

Town of Woodstock

**Zoning By-Law
July 2008**

By-Law No. Z-301

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TOWN OF WOODSTOCK
BY-LAW NO. Z-301
ZONING BY-LAW

The Town of Woodstock under authority invested in it under Section 34 of the *Community Planning Act* enacts the following Zoning By-Law:

1.0 TITLE AND SCOPE

- 1) This By-Law may be cited as "The Town of Woodstock Zoning By-Law".
- 2) This By-Law applies to the Town of Woodstock municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.
- 3) This Zoning By-Law:
 - a) divides the Municipality into zones as described on the Town of Woodstock Zoning Map;
 - b) prescribes, subject to powers reserved in the Advisory Committee
 - i) the purpose for which land, buildings and structures in any zone may be used, and
 - ii) standards to which land use, and the placement, erection, alteration and use of building and structures must conform; and
 - c) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).
- 4) For the purposes of this By-Law, the Town is divided into zones as shown on the Town of Woodstock Zoning Map attached as Schedule "A".
- 5) The Town of Woodstock Zoning Map and amendments thereto form part of this By-Law.

1.1 Definitions

"**Advisory Committee**" means the Planning Advisory Committee established by the Council;

"**Act, the**" refers to the *Community Planning Act* of New Brunswick;

"**agricultural use**" means any use of land for the purposes of producing of crops and livestock;

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

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

"**bachelor apartment/unit**" means a dwelling unit in a multiple dwelling building, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities contained within that same apartment or dwelling unit;

"**basement**" means that portion of a building between two floor levels which is partly below grade but which has at least 50% of its clear height from finished floor to finished ceiling, above the average adjacent finished grade level;

“bed and breakfast / tourist home” means a home occupation within a one family dwelling where not more than three sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms;

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

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

"cellar" see basement;

"commercial vehicle" means any vehicle that is licensed as a commercial carrier as determined by the *Registrar of Motor Vehicles*;

"dwelling" means a building, other than a trailer as defined in the *Provincial Mobile Home Parks and Sites Regulation - Community Planning Act*, or a portion thereof containing one or more dwelling units;

“dwelling, converted” means a building which was erected before January 1, 1930, as a one- or two-family dwelling containing 10 or more habitable rooms that, subject to section 2.6, has been converted into a two-family or multiple dwelling;

"dwelling, multiple" means a building or portion thereof, other than a hotel or motel, designed or occupied as dwelling units for more than two families, and includes an apartment building or 3 or more attached dwellings or dwelling units;

”dwelling, one family" means a detached building having independent exterior walls, designed or used exclusively for residential purposes by one family;

"dwelling, semi-detached" means a dwelling unit attached to one other dwelling unit by a common above grade wall with each dwelling unit located on a separate lot;

“dwelling, split-level" means a dwelling

- (i) of which some portion is more than one storey in height, and
- (ii) in which there are 3 or more floor levels, with proximate floor levels having a difference in elevation of less than 2.13 m (7 ft);

"dwelling two-family" means a building having independent exterior walls containing two self-contained dwelling units,

- (i) constructed one above the other, and having individual entrances from street level either directly or through a common vestibule, or
- (ii) constructed adjointly, but not one above the other, and having common or individual entrances;

"dwelling unit" means a room or suite of two or more rooms designed or intended for use by an individual or family in which culinary facilities, restricted to one kitchen, and sanitary conveniences are provided for the exclusive use of such individual or family;

"erect" means to construct, build, assemble or relocate a building or structure, and includes any physical operations preparatory thereto;

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

"grade" means the finished level of the ground at the exterior walls of a building or structure;

"garage, public" means a building used for making repairs to motor vehicles, whether for the public, for business purposes, or for hire; and in which auto wrecking, and a used parts salvage operation are not permitted except as an incidental part of such repairs;

"garage, portable or temporary" means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways;

"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, recreation rooms, and workshops and recreational rooms located in a basement or cellar;

"height" means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;

"heritage building" a home or building that has been designated by the Town of Woodstock, Province of New Brunswick or the Government of Canada as a property possessing cultural or historical significance;

"home occupation" means, an occupation which is conducted in a dwelling and which is clearly secondary to the main use as a dwelling and described in section 2.7;

"house, boarding" 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 or her family but does not include a bed and breakfast, tourist establishment, tourist home, hospital, home for the aged or other establishment otherwise classified or defined in this by-law;

"house, rooming" means a dwelling or part thereof in which rooms are provided to lodgers for compensation;

"lot" means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed;

"lot area" means the total area within the lot lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of cliffs or embankment having slope of thirty degrees or more from the horizontal;

"lot, corner" shall mean any lot situated at the intersection of, and abutting on, two or more streets;

"lot, interior" means a lot other than a corner or through lot;

"lot frontage" means the distance between side lot lines measured along a line perpendicular to the established centerline at the required setback from the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. In the case of a curved corner or where side lot boundaries are not parallel, lot frontage means the distance between the side boundaries of the lot at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street;

"lot coverage" means that percentage of the lot area that is permitted to be covered by all buildings and structures, other than swimming pools, 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;

"lot line" means the common line between two lots, between two or more lots, between a lot and a lane, between a lot and a body of water, or between a lot and any such line other than a street line;

“lot line, flankage” means a side lot line, which abuts the street on a corner lot;

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

- (a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front lot line;
- (b) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line;

“lot line, rear” means the lot line farthest from or opposite to the front lot line;

“lot line, side” means a lot line extending from the street line to the rear of the lot or the line extending from the front lot line to the rear lot line;

“lot through” means a lot bounded on two opposite sides by streets or highways provided, that if any lot qualifies as being both a corner lot and a through lot as defined herein, such lot shall be deemed to be a corner lot for the purpose of this By-Law;

“lot width” shall mean where the side lot lines are parallel, the distance measured at right angles from such lot lines across each lot and where such lot lines are not parallel, the distance between them at the required front yard depth;

“manufactured dwelling” shall mean any dwelling, which is pre-manufactured at an offsite location and designed to be transported to a lot in one or more pieces. In the case of a pre-manufactured building consisting of more than one piece, some on-site construction will be necessary and thus, a building permit is required;

“mobile home dwelling” shall have the same meaning as is contained in the *Provincial Mobile Home Parks and Sites Regulation - Community Planning Act*;

“non-conforming use” shall have the same meaning as contained in the *Community Planning Act* as may be amended from time to time;

“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;

“outdoor storage” means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an outdoor display court, by locating them on a lot exterior to a building, and includes material covered by canvas or other opaque or non-opaque material;

“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 parlours, salons, cosmetic application, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many other services that relate to personal esthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution;

“permit, building” a permit that is issued and monitored until the completion of a building or structure by the Town Building Inspector. In order to receive and retain a building permit, a building or structure must meet all applicable requirements of all Town of Woodstock By-laws, the National Building Code and any other applicable Provincial and Federal regulations;

“permit, development” a permit issued by the Town upon a review of the compliance of a proposed use with the Town’s Zoning By-law. An owner or developer must show that the proposed development is in

compliance with By-law No. Z-301, Town of Woodstock Zoning By-Law. Once a development permit is issued, an application for a Building Permit can be submitted;

“recreational equipment” means a unit intended as a temporary accommodation for travel, recreational or vacation use. Such units include one or more of a travel trailer, camper, motorized dwelling, a tent trailer, slide-in campers, chassis mounted campers, a boat, a boat trailer, containers used for transporting recreational equipment whether or not occupied by such equipment and any other non-commercial trailer.

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

"restaurant" means a building or any portion thereof designed or used primarily for the serving of, and consumption of food by customers within such building or portion thereof, and includes a cafeteria;

"restaurant, drive-in" or “restaurant, drive through” means any land or building or any portion thereof

- (i) designed or used primarily for the service of food for consumption outside of the building or portion thereof, in automobiles or off the premises, or;
- (ii) designed or used primarily for the service of food at a counter within the building or portion thereof, the food being served in a manner which allows the consumption thereof either at a table or counter on the premises, in automobiles, or off the premises;

"service station" means a building or structure where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, light-bulbs, spark plugs, batteries or other accessories for motor vehicles are stored or kept for sale or where vehicles may be oiled, greased, washed or have their ignition adjusted, tires inflated, batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;

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

“sign, mobile“ means a structure which is located on the ground but not permanently attached, which is capable of being easily relocated which holds a sign, that may have more than one face and may include copy that can be changed manually or electronically by means of adjustable characters, message panels or by other means.

"shopping centre" means a commercial development of at least 5575 m² (60,000 ft²) of land, consisting of more than one business establishment, which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such retail stores, service shops and other establishments as permitted by this By-Law, in a unitary type building or buildings at least 1486 m² (16,000 ft²) in size and characterized by the sharing of common parking areas and driveways.

"storey" means

- (i) that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it, or
- (ii) a basement or cellar, if the average vertical distance from grade to the ceiling is over 1.52 m (5 ft) or such basement or cellar is used for business purposes, or for dwelling purposes by other than a janitor (whether including his family or not);

"**street line**" means the boundary line of a street right-of-way;

"**structure**" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs, fences exceeding 2 m (6.56 ft) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices;

"**swimming pool**" means any structure intended for swimming, wading or recreational bathing that is designed to contain a capacity of 0.6 m (2 ft) or greater of water in depth and/or is not required to be drained (being serviced by a filtration/pump system) to address health and safety;

"**Town Building Inspector**" means the building inspector appointed by the Town Council to be the inspector of the Building By-Law, the Maintenance and Occupancy Standards for Residential Properties By-Law, Swimming Pool Enclosure and other By-Law enforcement deemed necessary;

"**use, accessory**" means a use, other than human habitation of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, and which is located on the same lot as the main use, but which does not include a secondary use;

"**use, secondary**" means a use:

- (a) other than a main or accessory use;
- (b) secondary to a main use; and
- (c) conducted, unless otherwise provided (expressly or by definition) entirely within a building containing the main use on the lot; other than a main or accessory use, permitted in a building.

"**yard**" means that part of a lot required to be unoccupied by buildings or structures;

"**yard, flankage**" means the side yard of a corner lot, which abuts a street;

"**yard, front**" means the yard extending across the full width of the lot between the street line and, subject to section 2.15, any building or structure;

"**yard, rear**" means the yard extending across the full width of the lot between the rear lot line and, subject to section 2.15, any building or structure;

"**yard, side**" means the yard extending from the front yard to the rear yard, on either side, between a side lot line and, subject to section 2.15, any building or structure.

2.0 ADMINISTRATIVE, INTERPRETATIVE CLAUSES AND GENERAL PROVISIONS

2.1 ZONING CLASSIFICATIONS

- 1) For the purposes of this By-Law, the municipality is divided into zones as delineated on the map attached hereto, entitled "Town of Woodstock Zoning Map" dated February 19, 2008.
- 2) The zones mentioned in subsection (1) are classified and referred to as follows:

(a)	Single-family residential	R1 zones;
(b)	One- and two-family and multiple residential	R2 zones;
(c)	Multiple unit residential	R3 zones;
(d)	Manufactured dwelling	MH zones
(e)	Residential Mix	RM zones;
(f)	Central Commercial	CC zones;
(g)	Highway Commercial	HC zones;
(h)	Suburban Commercial	SC zones;
(i)	Industrial	I zones;
(j)	Rural Industrial	RI zones;
(k)	Institutional	INST zones;
(l)	Park and recreation	P zones;
(m)	Rural or greenbelt	G zones;
- 3) R1, R2, R3, MH and RM zones, collectively, are referred to as Residential zones.
- 4) SC, CC and HC, collectively, are referred to as Commercial zones.
- 5) I and RI collectively, are referred to as Industrial zones.

2.2 INTERPRETATION

2.2.1 Zone Boundaries

- 1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- 2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in such bank.
- 3) Where zone boundaries are indicated as following an existing or a proposed street line, alley line, public utility right-of-way or an easement line, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.
- 4) In the event that a dedicated street or road, as delineated on the zoning map, hereby, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.
- 5) Where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; or
- 6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.

