



**WOODSTOCK**  
WHERE THE RIVERS MEET  
*- New Brunswick's First Town -*

## **ZONING BY-LAW Z-501**

**MARCH 22, 2021**



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# 1. TITLE AND SCOPE

## 1.1 ADMINISTRATION

This By-law may be cited as “The Town of Woodstock Zoning By-law”.

## 1.2 PURPOSE

- (a) divides the Town into zones;
- (b) prescribes, subject to powers vested in the Council, the Development Officer, and the the Planning Advisory Committee;
  - i) the purposes for which land, buildings and structures and any zone may be used, and;
  - ii) standards to which land use, placement and use of buildings and structures must conform, and
- (c) prohibits the use, placement, erection or alteration of land, buildings structures other than in conformity with the purposes and standards mentioned in clause (b).

## 1.3 SCOPE

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

## 1.4 SEVERABILITY

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

## 1.5 REPEAL

- (a) By-law Z-301, Town of Woodstock Zoning By-law and amendments thereto, is hereby repealed.
- (b) Notwithstanding the repeal of the By-law detailed in paragraph (a):
  - i) Section 59 Conditions, pursuant to the *Community Planning Act*, which have been registered prior to the coming into force of this By-law shall remain in force;



- ii) Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.

## 2. OPERATION, INTERPREATION, AND ZONES

### 2.1 ADMINISTRATION

The Development Officer for the Town of Woodstock shall be charged with the general administration of this By-law.

### 2.2 OTHER BY-LAWS, PERMITS AND LICENSES

- a) Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Building By-law or any other By-law of the Town of Woodstock in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Town of Woodstock. Where there is a conflict between the Woodstock Municipal Plan By-law and this By-law, the Woodstock Municipal Plan By-law prevails.
- b) Applicants applying for development and building permits are responsible to obtain all other approvals and permit, required by applicable Provincial legislation.

### 2.3 ZONING MAP

The “Town Woodstock Zoning Map” forms Schedule “A” of this By-law. The Zoning Map divides the Town into zones, for which the regulatory provisions of this By-law apply.

### 2.4 ZONES

One-Unit Residential Zone	R1
One- and Two-Unit Residential Zone	R2
Multi-Unit Residential Zone	R3
Mobile Home Park	MHP
Downtown Commercial Centre	DCC
General Commercial	GC
Corridor Commercial	CC
Industrial	I
Institutional	INST
Parks and Recreation	P
Rural and Agricultural	RU
Environmental Protection	EP
Integrated Development	ID

## 2.5 BOUNDARIES OF ZONES

Boundary lines relating to this By-law are shown on the Zoning Map, Schedule "A". In the case where the zone

- a) substantially follows a street, lane, railway right-of-way or water course, the centre line of such feature is the boundary;
- b) substantially follows lot lines shown on the registered plan of subdivision, such lines are the boundaries;
- c) runs substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such street line and the distance from the street line shall be determined according to the scale shown on the zoning map;
- d) follows the shore line of a river or water course, the mean high water mark is the boundary;
- e) follows a street or lane and the street or lane is subsequently closed, the land in the closed street or lane is included in the zone of the abutting land, and if such street or lane forms the boundary between two or more different zones, the centre line of the closed street or lane is the boundary.

## 2.6 PROPERTIES AFFECTED BY MORE THAN ONE ZONE

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

## 2.7 BY-LAW APPLICABILITY AND ENFORCEMENT

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

## 2.8 USES

- a) If a use is not listed as a permitted or accessory use in a particular zone, it is hereby deemed to be a prohibited use in that zone unless determined to be a similar use by the Planning Advisory Committee in accordance with Section 2.11 of this By-law.
- b) Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.
- c) When two or more permitted uses are located or are to be located in one building or on one lot, and when the regulations applicable to these uses are different, and unless otherwise specified, the most restrictive regulations shall be deemed to be in force for that lot or building.

