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BY-LAW NO. 62

CITY OF MIRAMICHI ZONING BY-LAW

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

SECTION 1 APPLICATION AND ADMINISTRATION

1.1 SCOPE AND INTERPRETATION

1.1.1 This By-law may be cited as the "Zoning By-law".

1.1.2 This By-law;

- a) divides the municipality into zones;
- b) prescribes, subject to powers reserved in the Commission;
 - i) the purposes for which land, buildings and structures in any zone may be used,
 - ii) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform;
- c) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the provisions of this By-law; and
- d) alternative regulations, permitted uses and exceptions set forth and attached hereto as Schedule 5 are hereby incorporated in and declared to form part of this by-law to the same extent as if fully described herein and subject to the following:
 - i) where a property is listed in Schedule 5, the alternative regulations, permitted uses and /or exceptions corresponding to such property shall apply in place of the regulations prescribed herein for the particular land use zone.

1.1.3 Nothing in this by-law shall exempt any person from complying with the requirements of the Building By-law for the City of Miramichi or any other by-law in force within the City, or to obtain any license, permit, permission, authority or approval required by prevailing municipal, provincial or federal legislation in effect within the City of Miramichi.

1.1.4 Where the provisions in this By-law conflict with those of any other municipal, provincial or federal regulation, by-law or code, the more stringent requirement shall prevail.

(Note: All numerical requirements are provided in metric units of measurement. A Conversion Table has been included for a reference, see Schedule 1.)

1.2 LAND USE ZONES

1.2.1 For the purposes of this By-law, the municipality is divided into zones as delineated on the plan attached as Schedule "A", entitled "City of Miramichi Zoning Map" and dated November 2000.

1.2.2 The zones on Schedule "A" are classified and referred to as follows:

Land Use Zones	Symbol
RESIDENTIAL ZONES	
Single Unit Dwelling	R-1
Single or Two Unit Dwelling	R-2
Medium Density A	R-3
Medium Density B	R-4

High Density A	R-5
High Density B	R-6
Mobile/Mini Home Park	RP
Mobile/Mini Home	RM
Residential Retirement Community	RR

COMMERCIAL ZONES

Neighbourhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Shopping Centre Commercial	SC
Central Commercial	CC
Commercial Recreation	CR
Adult Entertainment	AE

INDUSTRIAL ZONES

General Industrial	GI
Industrial Park	IP
Heavy Industrial	HI
Business Park- Airport	BP

COMMUNITY USE ZONES

Institutional	IN
University and Community College	UC
Park	PK
Open Space	OS
Mixed Use	MU

RURAL ZONES

Rural	RU
Resource Extraction	RE

INTEGRATED DEVELOPMENT ZONES

Integrated Development	ID
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1.3 CONFORMITY

1.3.1 In any zone:

- a) land may be used and developed, and buildings and structures or parts thereof may be placed, erected, altered or used, for a purpose mentioned in the specific zone in conformity with the requirements of that zone and any other provisions of this By-law;
- b) no land may be used or developed, and no building or structure or part thereof may be placed, erected, altered or used for a purpose or in a manner other than permitted in this By-law; and
- c) no building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part hereof continues to contravene the provisions of this By-law.

1.3.2 Upon receipt of an application and fee in the amount of \$ 35.00, the Development Officer may issue a letter of confirmation regarding the zone applied to the property requested.

1.3.3 Upon receipt of an application, a site plan and fee in the amount of \$75.00, the Development Officer may issue a letter of regarding conformity of the submitted site plan

to the provisions of this by-law.

1.4 ZONE MAP

- 1.4.1 Schedule "A", attached hereto, may be cited as the "City of Miramichi Zoning Map" and forms part of this By-law.
- 1.4.2 The extent and boundaries of all zones are shown on Schedule "A" and for all such zones the provisions of this By-law shall respectively apply.
- 1.4.3 The symbols used on Schedule "A" refer to the appropriate zones established as classified in this By-law.

1.5 INTERPRETATION OF ZONING BOUNDARIES

- 1.5.1 The following provisions shall apply in determining the boundaries of the land use zones shown on the maps:
- a) where a boundary line is shown as following a railway, street, lane, walkway or easement, the boundary shall be deemed to follow the boundaries of such railway, street, lane, walkway or easement;
 - b) where a boundary line is shown as the shoreline of the Miramichi River or other watercourse or body of water, it shall extend toward the water to the limits of the mean high water mark; or
 - c) a boundary line shall otherwise be determined by reference to the scale or actual dimension shown on the maps, provided that where a boundary line as shown appears to follow the line between two lots or separate areas of land, such limit shall be deemed to be the boundary line as provided for by the Service New Brunswick property maps.

1.6 ZONES NOT ON MAP

- 1.6.1 The Zoning Map of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with the requirements of the New Brunswick Community Planning Act (the Act) and must be in conformity with the policies of the City of Miramichi Municipal Plan.

1.7 USES PERMITTED

- 1.7.1 Uses permitted within any zone shall be determined as follows:
- a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.
 - b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

1.8 POWERS OF THE COUNCIL

- 1.8.1 No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, drainage, streets or other services or facilities.
- 1.8.2 All permit applications submitted for consideration, as provided for in this By-law, shall be in a form as prescribed by resolution of Council and signed by the registered property owner or authorized agent.

1.9 POWERS OF THE COMMISSION

- 1.9.1 No building or structure may be erected on any site where it would otherwise be permitted

under this By-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

1.9.2 Upon receipt of an application and supporting information to the satisfaction of the Development Officer and a fee in the amount of \$75.00, the Commission may issue a permit, subject to such terms and conditions as it considers fit, to:

- a) authorize, for a temporary period not to exceed one year, a development otherwise prohibited by this by-law; and
- b) require the termination or removal of a development as provided for in Subsection 1.9.2.(a) at the end of the authorized period.

1.9.3 Where uses that are prescribed within any zone as being subject to terms and conditions as imposed by the Commission, no development of any such use shall commence unless an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$75.00, has been received and the application has been approved by the Commission and the appropriate permits issued.

1.9.4 Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, and a fee in the amount of \$50.00 (residential one and two unit dwellings), all others \$75.00 the Commission may permit, subject to terms and conditions as it sees fit;

- a) as provided for by Subsection 35(a) of the Act, a proposed use of a land or a building that is otherwise not permitted, as stated in Section 1.7.1 (a), under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted by the By-law for the zone in which the land or building is situated; or
- b) such reasonable variance from the requirements of this By-law as provided for by Subsection 35(b) of the Act, as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the By-law and the Municipal Plan.

1.9.5 Upon receipt of an application and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$75.00 the Commission may, as provided for in Section 40 of the Act, permit;

- a) the continuance of a non-conforming use, even though such non-conforming use was discontinued for a consecutive period of ten months, or such further period as the Commission sees fit,
- b) the repair or restoration or use of a non- conforming building or structure that has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation,
- c) a non-conforming use of a part of a building to be extended into a portion of the building that was constructed subsequent to the date of the passing of the By-law, or
- d) a non-conforming use to be changed to a similar non-conforming use.

1.10 AMENDMENTS

1.10.1 A person who seeks to have this By-law amended shall submit an application signed by the registered property owners or authorized agent, a site plan and supporting information to the satisfaction of the Development Officer, and a fee in the amount of \$600.00 to the Commission.

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

1.10.3 Where an application for amendment to the Zoning By-law has been refused by Council,

no further applications dealing with that property may be considered by Council for one year from the date of refusal, if such application is similar to the original request.

1.10.4 The Council may return all or part of the fee required to have this By-law amended.

1.11 ENFORCEMENT

1.11.1 This by-law shall be enforced by such person(s) as shall be appointed from time to time by resolution of Council as Development Officer(s) and such person(s) may enter on any land or building at any reasonable time for the purposes of administration or enforcement of this By-law.

1.11.2 In the event any development is undertaken in contravention of the provisions of the Act, the Zoning By-law, other by-law or regulation provided for in the Act, or terms and conditions pursuant, the Development Officer is authorized by Council and may order:

- a) the cessation of the development;
- b) the alteration of such development so as to remove the contravention; or
- c) the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development.

SECTION 2 DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

ABATTOIR means a building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

ACCESSORY USE means a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot.

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

ADULT CABARET means a night club, bar, restaurant, or similar establishment that features live or prerecorded performances that are characterized by the exposure of specific anatomical areas or by specific sexual activities.

ADULT ENTERTAINMENT USE means any use permitted in the Adult Entertainment Zone that is prefaced by the word Adult.

ADULT MESSAGE PARLOUR means an establishment where, for any form of consideration, massage is administered to the human body for sexual pleasure; and which is characterized by an emphasis on sexual activities.

ADULT RETAIL OUTLET means an establishment where more than twenty percent (20%) of the floor area and or display area offers for sale or rent or other consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, or other visual representations, that are characterized by an emphasis on the depiction or description of specific sexual uses or specific anatomical areas; or instruments, devices, or paraphernalia, that are designed for use in connection with sexual activities.

ADULT STUDIO means an establishment, where for any form of consideration, live performances,

films, motion pictures, video cassettes, slides, compact discs, photographs or other visual presentations are produced or processed, that are characterized by an emphasis on the depiction or description of specific sexual activities or of specified anatomical areas.

ADULT THEATRE means an establishment where, for any form of consideration; live performances, films, motion pictures, video cassettes, slides, compact discs, photographs or other visual presentations are provided that are characterized by an emphasis on the depiction or description of specific sexual activities or of specified anatomical areas.

AGRICULTURAL OPERATION means an agricultural operation that is carried out for gain or reward or in the hope or expectation of gain or reward, and includes: the cultivation of land; the raising of livestock; the raising of fur bearing animals; the production of agricultural field crops; the production of fruit and vegetables and other specialty horticultural crops; the production of milk; the operation of agricultural machinery and equipment; including irrigation pumps and the application of fertilizers, conditioners insecticides, pesticides, and herbicides including ground and aerial spraying for agricultural purposes.

ALTER means a structural change to a building including an addition to the area or height or the removal of a part thereof, or any change thereto such as construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any means of egress.

ASSEMBLY HALL means a building or part thereof used for the gathering of persons for civic, educational, political, religious, recreational, cultural, social or other similar purposes but does not include adult entertainment uses.

BARRIER FREE PARKING SPACE means a parking space designed for the exclusive use of a person with physical or sensory disabilities.

BASEMENT means that portion of a building between two floors levels which is partially underground and which has at least one-half of its height from the finished ceiling above grade.

BED & BREAKFAST means a single detached dwelling in which there is a resident operator who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public.

BOARDING OR ROOMING HOUSE means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons other than the owner or tenant thereof and members of his / her family but does not include a tourist home, residential care facility or other establishment otherwise classified or defined in this by-law.

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

CALL CENTRE means an office where the primary function of the business is incoming or outgoing communications occurring for the sale of goods or provision of services to clients off site.

CEMETERY means the use of land primarily as landscaped open space in the placement of grave sites.

CITY means the City of Miramichi, including designated staff.

CLINIC means an establishment used by licensed medical practitioners and / or other health care providers and their staff for the purposes of consultation, diagnosis and office treatment.

COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial vehicle as determined by the Registrar of Motor Vehicles.

COMMISSION means the Miramichi Planning District Commission.

COMMUNICATION USE means establishments furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations and the exchange or recording of messages.

COMPOSTING – AGRICULTURAL means a composting operation requiring the approval of the Department of Environment and Local Government for the treatment of organic by-products using bacterial aerobic decomposition where the majority of the nitrogenous material is organic and originates from the agricultural operation.

COMPOSTING – WASTE means a composting operation requiring the approval of the Department of Environment and Local Government for the treatment of organic wastes using bacterial aerobic decomposition.

CONCRETE BATCHING PLANT means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways but does not include the crushing, screening or other processing of aggregate, sand or other raw materials used to make concrete on site.

CONCRETE MIXING PLANT means a building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways and includes the crushing, screening or other processing of aggregate, sand or other raw materials used to make concrete on site.

CONSTRUCTION INDUSTRY means a use primarily engaged in the construction, development, redevelopment, or rehabilitation of buildings, structures and includes road building and such uses are often characterised by the outdoor storage of equipment, machines, vehicles and building supplies.

CONVERTED BUILDING means an existing building which has been altered in accordance with the by-law to provide one or more additional dwelling units.

COUNCIL means the Council of the City of Miramichi.

CONVENIENCE STORE means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines, videos and newspapers.

DAYCARE CENTRE - COMMERCIAL means an establishment for the provision of care and supervision for 16 or more children, as regulated under the Family Services Act of New Brunswick.

DAYCARE CENTRE - NEIGHBOURHOOD means an establishment for the provision of care and supervision of 5 to 15 children operating in a residential area, as regulated under the Family Services Act of New Brunswick, and subject to the provisions of this By-law.

DAYLIGHTING TRIANGLE means the triangular shaped area of land, free of buildings or structures, formed by measuring from the point of intersection of street lines on a corner lot the minimum frontage and /or flankage yard distance required by this By-law along each such street line and adjoining such end points with a straight line.

DEVELOPMENT means development defined in the "Act".

DEVELOPMENT OFFICER means an officer appointed by the City of Miramichi from time to time charged by the City with the duty of administering the provisions of this By-law.

DRIVE-THRU BUSINESS means an establishment which is designed to provide either wholly or in part, services or products to customers while in their automobiles.

DWELLING

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

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

Dwelling Apartment means a building containing three or more dwelling units which

generally has shared outside access.

Dwelling, Mini Home means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini home is a minimum of 4.27 metres and a maximum of 5.0 metres wide (excluding eaves), a maximum of 21.9 metres in length and a maximum of 4.4 metres in height.

Dwelling, Mobile Home means a manufactured, moveable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems and have a floor space not less than 45 square metres and a width not less than 3.65 metres and not more than 4.26 metres.

Dwelling, Modular means any dwelling that is designed in more than one (1) unit and is designed to be made mobile on a temporary basis and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a dwelling - mini home or dwelling - mobile home as defined herein.

Dwelling, Rowhouse means a building that is divided vertically into three or more dwelling units, each of which may be located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

Dwelling, Single Unit means a building which is a completely detached dwelling unit and having a minimum width of any main wall of not less than 6.1 metres.

Dwelling, Two Unit means a building containing two dwelling units.

ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXCAVATION means a land area which is used for the commercial taking of earth, including all slopes.

EXISTING means in existence on the effective date of this By-law.

FAMILY means a person or two more persons living together in a dwelling unit as a single housekeeping unit.

FLOOR AREA means the total horizontal area of a building or part thereof as calculated by using interior dimensions and excluding: lobbies, corridors, stairways, elevators and other areas used in common; building utility and storage area; parking and loading areas; and cellar area in a building.

FORESTRY USE means the general raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other forestry products, including limited processing of wood associated with a sawmill.

