes of and for no other purpose than:

- | | |
|--|--|
| a) Educational building; | i) Cemetery; |
| b) Banquet hall; | j) Office; |
| c) Commercial recreation establishment; | k) Day Care Centre, subject to section 4.6 |
| d) Ground Solar Collector, subject to section 4.29 | l) Farmers Market |
| e) Recreational facility; | m) Medical Clinic |
| f) Outdoor recreational use; | n) Supportive Care Facility |
| g) Hospital; | o) Supportive Housing, subject to section 4.31 |
| h) Government or municipal building; | |

10.1.2 Conditional Uses

A SWT may be permitted as a secondary conditional use subject to the provisions of section 5.10 and to terms and conditions applied by the Planning Advisory Committee.

10.1.3 Zone Standards

- | | |
|--|-------------------|
| a) Minimum Lot Area | 660 square metres |
| b) Minimum Lot Frontage, Interior Lot | 22 metres |
| c) Minimum Lot Depth | 30 metres |
| d) Minimum Front Yard | 7 metres |
| e) Minimum Rear Yard | 7 metres |
| f) Minimum Side Yard | 2 metres |
| g) Minimum Flankage Yard | 3.5 metres |
| h) Maximum Building Height | 9 metres |
| i) Maximum Lot Occupancy | 40 percent |
| j) Other Requirements in accordance with the General Provisions, Parts 4 | |



SECTION 11

**CONSERVATION “C”
ZONE**

The Conservation Zone is intended for limited land use with the intent of preserving sensitive environments. Some passive land uses such as trails and parks are permitted in this zone.

11.1.1 Permitted Uses

In a “C” Zone, any land, building or structure may be used for the purposes of, and for no other purpose than one or more of the following main uses:

- a) Agriculture, existing
- b) Passive recreation uses including parks and trails;
- c) A building or structure in existence on the date of approval of this Zoning By-law; or
- d) Interpretative centers and displays.

11.1.2 Zone Standards

Setbacks of new structures in this zone are subject to the appropriate Provincial agency.



SECTION 12

**PARKS AND
RECREATION ZONE**

This zone is intended for municipal parks and recreational spaces or commercial recreation operations.

12.1 Permitted Use

Any land, building or structure may be used for the purposes of, and for no other purpose than:

- a) Commercial Recreation
- b) Cemetery
- c) Greenhouse
- d) Recreation Facility
- e) Farmers Market
- f) Park
- g) Solar Collector, building or wall, subject to section 4.29
- h) Tourist Establishment, subject to section 4.33
- i) Restaurant associated with and incidental to a Recreation Facility
- j) Banquet Hall associated with and incidental to a Recreation Facility
- k) Community Use

12.2 Conditional Uses

- a) Small Scale Wind Turbine, subject to section 4.37
- b) Solar Collector, ground, subject to section 4.29

A photograph of a steel truss bridge spanning a river. The bridge has a complex lattice structure of steel beams. Below the bridge, a concrete pier is visible in the water. The background is a dense forest of green trees on a hillside. The entire image has a dark blue overlay.

SECTION 13

**AGGREGATE
EXTRACTION “AE” ZONE**

The Aggregate Extraction Zone is intended for land uses related to aggregate extraction, including pits and quarries. These uses require mitigation measures to control nuisance or risk levels, and require larger lots to increase separation distances between active industrial uses and other uses.

13.1.1 Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose than:

- a) Quarry, subject to section 4.4
- b) Pit, subject to section 4.4
- c) Solar collector (ground); subject to section 4.29

13.1.2 Accessory Uses

- a) Any accessory building, structure, or use incidental to the main use of the land building, or structure if such main use is permitted by this section.

13.1.3 Conditional Uses

- a) Small Scale Wind Turbine or SWT may be permitted as a main or secondary conditional use subject to the provisions of section 4.37 and to terms and conditions applied by the Planning Advisory Committee “AE” Zone Standards for Main Buildings and Main Structures

13.1.4 Zone Standards

No building or structure may be placed, erected, or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out below:

- | | |
|-----------------------|-----------|
| a) Minimum Front Yard | 15 metres |
| b) Minimum Rear Yard | 15 metres |
| c) Minimum Side Yard | 15 metres |