2.2.2 Metric Measurements

For the purposes of convenience, the measurements contained in this By-Law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-Law.

2.2.3 Other

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; words used in the male gender shall include the female gender 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.

2.3 POWERS OF COUNCIL

- 1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets and other services and facilities.
- 2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may acquire the parcel of land on which such building or structure is located.
- 3) Subject to subsection (4), the Council may, within any zone mentioned in section 2.1,
 - (a) designate land to be used for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, and the disposal of sanitary wastes; and
 - (b) use the land so designated for the erection, installation or use mentioned in clause (a)
- 4) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council such land is essential to the operation of the service concerned.
- 5) A non-conforming use may continue notwithstanding the Zoning By-Law but, where a Zoning By-law makes a property non-conforming the *Community Planning Act* shall apply. The provisions of this section shall not exempt the owner of a non-conforming use from the obligation for proper maintenance and minimum occupancy standards of such use. Council may also impose standards regarding the maintenance of a non-conforming building or structure in accordance with the *Community Planning Act*.

2.4 SPECIAL POWERS OF THE ADVISORY COMMITTEE

The Advisory Committee is an appointed body under Section 12(2) of the *Community Planning Act*. The role of the Advisory Committee is to advise and make recommendations to council on matters of community planning in accordance with Section 13 of the *Community Planning Act*.

- 1) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this By-Law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- 2) The Advisory Committee may, subject to such terms and conditions as it considers fit:
 - (a) authorize, for a temporary period in accordance with the *Community Planning Act*, a development otherwise prohibited by this By-Law; and
 - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

- 3) Where uses are listed as being subject to any terms and conditions that may be imposed by the Planning Advisory Committee no development permit for such use shall be issued unless written application and supporting information for such use has been submitted to the Planning Advisory Committee and the Planning Advisory Committee has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the Planning Advisory Committee to protect:
 - a) properties within the zone or in abutting zones, or
 - b) the health, safety and welfare of the general public.
- 4) The Advisory Committee may permit, subject to such terms and conditions as it considers fit:
 - a) a proposed use of land or a building that is otherwise not permitted under the Zoning By-Law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-Law for the zone in which the land or building is situated; or
 - b) such reasonable variance from the requirements of the Zoning By-Law as provided by the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the By-Law and any plan or statement hereunder affecting such development.
- 5) Where requested to permit a proposed use or variance under subsection (4) above, the Advisory Committee may give notice to owners of land in the immediate neighborhood:
 - a) describing the land,
 - b) describing the use proposed or variance requested, and
 - c) giving the right to make representation to the Advisory Committee in connection therewith within the time limit set out in the notice.
- 6) Where permitted under the *Community Planning Act*, powers of the Advisory Committee may be delegated to the Development Officer or his/her delegate.

2.5 AMENDMENTS

- 1) A person who seeks to have this By-Law amended
 - (a) shall address a written and signed application to Town Council;
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith
 - (i) a statement as to the ownership thereof, and
 - (ii) the signature of at least one owner of each parcel of land therein; and
 - (c) shall pay a fee of \$250, payable to the Town of Woodstock.
- 2) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- 3) The Council may refuse to consider an application under this section that seeks to rezone an area of land from one type of zone to another that has not been signed by one or more owners of each property.
- 4) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out such investigation as it deems necessary.

- 5) Unless, upon the advice of the Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no future application may be considered by the Council for one year following such application
 - (a) in the case of rezoning, is in respect of the same area of land with which the original application was concerned; and
 - (b) not being in relation to rezoning is similar to the original application.

2.6 STANDARDS FOR CONVERTED DWELLINGS

- 1) Notwithstanding any other provision of this By-Law, subject to subsection (2), a converted dwelling shall only be permitted if
 - (a) the cubic content of any addition does not exceed 10 percent of the cubic content of the building before conversion;
 - (b) no addition is erected higher than the main roof of the building before conversion;
 - (c) minimum yard requirements are not diminished;
 - (d) the exterior of the building is rehabilitated;
 - (e) each dwelling unit is serviced by municipal water and sewer facilities;
 - (f) subject to subsection (3), with respect to the number of dwelling units in the converted building, the lot contains at least
 - (i) 139.35 m² (1,500 ft²) for each of the first 4 units, and
 - (ii) 185.51 m² (2,500 ft²) for each unit in excess of 4;
 - (g) the number of dwelling units in the converted building does not exceed a total of 6;
 - (h) the floor area of each dwelling unit meets the requirements of section 2.37 or 2.38 where applicable;
 - (i) the converted building is heated centrally or by electricity; and
 - (j) the off-street parking requirements of section 2.23 are met.
- 2) The use of a converted building mentioned in subsection (1) for purposes of a dwelling is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee.
- 3) Where all the requirements of this section other than that of lot area are met, a dwelling unit may be provided on each habitable floor.
- 4) The use of a converted building shall only be allowed in permitted zones.

2.7 HOME OCCUPATIONS

- 1) Subject to subsection (2), where a home occupation is permitted under this By-Law, one of the following occupations may be conducted as a home occupation:
 - (a) a business office or home office or studio;
 - (b) a home personal service shop;
 - (c) a home instructional service, which may include, without limiting the generality of the forgoing, the teaching of music, arts and crafts or dance;
 - (d) a home domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys, and a caterer's establishment;
 - (e) a home trades business which may include, without limiting the generality of the forgoing, plumber, electrician, carpenter, painter or other similar uses;

- (f) a home repair shop, which may include, without limiting the generality of the forgoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, auto body shop;
 - (g) a bed and breakfast;
 - (h) professional services such as a doctor, dentist, lawyer, engineer, architect, planner or other similar professions.
- 2) A home occupation is subject to the requirements that:
- (a) not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which it is located;
 - (b) it is confined to the dwelling unit mentioned in clause (a), and no part of it is located in an accessory building or structure;
 - (c) the floor area of the dwelling unit which is devoted to it does not exceed the greater of
 - (i) 35 per cent of the floor area of the dwelling unit, or
 - (ii) 30 m² (300 ft²);
 - (d) no change, except for a sign permitted in a residential zone under section 2.34, is made in the outside appearance of the building, which would indicate that a home occupation is being conducted therein;
 - (e) no goods or services other than those permitted by this section are supplied or sold therein or there from;
 - (f) no equipment or materials used in it are stored other than in the dwelling unit mentioned in clause (a);
 - (g) two off-street parking spaces are provided in excess of those required under section 2.23;
 - (h) no off-site electrical interference, dust, glare, fire hazard, noise, smoke or excessive traffic be generated;
 - (i) only one home occupation shall be permitted per lot;
 - (j) the home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence, and the home occupation shall be conducted entirely within the dwelling unit;
 - (k) there shall be no display of goods visible from the outside, or outside storage of equipment, materials, containers, or use of any accessory building in connection with the home occupation;
 - (l) there shall be no outside animal enclosures;
 - (m) one commercial vehicle, not exceeding 2722 kg (6000 lbs.) gross vehicle weight, shall be parked on the premises in connection with the home occupation;
 - (n) the commercial vehicle under subsection (m) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
 - (o) no mechanical equipment is used except that which is reasonably consistent with the residential use of the dwelling;.
 - (p) without restricting the generality of the foregoing, the preparation and sale of food, the keeping of animals, and taxi stands, shall be deemed not to be home occupations.
- 3) Standards for Bed and Breakfasts
- Where permitted in this By-law, bed and breakfasts shall conform to the following requirements as well as any prescribed in section 2.7(2):
- (a) the use of a home as a bed and breakfast is an accessory use to a dwelling unit occupied by a resident of the property;
 - (b) notwithstanding subsection 2.7(2)(c), a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests;

- (c) the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only;
- (d) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
- (e) the owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall, therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast;

2.8 STANDARDS FOR BOARDING AND ROOMING HOUSES

The use of a dwelling as a boarding or rooming house is subject to the requirements that:

- (a) the dwelling unit still remains as an owner-occupied dwelling;
- (b) accommodations for compensation are provided for no more than four persons;
- (c) cooking equipment is not permitted in a room used for sleeping accommodation;
- (d) the exterior of the building is not altered;
- (e) required parking is provided at the rear or the side of the building; and
- (f) no sign advertising the existence of the boarding or rooming house shall be displayed except a sign permitted in a residential zone under section 2.34.

2.9 USE OF A BASEMENT/CELLAR

If a basement or cellar has a mean height of less than 50% above grade then it shall not be used as a dwelling unit, or part thereof unless all appropriate provisions of the building code in effect within the Town can be met. A furnace room, laundry room or storage room, are permitted uses in this situation however.

2.10 USES OUTSIDE A BUILDING ON A LOT ABUTTING A RESIDENTIAL ZONE

The use of a lot abutting a Residential Zone for the purposes of carrying on a use partly or wholly outside a building is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee.

2.11 STRIPPING OF TOPSOIL

- 1) Subject to subsection (2), no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- 2) Where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.
- 3) Notwithstanding subsection (1), the farming of sod may be carried out where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for rehabilitation of the land.

2.12 DISPENSING OF GASOLINE AND DIESEL FUEL

- 1) The use of land for the dispensing of gasoline or diesel fuel other than at a service station or public garage is permitted only if approved by the Advisory Committee and on compliance with such terms and conditions as may be imposed by the Advisory Committee.
- 2) Gasoline or diesel tanks and pumps intended for the private use of the occupant of the lot or other person, as distinguished from sale to the general public, shall
 - (a) be placed in the rear of the lot; and
 - (b) wherever possible, not be visible from the public street.

2.13 NUMBER OF MAIN BUILDINGS OR STRUCTURES ON A LOT

Except as otherwise provided, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure, on a lot.

2.14 LESSER HORIZONTAL DIMENSION

No main building may be placed, erected or altered on a lot so that the lesser horizontal dimension thereof is less than 4.88 m (16 ft).

2.15 BUILDING AND STRUCTURE PROJECTIONS / PERMITTED ENCROACHMENTS

The requirements of this By-Law with respect to the placing erecting or altering of a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for:

- (a) cornices, eaves and steps that project not more than 0.61 m (2 ft);
- (b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in.);
- (c) the ordinary projection of skylights;
- (d) window or door awnings which project not more than 1.02 m (40 in.);
- (e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (40 in.);
- (f) chimneys, smoke stacks or flues, which project not more than 0.457 m (18 in.);
- (g) balconies of upper stories of multiple dwellings or buildings which incorporate multiple dwellings, provided they are not enclosed above a parapet of normal height, which project not more than 1.83 m (6 ft) into a front or rear yard or not more than 1.22 m (4 ft) into a side yard; or
- (h) floors in the main building above the first floor, which project not more than 1.83 m (6 ft) into a front yard or rear yard or not more than 1.22 m (4 ft) into a side yard.
- (i) wheelchair ramps and lifting ramps may be located in any yard;
- (j) steps providing access at the first storey level may be located in any front yard, rear or flankage yard;
- (k) window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the main wall into a required front, rear or flankage yard;
- (l) exterior staircases providing access to the basement or any floor above the first storey level, balconies, porches, verandas and sundecks shall be permitted to project a maximum of 2 m (6.56 ft) into any required front, rear or flankage yard, except that:
 - (i) no exterior staircase giving access to any floor above the first storey level shall be permitted between the facade of any building and the street line, except subject to such terms and conditions as the Planning Advisory Committee considers necessary.
- (m) swimming pools may encroach within 1.2 m (4 ft) of the property line in any rear or side yard but never encroach on any required front yard.