GARDEN SUITE means a temporary, portable detached dwelling unit, located on a lot containing an existing single unit dwelling for the use of hosted person(s) with identified special needs.

GAS BAR means an establishment where motor vehicle fuel and products necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. Automotive Repair Shop is a separate use.

GOLF COURSE means a public or private area operated for the purpose of playing golf and related

activities including a club house, licensed premise, practice facilities, administration and equipment buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for club staff, maintenance, or security personnel.

GRADE means with reference to a building or structure or sign, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the City or other designated authority.

HABITABLE ROOM means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.

HEIGHT means the vertical distance of a building between the finished grade and highest point of the building exclusive of any accessory roof construction such as a chimney, steeple or antenna.

HOME BUSINESS means a accessory use on a lot that contains a single unit dwelling, which use may entail an office in the dwelling and does entail the storage of not more than a total of 5 commercially licensed vehicles or pieces of equipment for the purpose of performing work at other locations, and limited storage of machinery and materials.

HOME OCCUPATION means an activity or business, including the manufacturing of goods and the provision of services and the sale of goods, carried out for gain and conducted as a secondary and incidental use of the property as a dwelling unit and subject to the provisions of this By-law.

HOUSEHOLD PET means a domestic 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, small birds, fish, Vietnamese potbelly pigs and rodents but excludes cattle, sheep, horses, pigs, poultry, bees and animals customarily kept as farm animals.

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

INN means a facility offering transient lodging accommodations to the general public and including a restaurant, and associated facilities including a licensed premise.

INSTITUTIONAL USE means any use listed as an Institutional Use within the IN Zone.

INTERPRETIVE USE means a use that intends to educate the public about a specific historic event and / or cultural group and / or natural feature.

KENNEL means a building or structure used for the enclosure of more than two (2) dogs, or other household pets which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care. Includes outdoor facilities such as pen runs and enclosures.

LANDSCAPED OPEN SPACE means open space unobstructed space at ground level on a lot used only for the cultivation and maintenance of grass, flowers and other growth and landscaping or as surfaced walk, patio, pool, excluding swimming pool, or similar area and not for vehicular traffic or parking.

LICENSED PREMISES means any building or structure or premises that is licensed under the Liquor Control Act of New Brunswick.

LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by

means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

LOT means a parcel of land appropriated for a particular purpose permitted by this By-law including all yards, parking areas, loading areas, and other open spaces required in connection with such purpose. (Refer to Schedules 2 and 3 for illustrations of types of lots.)

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

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

Interior Lot means a lot other than a corner lot.

LOT AREA means the total horizontal area within the lot lines of a 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 a line joining the mid-points of the front and rear lot lines.

LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

LOT LINE

Lot Line means a boundary or exterior line of a lot.

Front Lot Line means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line. Where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principle entrance shall be deemed the front lot line. In the case of a through lot, the lot line abutting the street upon which the main building or structure erected or to be erected has its principle entrance shall be deemed the front lot line. In the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.

Rear Lot Line means the lot line farthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front or rear lot line.

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

MANUFACTURING means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substances, article, thing or service.

MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

MOTOR VEHICLE REPAIR ESTABLISHMENT means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, body repair and painting, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the

purpose of sale nor the retailing of gasoline or other fuels.

MUNICIPALITY means the City of Miramichi.

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

OUTDOOR DISPLAY COURT means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.

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

PARK means an area of land set aside for public recreational purposes and may include playgrounds, tennis courts, lawn bowling areas, athletic fields, swimming pools, community centres, areas designed for passive enjoyment and similar uses and included the building and structures in connection therewith.

PARK – ACTIVE means an area for recreation that typically has tennis courts, playing fields or other equipment associated with it.

PARK - PASSIVE means areas of natural open space used for low intensity recreational activities such as walking, cycling, nature study and interpretation. Includes a linear park.

PARKING LOT means an open area containing parking spaces, other than a street, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

PARKING GARAGE means a covered or enclosed establishment containing communal parking spaces for the parking of vehicles.

PARKING SPACE means an area of not less than 16.24 square metres, measuring 2.8 metres by 5.8 metres for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas, subject to Section 4.2.

PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry-cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

PLACE OF ENTERTAINMENT means and includes a theatre, auditorium, dance hall, cinema, billiard or pool hall, penny arcade, bowling alley, ice or roller rink, curling rink or arena. Excluding adult entertainment uses.

PROCESSING means a series of operations, usually is a continuous and regular action or succession of actions, taking place or carried on in a definite manner. Processing does not include uses specifically listed elsewhere in this By-law.

RECREATION FACILITY means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Such facility may be located

within a structure or building or outdoors.

RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, beverage containers or other materials which are to be delivered wholesale to other operations for reclamation or salvage, and shall include limited processing of materials on-site, the salvage or scrapping of vehicles is not included in this definition.

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

RESIDENTIAL USE means any main use permitted in the residential zones.

RESTAURANT means a place where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided, may include catering services. A restaurant may also be a licensed premise.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles, services or things are offered for sale directly to the public at retail value.

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, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage.

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

SERVICE REPAIR SHOP means a building or part of a building for the servicing or repairing of articles, goods, equipment or materials, as well as facilities for accessory retail sales, but does not include the manufacture of articles, goods, equipment or materials.

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

SETBACK means the minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building or structure, whichever is the lesser, or another part of the building or structure if specified elsewhere in this By-law.

SEXUAL ACTIVITIES means any lawful sexual activity including the fondling or other erotic touching of human genitals, pubic region, buttock or female breast or causing human genitals to be in a state of sexual stimulation or arousal.

SHOPPING CENTRE means a commercial development 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, but not limited to, retail uses, services, financial institutions, restaurants, places of entertainment, liquor licensed premises, food and grocery stores, and office uses and distinguished from a business area comprising unrelated individual uses and characterized by the sharing of common parking areas and driveways. And located within a Shopping Centre Zone.

SIGN means any identification, description, illustration or information device, illuminated or non-illuminated, including its structure and other component parts, which provides information as to product, place, activity, person, institution or business and is displayed on the exterior of a building or on a property. Does not include any sign which is affixed to the inside of a window or glass door.

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

Sign, Canopy means a sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Directory means a sign located on a property with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram.

Sign, Facia means a sign attached to, placed or erected upon or against a wall or other surface of a building with the face of the sign parallel to such wall or other surface.

Sign, Freestanding means any sign supported independently of a building and permanently fixed to the ground.

Sign, Portable means a sign greater than one square metre and less than 4.3 square metres in area which is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

Sign, Projecting means a sign which projects from and is supported by, or which extends beyond, a wall or the roof of a building.

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

Sign, Temporary means a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed and intended to be displayed for a short period of time.

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

Sign, Swing means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Wall means a sign that is painted on the surface of and confined within the limits of an outside wall of any building or structure.

SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

STREET - ARTERIAL means an Arterial Street as designated on the Generalized Future Land Use Map as "Schedule A" to the City of Miramichi Municipal Plan.

STREET - COLLECTOR means a Collector Street as designated on the Generalized Future Land Use Map as "Schedule A" to the City of Miramichi Municipal Plan.

STREET – LOCAL means a Local Street as designated on the Generalized Future Land Use Map as "Schedule A" to the City of Miramichi Municipal Plan.

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

STREET LINE means the boundary line of a street.

STRUCTURE means anything that is erected, built or constructed above or below lot grade fixed to or supported by the soil or other building, but does not include pavement, curbs and sidewalks.

SWIMMING POOL means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.

TOURIST HOME means a facility offering overnight lodging accommodation in which there is a resident owner or resident manager and meals may be provided to guests of the tourist home.

TRANSPORTATION DEPOT means any building or land where buses, trucks or tractor trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

UTILITIES means the components of a water, sewage, storm water, cable television, electrical power, natural gas or telecommunications system.

VEHICLE WASH means a building or structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The vehicle wash may operate on its own or in conjunction with a service station.

VETERINARY CLINIC means the provision of services by veterinarians for the purposes of consultation, diagnosis and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

WAREHOUSE means a building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION CENTRE means a building used primarily for the storage, wholesaling and distribution of goods and materials.

WASTE DISPOSAL CONTAINER means a bin, with or without a lid, greater than one cubic metre in volume used to store garbage and refuse temporarily. This definition excludes a container used for a construction or demolition project for which a valid building permit has been issued.

WATERCOURSE means any lake, river, stream, ocean or other body of water.

WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.

YARD means the open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law.

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

Yard, minimum front means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

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

Yard, minimum rear means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

Yard, Side means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building or structure on the lot.

Yard, minimum side means the minimum depth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

SECTION 3 GENERAL PROVISIONS

3.1 GENERAL DEVELOPMENT PROVISIONS

DEVELOPMENT WITH PUBLIC SEWAGE AND WATER SERVICES

3.1.1 Unless otherwise provided for in this By-law, no person shall erect, alter or use any building for any use permitted by this By-law unless public water distribution and public sewerage collection facilities are available to the lot.

DEVELOPMENT WITHOUT FULL PUBLIC SEWAGE AND WATER SERVICES

3.1.2 Notwithstanding the provisions of Subsection 3.1.1, a lot which is not serviced by public water distribution and/or sewerage collection facilities and is located within an R-2, RM, NC, GC, HC, CR, BP, IN, PK, OS, RU, RE or ID zone, such lot may be used for a purpose permitted in the zone it is located, provided the following regulations are complied with:

- a) a lot not provided with public sewer collection services available to it shall:
 - i) be approved by the NB Department of Health and Wellness for the provision of an on-site sewage disposal system, including requirements related to frontage, depth, and area; and
 - ii) satisfy all other provisions of the zone in which it is located and this By-law.
- b) a lot with public sewer collection services available to it, but without public water distribution services available to it, shall have:
 - i) minimum lot area for a dwelling unit – 690 square metres
 - ii) minimum lot frontage for a dwelling unit – 23 metres
 - iii) minimum lot depth for a dwelling unit – 30 metres
 - iv) minimum lot area for all other uses – 1022 square metres;
 - v) minimum lot frontage for all other uses – 27 metres
 - vi) minimum lot depth for all other uses – 30 metres; and
 - vii) satisfy all other provisions of the zone in which it is located and this By-law.

ACCESS TO A PUBLIC STREET

3.1.3 No person shall erect or use a building or structure or use any lot of land regulated by this By-law unless the lot of land to be used or the lot upon which the building or structure is situated or to be situated abuts or fronts on a public street or otherwise achieves satisfactory access to a public street as approved by the Commission.

STRUCTURE\BUILDING SETBACK FROM STREETLINE

3.1.4 No main or accessory building, structure or part thereof located on a lot, including a corner lot, shall be erected, altered or used within:

- a) 7.6 metres of the street line of a local or collector street; or
- b) 15.2 metres of the street line of an arterial street.

3.1.5 Notwithstanding the provisions of Subsection 3.1.4, the areas zoned CC are exempt from the street line setback requirement.

3.1.6 Notwithstanding the provisions of Subsection 3.1.4, in any zone, if the setback established by existing main buildings is less than the setback required by this By-law, a setback equal in distance to the established building line of adjacent main buildings on the same side of the street and within 30 metres of the proposed structure and which is setback the greater distance of the two from the street line shall be allowed provided all other zone provision can be met. In the case of a corner lot, the required setback shall apply. (Refer to Schedule 4)

ONE MAIN BUILDING ON A LOT

3.1.7 No person shall erect more than one (1) main building on a lot within any zone except where specifically provided for within this By-law.

3.1.8 Where a zone permits multiple main uses, the minimum separation distance between buildings containing the permitted main uses shall be 1.5 times the distance of the minimum side yard.

EXISTING UNDERSIZED LOTS

3.1.9 Nothing in this By-law shall prevent the use of a lot provided: that the use of such lot is permitted in the zone in which said lot is located; and that the setbacks, height, coverage and all other relevant requirements of the zone are maintained.

EXISTING BUILDINGS

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

- a) the enlargement, reconstruction, repair or renovation does not further reduce any yard that does not conform to this By-law; and
- b) all other applicable provisions of this By-law are satisfied.

ACCESSORY BUILDINGS

3.1.11 Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, that purpose shall include accessory buildings.

3.1.12 No accessory building may be used for human habitation.

3.1.13 An accessory building or use shall not be erected or located in any front yard, side yard or rear yard, except as follows:

- a) in any residential zone said accessory building:
 - i) shall not be located in a front yard;
 - ii) shall be located at least 1.5 metres from the main building and at least 1.5 metres from either side lot line and at least 1.5 metres from the rear lot line;
 - iii) shall not be closer to any other lot line than 1.5 metres;
 - iv) shall not exceed a height of 4.9 metres; and
 - v) the maximum building coverage for accessory buildings shall not exceed 10% of the total lot area, to a maximum of 70 square metres.
- b) in any industrial zone said accessory building:
 - i) shall not be located in the minimum front yard;
 - ii) shall be at least 3.0 metres from either side lot line and at least 3.0 metres from the rear lot line or $\frac{1}{2}$ the height of the building, which ever is the greater; and
 - iii) shall not have lot coverage for accessory buildings exceeding 10% of the total lot area.
- c) in any other zone:
 - i) shall not be located in a front yard;
 - ii) shall be located at least 1.5 metres from the main building and at least 3.0 metres from either side lot line and at least 3.0 metres from the rear lot line or $\frac{1}{2}$ the height of the building, which ever is the greater;
 - iii) shall not be closer to any other lot line than 3 metres or $\frac{1}{2}$ the height of

the building, which ever is the greater; and

- iv) shall not have lot coverage for accessory buildings exceeding 10% of the total lot area.

TEMPORARY CONSTRUCTION USES PERMITTED

3.1.14 Nothing in this By-law shall prevent the use of land or the erection of a temporary building or structure which is accessory to construction in progress, provide all necessary permits required by Federal, Provincial or Municipal legislation have been issued and that the temporary building or structure is removed within 14 days of the completion of the work.

VEHICLE BODIES

3.1.15 No motor vehicle, tractor trailer, traction engine, road building machine, farm tractor other heavy equipment, or any vehicle drawn, propelled or driven by any kind of power shall constitute a dwelling unit. Whether said equipment or vehicle is operational or not.

3.1.16 Except within any Industrial, Rural or Highway Commercial zone, no vehicle body or trailer shall be used as a building or for storage, and then only in conformity with the provisions for buildings, structures and accessory buildings.

HEIGHT REGULATIONS

3.1.17 Unless located in the Business Park – Airport Zone, the height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors attached to the principle structures except where specifically regulated in this By-law or by other Federal, Provincial or Municipal legislation in effect.

ENCLOSURES FOR SWIMMING POOLS

3.1.18 No land may be used for the purposes of a swimming pool unless;

- a) the swimming pool is completely surrounded by an enclosure of at least 1.5 metres in height. For the purpose of this section, an enclosure means a fence, wall or other structure including self latching doors and gates designed primarily not to facilitate climbing and to restrict access thereto. Such enclosure shall not have rails, bracing or other attachments on the outside that would facilitate climbing. Such enclosure shall be located a minimum of 1.2 metres from the edge of the water contained in the pool;
- b) said swimming pool or any portion thereof is not located directly under any electrical service wires; and
- c) said swimming pool is not located in the front yard area.