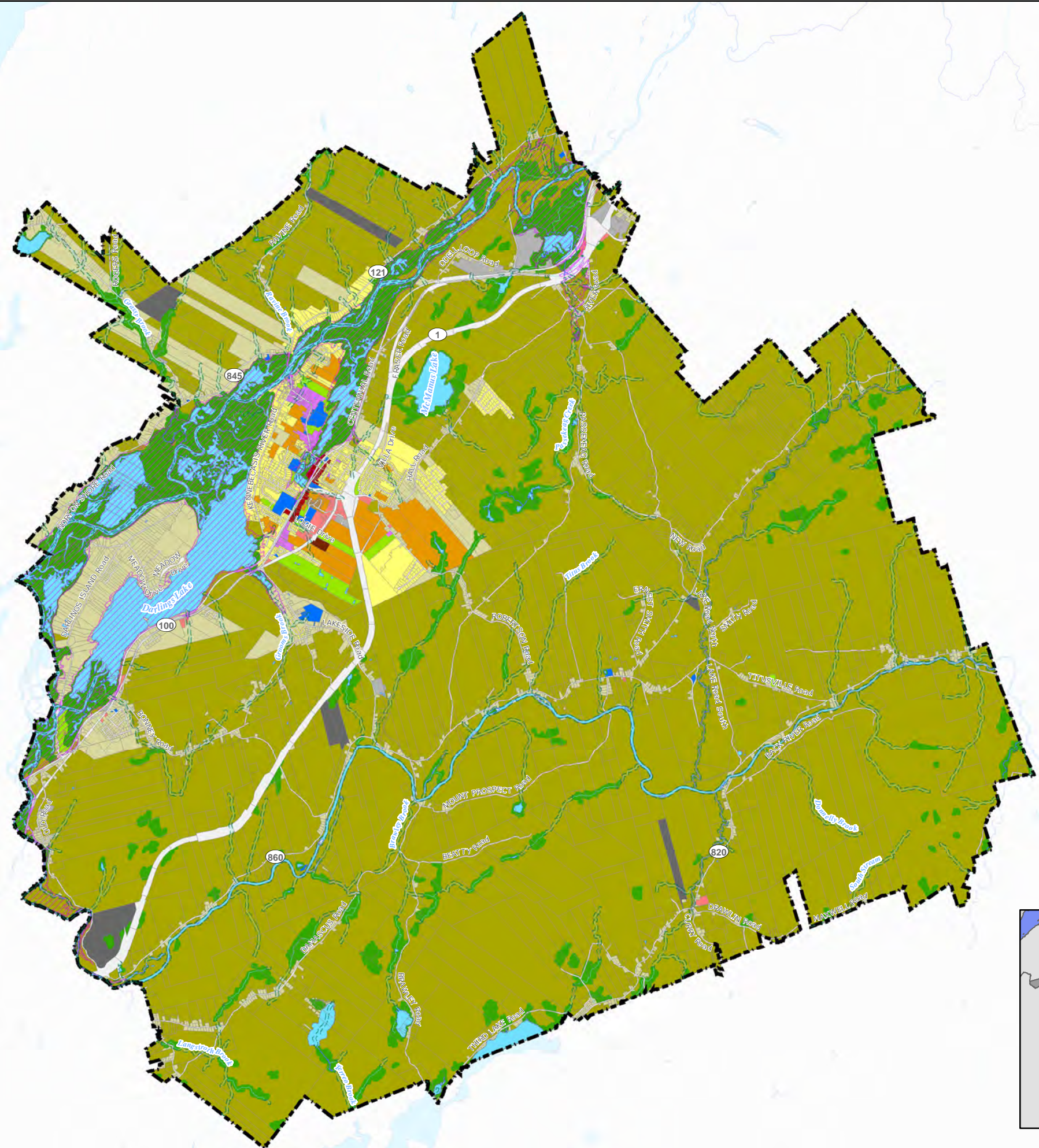
SCHEDULE A:

Zoning Map

HAMPTON

HAMPTON ZONING BY-LAW

SCHEDULE A: ZONING MAP

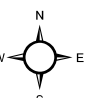
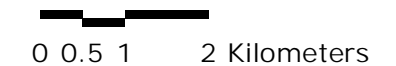


- Watercourse
- Waterbody
- Parcel
- Hampton Boundary
- Flood Overlay
- Watercourse Overlay (30m Buffer)

Zoning

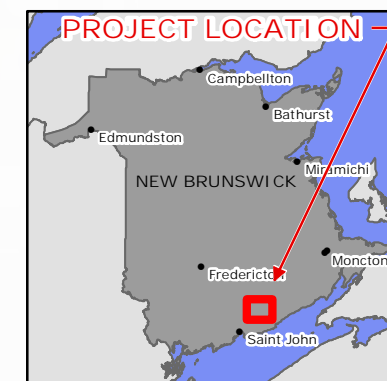
- Town Centre (TC)
- General Commercial (GC)
- Mixed Use (MU)
- Institutional (INST)
- Industrial (I)
- Aggregate Extraction (AE)
- One and Two Unit Residential (R1)
- Medium Density Residential (R2)
- Mini Home Park (MHP)
- Rural Residential (RR)
- Rural (RU)
- Parks and Recreation (P)
- Conservation Zone (C)

SCALE 1:90,000



MAP DRAWING INFORMATION:
DATA PROVIDED BY GEONB

MAP CREATED BY: RR
MAP CHECKED BY: JB
MAP PROJECTION: NAD 1983 CSRS New Brunswick Stereographic



PROJECT: 22-4789
STATUS: DRAFT
DATE: 2024-01-08