2.16 FINISHED FLOOR ABOVE GRADE

- 1) Subject to subsection (2), where any habitable building is to be constructed within 30 m (98.4 ft) of a public street, the top of the foundation wall shall not be less than 0.5 m (1.6 ft) above the crown of the street to which the development gains access.
- 2) Notwithstanding subsection 1), where the elevation of the lot to be developed is significantly below the adjacent roadway elevation and a building is to be constructed within 30 m (98.4 ft) of a public street, a lot-grading plan shall be prepared showing:
 - (a) Existing and final ground elevations
 - (b) Floor and top of foundation wall elevations of any buildings and structures
 - (c) All measures for the control and management of surface water

- (d) All vegetation to be preserved
 - (e) Areas to be landscaped.
- 3) The lot-grading plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

2.17 PROHIBITION REGARDING DETACHED DWELLINGS

Where a lot or other piece of land is subdivided,

- (a) into two or more lots along the common walls of attached dwellings; or
- (b) for the purposes of placing or erecting dwelling units of attached dwellings on separate lots;

no detached dwelling may be placed or erected, and no building or structure may be altered to become a detached dwelling, on any lot resulting from the subdivision unless both resultant lots meet the minimum lot area and lot width requirements for the zone in which they are located.

2.18 NON-RESIDENTIAL BUILDING ON LOTS ADJOINING A RESIDENTIAL ZONE

Where a corner lot in a Commercial or Industrial zone forms part of a frontage, the balance of which is in a Residential zone, and the frontage across the street from such frontage is also in an Residential zone,

- (a) a main building or structure on such lot shall not face or open upon the street abutting such frontages; and
- (b) a show-window in a building mentioned in clause (a) may face a street mentioned in the said clause.

2.19 ACCESSORY BUILDINGS OR STRUCTURES ERECTED PRIOR TO MAIN BUILDING

An accessory building or structure may be placed or erected on a lot prior to the placement or erection of the main building or structure if:

- (a) a building permit for the main building or structure is obtained first;
- (b) the main building or structure will be completed within one year from the date of the issuing of the permit therefore; and
- (c) the accessory building or structure is located
 - (i) as indicated on the plot plan
 - (ii) on the rear half of the lot, and
 - (iii) so as to not interfere with the practical usefulness of the main building or structure.

2.20 FENCES, WALLS AND HEDGES

- 1) No person shall cause or allow the placement or maintenance of any fence, wall, hedge, shrub, tree or other object in or upon any property within the required minimum setback area, and above a point which is a vertical distance of 0.76 m (2.5 ft) from the surface of the near edge of the traveled portion of the street adjacent to that property.
- 2) For the purposes of this By-Law:
- (a) the required minimum setback area shall mean that portion of the said property lying within 3.048 m (10 ft) of the near edge of the traveled portion of any street adjacent to the said property.
 - (b) the "near edge of the traveled portion of the street" shall mean
 - (i) where the street has a curb, the edge of the roadway, which abuts the curb
 - (ii) where there is a sidewalk established adjacent to the street, the edge of the roadway, which abuts the sidewalk

- (iii) where there is neither a curb nor a sidewalk adjacent to the street, the edge of the surfaced area of the street.
- 3) No property owner shall be in violation of this By-Law by virtue only of the fact that some portion of a fence, wall, hedge, shrub, tree or other object overhangs into the required minimum setback area so long as the portion thereof which overhangs is a vertical distance of at least 3.048 m (10 ft) from the surface of the near edge of the traveled portion of the street.
- 4) Provisions of this section do not apply to:
 - (a) retaining walls, which on account of the topography of any property are reasonably required for the use and enjoyment thereof;
 - (b) utility poles established and maintained by a utility company within the limits and according to the terms of any easements granted with respect thereto;
 - (c) any building erected in accordance with a Municipal By-Law;
 - (d) any signs erected and maintained in accordance with Municipal or Provincial laws;
 - (e) any snow, gravel, topsoil or like material which is accumulated on any property by virtue of necessary maintenance of a street or any other property;
 - (f) a fence erected upon, or abutting land, which is used for a railway right-of-way, or for hydro, telephone or utility installations, or for public work installations which are hazardous to the public; or
 - (g) any matter in respect to which an exemption herefrom has been granted by the Planning Advisory Committee;
- 5) The use of electrified wire as a fencing material is prohibited except where it is used to confine farm animals.
- 6) Barbed wire, razor wire and barbed tape obstacle may only be used as a fencing material:
 - a) where it is used to confine domestic farm animals; or
 - b) where the purpose of the fence is to limit access to a lawful commercial, industrial, community or institutional use of land, provided that the wire component of the fence is no closer to the ground than 2 m (6.56 ft).
- 7) No fence shall:
 - a) be made of sheet metal or corrugated metal panels or include anything that is sharp or protruding;
 - b) be located closer than 2 m (6.56 ft) from a fire hydrant, except that a fence may be located no closer than 0.6 m (1.97 ft) to the rear of a fire hydrant as viewed from the centre of a municipal road right-of-way;
 - c) exceed 2.44 m (8 ft) in height, except where other conditions of this by-law apply;
 - d) in a residential zone, exceed 2.44 m (8 ft) in height in the side or rear yard of a property, or exceed 0.9 m (2.95 ft) in height in the front yard;
 - e) in a commercial, industrial, institutional or agricultural zone, exceed 3.04 m (10 ft) in height;
 - f) encroach onto Town-owned or public lands or sight triangles at an intersection;
 - g) interfere with the natural drainage of the property on which it is erected or any adjacent property; or
 - h) be erected in such a manner as to obstruct visibility to drivers or pedestrians entering, exiting, crossing or approaching a driveway, roadway, laneway or walkway;
- 8) No person shall erect a fence or cause a fence to be erected unless the fence is:
 - a) stable;
 - b) vertical,
 - c) made of materials of durable quality and consistent with the dwelling and/or neighborhood;
 - d) suitable for the purpose; and

- e) constructed and supported in a manner commensurate with the design of the entire fence.
-
- 9) Every person who erects a fence or causes a fence to be erected shall keep such fence,
 - a) in good repair;
 - b) in a safe and structurally sound condition;
 - c) free from accident hazards; and
 - d) protected by paint, preservative or other weather resistant material, except for wooden fences made of cedar, redwood or treated wood.
 - 10) Any property owner may, in accordance with the *Community Planning Act* and with the provisions hereof, apply to the Advisory Committee for an exemption from, or variance of, the provisions hereof in respect to his property or the property lying between his property and the near edge of the traveled portion of the street. In considering any request, the Advisory Committee shall consider whether the exemption or variance would interfere with the safe access by persons and vehicles from any property to any street adjacent thereto.
 - 11) All applications for exemption shall include such information as reasonably required by the Advisory Committee in order to assess whether or not the subject use of the property shall interfere with the safe passage of persons and vehicles from any property to any street and the Advisory Committee may refuse to consider any application in respect to which such information is not supplied by the property owner.
 - 12) The Town Building Inspector may enter upon any property within the Town of Woodstock from time to time for the purposes of determining conformity with the provisions hereof.
 - 13) Any property owner found using or maintaining any property into violation hereof shall be given notice to comply by registered mail of the said violation whereupon the property owner shall have thirty (30) days from the date of mailing of the notice in which to bring the property into compliance with the provisions hereof or to make application to the Advisory Committee for an exemption under the terms hereof. Any notice sent to a property owner under this section shall include a copy of this section of the By-Law.
 - 14) In the event that a property owner has been given notice to comply in accordance herewith and has failed to bring the property into compliance herewith within the time specified or has failed to make an application to the Advisory Committee for an exemption or has been refused, Council may issue an order to comply with respect to the provisions hereof which shall be sent to the property owner by registered mail and which shall require the property owner to comply with the provisions hereof within thirty (30) days from the date of the said order to comply is sent by registered mail.
 - 15) In the event that an order to comply is sent to a property owner in accordance herewith and the property owner fails to bring the property into compliance herewith within the time specified in the said order, any person authorized by Council may hereafter enter upon the property without writ, warrant or other legal process and may take such measures, without the liability therefore, as are reasonably required to bring the property into compliance herewith.
 - 16) The cost of the measures taken to ensure compliance herewith may be recovered by the municipality against the owner or occupier of the property.
 - 17) Nothing in this section shall be construed so as to grant to any person any right, title or interest in or to any property.

2.21 LOTS TO ABUT STREETS

Every lot used for a purpose permitted by this By-Law shall abut a street unless other arrangements have been made

2.22 RESIDENTIAL DEVELOPMENT NEAR A LAGOON OR TREATMENT PLANT

Notwithstanding any other provision of this By-Law, the minimum distance between a dwelling and a sewage lagoon or treatment facility shall be in accordance with Provincial Guidelines and Regulations.

2.23 PARKING STANDARDS

- 1) Subject to subsection (2), the owner of each building or structure erected, extended or altered, in whole or in part, for any of the usages listed herein, shall provide and maintain on lands appurtenant to, or within 152.4 m (500 ft) of, such building or structure not less than the following number of accessible off-street vehicular parking spaces, each of which shall be a minimum of 2.75 m (9.02 ft) in width and a minimum 5.5 m (18.0 ft) in depth, exclusive of access thereto:

Use	Spaces Required
(a) for one- and two-family dwellings, and multiple dwellings other than apartment buildings	One space per dwelling unit
(b) for apartment buildings,	1.25 spaces per dwelling unit
(c) for senior citizens residences,	0.5 spaces per dwelling unit
(d) for assembly buildings including arenas, auditoriums, churches, funeral parlours, public halls, theatres, rinks, or any building (such as schools) containing a like usage	One space for each 6 persons comprising a capacity audience or congregation therein;
(e) for hospitals, sanatorium, nursing homes or clinics	Two spaces per bed;
(f) for hotels, residential hotels, motels or rooming houses	One space per guest room;
(g) for licensed taverns	The greater of: one space per each 3 patrons comprising capacity patronage or 1 space per 10 m ² (107.64 ft ²) of gross floor area
(h) for restaurants	one space per 4 seats;
(i) for social clubs or fraternity premises	one space per 23 m ² (250 ft ²) of gross floor area, or fraction thereof
(j) for office buildings, offices or consulting rooms in a residence or elsewhere, financial institutions, public libraries, art galleries or museums	three spaces per 93 m ² (1001 ft ²) of gross floor area;
(k) for schools, public or private	three spaces per classroom for an elementary or junior high school; four spaces per classroom for a high school
(l) for sports or recreation fields,	one space for each 6 persons for whom seating arrangements may be provided;
(m) for stores, including retail, wholesale or service establishments with a gross floor area exceeding 465.4 square meters	four spaces per 93 m ² (1001 ft ²) of gross floor area;
(n) for stores, including retail, wholesale or service establishments with a gross floor area not exceeding 465.4 square meters	three spaces per 93 m ² (1001 ft ²) of gross floor area;

(o)	for warehousing, wholesale, industrial or manufacturing buildings,	the greater of 2 spaces per 93 m ² (1001 ft ²) of gross floor area, or 1 space per 4 employees;
Use		Spaces Required
(p)	for other uses	three spaces per 93 m ² (1001 ft ²) of gross floor area;
(q)	bed and breakfast	one per main dwelling unit plus one per each guest room
(r)	boarding houses / student residences	one per main dwelling plus 1 per 2 beds
(s)	customer contact centre	one space per 5 employees
(t)	theatre / cinema	one space per 5 fixed seats

- 2) Except for parking spaces for motel patrons, no parking space is permitted nearer than 1.83 m (6 ft) from a wall containing windows to habitable rooms.
- 3) Notwithstanding Section 2.23 (1) above, reserved parking spaces for the mobility disabled shall be provided for all uses requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:
 - a) one parking space for the mobility disabled for each 25 spaces or less required;
 - b) where the required number of parking spaces exceeds 200, there shall be 1 parking space for the mobility disabled for each 50 required parking spaces;
 - c) notwithstanding 2.23 (3)(a), no parking spaces for the mobility disabled shall be required where the proposed development requires less than 4 parking spaces.
 - d) each reserved parking space shall contain an area of not less than 28 m² (301.4 ft²) measuring at least, 4.6 m (15.09 ft) in width;
 - e) where the limits of the parking lot are defined by a curb, the parking lot shall have a ramped curb which shall be located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 m (295.3 ft) from the location which it is intended to serve;
 - f) each reserved parking space shall be located as close as possible to the location it is intended to serve; and
 - g) each reserved parking space shall be clearly identified by a permanently affixed ground sign.
- 4) Where a parking lot for more than six (6) vehicles is required or proposed the following provisions apply:
 - a) except in the case of a home business or home occupation, the parking lot shall be maintained with a stable surface that is paved;
 - b) lights used for illumination of the lot shall be arranged in order to divert the light away from streets, adjacent lots and buildings;
 - c) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
 - d) approaches or driveways to the lot shall have a curbing radius of 10 m (32.8 ft) where they meet a public street; shall be defined by a curb of asphaltic concrete or Portland Cement concrete; and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - e) the location of approaches or driveways shall not be closer than 15 m (49.2 ft) from the limits of the right-of-way at a street intersection;
 - f) entrance and exit driveways to the parking lot shall not exceed two (2) in number at the street line and edge of pavement;
 - g) notwithstanding (f), the Planning Advisory Committee may consider the creation of more than two driveways, subject to terms and conditions;
 - h) a driveway leading to or from a parking lot or loading space shall:

- i) in the case of a one-way driveway for traffic entering the lot, have a width of at least 3.5 m (11.5 ft);
 - ii) in the case of a one-way driveway for traffic exiting the lot, have a width of at least 3.2 m (10.5 ft) when the number of parking spaces on the lot exceeds 12;
 - iii) in the case of a two-way driveway for traffic entering and exiting the lot, have a width of at least 6.7 m (22.0 ft); and
 - (iv) not exceed a maximum width of 7.6 m (24.93 ft) except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 m (39.4 ft);
- i) the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public street.
- 5) Notwithstanding the provisions of section 4, driveways shall be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.
- 6) Within a residential zone, no parking shall be permitted nor parking spaces required within the required front yard except for single and two unit dwellings and row house dwellings.
- 7) Notwithstanding any other provision of this By-law, for properties located in the Central Commercial Zone, Council may at its discretion, allow a development which would not otherwise be permitted if the applicant pays to the Town a sum equivalent to \$2000 for each parking space by which the required total will be reduced. This sum shall be payable on such terms and conditions as Council may determine.

2.24 LOADING STANDARDS

- 1) Off-street spaces not less than 9.14 meters (30 ft.) long, 3.66 meters (12 ft.) wide and 4.26 meters (14 ft.) high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in the following numbers:

Floor Area of Building	Number of Loading Spaces
Up to and including 1858 m ² (20,000 ft ²)	1
Over 1858 m ² (20,000 ft ²) up to and including 4645 m ² (50,000 ft ²)	2
For each 4645 m ² (50,000 ft ²) additional or major portion thereof	1 additional space

- 2) An off -street loading space referenced in subsection 1 above shall:
 - i) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - ii) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
 - iii) be a paved surface.

2.25 QUEUING SPACES

Queuing spaces shall be provided for drive-thru businesses (including drive-thru restaurants and car washes, gasoline bars, automotive service stations, and drive-in business), as follows:

- a) for drive-thru businesses, including drive-thru restaurants, banks and car washes:
 - (i) 6 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window;
 - (ii) 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; and
- b) for drive-in businesses, automotive, gas bar and automotive repair outlets:
 - (i) 5 in-bound spaces shall be provided; and
 - (ii) 1 out-bound space shall be provided.
- c) All queuing spaces shall be a minimum of 6.5 m (21.33 ft) long and 3 m (9.84 ft) wide.
- d) Queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

2.26 PROHIBITION REGARDING YARDS AND OTHER OPEN SPACE

No portion of any yard or other open space on a lot may,

- a) be considered as providing a yard or open space for a building or structure on another lot; or
- b) if such portion is required by this By-Law in respect of an existing building or structure, be considered as providing a yard or open space for another building or structure on the same lot.

2.27 YARDS

Notwithstanding any other provision of this By-Law,

- a) with respect to a corner or through lot, no building or structure may be placed, erected or altered thereon so that it is closer to a side or rear lot line which is also a street line than the minimum front yard depth for the lot to the rear of the corner lot, or the lot abutting the rear portion of the through lot;
- (b) with respect to a corner or through lot in a Commercial or Industrial zone abutting a Residential zone, no building or structure may be placed, erected or altered thereon so that it has a front yard on the street along which the Residential zone is located;
- (c) the use of a side or rear yard of a lot mentioned in clause (b) which forms part of a frontage, the balance of which is in an Residential zone for the purposes of an access from the street, is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee;
- (d) where a side yard of a lot in a Commercial or Industrial zone abuts a Residential zone
 - (i) no building or structure may be placed, erected or altered on such lot so that it is closer to the Residential zone than a distance equal to the greater of
 - (A) one-half structure or the height of the building or
 - (B) 3.048 m (10 ft), and
 - (ii) such yard shall

- (A) be landscaped with, ornamental shrubs, and at least, lawn and
 - (B) not be used as a driveway or for purposes of storage; and
- (e) no yard is required along a railway right-of-way in an Industrial zone

2.28 VEHICLE BODIES

- 1) A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure in any zone.
- 2) Subject to subsection (3) below, any recreational equipment or unoccupied non-commercial trailer must be stored in the rear yard of a main building or an accessory building.
- 3) Where an unoccupied trailer is stored in a rear yard, it shall be at least
 - (a) 1.52 m (5 ft) from a side or rear lot line; and
 - (b) 3.048 m (10 ft) from any building or structure.

2.29 LIGHTING FACILITIES OR ILLUMINATION DEVICES

No lighting facility or illuminating device for any purpose may be arranged in such a manner as to cause a nuisance.

2.30 ENCLOSURES FOR SWIMMING POOLS

- 1) No land may be used for purposes of a swimming pool capable of containing a depth in excess of 0.6 m (2 ft) of water unless the pool is enclosed by a fence, or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 m (4.92 ft) in height and meeting the requirements of this section.
- 2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),
 - (a) no main or service entrance to the building may be located therein; and
 - (b) any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.3 m (4.2 ft) above the bottom of the door.
- 3) An enclosure mentioned in subsection (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 4) A fence mentioned in subsection (1)
 - (a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or other materials in the manner described in subsection (5);
 - (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - (c) shall be located
 - (i) at least 1.22 m (4 ft) from the edge of the swimming pool;
 - (ii) at least 1.22 m (4 ft) from anything that would facilitate its being climbed from the outside;
 - (iii) so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above grade/ground level.

- 5) The design and construction of a fence under this section shall provide
 - (a) in the case of chain link construction,
 - (i) no greater than 38 mm (1.5 in) diamond mesh,
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - (iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8.2 ft) apart, with a top horizontal rail of a least 32 mm (1.26 in) diameter steel;
 - (b) in the case of wood construction,
 - (i) vertical boarding, not less than 19mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.5 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside, and
 - (ii) supporting wood posts at least 10 cm (4 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
 - (c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- 6) Gates forming part of an enclosure mentioned in subsection (1):
 - (a) shall be equivalent to the fence in content, manner of construction and height;
 - (b) shall be supported on substantial hinges; and
 - (c) shall be self-closing and equipped with a self-latching device at least 1.3 m (4.2 ft) above the bottom of the gate.
- 7) The vertical walls of a permanent above-ground pool, can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.52 m (5 ft) in height above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground pool, must be enclosed by a pool enclosure as defined within this section;
- 8) No swimming pool enclosure may be located within the front or flankage yard of a lot;
- 9) No water shall be placed in the pool until an enclosure has been completed and inspected by a building inspector;
- 10) The installation of a swimming pool and/or enclosure is not to alter the existing grade or drainage pattern unless otherwise approved by an engineer employed by the Town of Woodstock;
- 11) No person is to alter or replace a swimming pool enclosure without a permit;
- 12) No person shall allow sections of the swimming pool enclosure to be removed or become dilapidated so that in no longer conforms to the By-law.
- 13) No person is to allow materials to be placed, piled, attached, hung or leaned against or near the swimming pool enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure;

2.31 POWER LINES OVER SWIMMING POOL

No overhead electrical power line shall be placed over that area of a swimming pool enclosed by a fence or structure as provided in section 2.30. Similarly, no swimming pool shall be placed or erected underneath an existing overhead electrical power line.

2.32 LINE OF VISION AT AN INTERSECTION

Notwithstanding the provisions of this By-Law, on a corner lot within the triangular space included between street lot lines for a distance of 6 m (19.7 ft) from their point of intersection, no building or structure shall be erected. Furthermore, no shrubs or foliage shall be planted or maintained within 6 m (19.7 ft) of the point of intersection of the street lot lines, which would obstruct the view of a driver of a vehicle approaching the intersection.

2.33 EXCAVATION

- 1) No person may undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposit for purposes of the sale or other commercial use of the excavated material unless an excavation permit has been issued therefore by the Town Building Inspector in a form prescribed by that officer.
- 2) A person seeking to obtain an excavation permit under this section shall make application in writing to the Town Building Inspector in a form prescribed by that officer.
- 3) An application mentioned in subsection (2) shall:
 - (a) state the name and address of the applicant and the location of the proposed excavation;
 - (b) be accompanied by a plan drawn to a scale not less than 1:1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
 - (c) indicate the proposed base or lowest level of the proposed excavation;
 - (d) set out the means to be employed by that person named in the proposed permit to maintain accesses to the excavation, and public streets over which excavated materials are transported, in a dust-free condition by paving, sweeping, or the use of calcium chloride;
 - (e) mention the anticipated date of commencement of work involved in the excavation; and
 - (f) include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed the lime limit therefore.
- 4) Subject to subsection (7), where
 - (a) an application under subsection (2) has been received;
 - (b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements hereof; and
 - (c) the fee set out in subsection (5) has been paid;the Town Building Inspector shall issue the excavation permit requested.
- 5) An excavation permit is valid until December 31st in the year of issue, and the fee for such permit or a renewal thereof is \$25.00.
- 6) An excavation permit shall
 - (a) be in a form prescribed by the Town Building Inspector;
 - (b) set out information pursuant to subsection (3) contained on the application therefore; and
 - (c) be signed by both the Town Building Inspector and the applicant.
- 7) No permit may be issued under this section if

- (a) the proposed work would be apt to
 - (i) create a hazard to human life,
 - (ii) cause injury to a person,
 - (iii) damage adjoining property, or
 - (iv) adversely affect a public water main or sewer, or watercourse or street;
 - (b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard; or
 - (c) the Council and the applicant therefore do not agree on
 - (i) the base mentioned in clause (c) of subsection (3), or
 - (ii) a time limit mentioned in clause (f) of subsection (3).
- 8) A permit under this section is subject to the following terms and conditions::
- a) that no excavation take place below the base agreed to pursuant to clause (c) of subsection (3);
 - b) that accesses to the excavation and public streets over which excavated material is transported are maintained by the person named in the permit in a dust-free condition, as by paving, sweeping or the use of calcium chloride;
 - c) that the excavation, and any work related thereto, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays as defined by the Interpretation Act;
 - d) that no operation in relation to the excavation is conducted in such a manner as:
 - (i) to be apt to create a hazard to human life, life, to cause injury to a person or to damage adjoining property,
 - (ii) to permit ponding of water in excess of 0.61 m (2 ft) in depth,
 - (iii) to lower the water table on neighbouring properties, or
 - (iv) to prejudice proposed or required rehabilitation of the land;
 - (e) that adequate measures are taken to prevent. surface water from damaging the face of the excavation;
 - (f) that neither the top or toe of the slope of the excavation, or any building or structure or storage or repair in connection therewith, is within 15.2 m (50 ft) of an abutting property line;
 - (g) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 Horizontal to 1 Vertical for the full depth thereof; and
 - (h) that the land of the site of the excavation is rehabilitated as provided herein.
- 9) The land of the site of the excavation for which a permit has been issued hereunder shall be rehabilitated by the owner thereof within the time limit mentioned in the permit, upon
- (a) depletion of excavation material from the site to the extent that further operation would be no longer viable;
 - (b) failure to seek renewal of an elapsed or cancelled permit; or
 - (c) cessation of operation for a period of at least one year.
- 10) Rehabilitation mentioned in subsection (9) shall include the following:
- (a) where an excavation is over 6.1 m (20 ft) deep, a terrace shall be provided not less than 6.1 m (20 ft) in width at each 6.1-meter (20 ft.) interval of the depth;
 - (b) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;
 - (c) all plants equipment, buildings or structures, placed or erected on the site for purposes of the excavation shall be removed;

- (d) all stock piles, earth, sand, gravel or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and
 - (e) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 152 mm (6 in.) and seeded with grass or other ground cover to prevent erosion.
- 11) Where a person violates any of the terms and conditions mentioned in subsection (8), or any provision of this section, the Town Building Inspector may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.
- 12) Where an owner mentioned in subsection (9) fails to meet the requirements of that subsection, the Council may cause the required rehabilitation to be done and may recover all cost connected therewith from the owner.