FENCES

3.1.19 Notwithstanding any other provisions of this By-law, a fence may be erected, placed or located in a minimum yard subject to the following:

- a) Except for a security fence in a Commercial, Industrial or Community Use zone, no fence may be located within the minimum front yard exceeding a height of one (1) metre;
- b) no fence may exceed a height of:
 - i) 2 metres in a residential zone; or
 - ii) 2.5 metres in any other zone.
- c) no fence in a residential zone, may be electrified or incorporate barbed wire, razor

wire or other dangerous material in its construction.

SATELLITE DISHES AND COMMUNICATION TOWERS

3.1.20 Freestanding satellite dishes and communication towers for personal use shall not be permitted in the front yard within any Residential, Community Use or Rural zone.

REDUCED FRONTAGE ON A CURVE

3.1.21 Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this By-law shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the intersection of said side lines with the minimum setback as required by the applicable provision of this By-law.

DAYLIGHTING TRIANGLE

3.1.22 On a corner lot, or a through lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than 0.6 metres above grade at the point of intersection of the streets that abut the lot within the triangular area included within the street lines for a distance of 17.5 metres from their point of intersection.

PERMITTED ENCROACHMENTS

3.1.23 Notwithstanding any provisions of this By-law to the contrary, encroachments are permitted as follows:

- a) enclosed patios, fire escapes, walkways, wheelchair ramps, lifting devices or steps may be located a maximum of 1.5 metres into any minimum front or rear yard and 0.9 metres into any minimum side yard;
- b) there may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 0.6 metres into any required yard;
- c) window bays and solar collectors may be permitted to project not more than 0.9 metres from the main wall into a required front, rear or side yard;
- d) exterior staircases, balconies, porches, verandas and sundecks shall be permitted to project a maximum of 2.0 metres into any required front or rear yard and 0.9 metres into any required side yard provided that the exterior staircases, balconies, porches, verandas and sundecks do not extend closer than one (1) metre from the nearest property line.
- e) pumps and islands for the distribution of automotive fuel shall be allowed to locate within any minimum yard to the satisfaction of the Development Officer; and
- f) signs subject to and as provided for in SECTION 5.

RECREATIONAL-VEHICLE STORAGE

3.1.24 No person within a residential zone, shall store any boat, trailer, recreational vehicle or travel trailer regardless of length in the required front yard of any lot or within 0.5 metres of any side lot line or rear lot line.

3.1.25 No recreational vehicle or travel trailer shall be used as a permanent dwelling.

COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

3.1.26 No person shall park a commercial vehicle on a lot in a Residential zone other than for the immediate purpose of loading or unloading the vehicle.

3.1.27 Notwithstanding Subsection 3.1.26, one commercial vehicle per dwelling unit may be parked on a lot appropriated for the dwelling wherein the operator of the vehicle resides, provided the vehicle does not contain cargo including hazardous or flammable materials and has a currently valid licence plate attached thereto.

ILLUMINATION

3.1.28 No person shall erect any illuminated sign or illuminate an area around or outside any building in any zone, unless such illumination is directed away and shielded from adjoining properties and any adjacent streets.

OUTDOOR STORAGE

3.1.29 Where this By-law makes provision for outdoor storage, the land used for such storage shall be enclosed by screening. No material shall be piled higher than the height of the screening.

WASTE DISPOSAL CONTAINERS

3.1.30 A waste disposal container shall not be located in any front yard, side yard or rear yard, except as follows:

- a) in the R3, R4, R5, R6, RP and RR residential zone said waste disposal container;
 - i) shall not displace or be placed in any required landscaped open space and / or parking spaces;
 - ii) shall be located at least 3.0 metres from either side lot line, at least 3.0 metres from the rear lot line and at least 3.0 metres from any other lot line not specifically mentioned; and
 - iii) shall be screened from adjacent properties.
- b) in any industrial, commercial, community use or rural zone said waste disposal container:
 - i) shall not displace or be placed in any required landscaped open space, parking spaces and / or loading spaces;
 - ii) for a lot line that abuts another industrial, commercial, community use or rural zone shall be at least 3.0 metres from either side lot line, at least 3.0 metres from the rear lot line and at least 3.0 metres from any other lot line not specifically mentioned;
 - iii) for a lot line that abuts a residential zone shall be located at least 5.0 metres from either side lot line, at least 5.0 metres from the rear lot line and at least 5.0 metres from any other lot line not specifically mentioned; and
 - iv) shall be screened from adjacent properties.

SCREENING

3.1.31 Where required by this by-law screening shall be provided in accordance with the following requirements:

- a) Materials:
 - i) plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed to form the screen;
 - ii) screening may consist of both natural and man made materials;
 - iii) where a fence is used as screening, the fence shall be constructed such that

the frame work and any visible supports shall not be visible from the adjacent property;

- iv) to the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.
- b) Height:
- i) screening shall be at least 1.5 metres in height;
 - ii) plant materials, when planted, may be less than one metre in height if of a species or variety which shall normally attain the required height and width within three years of planting;
 - iii) height shall be measured from the finished grade;
 - iv) height must comply with all other provisions of this by-law, specifically Sections 3.1.19 and 3.1.22.
- c) Width:
- i) screening shall be in a strip of landscaped open space of at least 1.5 metres in width.
- d) Maintenance:
- i) all required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to ensure continued compliance with screening requirements;
 - ii) all required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

3.2 PERMITTED USES ALL ZONES

UTILITIES

3.2.1 Notwithstanding the provisions of Subsection 1.7.1(a), public and private utilities installations such as water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines are permitted in any zone provided:

- a) that such use is necessary or essential; and
- b) that such installations are made compatible with the surrounding properties to the satisfaction of the Development Officer.

MULTIPLE USES

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

ACCESSORY USES

3.2.3 Where this By-law provides that any land may be used or a building may be erected, altered or used for any purpose, that purpose shall include accessory uses.

PARKS

3.2.4 Notwithstanding the provisions of Subsection 1.7.1(a), public parks and public linear parks are permitted in any zone, provided they are developed in conjunction with the City's parks system.

3.3 DEVELOPMENT NEAR PUBLIC UTILITIES

RESIDENTIAL DEVELOPMENT NEAR A LAGOON OR SEWAGE TREATMENT PLANT

- 3.3.1 Notwithstanding any other provision of this By-law, no new residential development, except for development contiguous to existing buildings or structures and deemed to be infill by the Development Officer, may be located within 90 metres of a sewage lagoon or treatment plant.

RESIDENTIAL DEVELOPMENT NEAR A MUNICIPAL WATER SUPPLY

- 3.3.2 Notwithstanding any other provision of this By-law, development and use of land and buildings near a municipal water supply or municipal well may be regulated in accordance with other legislation so as to protect the potable water supply.

3.4 SECONDARY USES – RESIDENTIAL

HOME OCCUPATION

- 3.4.1 This section permits and regulates the conduct of home occupations as a secondary use in a dwelling and / or accessory building, whether owner or renter occupied, and to ensure that such home occupations are compatible with the neighbourhoods in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while allowing residents of the community to utilize their homes as a work place and a source of livelihood under certain conditions.
- 3.4.2 Any person may carry on or engage in a home occupation on a lot with an existing dwelling unit in which (s)he resides provided the following regulations are complied with:
- a) the home occupation and any accessory buildings are clearly subordinate to the use of the lot for dwelling purposes and shall not change the character thereof;
 - b) no structural alterations shall be made to the dwelling which would be inconsistent with future use of the building exclusively as a dwelling;
 - c) the residential look and character of the property shall be maintained;
 - d) the home occupation shall be conducted entirely within the dwelling or any attached garage or in an unattached accessory building;
 - e) the total area used for the home occupation in the dwelling, attached garage or accessory building shall not exceed 25% of the floor area of the dwelling, or 37 square metres whichever is less;
 - f) there is no exterior storage of material or equipment used as a part of the home occupation;
 - g) signs shall be limited to a single, on site, non illuminated sign with a maximum area of 0.4 square metres;
 - h) two persons other than family members residing in the dwelling may be engaged in any home occupation;
 - i) no traffic is generated in greater volumes or in a manner other than would be consistent with that of the residential neighbourhood;
 - j) the home occupation shall not create a need for parking that can not be provided on the property or which is inconsistent with the normal parking usage of the neighbourhood;
 - k) vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed. This vehicle shall not exceed 1 tonne capacity;

- l) the home occupation does not create or become a public nuisance in particular in respect to noise, odours, traffic, parking, dust, vibration or interference with television or radio reception;
- m) no goods or services other than those directly pertaining to the home occupation shall be offered for sale or supplied therein or therefrom;
- n) notwithstanding any other provisions of this by-law a home occupation shall not include any of the following uses:
 - i) the storage or parking of more than one tractor trailer, semi-trailers on or near a residential property;
 - ii) the storage or parking of heavy equipment on or near a residential property;
 - iii) motor vehicle repair establishment;
 - iv) sale or rental of motor vehicles including but not limited to automobiles, ATV's, travel trailers, boats and / or personal watercraft;
 - v) kennel;
 - vi) recycling depot;
 - vii) salvage yard; and
 - viii) taxi stand.

HOME BUSINESS

- 3.4.3 A resident may carry on or engage in a home business on a lot with an existing dwelling unit and located within the appropriate zone, provided the following regulations are complied with:
- a) displays or other external evidence indicating a home business is being conducted on the property shall be limited, signs shall be limited to a total sign area of 0.6 metres squared and the residential look and character of the property shall be maintained;
 - b) no goods or services other than those directly pertaining to the home business shall be offered for sale or exposed for sale or supplied therein or therefrom;
 - c) the use of equipment or processes that create noise, vibration, glare, fumes, odorous or electrical interference in excess of that normally experienced in a residential neighbourhood, shall be minimized and buffered from abutting residential properties.

DAYCARE CENTRE – NEIGHBOURHOOD

- 3.4.4 A daycare centre – neighbourhood, shall be subject to the following requirements:
- a) provide for 5 children to a maximum of 15 children;
 - b) require that the facility be part of a dwelling unit and the operator live on the premises;
 - c) signs, displays or other external evidence indicating a day care centre is being conducted on the property, shall be limited to a total sign area of 0.4 square metres and the residential look and character of the property shall be maintained;
 - d) provide for access, drop-off and parking to the satisfaction of the Development Officer;
 - e) provide landscaped open space and screening to the satisfaction of the

Development Officer;

- f) submission of a site plan subject to Section 3.8; and
- g) comply with all other applicable regulations including the Family Services Act.

GARDEN SUITE

3.4.5 Any lot with a single unit dwelling may host a Garden Suite for the use of persons with identified special needs provided the following regulations are complied with:

- a) an application, supporting information and fee in the amount of \$100.00 for the locating of a Garden Suite shall be submitted to the Development Officer;
- b) no Garden Suite shall be located on a lot until a permit to do so has been issued by the Development Officer; and
- c) a Garden Suite shall be constructed, erected and located in the rear yard of the main dwelling only, to the satisfaction of the Fire Chief, and so as to be readily removable and subject to the following requirements:
 - i) minimum rear yard for Garden Suite 3.0 metres;
 - ii) minimum side yard for Garden Suite 2 metres;
 - iii) maximum height for Garden Suite 6 metres;
 - iv) maximum floor area for Garden Suite 75 square metres;
 - v) provision for servicing, including potable water, sewer, storm sewer, lot grading and drainage, parking and access shall be provided for the Garden Suite to the satisfaction of City; and
 - vi) a signed agreement, registered against the title of the property, between the host (property owner) and the City, including provisions outlining the obligations of the host and the occupants of the Garden Suite, termination of the agreement, removal of the Garden Suite when it is no long required and a restoration plan upon removal.

BED AND BREAKFAST

3.4.6 A Bed and Breakfast shall be permitted provided it is located within an existing single unit dwelling and that:

- a) the single unit dwelling is occupied as a residence by the operator of the business;
- b) be limited to no more than 3 bedrooms for accommodation of guests;
- c) meals will be provided to registered guests only with no walk in trade;
- d) the property provides landscaped open space, screening and parking to the satisfaction of the Development Officer;
- e) signs, displays or other external evidence indicating a Bed and Breakfast is being conducted on the property, shall be limited to a total sign area of 0.4 square metres and the residential look and character of the property shall be maintained;
- f) submission of a site plan subject to Section 3.8; and
- g) all other applicable regulations are met.

TOURIST HOME

3.4.7 A Tourist Home shall be permitted provided that it is located within an existing single unit dwelling and that:

- a) the single unit dwelling is occupied as a residence by the operator of the business;
- b) contain 4 or more bedrooms for accommodation of guests;
- c) meals will be provided to registered guests only with no walk in trade;
- d) the property provides landscaped open space, screening and parking to the satisfaction of the Development Officer;
- e) the lot is not used for any other accessory or conditional use;
- f) submission of a site plan subject to Section 3.8;
- g) signs, displays or other external evidence indicating a tourist home is being conducted on the property, shall be limited to a total sign area of 0.4 square metres and the residential look and character of the property shall be maintained; and
- h) all other applicable regulations are met.

3.5 CONDITIONAL USES

RESIDENTIAL CARE FACILITY

3.5.1 A residential care facility may be permitted provided that:

- a) the property provides landscaped open space, screening and parking to the satisfaction of the Development Officer;
- b) submission of a site plan subject to Section 3.8;
- c) signs, displays or other external evidence indicating a residential care facility is being conducted on the property, shall be limited to a total sign area of 0.4 square metres and the residential look and character of the property shall be maintained;
- d) all other applicable regulations are met; and
- e) it may be subject to any other terms or conditions the Commission may impose.

DAYCARE CENTRE – COMMERCIAL

3.5.2 A daycare centre – commercial may be permitted:

- a) provides for access, drop-off area and parking to the satisfaction of the Development Officer;
- b) provides landscaped open space and screening to the satisfaction of the Development Officer;
- c) submission of a site plan subject to Section 3.8;
- d) complies with all other applicable regulations including the Family Services Act; and
- e) subject to any other terms or conditions the Commission may impose.

3.6 EXCAVATION

3.6.1 No person may undertake or continue any excavation of land without an excavation permit issued therefore by the Development Officer and pursuant to this section.

3.6.2 Notwithstanding Subsection 3.6.1, an excavation permit is not required for:

- a) the construction, repair or alteration of streets in connection with an approved subdivision plan or under a contract awarded by the City;
- b) work performed by a public utility;

- c) an excavation authorized by a building permit as provided for by the City of Miramichi Building By-law; or
 - d) the excavation or removal of topsoil in connection with the construction of a development, building or structure, where there is an excess of topsoil other than that required for grading of the lot. Such excess topsoil may be removed.
- 3.6.3 No person shall alter the land levels in so far as this may affect surface drainage except where the altered land levels provide that the resulting surface drainage shall be retained on the land or discharged into an existing ditch, watercourse or storm sewer capable of carrying such additional water.
- 3.6.4 Upon receipt of an application and supporting information to the satisfaction of the Development Officer and a fee in the amount of \$75.00 and upon recommendation of the Development Officer, the Council may enter into an agreement for the issuance of an excavation permit as required in Subsection 3.6.1.
- 3.6.5 In no case shall an excavation permit be issued for land within the protected area of a public water supply.
- 3.6.6 In no case shall an excavation permit be issued for extraction in the recognized flood fringe of a water course.
- 3.6.7 An excavation permit issued pursuant to Subsection 3.6.1, shall include to the satisfaction of the City, provision for the following:
- a) excavation depths, elevations, grades, and slope stability;
 - b) site operation details, including hours of operation and site security;
 - c) ingress and egress for the site;
 - d) rehabilitation and reclamation of the site, including a time limit; and
 - e) site plan as per Section 3.8.1
- 3.6.8 Where a person violates any of the terms or conditions of this section, the Building Inspector may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.
- 3.6.9 Where an owner fails to meet the requirements of this section, the Council may cause the required rehabilitation to be done and may recover all costs connected therewith from the owner.

3.7 STRIPPING OF TOP SOIL

- 3.7.1 No person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- 3.7.2 Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.
- 3.7.3 Notwithstanding Subsection 3.7.1, the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land.

3.8 DEVELOPMENT REQUIREMENTS

SITE PLAN

- 3.8.1 Wherever this By-law requires a site plan to be submitted, the submission of a site plan shall be to the satisfaction of the Development Officer and provide the following:
- a) details of property dimensions and related street lines, including locational

identifiers;

- b) location, dimension and size (including number of units, height, floor area, etc.) of all proposed buildings and accessory buildings;
- c) parking lot and driveway access layout including loading areas and dimensions;
- d) dimensions of all yards and distances between adjacent buildings;
- e) landscaping, including screening and other natural and artificial features (including easements, railway lines, power lines, watercourses, culverts, drainage, ditches, etc.);
- f) designation of any proposed public or private roads;
- g) scale, dimensions and orientation;
- h) provisions for drainage of the site, to the satisfaction of the City;
- i) where appropriate elevation and perspective drawings of any buildings or structures; and
- j) other information as deemed necessary by the Development Officer.

SECTION 4 DRIVEWAY ACCESS, PARKING AND LOADING

4.1 DRIVEWAY ACCESS

- 4.1.1 Motor vehicle access from a lot to a street shall be over a driveway access conforming to the following:
- a) maximum width at the street line:
 - i) Commercial, Industrial or Community Use zone: 12 metres
 - ii) all other zones 6.1 metres
 - b) minimum radius of curb cuts shall be to the satisfaction of the City Engineer;
 - c) minimum distance between a driveway access and intersecting street line 6.1 metres; and
 - d) minimum angle of intersection between driveway access and a street line 60 degrees.
- 4.1.2 Maximum number of driveway access points per lot: 2 plus 1 for each 30.5 metres of street line in excess of 61 metres, with no two driveways closer than 20 metres closer to the centre line of each.
- 4.1.3 Notwithstanding Section 4.1.1, every dwelling unit with a private entrance at grade shall be permitted one (1) driveway access.

4.2 PARKING

- 4.2.1 No person shall use any land, or erect or alter, or use any building or part thereof for any purpose unless motor vehicle parking is provided and maintained in accordance with the provisions of this By-law relating thereto, including the following:

<u>Use or Purpose</u>	<u>Minimum Parking Space Requirements</u>
a) Active Park	minimum of 10

b)	Apartment dwelling	1.5 per dwelling unit
c)	Assembly plant, processing plant or manufacturing plant	1 per 3 employees or 1 per 93m ² of floor area, whichever is the greater
d)	Bed and Breakfast	1 per dwelling unit, plus 0.5 per guest room
e)	Boarding house or student residence	1 per 2 beds available for boarding plus 1 per dwelling unit
f)	Bowling alley or billiard hall	2 per lane or table
g)	Call Centre	1 per work station
h)	Church / Assembly Hall	1 per 3 fixed seats plus 1 per. Of 3.7 m ² other assembly area
i)	Clinic	1 per 14 m ² of floor area
j)	Eating establishment / licensed establishment	1 per 7 m ² of floor area or 1 per 3 seats, whichever is the greater
k)	Elementary / Jr. High School	3 per class room
l)	Funeral parlour	1 per 2.8 m ² floor area used for assembly with a minimum of 20
m)	Golf Course	minimum of 10, plus 5 per hole
n)	Hospital	2 per bed
o)	Hotel, Motel, Inn or Tourist Home	1.25 per guest room
p)	Miniature golf course or driving range	minimum of 10
q)	Motor vehicle, farm equipment mobile home, mini home, boat or trailer sales	Minimum of 5 plus 1 per 370 m ² of lot area
r)	Office	1 per 23m ² of floor area
s)	Passive Park	minimum of 10, for any park in excess of 4.0 ha
t)	Pick-up, take-out service restaurant	1 per 2.5 m ² of floor area, minimum of 5
u)	Residential Care Facility	2 per 5 beds
v)	Retail store, personal service shop, excluding associated warehouse, other than as provided by clause 4.2.1(q)	1 per 27 m ² of floor area
w)	Senior Citizen Housing	0.5 per dwelling unit

- | | | |
|-----|---|---|
| x) | Service station,
automotive repair shop | 1 per 9.3m ² of floor area |
| y) | Shopping centre | 1 per 27m ² of floor area |
| z) | Single unit dwelling, two
unit dwelling, three unit
dwelling, and a row
house wherein not more
than two dwellings are
served by the same
driveway | 1 per dwelling unit |
| aa) | Theatre / Cinema | 1 per 5 fixed seats |
| bb) | University / College /
High School or
Vocational School | in addition to Clause 5.1.1(m), 1
per 4 students |
| cc) | Wholesale establishment,
warehouse area
distribution centre or
truck terminal, exclusive
of those directly
associated with a retail
store | 1 per 232m ² of floor area |
| dd) | Any dwelling unit not
otherwise specified | 1 per dwelling unit |
| ee) | Any use or purpose
otherwise not specified | 1 per 28 m ² of floor area |

4.2.2 Notwithstanding Subsection 4.2.1, if the calculation of the minimum parking space requirement results in a fraction, the requirement shall be the next higher whole number.

4.2.3 When a building or lot accommodates more than one use or purpose, the minimum parking space requirement shall be the sum of the requirements for the separate uses or purposes. A shopping centre is exempt from this provision.

4.2.4 Each required parking space shall be at least 2.8 metres by 5.8 metres, be used only for the parking of serviceable motor vehicles used in conjunction with a permitted use and shall be ready and accessible and useable at all times by way of a driveway access conforming to the following:

	<u>Angle of parking</u>	<u>Minimum Aisle Width</u>
a)	90 degree parking	6.4 metres
b)	75 degree parking	6.1 metres
c)	60 degree parking	4.8 metres
d)	45 degree parking	3.6 metres
e)	30 degree parking	3.6 metres
f)	parallel parking	4.0 metres

4.2.5 The surface of all areas used for parking motor vehicles in excess of 5 vehicles, and the driveway access thereto shall be adequately drained, including the prevention of discharge of sediment to abutting properties and treated to prevent the raising of dust.

4.2.6 The number of barrier free parking spaces for development where five (5) or more parking spaces are required shall be in accordance with the following and included in the total amount of parking required:

Total Number of Required Spaces in a Lot	Total Number of Barrier Free Parking Spaces Required
a) 5-25	1
b) 26-50	2
c) 51-75	3
d) 76-100	4
e) 101-150	5
f) 151-200	6
g) 201-300	7
h) 301-400	8
i) Over 500	9 plus 1 space for each 100 spaces

4.2.7 Barrier free parking spaces shall be readily accessible, useable and located as the closest parking spaces in relation to the entrance of the building, purpose or use they are intended to serve, be clearly identified, including an affixed freestanding sign marking such space and pavement markings where applicable and a minimum size of 4.3 metres by 5.8 metres.

4.2.8 In a residential zone:

- a) not more than two motor vehicles shall be parked on a lot within 6.1 metres of a street line;
- b) where a lot contains five (5) or more vehicle parking spaces, such spaces and the driveway thereto shall not be located within 1.5 metres of a side lot line or rear lot line; and
- c) a motor vehicle parking space or driveway shall not be located within 3.0 metres of a window to a habitable room in a dwelling containing three or more dwelling units.

4.2.9 The motor vehicle parking spaces required by this By-law shall be located on the same lot as the use or purpose in connection with which it is required.

4.2.10 Notwithstanding Subsection 4.2.9, the Commission may allow off-site parking.

4.2.11 Where a parking lot abuts a residential use, 3 metres of landscaped open space, including screening shall be incorporated to the satisfaction of the Development Officer.

4.2.12 Where a parking lot has more than 50 spaces, 5% of the entire parking lot, excluding the access drive, shall be landscaped with trees and / or shrubs and / or vegetative ground cover. The area of the parking lot is the area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces.

- a) Planter islands or peninsulas containing trees shall be located within the parking lot, such that each island or planter is surrounded on at least three sides by parking lot or an access drive to the parking lot.

- b) Planter islands and peninsulas must be at least two (2) square metres in area with a minimum width and length of at least 1.4 metres.

DOWNTOWN PARKING EXEMPTION

4.2.13 For the purpose of this section, the areas zoned Central Commercial shall be exempted from on-site parking requirements, subject to the following:

- a) In a Central Commercial zone, the calculation of the number of parking spaces required for any development shall be determined in accordance with Subsection 4.2.1
- b) No parking shall be required for the replacement of a building destroyed or demolished after the effective date of this By-law. As long as the floor area of the replacement building does not exceed that which existed prior to the destruction or demolition of the building standing on the effective date of this By-law.
- c) Notwithstanding Subsection 5.2.1 no additional parking will be required when a building or part of a building is converted from one use to another, provided the building was in existence on the effective date of this By-law and provided the subject building is not being enlarged.
- d) In the event of the construction of a new building, or the expansion (increase in floor area) of an existing building, Council may, in its discretion, allow a developer, in lieu of providing required parking spaces, to pay to the City a sum of money calculated at the rate of
- e) \$2,400.00 per parking space which shall be payable on such terms and conditions as Council may determine.

QUEUING SPACE

4.2.14 Queuing spaces shall be provided for Drive-Thru Business (including drive-thru restaurant and automatic car wash), gasoline bar, automated bank tellers, automotive repair service, and drive-in business automotive, as follows:

- a) drive-thru Business, including Drive-Thru Restaurant;
 - i) In-Bound- eight (8) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window or service bay;
 - ii) Out-Bound-one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
- b) drive-in Business, Automotive, Gas Bar, Car Wash and Automotive Service Station;
 - i) In-Bound-three (3) in-bound spaces shall be provided;
 - ii) Out-Bound-three (3) out-bound spaces shall be provided.

4.2.15 All queuing spaces shall conform to the following standards:

- a) be a minimum of 6.0 metres long and 3.0 metres wide;
- b) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane; and
- c) be located on the lot associated with the use.

4.3 LOADING

4.3.1 No person shall use any land, or erect or alter, or use any building or part thereof for any purpose unless on site commercial vehicle loading and unloading space is provided and maintained in accordance with the provisions of this By-law relating thereto, including the following:

<u>Use or Purpose</u>	<u>Minimum Loading Space Requirement</u>
a) Assembly hall	1 per 1000 seats
b) Assembly plant, processing plant or manufacturing plant;	
i) 46.5 – 371m ² of floor area	1
ii) 371.1 – 1860 m ² of floor area	2
iii) 1860.1 – 7432 m ² of floor area	3
iv) more than 7432 m ² of floor area	4, plus one for each a additional 7430 m ²
c) Hospital	1 per 200 beds
d) Hotel or Motel	1
e) Retail store, service shop or shopping centre;	
i) 185 – 1860 m ² of floor area	1
ii) 1860.1 – 7430 m ² of floor area	2
iii) more than 7430 m ² of floor area	3, plus one for each additional 9300 m ²
f) School, university or college building	1 per 500 students
g) Wholesale establishment, warehouse or distribution centre	
i) 93 – 370 m ² of floor area	1
ii) 370.1 – 560 m ² of floor area	2
iii) 560 – 1860 m ² of floor area	4
iv) 1860.1 – 7430 m ² of floor area	6
v) more than 7430 m ² of floor area	6, plus one for each additional 4645 m ²

4.3.2 Notwithstanding Subsection 4.3.1, if the calculation of the minimum loading space requirement results in a fraction, the requirement shall be the next higher whole number.

4.3.3 When a building or lot accommodates more than one use or purpose, the minimum loading space requirement shall be the sum of the requirements for the separate uses or purposes. A shopping centre is exempt from this provision.

4.3.4 The surface of all areas used for a loading space and the access thereto shall be adequately drained, including the prevention of discharge of sediment to abutting properties and treated to prevent the raising of dust.

4.3.5 Each required loading space shall be at least 3.7 metres by 12.2 metres and have a minimum vertical clearance of 4.3 metres. Such space shall be readily accessible and useable at all times.

SECTION 5 SIGNS

5.1 GENERAL PROVISION

5.1.1 No person shall erect, alter or use any sign except in accordance with the provisions of this By-law relating thereto.

5.2 SIGNS ALLOWED IN ANY ZONE

5.2.1 Subject to Section 5.3 and notwithstanding any other provisions of this By-law, the following signs are permitted in any zone subject to the following:

- a) any sign which does not exceed 0.4 square metres in area;
- b) up to two real estate signs per lot. In a residential zone a real estate sign shall not exceed 0.8 square metres in sign area and in all other zones, 3 square metres;
- c) any sign which does not exceed 0.6 square metres in area and which regulates or denotes the direction or function of various parts of buildings or premises, including parking and traffic areas;
- d) any sign which does not exceed 4.6 square metres in area and which is incidental to construction;
- e) a sign erected by, or under the direction of a government body, including signs for identification, public information or regulating traffic control and including traffic control signs, directional signs and identification signs, and traffic devices;
- f) a sign formed by landscaping design;
- g) an election sign if the sign area does not exceed 3 square metres in area. Any such sign shall be removed within seven (7) days following the date of the election;
- h) a subdivision sign if erected within the subdivision and in accordance with the following regulations:
 - i) maximum number of signs 2
 - ii) maximum sign area 28m²
 - iii) minimum distance from a street line 7.6 metres
 - iv) maximum height 6.1 metres;
- i) a temporary sign if erected in accordance with the following provisions:
 - i) shall advertise festivals, special and community events;
 - ii) be located a minimum distance from a street line of 3.0 metres;
 - iii) shall be removed immediately after the event; and
 - iv) subject to Section 1.9 any other temporary sign, subject to the approval and such terms and conditions as the determined by the Commission.