2.34 SIGNS

- 1) Subject to this section on signs, other than a traffic control device as defined by the *Motor Vehicle Act*, or a legal notice, no sign may be placed, erected or displayed on any land, building or structure.

With the exception of a sign placed pursuant to subsection (2) and (4)(x) below, no person shall erect a sign without first obtaining a permit from the development officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-Law are satisfied.

The use of land or a building or structure for the purpose of placing, erecting or displaying a sign not expressly permitted by this section is permitted only if approved by the Advisory Committee and only in compliance with such terms and conditions as may be imposed by the Advisory Committee.

- 2) In a "Residential" zone, a non-illuminated sign may, subject to subsection (3), be placed, erected or displayed on any land, building or structure if such sign:
- (a) advertises the sale, rental or lease of such land, building or structure;
 - (b) identifies by name a residential property or the residents thereof;
 - (c) indicates the home occupation in a dwelling;
 - (d) warns against trespass; or
 - (e) advertises the sale of land assembled for the purposes of residential or commercial development.
- 3) A sign mentioned in subsection (2) shall not exceed
- (a) in number, one for each purpose mentioned therein; or
 - (b) in size,
 - (i) 0.56 m² (6 ft²), for a sign mentioned in clause (a) thereof;
 - (ii) 0.19 m² (2 ft²), for a sign mentioned in clause (b), (c) or (d) thereof; or
 - (iii) 2.97 m² (32 ft²), for a sign mentioned in clause (e).
- 4) In a "Central Commercial" and "Suburban Commercial" zone, the following signs are permitted:
- (a) a sign permitted in a "Residential" zone;
 - (b) a sign placed flat against the front of a building indicating the ownership or nature of the business being carried on therein; and
 - (c) one free standing, illuminated sign supported by concrete, steel or wooden posts, set in or attached to a permanent base provided that said sign:

- (i) Has a minimum clearance of 1.22 m (4 ft) from the bottom of the sign to the ground, and a minimum clearance of 0.61 m (2 ft) from the bottom of the sign to any cribwork, flowers, trees or shrubs surrounding or placed under said sign.
 - (ii) Electrical service to said sign shall conform to regulations of the New Brunswick Electric Power Commission and the *Province of New Brunswick Electrical Installation and Inspection Act*.
 - (iii) Said sign shall not be erected within a radius of 27.4 m (90 ft) of the intersecting centerlines of street intersections, or in a location so that it will block sight lines or obstruct or impair the visibility of pedestrian or vehicular traffic or any traffic control device.
 - (iv) Said sign shall not be erected so as to impair the visibility of access roads, streets or driveways.
 - (v) Does not exceed 2.97 m² (32 ft²) in total area or a maximum of 20% of the area of the front of the building whichever is greater.
 - (vi) an additional sign may be placed on one side of a building indicating the ownership or nature of the business being carried on therein and conforming to sub section (v).
 - (vii) signs placed on the front or side of a building shall conform to design as indicated in Schedule "A" attached and forming part of this By-Law.
 - (viii) Overhanging signs shall conform to design as indicated in Schedule "A" attached and forming part of this By-Law. One (1) overhanging sign no larger than 0.93 m² (10 ft²) in size, no less than 2.44 m (8 ft) high at its lowest point, and not exceeding a projection of 1.52 m (5 ft) is allowed per building.
 - (ix) Canopy signage shall conform to design as indicated in Schedule "A" attached and forming part of this By-Law.
 - (x) Sandwich board signs shall be no larger than 0.76 m (2.5 ft) wide by 0.91 m (3 ft) high per side, securely anchored or weighed, placed in front of a business so as not to impede pedestrian and/or vehicular traffic, limit of one per business and removed after business hours.
- 5) In a "Highway Commercial" zone, the following signs are permitted
- (a) A sign permitted in a "Residential" zone.
 - (b) A sign placed flat against the front of a building indicating the ownership or nature of the business being carried on therein, which does not exceed 2.97 m² (32 ft²) in total area
 - (c) one free standing, illuminated sign supported by concrete, steel or wooden posts, set in or attached to a permanent base provided that said sign:
 - (i) Has a minimum clearance of 1.22 m (4 ft) from the bottom of the sign to the ground, and a minimum clearance of 0.61 m (2 ft) from the bottom of the sign to any cribwork, flowers, trees or shrubs surrounding or placed under said sign.
 - (ii) Electrical service to said sign shall conform to regulations of the New Brunswick Electric Power Commission and the *Province of New Brunswick Electrical Installation and Inspection Act*.
 - (iii) Said sign shall not be erected within a radius of 27.4 m (90 ft) of the intersecting centerlines of street intersections, or in a location so that it will block sight lines or obstruct or impair the visibility of pedestrian or vehicular traffic or any traffic control device.
 - (iv) Said sign shall not be erected so as to impair the visibility of access roads, streets or driveways.
 - (d) Two free standing signs which comply with sub section 5(c) are permitted provided the lot frontage is 36.58 m (120 ft) or greater.
 - (e) Canopy signage shall conform to design as indicated in Schedule "A" attached and forming part of this By-Law.

- (f) Sandwich board signs shall be no larger than 0.91 m (3 ft) wide by 1.22 m (4 ft) high, securely anchored or weighted, placed in front of a business so as not to impede pedestrian and/or vehicular traffic, limited to one per business and removed after business hours.
- 6) In an "Industrial" zone, the following signs are permitted.
- (a) A sign permitted in a "Residential" zone.
 - (b) A sign placed flat against the front of a building indicating the ownership or nature of the business being carried on therein; and not exceeding 2.97 m² (32 ft²) in total area.
 - (c) One free standing, illuminated sign supported by concrete, steel or wooden posts, set in or attached to a permanent base provided that said sign:
 - (i) Has a minimum clearance of 1.22 m (4 ft) from the bottom of the sign to the ground, and a minimum clearance of 0.61 m (2 ft) from the bottom of the sign to any cribwork, flowers, trees or shrubs surrounding or placed under said sign.
 - (ii) Electrical service to said sign shall conform to regulations of the New Brunswick Electric Power Commission and the *Province of New Brunswick Electrical Installation and Inspection Act*.
 - (iii) Said sign shall not be erected within a radius of 27.4 m (90 ft) of the intersecting centerlines of street intersections, or in a location so that it will block sight lines or obstruct or impair the visibility of pedestrian or vehicular traffic or any traffic control device.
 - (iv) Said sign shall not be erected so as to impair the visibility of access roads, streets or driveways.
 - (v) Does not exceed 5.95 m² (64 ft²) in total area.
- 7) In a "G" or rural zone, the following signs are permitted;
- (a) a sign permitted in a "Residential" zone;
 - (b) one sign not exceeding 1.11 m² (12 ft²) in area indicating the sale or rental of the property on which it is placed.
- 8) With respect to construction signs,
- (a) subject to clause (b); such signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction (but not advertising any product) or announcing the character of the building enterprise or the purpose for which the construction is intended may be placed, erected or displayed on the site of the construction; and
 - (b) signs mentioned in clause (a)
 - (i) shall not exceed 1.11 m² (12 ft²) in area for each firm,
 - (ii) shall not, in total, exceed 5.57 m² (60 ft²) in area, and
 - (iii) shall be removed within 14 days of the beginning of the intended use of the construction
- 9) No sign may
- (a) be an imitation of a traffic control device or contain the words "stop", "go slow", "caution", "danger", "warning" or similar words;
 - (b) have a size, location, movement, content, colouring, or manner of illumination which may be confused with, construed as, or tend to hide from view, any traffic control device; or
 - (c) advertise an activity, business, product or service no longer conducted.

- 10) Subject to sub section (5)(c), (ii), (iii), (iv) and (v), the use of land or a structure for the purpose of placing, erecting, or displaying a free standing sign in a "CC", "HC", "SC" and "I" zone not expressly permitted by this section may be permitted for a period not exceeding a total of 30 days in a 12 month period. " Mobile signs " are not allowed under this section.
- 11) No sign may:
 - (a) Be placed so as to advertise or identify any business or location unless such sign is placed upon the same lot, parcel or property as said business or location.
 - (b) Notwithstanding section 11 (a), in an "HC" zone a free standing sign may be placed on an adjoining property, lot or parcel to advertise the location or identity of a business subject to the following:
 - (i) the adjoining property is zoned "HC"
 - (ii) the adjoining property has a minimum of 18.29 m (60 ft) lot frontage and does not have an existing free standing sign or the adjoining property has a minimum of 36.58 m (120 ft) lot frontage and has only one existing free standing sign.
 - (iii) all conditions of subsection 5 (c) shall apply.
- 12) All signs must be within the legal limits of the property excepting a sandwich board sign.
- 13) A sign permit is required for all signs in this section and subject to the fees pursuant to the Building By-Law.
- 14) No person being the owner or lessee of property upon which a sign is located shall permit such sign, its faces, supports, electrical systems or anchorage to become unsightly, dilapidated or unsafe.
- 15) The Town Building Inspector may require the removal of any sign or parts thereof, which in their opinion, is unsightly, not in good state of repair or may constitute a hazard.
- 16) Notwithstanding the provisions of this section, the Municipality may erect, place or display, signs dealing with traffic control, directional signage, street name signage, tourism signage and such other signage that is deemed by town council to be in the interest of the Municipality.
- 17) Notwithstanding any other provisions of this By-Law, a sandwich board sign may be placed on public property to advertise a not-for-profit community event, providing that the sign not be placed more than three (3) days prior to the event and it is removed no later than the day following said event.
- 18) Schedule "A" attached and forming part of this By-Law.
- 19) Notwithstanding any other provision in this By-Law, signage commonly referred to as " billboards ", located on PID # 10079382, along Gallop Court, are specifically allowed until December 31, 2008.

2.35 SETBACKS ALONG CERTAIN STREETS

Subject to the provisions of Section 4.1 no buildings or structures located along Main Street (NB Route 103), Connell Street (NB Route 550), and Houlton Road (Route 555) shall be placed, erected or altered so that they are within:

- (a) 12.19 m (40 ft) of a street line;
- (b) 1.22 m (4 ft) of a side lot line or one side of the building or structure and 2.44 m (8 ft) of the other side lot line; or
- (c) 7.62 m (25 ft) of the rear lot line.

2.36 LANDSCAPING

- 1) Subject to this section, the owner of a lot developed for residential purposes shall landscape:
 - (a) the front yard of the main building; and
 - (b) subject to section 2.32, any required yard that abuts a street;
 - (c) any side yard; and
 - (d) any part of the rear yard within 4 m (13.1 ft) of any main building thereon;

- 2) Subject to this section, the owner of a lot developed for commercial or industrial purposes shall landscape the total area of the lot, except for that part devoted to buildings and structures or is paved, in the case of driveways and off-street parking areas; except in the case of lots having significantly surplus area.

- 3) For the purposes of this section, landscaping shall be provided as follows:
 - (a) for multiple dwelling units of four units or less, and for all conversions to multiple dwelling units under section 2.6, landscaping shall be completed in the front yard area of the lot. In a corner lot, this includes the frontage on all streets;
 - (b) for multiple dwelling units in excess of four units, landscaping shall be completed in that portion of the front yard area in front of the main building. If the length of the front of the main building is not 50% or more of the total frontage, additional landscaping shall be provided to total 50% of the entire frontage. On a corner lot, the front of the building shall mean that part of the main building facing the street, and the frontage shall be the length of the lot along all streets;
 - (c) notwithstanding subsections 2.36(3)(a) and (b), council may approve such other use of the front yard area of any lot provided that such use is referred by Council to the Planning Advisory Committee and that the Committee recommends to Council that such use be allowed.