5.3 SPECIAL STANDARDS AND PROHIBITED SIGNS

5.3.1 No person shall erect, alter or use any sign other than in compliance with the following:

- a) no sign may create a hazard to public safety or health;
- b) no sign may, for any reason, obstruct the vision of a driver leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on a public street, nor displace required amenity areas, including parking and loading areas as provided for in this Bylaw;
- c) no sign shall obstruct free ingress or egress from a fire escape, window, door or other required exit;
- d) no sign, other than a traffic control sign erected by a government, may use words including "STOP", "LOOK", "DANGER", "ONE WAY", "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic;

- e) no sign may incorporate a searchlight;
- f) no sign may be painted on or attached to a tree, stone, cliff or other natural object;
- g) any sign which advertises a business which is no longer active or conducting business shall be deemed to be obsolete and such sign shall be removed by the owner or occupant of the property within sixty (60) days of the date of discontinuance of the business;
- h) no sign, except a billboard sign or a directory sign, shall be erected on a property unless the sign indicates the nature or ownership of a business conducted on the property upon which the sign is located, unless application has been made and approval granted by the Commission;
- i) no sign except for a portable sign or sandwich sign or a sign indicating a disable parking space, or a temporary sign shall be placed or erected on a property unless the sign is permanently set into the ground or affixed to a building; and
- j) the following signs are prohibited in any zone:
 - i) a series of two or more signs in line each carrying a part of a single advertising message.

5.3.2 Notwithstanding any other provision of this bylaw a sign that incorporates both official languages, equally, shall be permitted to be 10% larger than otherwise permitted in this by-law. This provision does not apply to signs erected in conjunction with a home occupation mentioned in Section 3.4.2(g)

5.4 SUPPLEMENTARY SIGN PROVISIONS

FREESTANDING SIGNS

- 5.4.1 Freestanding signs shall be permitted within all zones other than residential zones and in accordance with the following regulations:
- a) not exceed a maximum height of 10 metre;
 - b) not exceed a maximum size of 12 square metres in gross surface area, or in the case of a multiple tenancy building containing 3 or more businesses, exceed 20 square metres in gross surface area; nor
 - c) exceed a maximum of one in number for up to 30 metres of frontage and additional sign for each additional 30 metres of frontage.

PROJECTING SIGNS

- 5.4.2 Projecting signs shall be permitted within all zones other than residential zones and in accordance with the following regulations:
- a) not exceed 6.0 square metres in area per sign face;
 - b) not project more than 2.5 metres from the building wall;
 - c) not be erected more than 3.0 metres above grade;
 - d) not project over property lines;
 - e) not exceed one in number per business carried on therein;
 - f) not project more than 30 cm. Above the highest storey of the building to which the sign is affixed; or
 - g) not be permitted to swing freely on its supports.

FACIA SIGNS

5.4.3 Facia signs shall be permitted within all zones other than residential zones and in accordance with the following regulations:

- a) not be attached to, painted or erected upon a wall or surface of a building unless the face of the sign is parallel to the wall;
- b) not be painted upon or cover a fence or roof;
- c) not extend beyond the extremities of the wall upon which it is placed; or
- d) not cover more than 0.6 square metres per lineal metre of the wall upon which the sign is affixed with proportional allocation for each business in case of multiple occupancy buildings.

BILLBOARD SIGNS

5.4.4 A billboard sign shall be permitted in Highway Commercial, Business-Park Airport, Industrial Park, Open Space, and Rural zones provided that no billboard sign shall:

- a) exceed a maximum height of 10 metres;
- b) exceed 19 square metres in gross surface area; or
- c) exceed a maximum of one sign for up to 45 metres of frontage and 1 additional sign for each additional 45 metres of frontage.

CANOPY SIGNS

5.4.5 A canopy sign shall be permitted in Commercial, Community Use and Industrial zones, provided that no canopy sign shall:

- a) be placed, erected or altered unless the sign is attached to, painted or placed upon a marquee, a canopy or an awning;
- b) exceed the length of the wall of the building upon which the canopy or awning is placed;
- c) project over a property line;
- d) notwithstanding c), a canopy sign may be located in a Central Commercial zone, provided liability insurance is held by the owner of such sign.
- e) be placed, erected or altered unless the canopy or awning is placed on the building at a height of at least 3 metres above grade.

DIRECTORY SIGNS

5.4.6 Directory signs shall only be permitted in all Industrial and Commercial zones, other than Neighbourhood Commercial Zones, provided that no directory sign shall:

- a) exceed 12 square metres in area for each sign face;
- b) exceed a height of 10 metres above grade; or
- c) be located on a property except where more than one business exists or display a listing of the names of businesses unless these businesses are located within the immediate vicinity of one another.

SANDWICH SIGNS

5.4.7 Sandwich signs are permitted in all Commercial, Community Use and Industrial zones

provides that no sandwich sign shall:

- a) exceed a single-faced area of 0.5 square metres;
- b) exceed one in number per business; nor
- c) obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

PORTABLE SIGNS

5.4.8 Portable signs shall be permitted in, Community Use, Industrial, Commercial, other than the Central Commercial zones, subject to the following:

- a) one portable sign, plus one additional portable sign for each 45 metres of frontage, with a maximum of three (3) portable signs on any property;
- b) maximum sign area of 4.3 square metres; and
- c) shall be located on the same lot as the business or activity it is associated with.

SWING SIGNS

5.4.9 Swing signs shall be permitted in all Commercial, Community Use and Industrial zones, subject to the following:

- a) one sign for each business conducted on the property;
- b) maximum sign area of 0.6 square metres;
- c) shall be located entirely within the property on which it is located and shall not project over property lines; and
- d) notwithstanding ©, a swing sign may be located in a Central Commercial zone, provided liability insurance is held by the owner of such sign.

ROOF SIGNS

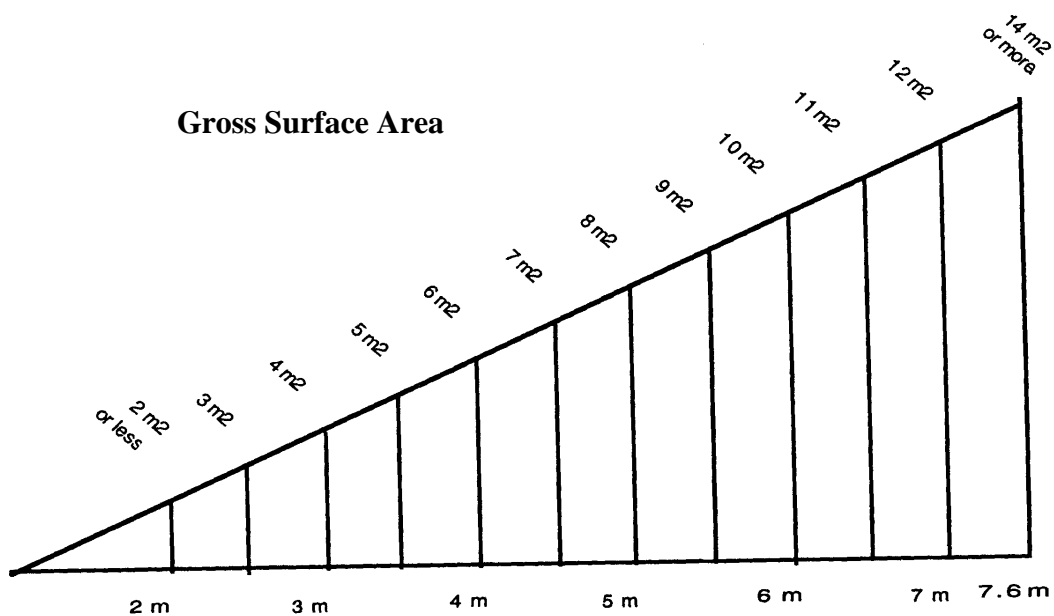
5.4.10 Roof signs shall be permitted in all Commercial and Industrial zones, other than Neighbourhood or Central Commercial zones, subject to the following:

- a) not exceed 6.0 square metres in area per sign face;
- b) not be erected higher than the peak of the roof it is attached or anchored to;
- c) not exceed one in number per lot; or
- d) not be permitted to swing freely on its supports.

5.5 SIGN SETBACK

5.5.1 Unless otherwise provided for in this Bylaw, no sign permitted under this By-law may be placed, erected or altered so that it is closer to a street line than the minimum setback required as provided for in the following table:

(Note: Sign gross surface area rounded to the nearest square metre to determine set back from street line.)



Setback from Street Line

5.6 TOTAL PERMITTED SIGN AREA PER LOT

5.6.1 In addition to the provisions of Section 5.2, the maximum total sign area for any lot is as follows:

- a) Within any Neighbourhood Commercial, General Commercial, Central Commercial, Adult Entertainment, General Industrial or Community Use zone 0.6 square metres of total sign area for each one (1) metre of lot frontage, plus sandwich signs and portable signs as provided for herein.
- b) Within any Highway Commercial, Shopping Centre Commercial, Commercial Recreation, Heavy Industrial, Business Park Airport and Industrial Park zone – one square metre of total sign area for each one metre of lot frontage, plus directory signs, sandwich signs and portable signs as provided for herein.

5.7 NON-CONFORMING SIGNS

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

5.8 ABANDONED AND UNLAWFUL SIGNS

5.8.1 No sign shall be located or kept on a property unless such sign is properly maintained including the sign's face, supports, electrical system or anchorage.

5.9 SIGN AREA

5.9.1 The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension.

SECTION 6 RESIDENTIAL ZONES

6.1 SINGLE UNIT DWELLING (R-1)

PERMITTED USES

6.1.1 No person shall within an R-1 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one of the following main uses:
 - i) single unit dwelling
 - ii) park
- b) one of the following secondary uses and then only in association with a single unit dwelling:
 - i) bed and breakfast, subject to Subsection 3.4.6
 - ii) daycare centre – neighbourhood, subject to Subsection 3.4.4
 - iii) garden suite, subject to Subsection 3.4.5
 - iv) home occupation, subject to Subsection 3.4.1
- c) one of the following conditional uses provided herein subject to such terms and conditions as the Commission may impose:
 - i) residential care facility

REGULATIONS

6.1.2 No person shall within an R-1 Zone, use an land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|----|--|----------------------|
| a) | minimum lot area | 540 m ² |
| b) | minimum lot frontage | 18 metres |
| c) | minimum lot depth | 30 metres |
| d) | minimum side yard | 1.8 metres |
| e) | minimum rear yard | 6.1 metres |
| f) | minimum setback from any lot line not specifically mentioned | 1.8 metres |
| g) | maximum lot coverage | 40 % |
| h) | maximum height | 9.5 metres |
| i) | minimum floor area | 55.7 m ² |
| j) | maximum coverage by open parking areas, driveways and vehicle movement areas | 25 % of the lot area |

6.2 SINGLE OR TWO UNIT DWELLING (R-2)

PERMITTED USES

- 6.2.1 No person shall within an R-2 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:
- a) one of the following main uses:
 - i) single unit dwelling
 - ii) two unit dwelling
 - iii) park

- b) one of the following secondary uses and then only in association with a single unit dwelling:
 - i) bed and breakfast, subject to Subsection 3.4.6
 - ii) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - iii) garden suite, subject to Subsection 3.4.5
 - iv) tourist home, subject to Subsection 3.4.7
- c) one of the following secondary uses in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1
- d) one of the following conditional uses provided herein subject to such terms and conditions as the Commission may impose:
 - i) residential care facility

REGULATIONS

6.2.2 No person shall within an R-2 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|----|---|----------------------|
| a) | minimum lot area | 540 m ² |
| b) | minimum lot frontage | 18 metres |
| c) | minimum lot depth | 30 metres |
| d) | minimum lot frontage/
dwelling unit | 11 metres |
| e) | minimum lot area/
dwelling unit | 330 m ² |
| f) | minimum side yard | 1.8 metres |
| g) | minimum rear yard | 6.1 metres |
| h) | minimum setback from
any lot line not
specifically mentioned | 1.8 metres |
| i) | maximum lot coverage | 40 % |
| j) | maximum height | 9.5 metres |
| k) | minimum floor
area/dwelling unit | 55.7 m ² |
| l) | maximum coverage by
open parking areas,
driveways and vehicle
movement areas | 25 % of the lot area |

6.2.3 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein within the R-2 zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

6.3 MEDIUM DENSITY A (R-3)

PERMITTED USES

6.3.1 No person shall within an R-3 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one of the following main uses:
 - i) apartment building containing not more than 8 dwelling units
 - ii) boarding house
 - iii) converted building containing not more than 8 dwelling units
 - iv) four unit dwelling
 - v) inn
 - vi) park
 - vii) row house dwelling containing not more than 8 dwelling units
 - viii) single unit dwelling
 - ix) two unit dwelling
 - x) three unit dwelling
- b) one of the following secondary uses and then only in association with a single unit dwelling:
 - i) bed and breakfast, subject to Subsection 3.4.6
 - ii) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - iii) garden suite, subject to Subsection 3.4.5
 - iv) tourist home, subject to Subsection 3.4.7
- c) one of the following secondary uses and then only in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1
- d) one of the following conditional uses subject to such terms and conditions as the Commission may impose:
 - i) residential care facility
 - ii) daycare centre - commercial

REGULATIONS

6.3.2 No person shall within an R-3 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 900 m²
- b) minimum lot area/
dwelling unit 232 m²
- c) minimum lot frontage 30 metres
- d) minimum lot frontage/
dwelling unit 6.0 metres
- e) minimum lot depth 30 metres
- f) minimum side yard 1.8 metres
- g) minimum rear yard 6.1 metres
- h) minimum setback from
any lot line not
specifically mentioned 3.0 metres
- i) maximum lot coverage 35 %

- j) maximum height 10.7 metres
- k) minimum floor area
 - i) bachelor dwelling unit 37.2m²
 - ii) dwelling other than bachelor dwelling unit 55.7m², plus 14 m² for each habitable room in excess of 4.
- l) maximum coverage by open parking areas, driveways and vehicle movement areas 25% of the area of the lot
- m) submission of a site plan as provided for in Subsection 3.8

6.4 MEDIUM DENSITY B (R-4)

PERMITTED USES

6.4.1 No person shall within an R-4 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) converted building containing not more than 15 dwelling units
 - ii) row house dwelling containing not more than 15 dwelling units
 - iii) apartment dwelling containing not more than 15 dwelling units
 - iv) inn
- b) one of the following secondary uses and then only in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1
- c) the following conditional uses subject to such terms and conditions as the Commission may impose:
 - i) residential care facility
 - ii) daycare centre - commercial