- 4) Landscaping shall include:
 - (a) at least 80 mm (3.1 in) of topsoil after compaction and the seeding or sodding thereof;
 - (b) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees where not prohibited by this or any By-Law, rule or regulation.

- 5) Landscaped areas shall be graded to divert surface water from the building dwelling and insofar as it is reasonably possible.

- 6) The landscaping under this section shall be completed not later than one year from the date of the granting of the development permit for the main building.

- 7) Notwithstanding any other landscaping provision in this section, any yard may be used for the purpose of walks and driveways for access to the main building or other use of the lot;

2.37 MINIMUM GROUND FLOOR AREA FOR RESIDENTIAL UNITS

- 1) Residential dwelling units must have a minimum ground floor area as follows:

Type of Dwelling Unit	Square Meters of Ground Floor Area
One-family dwelling – single storey	74.32 m ² (800 ft ²)
One-family dwelling – split level or one and one-half storey	59.46 m ² (640 ft ²)
One-family dwelling – two storey	52.03 m ² (560 ft ²)

- 2) For the purposes of this section ground floor area does not include garages, basements, and carports, porches, verandas or breezeways.
- 3) For the purpose of this section no one-family dwelling unit may be placed, created, or altered so that it has a width of less than 6.1 m (20 ft) throughout its entire length, not including garages, carports, porches, verandas or breezeways.

2.38 MINIMUM FLOOR AREA FOR MULTIPLE DWELLING UNITS

- 1) In the case of multiple unit dwellings, dwelling units therein shall have the following minimum floor areas exclusive of stairways and approach halls.

Type of Dwelling Unit	Square Meters of Floor Area
Multiple Dwellings – 3 bedroom unit	74.32 m ² (800 ft ²)
Multiple Dwellings – 2 bedroom unit	62.71 m ² (675 ft ²)
Multiple Dwellings – 1 bedroom unit	51.10 m ² (550 ft ²)
Multiple Dwellings – bachelor apartment	34.84 m ² (375 ft ²)

2.39 PORTABLE OR TEMPORARY GARAGES

Notwithstanding any setback or yard requirements in this by-law, portable garages may be permitted on any residential lots. Such garages shall only be permitted on residential property between October 15 and April 30, inclusive.

2.40 GARBAGE STORAGE

In any commercial, industrial, or multiple unit residential zone where any area of the lot exterior to the building is to be used for the storage of garbage, including areas for the location of compactors or commercial waste bins, such areas shall conform to the following standards:

- (a) be fully screened by a surrounding fence at least 2 m (6.56 ft) in height designed so as to be opaque;
- (b) no garbage storage area shall be located in any required yard, nor shall it be located within 6 m (19.7 ft) of a public street or within 2 m (6.56 ft) of a residential use;
- (c) no garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence;
- (d) materials used to screen and surround the garbage storage unit or dumpster must be made of materials similar to that of the building; and
- (e) garbage must be stored within the specified setback and yard requirements for the applicable zone.

2.41 SETBACK FROM WATERCOURSES

No development shall be permitted within 30 m (98.4 ft) of a watercourse or water body without the issuance of a Watercourse Alteration Permit and no building or structure, except as otherwise permitted in this By-law shall be located within 10 m (32.8 ft) of a watercourse or water body, except a float plane hangar, boat house or wharf, boardwalk, bridge or similar structures.

2.42 YARD SALES

- 1) Yard/garage sales may be undertaken on any site, in any zone provided the sale is conducted by an owner/resident of the subject site, or by a non-profit group, community association, or other similar group or organization.

- 2) No more than 6 yard/garage sales may be conducted from one site in one calendar year, and any 1 sale may not last more than 3 consecutive days. Each day of a yard/garage sale counts toward the total number permitted.
- 3) No signage advertising yard/garage sales shall be posted more than 48 hours prior to, and all signage must be removed within 48 hours of the day of sale.

2.43 ACCESS TO DEAKIN DRIVE

Access and/or driveways to Deakin Drive shall be permitted in accordance with the following criteria:

- 1) Access to Deakin Drive shall not be permitted for residential development with fewer than 6 residential units;
- 2) Notwithstanding subsection (1), where a property has frontage on Deakin Drive, access shall be provided only to subordinate streets;
- 3) Notwithstanding subsection (1), an access point to Deakin Drive may be permitted at a minimum distance of 60m (200 ft) from an adjacent all-directional intersection or access point; and
- 4) Notwithstanding subsection (1), access may be permitted to Deakin Drive, subject to the approval of Town Council, if the appropriate traffic studies are prepared.

2.44 COMPLIANCE WITH OTHER REGULATIONS

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

3.0 RESIDENTIAL ZONES

3.1 R-1 (SINGLE-FAMILY RESIDENTIAL)

3.1.1 R-1 Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any R-1 (Single-Family Residential) zone for any purpose other than:

- (a) one of the following main uses:
 - (i) a one-family dwelling, or
 - (ii) a park or playground; and
- (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

3.1.2 R-1 Zone Uses Subject to Terms and Conditions

- 1) Notwithstanding section 3.1.1(a), (b) and 3.1.3, the use of any land, building or structure for a boarding or rooming house shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.
- 2) Notwithstanding section 3.1.1(a), (b) and 3.1.3, the use of any land, building or structure for a day-care facility restricted to not more than four children shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

3.1.3 R-1 Zone Standards

- 1) No development shall be undertaken nor shall any land, building or structure be used within any R-1 (Single-Family Residential) unless the following standards are met:

	Single Detached Dwelling
Minimum lot area	Interior lot: 557.48 m ² (6000 ft ²) Corner lot: 650.32 m ² (7000 ft ²)
Minimum lot frontage	Interior lot: 18.29 m (60 ft) Corner lot: 21.34 m (70 ft)
Minimum lot depth	30.48 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) of the other side of the building or structure
Maximum Height	9.14 m (30 ft)
Maximum lot coverage	Main Building or Structure Interior Lot 40% Corner Lot 35% Accessory Buildings and structures 5%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.

3.1.4 Accessory Buildings and Structures

No accessory building or structure may:

- a) exceed one storey or 4.26 m (14 ft) in height;
- b) be placed, erected or altered so that it is within:
 - i) the front yard of the main building or structure,
 - ii) 1.52 m (5 ft) of a lane, or
 - iii) 1.21 m (4 ft) of a side or rear lot line; or
- c) be used for the keeping of animals other than household pets.

3.2 R-2 (SINGLE-, TWO-FAMILY AND MULTIPLE RESIDENTIAL)

3.2.1 R-2 Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any R-2 (Single-, Two-Family and Multiple Residential) zone for any purpose other than:

- (a) one of the following main uses:
 - (i) a one- or two-family dwelling;
 - (ii) a multiple dwelling to a maximum of 12 units;
 - (iii) a converted dwelling;
 - (iii) a park or playground; and

- (b) one of the following secondary uses:
 - (i) subject to section 2.7, a home occupation;
 - (ii) a boarding house;
 - (iii) a rooming house;
 - (iv) a residential care facility limited to 325 square metres (3498.4 sq ft.); or; and

- (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

3.2.2 R-2 Zone Uses Subject to Terms and Conditions

- 1) Notwithstanding section 3.2.1(a), (b) and 3.2.3, the use of any land, building or structure for a multiple unit building containing between 13 and 40 units shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

- 2) Notwithstanding section 3.2.1(a), (b) and 3.2.3, the use of any land, building or structure for a day care facility restricted to not more than 6 children (subject to the *Day Care Regulation of the Family Services Act of New Brunswick*) shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected. The use of a dwelling as a day-care must conform to all Provincial guidelines.

3.2.3 R-2 Zone Standards

- 1) The provisions of section 3.1.2 with respect to lots for one family dwellings and structures apply.

- 2) Lot sizes for semi-detached dwellings and attached one-family dwellings shall be subject to clause (a) of section 2.26.

- 3) No development shall be undertaken nor shall any land, building or structure be used within any R-2 (Single-, Two-Family and Multiple Residential) zone unless the following standards are met:

	Two-Family Dwelling	Semi-detached Dwelling	Attached one-family dwellings
Minimum lot area	836.07 m ² (9,000 ft ²)	418.03 m ² (4500 ft ²)	Interior lot: 185.81 m ² (2000 ft ²) Outside lot: 222.97 m ² (2400 ft ²)
Minimum lot frontage	27.43 m (90 ft)	13.72 m (90 ft)	Interior lot: 6.10 m (20 ft) Outside lot: 7.32 m (24 ft)
Minimum lot depth	30.48 m (100 ft)		
Minimum front / flankage yard	7.62 m (25 ft)		
Minimum rear yard	7.62 m (25 ft)		
Minimum side yard	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure		1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure If the building exceeds two stories in height, the narrower side yard shall be increased 0.30 m (1ft) for each 0.61 m (2 ft) of the dwelling height above the second storey
Maximum Height	12.19 m (40 ft)		
Maximum lot coverage	Main Building or Structure 45% Accessory Buildings and structures 10%		
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law		

- 4) For Multiple Unit Dwellings the provisions of Section 3.3 apply
- 5) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.
- 6) Attached one-family dwellings in a series or group are subject to the further requirements that
 - (a) no series or group contains more than
 - (i) 6 dwelling units with the same or approximately the same front line,
 - (ii) 12 dwelling units in number, or
 - (iii) exceeds 68.58 m (225 ft) in continuous length;
 - (b) no side wall of a series or group is placed, erected or altered so that any part of such wall is closer to a sidewall of another series or group than a distance equal to the height of the taller of such walls;

- (c) no front wall of a series or group is placed, erected altered so that any part of such wall is closer to
 - (i) the front wall of another series or group than 21.33 m (70 ft), or
 - (ii) the side wall of another series or group than 7.62 m (25 ft) plus the average height of the two series or groups;
 - (d) no rear wall of a series or group is placed, erected or altered so that any part of such wall is closer to
 - (i) the rear wall of another series or group than the lesser of
 - (A) 15.21 m (50 ft), or
 - (B) twice the average height, but not less than 12.19 m (40 ft), of the two series or groups, or
 - (ii) the side wall of another series or group than 7.62 m (25 ft) plus the average height of the two series or groups; and
 - (e) such dwelling units do not occupy more than 35 percent of the area of the aggregate lot
- 7) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.

3.2.4 Accessory Buildings and Structures

Accessory buildings and structures are subject to section 3.1.4

3.3 R-3 (MULTIPLE UNIT RESIDENTIAL)

3.3.1 R-3 Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any R-3 (Multiple Unit Residential) zone for any purpose other than:

- (a) one or more of the following main uses:
 - (i) a multiple unit dwelling to a maximum of 24 dwelling units;
 - (ii) a residential care facility;
 - (iii) a rooming house;
 - (iv) a senior citizens' housing development;
 - (v) a townhouse or rowhouse;
 - (vi) a converted dwelling.
- (b) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

3.3.2 R-3 Zone Uses Subject to Terms and Conditions

Notwithstanding section 3.3.1(a), (b) and 3.3.3, the use of any land, building or structure for a multiple unit building containing between 25 and 48 units shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

3.3.3 R-3 Zone Standards

- 1) No development shall be undertaken nor shall any land, building or structure be used within any R-3 (Multiple Unit Residential) zone unless the following standards are met:

	Multiple Unit Dwelling
Minimum lot area	929.03 m ² (10,000 ft ²), plus 92.90 m ² (1,000 ft ²) for each dwelling unit in excess of three
Minimum lot frontage	30.48 m (100 ft), plus 3.048 m (10 ft) for each dwelling unit in excess of three, and
Minimum lot depth	30.48 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	1.22 m (4 ft) on one side of the building or structure and 2.43 m (8 ft) on the other side of the building or structure If the building exceeds two stories in height, the narrower side yard shall be increased 0.30 m (1 ft) for each 0.61 m (2 ft) of the dwelling height above the second storey
Maximum Height	12.19 m (40 ft)
Maximum lot coverage	Main Building or Structure 45% Accessory Buildings and structures 10%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- (a) no portion of any parking area is located in any required front or flankage yard; and
 - (b) where R-3 (Multiple Unit Residential) Zone abuts an R-1 or R-2 Zone, no portion of any parking space shall be located within any required side or rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.5 m (4.9 ft) of the side or rear lot line.
- 2) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.

3.3.4 Accessory Buildings and Structures

Accessory buildings and structures are subject to section 3.1.4

3.4 MH (MANUFACTURED DWELLING)

3.4.1 MH Zone Permitted Uses

- 1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any MH (Manufactured Dwelling) zone for any purpose other than:
 - (a) one of the following main uses:
 - (i) subject to By-law #136, a mobile home or manufactured home park;
 - (ii) a mini or mobile home site;
 - (iii) a single unit dwelling;
 - (iv) a park or playground, and
 - (b) any accessory building, structure of use incidental to the main use of the land if such main use is permitted by this section.
- 2) The use of land for the purposes of a mobile home park or extensions or additions to a mobile home located on a mobile home site is subject to the provisions of any applicable By-Law under Section 188 of the *Municipalities Act*.

3.4.2 MH Zone Site and Lot Standards

- 1) A person shall not use any land for a purpose mentioned in section 3.4.1 unless such land is serviced by municipal water and sewer services.
- 2) No mini or mobile home may be located on a mobile home site unless such site meets the following standards:

Minimum lot area	371.61 m ² (4000 ft ²)
Minimum lot frontage	12.19 m (40 ft)
Minimum lot depth	30.48 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	1.52 m (5 ft)
Minimum side yard	1.22 m (4 ft)
Maximum Height	8.53 m (28 ft)
Maximum lot coverage	Main Building or Structure Interior Lot 40% Corner Lot 35% Accessory Buildings and structures 5%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 3) No lot may be developed or used for the purposes of a park or playground unless it has and contains dimensions at least as great as mentioned in subsection (2).
- 4) In the case of a mini home, the dwelling is required to meet the Canadian Standards Association standards for factory built construction.
- 5) No lot may be developed or used any use under section 3.4.1 or 3.4.5 unless such lot is serviced by municipal water and sewer facilities.

3.4.3 Size of a Mobile Home on a Site

No mobile home may be located on a mobile home site unless such mobile home has a gross floor area of at least 46.45 m² (500 ft²)

3.4.4 Accessory Buildings and Structures

Accessory buildings and structures are subject to section 3.1.4

3.4.5 MH Zone Developments Subject to Terms and Conditions

Notwithstanding section 3.41(a) and (b), the use of any land, building or structure for the purposes of a mini home display court or sales lot, provided the use does not exceed one hectare in land area, shall be a particular purpose in respect of which the Planning Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.

3.5 RM (RESIDENTIAL MIX ZONE)

3.5.1 RM Zone Permitted Uses

- 1) No development shall be permitted nor shall any land, building or structure be used on a lot within an RM zone for any purpose other than:
 - (a) one of the following main uses:
 - (i) a single unit dwelling;
 - (ii) a two unit dwelling;
 - (iii) a converted dwelling;
 - (iv) a semi-detached dwelling; and
 - (b) one of the following secondary uses in conjunction with a permitted single unit dwelling:
 - (i) a daycare centre;
 - (ii) an accessory dwelling unit;
 - (iii) a bed and breakfast/tourist home; or
 - (c) one of the following secondary uses in conjunction with a permitted main use:
 - (i) a home occupation;
 - (d) any accessory building, structure or use, incidental to the permitted main use of the land, building, or structure.
- 2) Notwithstanding section 3.5.1(a), (b), (c) and 3.5.2, the use of any land, building or structure for:
 - (a) one or more of the following purposes:
 - (i) a public park, playground or recreation use;
 - (ii) a public or private school;
 - (iii) a church or church hall;
 - (iv) a fire and/or police station;
 - (v) any other institutional uses;
 - (vi) the keeping of boarders or roomers; or
 - (b) other forms of residential development upon the receipt of a generalized area development plan (maximum of 10 units/acre); shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected.
- 3) Notwithstanding section 3.5.1(a), (b) and 3.5.3, the use of any land, building or structure for a day-care facility restricted to not more than 6 (subject to the *Day Care Regulation* of the *Family Services Act of New Brunswick*) shall be a particular purpose in respect of which the Advisory Committee may impose terms and conditions or prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected. The use of a dwelling as a day care must conform to all Provincial guidelines.

3.5.2 RM Zone Requirements

- 1) No development shall be undertaken nor shall any land, building or structure be used within any RM (Residential Mix) zone unless the following standards are met:

Minimum lot area	Single/Two unit Dwelling: 450 m ² (4844 ft ²) Semi-detached Dwelling: 325 m ² (3500 ft ²)
Minimum lot frontage	Single/Two Unit Dwelling: 15 m (49.2 ft) Semi-detached Dwelling: 10.7 m (35 ft)
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	4.5 m (14.8 ft) subject to Section 2.26 and Section 2.34
Minimum rear yard	4.5 m (14.8 ft) subject to Section 2.26
Minimum side yard	3 m (9.8 ft) on one side and 1.2 m (3.9 ft) on the other in the case of a single unit or two unit dwelling 3 m (9.8 ft) on each side other than the common wall side of a semi-detached dwelling in which case the common wall side shall be 0.0 m.
Maximum Height	9.14 m (36.1 ft)
Maximum lot coverage	Main Building or Structure 50% Accessory Buildings and structures 5%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) No lot may be developed or used for residential unless such lot is serviced by municipal water and sewer facilities.

3.5.3 Accessory Buildings and Structures

Accessory buildings and structures are subject to section 3.1.4

4.0 COMMERCIAL ZONES

4.1 CC (CENTRAL COMMERCIAL)

4.1.1 CC Zone Permitted Uses

No development shall be undertaken nor shall any land, building or structure be used within any CC (Central Commercial) zone for any purpose other than:

- (a) one or more of the following main uses:
 - (i) a building for public assembly or for social, cultural or recreational activities;
 - (ii) a financial institution;
 - (iii) a government building;
 - (iv) a hotel or motel;
 - (v) an office or office building;
 - (vi) a restaurant;
 - (vii) a retail store or service shop;
 - (viii) a service station or public garage;
 - (ix) a theatre or other building intended for commercial entertainment;
 - (x) a transportation depot for passengers only;
 - (xi) a grocery store;
 - (xii) a religious or secular institution;
 - (xiii) a funeral home;
 - (xiv) a museum; and
 - (xv) a heritage building.
- (b) living accommodations provided the residential use is not located on the ground floor, and not more than 50% of the total floor area of the building is used for residential purposes and the provisions of section 2.38 are met; and provided the residential use does not occur on the ground or street level floor;
- (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this sub-section.

4.1.2 Size of Dwelling Units

The provisions of section 2.38 with respect to floor area for dwelling units in a multiple dwelling apply with respect to a secondary use permitted under section 4.1.1 (b).

4.1.3 Size of Dwelling Units

No main building or structure may exceed 12.19 m (40 ft) in height.

4.1.4 Municipal Servicing

No lot may be used for a purpose mentioned in section 4.1.1 unless such lot is serviced by municipal water and sewer facilities.

4.1.5 Accessory Buildings and Structures

No accessory building or structure may

- a) exceed one storey or 4.26 m (14 ft) in height;
- b) be placed, erected or altered so that it is within 0.91 m (3 ft) of a side or rear lot line; or
- c) be used for the keeping of animals other than household pets.

4.1.6 Lot Occupancy

- 1) Subject to the provision of side and rear yards for accessory buildings and structures and the provision of off-street parking and loading and unloading spaces, the total area of a lot may be occupied by buildings and structures.
- 2) Notwithstanding subsection (1), an exterior door of a building shall be set back or set in from a street line or property line a distance at least equal to the width of the door.

4.2 HC (HIGHWAY COMMERCIAL)

4.2.1 HC Zone Permitted Uses

- 1) No development shall be undertaken nor shall any land, building or structure be used within any HC (Highway Commercial) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) a service station and repair facility for automobiles;
 - (ii) an automobile and light truck or van sales and service facility and related facilities;
 - (iii) public garages;
 - (iv) restaurants and theatres;
 - (v) a cinema;
 - (vi) tourist accommodations and related facilities;
 - (vii) places of amusement, assembly and recreation;
 - (viii) convenience store;
 - (ix) building supply outlets;
 - (vii) a grocery store;
 - (viii) a retail store or service shop;
 - (x) a hotel or motel;
 - (xi) an office use; or
 - (xii) a religious or secular institution.
 - (b) living accommodations provided the residential use is not located on the ground floor, and not more than 50% of the total floor area of the building is used for residential purposes and the provisions of section 2.38 are met; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

4.2.2 HC Zone Lot Requirements

- 1) No development shall be undertaken nor shall any land, building or structure be used within any HC (Highway Commercial) zone unless the following standards are met:

Minimum lot area	557.42 m ² (6,000 ft ²)
Minimum lot frontage	18.288 m (60 ft)
Minimum lot depth	30.48 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	1.2 m (4 ft) on one side of the lot and 2.44 m (8 ft) on the other side
Maximum Height	14 m (45.9 ft)
Maximum lot coverage	Main Building or Structure 50 % Accessory Buildings and structures 10 %
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) No lot may be used for a purpose mentioned in section 4.2.1 unless such lot is serviced by municipal water and sewer facilities.

4.2.3 Accessory Buildings and Structures

No accessory building or structure may

- a) exceed one storey or 4.26 m (14 ft) in height;
- b) be placed, erected or altered so that it is within 0.91 m (3 ft) of a side or rear lot line; or
- c) be used for the keeping of animals other than household pets.

4.3 SC (SUBURBAN COMMERCIAL)

4.3.1 SC Zone Permitted Uses

1) No development shall be undertaken nor shall any land, building or structure be used within any SC (Suburban Commercial) zone for any purpose other than:

(a) subject to 4.3.2 one or more of the following main uses:

- (i) a retail or wholesale store or retail service use including a shopping center;
- (ii) a nursery or greenhouse operation;
- (iv) a service shop or personal service shop;
- (x) a bank or financial institution;
- (xi) a service station and repair facility for automobiles;
- (xii) an automobile and light truck or van sales and service facility and related facilities;
- (xiii) a restaurant, including a drive-in, drive-thru or take out restaurant;
- (xiv) a grocery store;
- (xv) a theatre or cinema;
- (xvi) public garages;
- (xvii) tourist facilities;
- (xviii) a convenience store;
- (xix) a place of amusement, assembly and recreation;
- (ix) a religious or secular institution or educational use and related facilities;
- (x) a park or playground;
- (xi) a motel or hotel, bed and breakfast/tourist home, boarding or rooming house;
- (xii) an entertainment or recreational use;
- (xiii) a medical clinic;
- (xiv) an office use;
- (xv) any residential use, other than mobile homes or mini-homes;
- (xvi) an art gallery, library or museum;
- (xvii) a veterinary clinic;
- (xviii) any government building or use;
- (xix) a philanthropic use;
- (xx) a funeral home or crematorium;
- (xxi) a retail bakery or food services shop;
- (xxii) a call center or communications arts centre;
- (xxiii) a drive-thru business;
- (xxiv) a convenience store;
- (xxv) a daycare centre;
- (xxvi) a beverage room, lounge or other premises licensed for the sale of alcohol;
- (xxv) subject to 4.3.2(a), a mini storage warehouse; and

(b) living accommodations provided the residential use is not more than 50% of the total floor area of the building is used for residential purposes and the provisions section 2.38 are met; and

(c) one or more of the following secondary uses:

- (i) an outdoor display court; or
- (ii) an outdoor storage compound; and

(d) subject to subsection 4.3.4, any accessory building, structure or use, incidental to the permitted main use of the land, building or structure.