REGULATIONS

6.4.2 No person shall within an R-4 Zone, use an land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 2230 m²
- b) minimum lot area/ dwelling unit 185 m²
- c) minimum lot frontage 30 metres
- d) minimum lot depth 30 metres
- e) minimum side yard 3.0 metres

- f) minimum rear yard 9.2 metres
- g) minimum setback from any lot line not specifically mentioned 3.0 metres
- h) maximum lot coverage 35 %
- i) maximum height 15 metres

- j) minimum floor area
 - i) bachelor dwelling unit 37.2m²
 - ii) dwelling other than bachelor dwelling unit 55.7 m², plus 14 m² for each habitable room in excess of 4.
- k) maximum coverage by open parking areas, driveways and vehicle movement areas 25% of the lot area
- l) submission of a site plan as provided for in Subsection 3.8

6.5 HIGH DENSITY A (R-5)

PERMITTED USES

6.5.1 No person shall within an R-5 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) apartment dwelling
 - ii) converted building
- b) one of the following secondary uses and then only in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1
- c) the following conditional uses subject to such terms and conditions as the Commission may impose:
 - i) residential care facility
 - ii) daycare centre - commercial

REGULATIONS

6.5.2 No person shall within an R-5 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 2230 m²
- b) minimum lot area/ dwelling unit 140 m²
- c) minimum lot frontage 30 metres

- d) minimum lot depth 45 metres
- e) minimum side yard 3.0 metres
- f) minimum rear yard 18 metres
- g) minimum setback from any lot line not specifically mentioned 3.0 metres
- h) maximum lot coverage 30 %
- i) maximum height 15 metres
- j) minimum floor area
 - i) bachelor dwelling unit 37.2 m²
 - ii) dwelling other than bachelor dwelling unit 55.7 m², plus 14 m² for each habitable room in excess of 4
- k) maximum coverage by open parking areas, driveways and vehicle movement areas 25% of the area of the lot.
- l) submission of a site plan as provided for in Subsection 3.8

6.6 HIGH DENSITY B (R-6)

PERMITTED USES

6.6.1 No person shall within an R-6 Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) apartment dwelling
 - ii) converted building
- b) one of the following secondary uses,
 - i) unless in association with a dwelling unit:
 - a) home occupation, subject to Subsection 3.4.1
- c) one or more of the following secondary commercial uses when located in an apartment dwelling containing 50 or more dwelling units:
 - i) clinic
 - ii) convenience store
 - iii) daycare centre - commercial
 - iv) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - v) drug store
 - vi) food store
 - vii) personal service shop
 - viii) pharmacy
 - ix) restaurant
 - x) sub-post office
- d) the following conditional uses provided herein subject to such terms and conditions as the Commission may impose:

- i) residential care facility;
- ii) daycare centre - commercial.

REGULATIONS

6.6.2 No person shall within an R-6 Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 3716 m²
- b) minimum lot area / dwelling unit 93 m²
- c) minimum lot frontage 45 metres
- d) minimum lot depth 45 metres
- e) minimum side yard 12.2 metres
- f) minimum rear yard 12.2 metres
- g) minimum setback from any lot line not specifically mentioned 12.2 metres
- h) maximum lot coverage 30 %
- i) maximum height 20 metres
- j) minimum floor area
 - i) bachelor dwelling unit 37.2m²
 - ii) dwelling other than bachelor dwelling unit 55.7 m², plus 14m² for each habitable room in excess of 4
- k) maximum coverage by open parking areas, driveways and vehicle movement areas 25% of the area of the lot
- l) the following regulations shall apply to the commercial purposes as provided for in Subsection 6.6.1(c):
 - i) maximum commercial floor area per building 185.8 m²
 - ii) shall be located only on the first floor or the basement
 - iii) no curb service, drive-in service, take-out service or pick-up shall be permitted, if such service comprises the primary activity of the establishment
- m) submission of a site plan as provided for in Subsection 3.8.

6.7 MINI / MOBILE HOME PARK (RP)

PERMITTED USES

6.7.1 No person shall within an RP Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) dwelling - mini home;
 - ii) dwelling - mobile home;
 - iii) dwelling - modular;
 - iv) mini-home and/or mobile home park, including an associated sales office; or
 - v) park.
- b) one of the following secondary uses and then only in association with a dwelling - mini home, dwelling - mobile home or dwelling modular:
 - i) home occupation, subject to Subsection 3.4.1
 - ii) daycare centre - neighbourhood, subject to Subsection 3.4.4
- c) the following conditional uses provided herein subject to such terms and conditions as the Commission may impose:
 - i) convenience store

REGULATIONS

6.7.2 No person shall within an RP Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|----|---|--------------------|
| a) | minimum lot width per site | 15 metres |
| | minimum lot width per site when unit parallel to street | 28 metres |
| b) | minimum lot depth per site | 35 metres |
| | minimum lot depth per site when unit parallel to street | 15 metres |
| c) | minimum lot area per site | 525 m ² |
| | minimum lot area per site when unit parallel to street | 420 m ² |
| d) | minimum front yard per site | 6.0 metres |
| e) | minimum side yard per site | 2.0 metres |
| f) | minimum rear yard per site | 3.0 metres |
| g) | maximum height per site | 8.5 metres |
| h) | maximum lot coverage per site | 40 % |

6.7.3 A mini/mobile home park is subject to the requirements of a By-law pursuant to Section 188 of the Municipalities Act.

6.8 MOBILE HOME/MINI-HOME (RM)

PERMITTED USES

6.8.1 No person shall within an RM Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one of the following main uses:
 - i) dwelling - mini home;
 - ii) dwelling - mobile home;
 - iii) dwelling - modular; or
 - iv) park.

- b) one of the following secondary uses and then only in association with a dwelling - mini home, dwelling - mobile home or dwelling - modular:
 - i) bed and breakfast, subject to Subsection 3.4.6
 - ii) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - iii) garden suite, subject to Subsection 3.4.5
 - iv) home occupation, subject to Subsection 3.4.1

REGULATIONS

6.8.2 No person shall within an RM Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 18 metres
- b) minimum lot depth 32 metres
- c) minimum lot area 575 m²
- d) minimum side yard 1.8 metres
- e) minimum rear yard 1.8 metres
- f) minimum setback from any lot line not specifically mentioned 1.8 metres
- g) maximum lot coverage 40 %
- h) maximum height 8.5metres
- i) minimum floor area/dwelling unit 45 m²
- j) maximum coverage by open parking areas, driveways and vehicle movement areas 25% of the area of the lot

6.8.3 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, within the RM zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

6.9 RESIDENTIAL RETIREMENT COMMUNITY (RR)

PERMITTED USES

6.9.1 No person shall within an RR Zone, use any land or erect, alter or use any building or part thereof for any purpose other than

- a) one or more of the following main uses:

- i) apartment dwelling
 - ii) associated administrative offices
 - iii) clinic
 - iv) dwelling - mini-home
 - v) four unit dwelling
 - vi) park.
 - vii) row dwelling
 - viii) single unit dwelling
 - ix) three unit dwelling
 - x) two unit dwelling
- b) one of the following secondary uses and then only in association with a dwelling unit:
- i) home occupation, subject to Subsection 3.4.1
 - ii) bed and breakfast, subject to Subsection 3.4.6

REGULATIONS

6.9.2 No person shall within an RR Zone, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum separation between main buildings 4.5 metres

6.9.3 submission of a site plan as provided for in Subsection 3.8.

SECTION 7 COMMERCIAL ZONES

7.1 NEIGHBOURHOOD COMMERCIAL (NC)

PERMITTED USES

7.1.1 No person shall within a NC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) clinic
 - ii) convenience store
 - iii) daycare centre - neighbourhood
 - iv) personal service shop
 - v) restaurant, excluding a drive thru, with a maximum of 50 seats
 - vi) single unit dwelling
 - vii) service repair shop
 - viii) two unit dwelling
- b) one of the following secondary uses and then only in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1

REGULATIONS

7.1.2 No person shall within a NC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

- a) minimum lot frontage 30 metres
- b) minimum lot depth 30 metres
- c) minimum lot area 900 m²

- d) maximum lot coverage 40 %
- e) minimum rear yard 9.1 metres
- f) minimum side yard 3.0metres
- g) minimum setback from any lot line not specifically mentioned 3.0 metres
- h) minimum floor area per dwelling unit 55.7 m²
- i) maximum floor area for non-residential uses 185.8 m²
- j) minimum landscaped open space 10 % of lot area
- k) maximum height 8.5 metres
- l) there shall be no outside storage or display of merchandise
- m) no curb service, drive-in service, take-out service or pick-up service shall be permitted if such service comprises the primary activity of the establishment
- n) landscaped open space of a minimum of 1.5 metres shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways.

7.1.3 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, within the NC zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

7.2 GENERAL COMMERCIAL (GC)

PERMITTED USES

7.2.1 No person shall within a GC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) assembly hall
 - ii) boarding house
 - iii) call centre
 - iv) clinic
 - v) communication use
 - vi) daycare centre - commercial
 - vii) financial institution
 - viii) funeral parlour
 - ix) gas bar
 - x) gymnasium or health club
 - xi) hotel or motel or inn
 - xii) library, museum or art gallery
 - xiii) licensed premises, excluding adult entertainment
 - xiv) marina
 - xv) motor vehicle repair establishment
 - xvi) office
 - xvii) park

- xviii) parking lot or parking garage
- xix) personal service shop
- xx) pharmacy
- xxi) place of entertainment, excluding adult entertainment
- xxii) police station, jail, or fire hall
- xxiii) post office
- xxiv) print shop
- xxv) residential care facility
- xxvi) restaurant, excluding drive thru restaurant
- xxvii) retail store
- xxviii) retail store for the sale and rental of motorized vehicles and equipment
- xxix) school or other training facility
- xxx) service repair shop
- xxxi) single unit dwelling
- xxxii) studio or craft workshop
- xxxiii) taxi stand
- xxxiv) television and/or radio studios
- xxxv) tourist information centre
- xxxvi) use permitted in the IN zone
- xxxvii) veterinary clinic
- xxxviii) converted building containing not more than 15 dwelling units, as per Subsection 7.2.3
- xxxix) row house dwelling containing not more than 15 dwelling units as per Subsection 7.2.3
- xl) apartment dwelling containing not more than 15 dwelling units as per Subsection 7.2.3

REGULATIONS

7.2.2 Except as provided in Section 7.2.3, no person shall within an GC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|----|--|--------------------|
| a) | minimum lot frontage | 15 metres |
| b) | minimum lot depth | 15 metres |
| c) | minimum lot area | 450 m ² |
| d) | maximum lot coverage | 50 % |
| e) | minimum side yard | 3.0 metres |
| f) | minimum rear yard | 3.0 metres |
| g) | minimum setback from any lot line not specifically mentioned | 3.0 metres |
| h) | minimum landscaped open space | 10 % of lot area |
| i) | maximum height | 15 metres |
| j) | outside storage or display of merchandise is permitted there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes | |
| k) | screening shall be provided and maintained along a lot line abutting a community use, residential zone or existing residential use | |

- l) landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along a lot line abutting a community use, residential, and a rural zone or existing residential use
- m) landscaped open space of a minimum of 1.5 metres shall be provided and maintained along all other lot lines provided that such open space may be interrupted by driveways
- n) submission of a site plan as provided for in Subsection 3.8

7.2.3 No person shall within an GC Zone use any land or erect, alter or use any building or part thereof for a permitted residential use except in accordance with the following regulations:

- a) minimum lot area 555 m²
- b) minimum lot area/
dwelling unit 185 m²
- c) minimum lot frontage 30 metres
- d) minimum lot depth 30 metres
- e) minimum side yard 3.0 metres
- f) minimum rear yard 6.1 metres
- g) minimum setback from
any lot line not
specifically mentioned 3.0 metres
- h) maximum lot coverage 35 %
- i) maximum height 15 metres
- j) minimum floor area
- i) bachelor
dwelling unit 37.2m²
- ii) dwelling other
than bachelor dwelling
unit 55.7 m², plus 14 m²
for each habitable
room in excess of 4.
- k) maximum coverage by
open parking areas,
driveways and vehicle
movement areas 25% of the lot area
- l) landscaped open space of a minimum of 1.5 metres shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways
- m) submission of a site plan as provided for in Subsection 3.8

7.3 HIGHWAY COMMERCIAL (HC)

PERMITTED USES

7.3.1 No person shall within a HC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:

- i) assembly hall
- ii) call centre
- iii) car wash
- iv) church
- v) clinic or medical offices
- vi) communications use
- vii) daycare centre - commercial
- viii) drive -thru business
- ix) financial institution
- x) funeral parlour
- xi) gas bar
- xii) gymnasium or health club
- xiii) hotel, motel, or inn
- xiv) licensed premise, excluding adult entertainment use
- xv) miniature golf course
- xvi) motor vehicle repair establishment
- xvii) museum
- xviii) nursery or green house
- xix) office
- xx) outdoor display court
- xxi) personal service shop
- xxii) place of entertainment, excluding adult entertainment
- xxiii) pharmacy
- xxiv) post office
- xxv) print shop
- xxvi) restaurant, including curbside, drive-in, take out or pickup services
- xxvii) retail store for the sale or rental of;
 - a) building products, contractor supplies and equipment
 - b) motorized vehicles and equipment
 - c) motor vehicle parts
 - d) boats, trailers, travel trailers, modular homes, mobile homes and mini homes
- xxviii) retail store
- xxix) service repair shop
- xxx) service station
- xxxi) single unit dwelling
- xxxii) studio and / or craft shop
- xxxiii) taxi stand
- xxxiv) television and/or radio studios
- xxxv) tourist information centre
- xxxvi) transportation depot
- xxxvii) use permitted in the IN zone
- xxxviii) veterinary clinic
- xxxix) warehousing and distribution centre
- xl) wholesale / retail store
- xli) converted building containing not more than 15 dwelling units as per Subsection 7.3.3
- xlii) row house dwelling containing not more than 15 dwelling units as per Subsection 7.3.3
- xliii) apartment dwelling containing not more than 15 dwelling units as per subsection 7.3.3

REGULATIONS

7.3.2 Except as provided in Section 7.3.3, no person shall within an HC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 46 metres
- b) minimum lot depth 46 metres
- c) minimum lot area 2116 m²

- d) maximum lot coverage 50 %
- e) minimum side yard 6.1 metres
- f) minimum rear yard 6.1 metres

- g) minimum setback from any lot line not specifically mentioned 6.1 metres
- h) maximum height 12.2 metres
- i) landscaped open space of a minimum width of 6.1 metres shall be provided and maintained along a lot line abutting an community use, residential, and a rural zone or existing residential use
- j) landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along all other lot lines provided such open space may be interrupted by driveways
- k) screening shall be provided and maintained along a lot line abutting a community use, residential, or rural zone or existing residential use
- l) outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes
- m) submission of a site plan as provided for in Subsection 3.8

7.3.3 No person shall within an HC Zone use any land or erect, alter or use any building or part thereof for a permitted residential use except in accordance with the following regulations:

- a) minimum lot area 2116 m²
- b) minimum lot area/ dwelling unit 185 m²
- c) minimum lot frontage 30 metres
- d) minimum lot depth 30 metres
- e) minimum side yard 6.1 metres
- f) minimum rear yard 6.1 metres
- g) minimum setback from any lot line not specifically mentioned 6.1 metres
- h) maximum lot coverage 35 %
- i) maximum height 15 metres
- j) minimum floor area
 - i) bachelor dwelling unit 37.2m²
 - ii) dwelling other than bachelor 55.7 m², plus 14 m² for each habitable

- | | | |
|----|--|----------------------|
| | dwelling unit | room in excess of 4. |
| k) | maximum coverage by open parking areas, driveways and vehicle movement areas | 25% of the lot area |
| l) | landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along all lot lines provided such open space may be interrupted by driveways | |
| m) | submission of a site plan as provided for in Subsection 3.8 | |

7.4 SHOPPING CENTRE COMMERCIAL (SC)

PERMITTED USES

7.4.1 No person shall within a SC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
- i) assembly hall
 - ii) call centre
 - iii) clinic
 - iv) convenience store
 - v) daycare centre - commercial
 - vi) financial institution
 - vii) gas bar
 - viii) gymnasium or health club
 - ix) hotel, motel or inn
 - x) library, museum or art gallery
 - xi) licensed premises, excluding adult entertainment
 - xii) motor vehicle repair establishment
 - xiii) office
 - xiv) personal service shop
 - xv) pharmacy
 - xvi) place of entertainment, excluding adult entertainment
 - xvii) post office
 - xviii) print shop
 - xix) restaurant, including drive-thru, take out or pickup services
 - xx) retail store
 - xxi) wholesale establishment
 - xxii) school or other training facility
 - xxiii) service repair shop
 - xxiv) shopping centre
 - xxv) studio or craft workshop
 - xxvi) taxi stand
 - xxvii) veterinary clinic

REGULATIONS

7.4.2 No person shall within an SC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

- | | | |
|----|----------------------|---------------------|
| a) | minimum lot frontage | 91.5 metres |
| b) | minimum lot depth | 91.5 metres |
| c) | minimum lot area | 9290 m ² |

- d) maximum lot coverage 50 %
- e) minimum side yard 12.2 metres
- f) minimum rear yard 12.2 metres
- g) minimum setback from any lot line not specifically mentioned 12.2 metres
- h) minimum landscaped open space 15% of lot area
- i) maximum height 18 metres
- j) outside storage or display of merchandise is permitted provided there is no displacement of required landscaping, parking, loading areas, driveways or fire lanes
- k) screening and landscaped open space, of a minimum of 6.1 metres shall be provided and maintained along a lot line abutting a residential, community use, or rural zone
- l) landscaped open space of a minimum of 3.0 metres shall be provided and maintained along all other lot lines provided that such open space may be interrupted by driveways
- m) submission of a site plan as provided for in Subsection 3.8

7.5 CENTRAL COMMERCIAL (CC)

PERMITTED USES

7.5.1 No person shall within a CC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) assembly hall
 - ii) boarding house
 - iii) call centre
 - iv) clinic
 - v) communication use
 - vi) daycare centre - commercial
 - vii) financial institution
 - viii) funeral parlour
 - ix) gymnasium or health club
 - x) hotel, motel or inn
 - xi) interpretive use
 - xii) library, museum or art gallery
 - xiii) licensed premises excluding adult entertainment
 - xiv) marina
 - xv) museum
 - xvi) office
 - xvii) park
 - xviii) parking lot or parking garage
 - xix) personal service shop
 - xx) pharmacy
 - xxi) place of entertainment, excluding adult entertainment
 - xxii) police station, jail, or fire hall
 - xxiii) post office
 - xxiv) print shop
 - xxv) retail store, excluding a service station or a retail store for the sale of;

- a) farm supplies, grain and feed
- b) motor vehicles, farm equipment, construction equipment or other heavy equipment sales or service establishment
- c) boats, trailers, travel trailers, mobile homes and mini homes
- xxvi) residential care facility
- xxvii) restaurant, excluding a drive thru restaurant
- xxviii) school or other training facility
- xxix) service repair shop
- xxx) studio or craft workshop
- xxxi) single unit dwelling
- xxxii) taxi stand
- xxxiii) television and/or radio studios
- xxxiv) tourist information centre
- xxxv) use permitted in the IN zone
- xxxvi) converted building containing not more than 15 dwelling units
- xxxvii) row house dwelling containing not more than 15 dwelling units
- xxxviii) apartment dwelling containing not more than 15 dwelling units

REGULATIONS

7.5.2 No person shall within an CC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) maximum height 15 metres
- b) screening shall be provided and maintained along a lot line abutting a residential zone or residential use or institutional zone or institutional use
- c) minimum floor area for a dwelling unit
 - i) bachelor dwelling unit 37.2m²
 - ii) dwelling other than bachelor dwelling unit 55.7 m², plus 14 m² for each habitable room in excess of 4.
- d) submission of a site plan as provided for in Subsection 3.8

7.6 COMMERCIAL RECREATION (CR)

PERMITTED USES

7.6.1 No person shall, within a CR Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) amusement park
 - ii) camp ground
 - iii) daycare centre - commercial
 - iv) cottage cluster development
 - v) fair ground or exhibition grounds
 - vi) golf course
 - vii) golf driving range
 - viii) hotel or motel or inn
 - ix) indoor recreation facility
 - x) interpretive use
 - xi) licensed premise, excluding adult entertainment
 - xii) marina
 - xiii) motor sport racing facility
 - xiv) museum

- xv) outdoor recreation facility
- xvi) place of entertainment, other than adult entertainment
- xvii) restaurant
- xviii) retail store
- xix) tourist information centre

REGULATIONS

7.6.2 No person shall, within any CR Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 4000m²
- b) minimum lot frontage 46 metres
- c) minimum side yard 10 metres
- d) minimum rear yard 10 metres
- e) minimum setback from any lot line not specifically mentioned 10 metres
- f) maximum lot coverage 50 %
- g) maximum height 15 metres
- h) screening shall be provided and maintained along a lot line abutting an community use, residential, or rural zone or existing residential use
- i) submission of a site plan as provided for in Subsection 3.8

7.6.3 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, a lot within the CR zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2

7.7 ADULT ENTERTAINMENT (AE)

PERMITTED USES

7.7.1 No person shall within an AE Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) adult arcade
 - ii) adult cabaret
 - iii) adult massage parlour
 - iv) adult retail outlet
 - v) adult theatre
 - vi) licensed premises

REGULATIONS

7.7.2 As provided for in Subsection 34(5) of the NB Community Planning Act, the uses permitted in Subsection 7.7.1, are subject to terms and conditions which may be imposed by the Planning Commission to protect the properties within the zone or in abutting zones, or the health, safety, and welfare of the general public.

7.7.3 No person shall within an AE Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot area 900 square metres
- b) minimum lot frontage 30 metres
- c) minimum side yard 3.0 metres
- d) minimum rear yard 3.0 metres
- e) minimum setback from any lot line not specifically mentioned 3.0 metres
- f) maximum height 15 metres

7.7.4 No person shall establish an adult entertainment use closer than 500 metres from the nearest lot line of any use listed in Subsection 7.7.1, and to the nearest lot line of any of the following:

- a) another adult entertainment use
- b) residential zone
- c) existing residential use
- d) institutional use or
- e) park or other recreational facility

7.7.5 Submission of a site plan as provided for in Subsection 3.8

SECTION 8 INDUSTRIAL ZONES

8.1 GENERAL INDUSTRIAL (GI)

PERMITTED USES

8.1.1 No person shall within any GI Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) abattoir
 - ii) assembly plant, processing plant, or manufacturing plant exclusive of those permitted in the HI Zone
 - iii) building products establishment
 - iv) call centre
 - v) concrete batching plant
 - vi) construction industry
 - vii) dairy or bottling establishment
 - viii) farm equipment, construction equipment or other heavy equipment sales and service establishment
 - ix) farm supplies or grain and feed establishment
 - x) furniture refinishing, woodworking or upholstery shop
 - xi) greenhouse
 - xii) kennel or animal boarding establishment
 - xiii) laboratory
 - xiv) monument works
 - xv) motor vehicle repair establishment
 - xvi) office
 - xvii) printing shop or publishing house
 - xviii) recycling depot
 - xix) restaurant
 - xx) salvage yard

- xxi) sewage treatment or water filtration/treatment facility
- xxii) transportation and distribution terminal
- xxiii) truck or heavy equipment depot or maintenance yard
- xxiv) uses permitted in the HC zone excluding residential uses, hotels, motels or inns
- xxv) vehicle wash
- xxvi) veterinary clinic
- xxvii) warehouse, including associated retail sales
- xxviii) welding shop or machine shop
- xxix) wholesale establishment, including associated retail sales

REGULATIONS

8.1.2 No person shall within an GI Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|----|---|--------------------|
| a) | minimum lot frontage | 30 metres |
| b) | minimum lot depth | 30 metres |
| c) | minimum lot area | 929 m ² |
| d) | maximum lot coverage | 50 % |
| e) | minimum side yard where lot abuts a residential zone | 9.2 metres |
| f) | minimum rear yard where lot abuts a residential zone | 9.2 metres |
| g) | minimum setback from any lot line not specifically mentioned where lot abuts a residential zone | 9.2 metres |
| h) | minimum side yard where lot does not abut a residential zone | 3.0 metres |
| i) | minimum rear yard where lot does not abut a residential zone | 3.0 metres |
| j) | minimum setback from any lot line not specifically mentioned where lot does not abut a residential zone | 3.0 metres |
| k) | maximum height | 15 metres |
| l) | landscaped open space of a minimum width of 9.2 metres shall be provided and maintained along a lot line abutting a residential, community use or rural zone | |
| m) | landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along all other lot lines, provided such space may be interrupted by driveways and railways | |

- n) screening shall be provided and maintained along a lot line abutting a residential, community use, rural zone or an existing residential use
- o) submission of a site plan as provided for in Subsection 3.8

8.2 INDUSTRIAL PARK (IP)

PERMITTED USES

8.2.1 No person shall within any IP Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) abattoir
 - ii) assembly plant, processing plant, or manufacturing plant exclusive of those permitted in the HI Zone
 - iii) automotive repair shop
 - iv) call centre
 - v) computer or electronics facility
 - vi) concrete batching plant
 - vii) construction industry
 - viii) dairy or bottling establishment
 - ix) farm equipment, construction equipment or other heavy equipment sales and service establishment
 - x) farm supplies or grain and feed establishment
 - xi) feed mill
 - xii) flour mill
 - xiii) furniture refinishing, woodworking or upholstery shop
 - xiv) greenhouse
 - xv) indoor commercial recreation use
 - xvi) kennel or animal boarding establishment
 - xvii) laboratory
 - xviii) monument works
 - xix) office
 - xx) printing shop or publishing house
 - xxi) recycling depot
 - xxii) research and development facility
 - xxiii) restaurant
 - xxiv) salvage yard
 - xxv) tool and die shop
 - xxvi) transportation and distribution terminal
 - xxvii) truck or heavy equipment depot or maintenance yard
 - xxviii) uses permitted in the HC zone excluding residential uses, hotels, motels or inns
 - xxix) vehicle wash
 - xxx) veterinary clinic
 - xxxi) warehouse, including associated retail sales
 - xxxii) welding shop or machine shop
 - xxxiii) wholesale establishment, including associated retail sales

REGULATIONS

8.2.2 No person shall within an IP Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 45 metres
- b) minimum lot depth 45 metres
- c) minimum lot area 0.405 ha.

- d) maximum lot coverage 60 %
- e) maximum height 15 metres
- f) minimum side yard where lot abuts a residential or rural zone 9.2 metres
- g) minimum rear yard where lot abuts a residential or rural zone 9.2 metres
- h) minimum setback from any lot line not specifically mentioned where lot abuts a residential or rural zone 9.2 metres
- i) minimum side yard where lot does not abut a residential or rural zone 3.0 metres
- j) minimum rear yard where lot does not abut a residential or rural zone 3.0 metres
- k) minimum setback from any lot line not specifically mentioned where lot does not abut a residential or rural zone 3.0 metres
- l) landscaped open space of a minimum width of 9.2metres shall be provided and maintained along a lot line abutting a residential, community use or rural zone
- m) screening shall be provided and maintained along a lot line abutting a residential, community use or rural zone
- n) submission of a site plan as provided for in Subsection 3.8

8.3 HEAVY INDUSTRIAL (HI)

PERMITTED USES

8.3.1 No person shall within any HI Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) abattoir
 - ii) asphalt plant
 - iii) concrete mixing plant
 - iv) composting - waste
 - v) feed mill
 - vi) flour mill
 - vii) foundry, kiln or forge
 - viii) landfill facility
 - ix) petroleum, gas, or volatile liquid refinery and including bulk storage facility
 - x) power generation plant
 - xi) pulp mill or paper mill
 - xii) rail yard
 - xiii) salvage yard
 - xiv) saw mill or wood products plant

- xv) sewage / wastewater treatment facility
- xvi) soil remediation
- xvii) wharf

REGULATIONS

8.3.2 No person shall within an HI Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 61 metres
- b) minimum lot depth 61 metres
- c) minimum lot area 0.81 ha.
- d) maximum height 15 metres
- e) minimum side yard where lot abuts a residential community use or rural zone 30.5 metres
- f) minimum rear yard where lot abuts a residential community use or rural zone 30.5 metres
- g) minimum setback from any lot line not specifically mentioned where lot abuts a residential, community use or rural zone 30.5 metres
- h) minimum side yard where lot does not abut a residential community use, or rural zone 15.2 metres
- i) minimum rear yard where lot does not abut a residential community use, or rural zone 15.2 metres
- j) minimum setback from any lot line not specifically mentioned where lot does not abuts a residential, community use or rural use or zone 15.2 metres
- k) landscaped open space of a minimum width of 30.5 metres shall be provided and maintained along a lot line abutting a residential, community use or rural zone
- l) landscaped open space of a minimum width of 15.2metres shall be provided and maintained along all other lot lines, provided such space may be interrupted by driveways and railways
- m) screening shall be provided and maintained along a lot line abutting a residential or rural zone
- n) submission of a site plan as provided for in Subsection 3.8

8.4 BUSINESS PARK / AIRPORT (BP)

PERMITTED USES

8.4.1 No person shall within an BP Zone, use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following uses:
 - i) agricultural operation, excluding the raising of swine and / or poultry
 - ii) airport, terminal, runway and associated uses
 - iii) business incubation centre
 - iv) composting - waste
 - v) concrete batching plant
 - vi) construction industry
 - vii) dormitory
 - viii) garden nursery establishments including greenhouses
 - ix) recreational facility
 - x) industrial mall
 - xi) information technology businesses and operations
 - xii) manufacturing, assembly, processing, warehousing and distribution operation exclusive of those specifically listed in the HI zone
 - xiii) motor sport racing facility
 - xiv) outdoor display court
 - xv) recycling depot
 - xvi) research facility
 - xvii) restaurant including drive thru and take-out
 - xviii) service club and social club facilities and operations
 - xix) use permitted in the IN zone
 - xx) use permitted in the HC zone, exclusive of residential uses

REGULATIONS

8.4.2 Notwithstanding Subsection 9.4.2, no person shall within a BP Zone use or occupy any existing building or structure or part thereof except in accordance with the following regulations:

- a) minimum lot area 900 m²
- b) minimum lot frontage 9.2 metres
- c) maximum height 15 metres
- d) minimum separation from other buildings and structures 6.5 metres
- e) 10% of the lot shall be developed as landscaped open space.