4.3.2 SC Zone Uses Subject to Terms and Conditions

Notwithstanding 4.3.1, in any SC Zone where any permitted use or any combination of permitted uses are intended to occupy a building having an area in excess of 1500 m² (16146.4 ft²) or residential uses, other

than mobile homes or mini-homes, are proposed, including residential care facilities and senior citizens' housing, such developments shall be particular purposes which may be permitted subject to such terms and conditions as the Advisory Committee deems appropriate and the Advisory Committee may prohibit the use where compliance with the terms and conditions can not reasonably be expected.

- a) No building shall be used as a mini storage warehouse in an SC Zone except in compliance with the following terms and conditions:
 - (i) any building used as a mini storage warehouse shall have a ground floor area of at least 400 m² (4,305.7 ft²) with no overall exterior façade dimension less than 20 m (65.6 ft), except for architectural jogs, setbacks or projections, which are part of a design feature;
 - (ii) the exterior design of the building shall incorporate architectural detailing such as glass panels, signage, material variation, moldings, architectural reveals and landscaping to create a pleasing appearance that is compatible with the retail stores and office buildings and other buildings common to the SC Zone;
 - (iii) all storage units shall be accessible from inside the building only with no doors on the outside wall providing direct access to the units;
 - (iv) the facility shall not be used for the storage of high hazard materials or flammable chemical substances.

4.3.3 SC Zone Requirements

- 1) No development shall be undertaken nor shall any land, building or structure be used within any SC (Suburban Commercial) zone unless:

Minimum lot area	1300 m ² (13,993.5 ft ²);
Minimum lot frontage	30 m (100 ft);
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	1.2 m (4 ft) on one side of the lot and 2.44 m (8 ft) on the other side
Maximum Height	11 m (36.1 ft)
Maximum lot coverage	Main Building or Structure 50% Accessory Buildings and structures 5%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) No lot may be used for a purpose mentioned in section 4.3.1 or 4.3.2 unless such lot is serviced by municipal water and sewer facilities.

4.3.4 Accessory Buildings and Structures

No accessory building or structure may:

- a) exceed one storey or 4.26 m (14 ft) in height;
- b) be placed, erected or altered so that it is within 0.91 m (3 ft) of a side or rear lot line; or
- c) be used for the keeping of animals other than household pets.

5.0 INDUSTRIAL ZONES

5.1 I (INDUSTRIAL)

5.1.1 I Zone Permitted Uses

- 1) Subject to subsection (2), No development shall be undertaken nor shall any land, building or structure be used within any I (Industrial) zone for any purpose other than:
 - a) one or more of the following main uses:
 - (i) a contractor’s establishment, including a storage yard;
 - (ii) subject to subsection (3), an industrial establishment;
 - (iii) a machine shop;
 - (iv) an office directly connected with a use permitted by this section;
 - (v) a restaurant;
 - (vi) a service or sales industry;
 - (vii) a trucking and transport depot and warehouse;
 - (viii) a warehouse or storage establishment;
 - (ix) subject to subsection (2), a manufacturing and/or processing establishment;
 - (b) a secondary use as open storage for a use mentioned in clause (a); and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- 2) The use of land for a purpose mentioned in subsection 5.1.1(a)(ix) and 5.1.1(b) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee.
- 3) A use mentioned in sub clause (ii) of clause (a) of subsection (1) is permitted subject to:
 - (a) the requirement that all relevant Provincial and Federal Approvals be obtained with respect to emissions from the facility;
 - (b) there are no obnoxious odours, noxious gases, dust, smoke, or fumes therefrom;
 - (c) noise from the use is muffled so as not to be objectionable due to intermittence, beat, volume or shrillness; and
 - (d) there be no obnoxious vibrations emitted from the use or operation;

5.1.2 I Zone Requirements

- 1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any I (Industrial) zone unless the following standards are met:

Minimum lot area	557.42 m ² (6000 ft ²)
Minimum lot frontage	18.288 m (60 ft);
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	5 m (16.4 ft) subject to Section 2.26 and Section 2.34
Minimum rear yard	7.62 m (25 ft) subject to Section 2.26
Minimum side yard	3.05 m (10 ft) subject to Section 2.26
Maximum Height	12.192 m (40 ft)
Maximum lot coverage	Main Building or Structure 50%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) Other than a use mentioned in sub clause (v) of clause (a) of subsection (1) of section 5.1.1, no lot may be used for a purpose mentioned in that section unless such lot is serviced by municipal water and sewer facilities.
- 3) No accessory building or structure may
 - (a) exceed two stories or 7.3 m (24 ft) in height;
 - (b) be placed, erected or altered so that it is within
 - (i) the front yard of the main building structure, or
 - (ii) 1.52 m (5 ft) of a side or rear lot line; or
 - (c) be used for the keeping of animals
- 4) No lot may be used for a purpose mentioned in section 5.1.1 unless such lot is serviced by municipal water and sewer facilities.

5.2 RI (RURAL INDUSTRIAL ZONE)

5.2.1 RI Zone Permitted Uses

- 1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any RI (Rural Industrial) zone unless the following standards are met:
 - (a) One or more of the following main uses:
 - (i) A contractor’s establishment, including storage yard,
 - (ii) An office directly connected with a use permitted by this section,
 - (iii) A warehouse or storage establishment,
 - (iv) Subject to Subsection (2), light wood-related manufacturing
 - (b) A secondary use as open storage for a use mentioned in clause (a); and
 - (c) Any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this subsection.

- 2) The use of land for a purpose mentioned in clause (a) (b) and (c) of subsection (1) is permitted only if recommended by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Town Council. Provincial Department of Environment regulations to be reviewed in this process and approval obtained.

5.2.2 RI Zone Requirements

- 1) Subject to subsection (2), no development shall be undertaken nor shall any land, building or structure be used within any RI (Rural Industrial) zone unless the following standards are met:

Minimum lot area	4047 m ² (1 ac.)
Minimum lot frontage	54.86 m (180 ft);
Minimum lot depth	67.06 m (220 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	6.10 m (20 ft)
Minimum side yard	3.05 m (10 ft)
Maximum Height	12.192 m (40 ft)
Maximum lot coverage	Main Building or Structure 50%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) No lot may be used for a purpose mentioned in section 5.2.1 unless such lot is serviced by municipal water and sewer facilities.

5.2.3 Accessory Buildings and Structures

No accessory building or structure may:

- (a) exceed two stories or 7.3 m (24 ft) in height;
- (b) be placed, erected or altered so that it is within
 - (i) the front yard of the main building, structure, or
 - (ii) 1.52 m (5 ft) of a side or rear lot line; or
- (c) be used for the keeping of animals.

6.0 INSTITUTIONAL ZONES

6.1 INST (INSTITUTIONAL ZONE)

6.1.1 INST Zone Permitted Uses

- 1) No development shall be undertaken nor shall any land, building or structure be used within any INST (Institutional) zone for any purpose other than:
 - (a) one of more of the following main uses:
 - (i) a building intended for public assembly or for social, cultural or recreational activities;
 - (ii) an educational building;
 - (iii) a hospital or health building;
 - (iv) a government or municipal building;
 - (v) a religious or secular institution;
 - (vi) a funeral home and associated chapel; or
 - (vii) a cemetery; and
 - (b) subject to subsection (2), any accessory building structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- 2) A use permitted under clause (b) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Advisory Committee.

6.1.2 INST Zone Requirements

- 1) No development shall be undertaken nor shall any land, building or structure be used within any INST (Institutional) zone unless the following standards are met:

Minimum lot area	557.42 m ² (6000 ft ²)
Minimum lot frontage	18.288 m (60 ft)
Minimum lot depth	30 m (100 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	7.62 m (25 ft)
Maximum Height	15.24 m (50 ft) subject to subsection (2)
Maximum lot coverage	Main Building or Structure 50%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) A religious institution building shall not exceed in height:
 - (a) for the main portion 15.24 m (50 ft).; and
 - (b) for spires, belfries or other subsidiary features, a distance equal to twice the height of the main portion.
- 3) In approving a use under 6.1.1 (1)(b), the Advisory Committee shall not approve such use if it:
 - (a) encroaches on yards required for the main building or structure to which it is necessary; or
 - (b) exceeds in height the lesser of
 - (i) two stories or 8.53 m (28 ft)
 - (ii) the height of the main building or structure to which it is accessory.

- 4) No lot may be used for a purpose mentioned in section 6.1.1 unless such lot is serviced by municipal water and sewer facilities.

6.1.3 Accessory Buildings and Structures

In approving a use under subsection 2 of section 6.1.1, the Advisory Committee shall not approve such use if it:

- a) encroaches on yards required for the main building or structure to which it is accessory; or
- b) exceeds the lesser of
 - (i) two stories or 8.53 m (28ft), or
 - (ii) the height of the main building or structure to which it is accessory.

7.0 SPECIAL ZONES

7.1 P (PARK AND RECREATIONAL)

7.1.1 P Zone Permitted Uses

- 1) No development shall be undertaken nor shall any land, building or structure be used within any P (Park and Private Recreational) zone for any purpose other than:
 - (a) one or more of the following main uses:
 - (i) public open space for the aesthetic or other use of the general public,
 - (ii) a park or playground, or
 - (iii) a golf course; and
 - (b) subject to subsection (2), any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- 2) A use permitted under clause (b) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee.

7.2 G (RURAL OR GREEN BELT)

7.2.1 G Zone Permitted Uses

- 1) No development shall be undertaken nor shall any land, building or structure be used within any G (Rural or Green Belt) zone for any purpose other than:
 - (a) one of the following main uses:
 - (i) an agricultural use,
 - (ii) a private or public stable, or
 - (iii) a recreational use including a sports field;
 - (b) a secondary use as a private or public stable; and
 - (c) any accessory building, structure or use, including a farm dwelling incidental to the main use of the land, building or structure if such main use is permitted by this section.

7.2.2 G Zone Requirements

- 1) No development shall be undertaken nor shall any land, building or structure be used within any G (Rural or Green Belt) zone unless the following standards are met:

Minimum lot area	4046.86 m ² (43,560 ft ²) if the use is a farm, 0.809 hectares (two acres);
Minimum lot frontage	54.864 m (180 ft)
Minimum lot depth	38.1 m (125 ft)
Minimum front / flankage yard	7.62 m (25 ft)
Minimum rear yard	7.62 m (25 ft)
Minimum side yard	i) for uses mentioned in sub clause (ii) of clause (a) of section 7.2.1 (1), 1.22 m (4 ft) on one side of the building or structure and 39.01 m (128 ft) on the other side ii) for all other uses 3.048 m (10 ft)
Maximum Height	12.19 m (40 ft)
Maximum lot coverage	25%
Landscaping	In accordance with the provisions of Section 2.36 of this By-Law

- 2) The provisions of section 2.37 with respect to the size of dwellings apply.
- 3) No accessory building or structure may:
 - a) exceed two stories or 7.32 m (24 ft) in height; or
 - b) be placed, erected or altered so that it is within
 - (i) except for a farm dwelling, the front yard of the main building or structure, or
 - (ii) 3.048 m (10 ft) of a side or rear lot line.
- 4) No lot may be used for a purpose mentioned in section 7.2.1 unless such lot is serviced by municipal water and sewer facilities.

7.3 OS (OPEN SPACE)

7.3.1 G Zone Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
 - a) areas of natural or scientific interest
protection of environmentally sensitive areas
buffer areas along watercourses
cemetery
park
pathway
 - b) any accessory buildings, structures or use incidental to the main use.

8.0 REPEAL AND TRANSITION

- 1) By-Law No. 83, Town of Woodstock Zoning By-Law, enacted on April 11, 1988 and all amendments, are hereby repealed except for By-Law 102, By-Law 150, By-Law 151, By-Law 109, By-Law Z 83-259, By-Law 90, By-Law Z 83-242, By-Law Z 83-232, By-Law Z 83-243, and By-Law 128.
- 2) The repeal of By-Law No. 83, Town of Woodstock Zoning By-Law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME: May 26, 2008

READ SECOND TIME: May 26, 2008

READ THIRD TIME AND ENACTED: July 28, 2008

Arthur Slipp
Mayor

Barbara Wishart, Clerk
Director of Administrative Services