8.4.3 Any development or redevelopment proposing direct access to Highway 11, shall provide a frontage of 46 metres., be subject to a 15.24 m. setback from the property - street line and the location of any such access be located to the satisfaction of the Development Officer upon the advice of the City.

8.4.4 Any new development shall be in accordance with the following:

- a) minimum lot area 900 m²
- b) minimum lot frontage 30 metres
- c) minimum lot depth 30 metres
- d) minimum side yard 3.0 metres
- e) minimum rear yard 3.0 metres

- f) minimum setback from any lot line not specifically mentioned 3.0 metres
 - g) maximum height 15 metres
- 8.4.5 Submission of a site plan as provided for in Subsection 3.8
- 8.4.6 Screening shall be provided and maintained along a lot line abutting a residential, or rural zone or existing residential use.
- 8.4.7 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, within the BP zone, a lot within this zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

SECTION 9 COMMUNITY USE ZONES

9.1 INSTITUTIONAL (IN)

PERMITTED USES

9.1.1 No person shall within any IN Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) active or passive park
 - ii) arena, skating rink or curling rink
 - iii) assembly hall
 - iv) cemetery, including a crematorium
 - v) clinic
 - vi) correctional facility
 - vii) daycare centre- commercial
 - viii) government use
 - ix) hospital
 - x) library, museum, art gallery or cultural centre
 - xi) office
 - xii) police station, jail or fire hall
 - xiii) public sewage / wastewater treatment facility
 - xiv) railway station
 - xv) recreation facility
 - xvi) religious institution
 - xvii) research facility
 - xviii) residential care facility
 - xix) school and training facility
 - xx) veterinary clinic
- b) in association with a main use, the following secondary uses:
 - i) licensed premises, excluding adult entertainment.

REGULATIONS

9.1.2 No person shall within an IN Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 30 metres
- b) minimum lot depth 30 metres
- c) minimum lot area 900 m²

- d) maximum lot coverage 40 %
- e) minimum side yard 6.1 metres
- f) minimum rear yard 6.1 metres
- g) minimum setback from any lot line not specifically mentioned 6.1 metres
- h) maximum height 12.2 metres
- i) landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along all lot lines provided that such open space may be interrupted by driveways
- j) submission of a site plan as provided for in Subsection 3.8

9.1.3 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, a lot within the IN zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2

9.2 UNIVERSITY AND COMMUNITY COLLEGE ZONE (UC)

PERMITTED USES

9.2.1 No person shall within any UC Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) active or passive park, including recreational uses
 - ii) community college
 - iii) dormitory
 - iv) recreation facility
 - v) school and / or training facility
 - vi) university
 - vii) university or community college residence
- b) one or more of the following secondary uses, when located in a building designed and forming an integral part of a university or college:
 - i) convenience store
 - ii) daycare centre - commercial
 - iii) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - iv) pharmacy
 - v) financial institution
 - vi) licensed premises, excluding adult entertainment
 - vii) personal service shop
 - viii) post office
 - ix) restaurant

REGULATIONS

9.2.2 No person shall within an UC Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum lot frontage 30 metres
- b) minimum lot depth 30 metres
- c) maximum building coverage 40 %

- d) maximum height 18 metres
- e) minimum side yard 6.1 metres
- f) minimum rear yard 6.1 metres
- g) minimum setback from any lot line not specifically mentioned 6.1 metres
- h) maximum coverage by open parking areas, driveways and vehicle movement areas 25 % of the lot area
- i) the following regulations shall apply to the commercial purposes provided for in Subsection 9.2.1(b):
 - i) maximum floor area per commercial purpose 185.8 m².
 - ii) there shall be no outside display of merchandise
 - iii) no drive-thru service shall be permitted if such service comprises the primary activity of the establishment
 - iv) landscaped open space of a minimum width of 3.0 metres shall be provided and maintained along all lot lines, provided such space may be interrupted by driveways and railways
 - v) screening shall be provided and maintained along a lot line abutting a residential zone if a building, parking space, driveway or loading space is located within 15.2 metres of such zone
- j) submission of a site plan as provided for in Subsection 3.8

9.3 PARK (PK)

PERMITTED USES

9.3.1 No person shall within any PK Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) active park
 - ii) interpretive use
 - iii) golf driving range and practice facility
 - iv) golf course
 - v) passive park, including a linear park
 - vi) wharf and marina facility
- b) one or more of the following secondary uses:
 - i) retail store
 - ii) restaurant, excluding a drive thru
 - iii) licensed premise, excluding adult entertainment

REGULATIONS

9.3.2 No person shall within any PK Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) minimum side yard 3.0 metres
- b) minimum rear yard 3.0 metres
- c) minimum setback from any lot line not specifically mentioned 3.0 metres
- d) maximum height 8.5 metres

9.3.3 A lot within this PK zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

9.4 OPEN SPACE (OS)

PERMITTED USES

9.4.1 No person shall within any OS Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) interpretive use
 - ii) passive park, including a linear park
 - iii) structure limited to 20 square metres

9.4.2 A lot within this OS zone which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

9.5 MIXED USE (MU)

PERMITTED USES

9.5.1 No person shall, within a MU Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) main uses permitted in the R5 zone subject to Section 6.5.2
 - ii) main uses permitted in the R6 zone subject to Section 6.6.2
 - iii) main uses permitted in the IN zone subject to Section 9.1.2
- b) one of the following secondary uses and then only in association with a dwelling unit:
 - i) home occupation, subject to Subsection 3.4.1

REGULATIONS

9.5.2 No person shall, within any MU Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- a) submission of a site plan as provided for in Subsection 3.8.

SECTION 10 RURAL ZONES

10.1 RURAL (RU)

PERMITTED USES

10.1.1 No person shall within any RU Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) agricultural operation, excluding the raising of swine and / or poultry
 - ii) communications tower
 - iii) dwelling - mini home, in accordance with Section 10.1.3
 - iv) fishery use
 - v) forestry use
 - vi) green house or nursery
 - vii) inn
 - viii) kennel or animal boarding establishment
 - ix) park
 - x) riding stable
 - xi) single unit dwelling, in accordance with Section 10.1.3
 - xii) two unit dwelling, in accordance with Section 10.1.3
 - xiii) wharf
 - xiv) use permitted in the IN zone
 - xv) veterinary clinic

- b) one of the following secondary uses and then only in association with a dwelling unit:
 - i) bed and breakfast, subject to Subsection 3.4.6
 - ii) daycare centre - neighbourhood, subject to Subsection 3.4.4
 - iii) garden suite, subject to Subsection 3.4.5
 - iv) home occupation, subject to Subsection 3.4.1
 - v) tourist home, subject to Subsection 3.4.7
 - vi) a home business, subject to Subsection 3.4.3

- c) one or more of the following secondary uses and then only in association with an agricultural operation:
 - i) bunkhouse and /or dwelling unit(s) for staff
 - ii) composting – agriculture

- d) the following conditional uses provided herein subject to such terms and conditions as the Commission may impose:
 - i) pit or other excavation
 - ii) residential care facility

REGULATIONS

10.1.2 Except as provided in Section 10.1.3, no person shall within an RU Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations

- | | | |
|----|--|---------------------|
| a) | minimum lot area | 4000 m ² |
| b) | minimum lot frontage | 54 metres |
| c) | minimum lot depth | 38 metres |
| d) | maximum height | 15 metres |
| e) | minimum side yard | 6.1 metres |
| f) | minimum rear yard | 6.1 metres |
| g) | minimum setback from any lot line not specifically mentioned | 6.1 metres |
| h) | maximum lot coverage | 40 % |

- i) a feed lot, manure pile, lagoon, stable, barn, kennel, or animal boarding establishment including fur bearing animals shall not be located within 150 metres of a dwelling unit on an adjoining lot or a residential zone boundary
- j) no new dwelling unit shall be erected on an adjoining lot within 150 metres of an existing feed lot, manure pile, lagoon, stable, barn, kennel, or animal boarding establishment including fur bearing animals.

10.1.3 No person shall within a RU Zone use any land or erect, alter or use any building or part thereof for a permitted residential use except in accordance with the following regulations:

- a) minimum lot area 4000 m²
- b) minimum lot frontage 54 metres
- c) minimum lot depth 38 metres
- d) maximum height 15 metres
- e) minimum side yard 3.0 metres
- f) minimum rear yard 6.1 metres
- g) minimum setback from any lot line not specifically mentioned 6.1 metres
- h) maximum lot coverage 40 %
- i) a feed lot, manure pile, lagoon, stable, barn, kennel, or animal boarding establishment including fur bearing animals shall not be located within 150 metres of a dwelling unit on an adjoining lot or a residential zone boundary
- j) no new dwelling unit shall be erected on an adjoining lot within 150 metres of an existing feed lot, manure pile, lagoon, stable, barn, kennel, or animal boarding establishment including fur bearing animals.

10.1.4 Notwithstanding the requirements of lot frontage, area, and depth as provided for herein, a lot within the RU zone, which is not serviced by public water distribution and/or sewerage collection facilities may be developed subject to and as provided for in Subsection 3.1.2.

10.2 RESOURCE EXTRACTION (RE)

PERMITTED USES

10.2.1 No person shall within any RE Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) one or more of the following main uses:
 - i) gravel pit
 - ii) stone quarry
 - iii) peat moss extraction
- b) one or more of the following secondary uses and then only in association with a permitted main use:
 - i) crushing or screening of aggregate or other quarriable substance
 - ii) office

- iii) scales
- iv) vehicle wash
- v) vehicle storage
- vi) sale of aggregate or other quarriable substance
- vii) processing of peat moss
- viii) storage of aggregate from another source

REGULATIONS

10.2.2 No person shall within any RE Zone use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

- | | | |
|------|---|------------|
| a) | minimum lot area | 4 hectares |
| b) | minimum lot frontage | 100 metres |
| c) | minimum lot depth | 100 metres |
| d) | maximum height | 15 metres |
| e) | minimum side yard where lot abuts a residential zone or use | 10 metres |
| f) | minimum rear yard where lot abuts a residential zone or use | 10 metres |
| g) | minimum setback from any lot line not specifically mentioned where lot abuts a residential zone or use | 10 metres |
| h) | minimum side yard where lot does not abut a residential zone or use | 5 metres |
| i) | minimum rear yard where lot does not abut a residential zone or use | 5 metres |
| j) | minimum setback from any lot line not specifically mentioned where lot does not abut a residential zone | 5 metres |
| k) | The final perimeter of the pit or quarry shall have the following minimum setbacks: | |
| i) | existing right-of-way boundary of a public highway / road | 30 metres |
| ii) | any non-residential property boundary | 15 metres |
| iii) | bank or the ordinary high | 30 metres |

- | | | |
|------|---|------------|
| | water mark of any watercourse | |
| iv) | boundary of any existing designated areas such as natural protected areas or a cultural heritage resource | 30 metres |
| v) | existing residential, industrial, institutional or commercial use | 100 metres |
| vi) | existing private water supply well in the case of a pit | 100 metres |
| vii) | existing commercial, industrial, agricultural or communal well in the case of a pit | 300 metres |
| l) | Landscaped open space shall be provided along all lot lines: | |
| | i) public highway or non residential use | 15 metres |
| | ii) zoned for or being used as a residential use | 50 metres |
| m) | submission of a site plan as provided for in Subsection 3.8 | |
| n) | issuance of an excavation permit as provided for in Subsection 3.6.1 | |

SECTION 11 INTEGRATED DEVELOPMENT ZONES

11.1 INTEGRATED DEVELOPMENT (ID)

11.1.1 No person shall within any ID Zone use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a specific proposal approved by Council pursuant to Section 38 of the Act.

REGULATIONS

11.1.2 Standards or requirements for development in an ID zone shall not be subject to the provisions of this by-law, but shall be limited by the proposal which is approved by Council pursuant to Section 38 of the Act.

SECTION 12 BY-LAWS REPEALED

12.1.1 By-law No. 46, City of Miramichi Zoning By-law, adopted May 6, 1998, and all amendments thereto is hereby repealed.

SECTION 13 ENACTMENT

13.1.1 This By-Law shall come into effect on the date of the enactment thereof.

SECTION 14 Schedules

- Schedule 1 Metric - Imperial Conversion
- Schedule 2 Definition of Types of Lots
- Schedule 3 Examples of Lot Definitions
- Schedule 4 Established Building Lines / Front Yard Reduction
- Schedule 5 Section 39 Agreements
- Schedule "A"

READ THE FIRST TIME BY TITLE:	December 11, 2000
READ THE SECOND TIME BY TITLE:	December 11, 2000
READ IN ITS ENTIRETY BY COUNCIL:	January 25, 2001
READ THE THIRD TIME BY TITLE:	January 25, 2001
AND ENACTED:	January 25, 2001

CLERK

MAYOR

Schedule 1

Metric – Imperial Conversion

<u>Metric</u>	<u>Imperial</u>
1 metre (m)	3.2808 feet
0.30448 metres (m)	1 foot
1 centimetre (cm)	2.54 inches
1 square metre (m ²)	10.764 square feet
1 hectare (ha)	0.405 acres
1 hectare (ha)	107, 640 square feet
4046.82 square metres (m ²)	1 acre

CANADA

PROVINCE OF NEW BRUNSWICK

COUNTY OF NORTHUMBERLAND

I, **JAMES F. LAMKEY**, of the City of Miramichi, in the County of Northumberland and Province of New Brunswick, Municipal Clerk, DO SOLEMNLY DECLARE

- 1. **THAT** I am the MUNICIPAL CLERK of the City of Miramichi, a municipal corporation, and have personal knowledge of the facts herein declared.
- 2. **THAT** the requirements of section 66 and 68 of the COMMUNITY PLANNING ACT have been complied with in respect to By-Law No. 62, City of Miramichi Zoning By-Law, which was passed by the Municipal Council of the City of Miramichi on January 25, 2001.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act.

DECLARED before me at Miramichi,)
 County of Northumberland,)
 And Province of New Brunswick,)
 this 26th day of January, A.D., 2001.)
)
)

MUNICIPAL CLERK

Commissioner of Oaths