## 2.9 MEASUREMENTS AND CALCULATIONS

- a) Numerical requirements in this By-law are provided in metric units of measurement.

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

## 2.10 POWERS / ROLE OF COUNCIL

### 2.10.1 NON-CONFORMING USE

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

### 2.10.2 SATISFACTORY SERVICING

- a) No building may be erected within the Town if, in the opinion of Council, satisfactory arrangements have not or cannot be made for the supply of electrical power, water, sewerage, streets, and other services and utilities.
- b) New development must have frontage onto a street in keeping with the standards and provisions of the Subdivision Bylaw.

## 2.11 POWERS / ROLE OF THE PLANNING ADVISORY COMMITTEE

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

### 2.11.1 CONDITIONAL USES

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

- d) Council may enter into an agreement to assure the performance of the terms and conditions set out in subsection 2.11.1(a).

#### 2.11.2 SIMILAR OR COMPATIBLE USES

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

#### 2.11.3 TEMPORARY APPROVALS

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

- a) Authorize for a temporary period not exceeding one year, a development otherwise prohibited by this By-law.
- b) Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this By-law if:
  - i. The applicant holds an authorization under section 2.11.3(a) that is to expire or has expired;
  - ii. An application to amend this By-law including a rezoning application has been made; and
  - iii. The Planning Advisory Committee has received a resolution from Council confirming that Council will consider the application referred to in subsection 2.11.3(b)(ii).
- c) Require the termination or removal of a development authorized under subsection 2.11.3(b)(i) or (ii) at the end of the authorized period.

#### 2.11.4 VARIANCES

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

#### 2.11.5 DELEGATED AUTHORITY

Pursuant to section 53(2)(j) of the Community Planning Act, the Planning Advisory Committee may delegate its authority to the Development Officer.

## 2.12 POWERS OF THE DEVELOPMENT OFFICER

### 2.12.1 ENCROACHMENT OCCURRING IN GOOD FAITH

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

### 2.12.2 DEVELOPMENT OFFICER VARIANCES

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

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

## 2.13 APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS

### 2.13.1 COUNCIL, COMMITTEE, AND DEVELOPMENT OFFICER APPLICATIONS

- a) Applications submitted under this section shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.
- b) When an application has been received that seeks approval of a matter that has been denied within the immediately preceding 12 months, it will not be reconsidered unless the Council, the Committee, or the Development Officer, as the case may be, is of the opinion that it is substantially different from the previous application.

### 2.13.2 COUNCIL APPLICATIONS

Council applications include:

- a) Amendment to the Town's Municipal Plan
- b) Amendment to this By-law
- c) A resolution pursuant to Section 59 of the Community Planning Act

### 2.13.3 PLANNING ADVISORY COMMITTEE APPLICATIONS

Planning Advisory Committee Applications include:

- a) Similar or Compatible Uses
- b) Temporary Approvals
- c) Non-Conforming Uses
- d) Variances

### 2.13.4 DEVELOPMENT OFFICER APPLICATIONS

Development Officer Applications include:

- a) Variances, pursuant to subsection 2.12.2
- b) Development Permits

## 2.14 DEVELOPMENT PERMIT APPROVALS

### 2.14.1 DEVELOPMENT PERMIT REQUIRED

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

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

#### 2.14.2 DEVELOPMENT PERMIT NOT REQUIRED

Notwithstanding subsection 2.14.1, the following developments do not require a development permit, but may require a building permit under the Town's Building By-law:

- a) Alterations to the interior of a building that do not change the use;
- b) Alterations to the exterior of a building that does not increase the exterior dimensions or size;  
and
- c) Changes to the copy of a sign where the sign copy does not increase.

#### 2.15 BY-LAW AND SECTION 59 AMENDMENTS

- a) A person who seeks to have this By-law amended shall address a written and signed application to Council in a form satisfactory to Council along with the applicable fee of \$500, or as prescribed by Council.
- b) Council may, if it deems fit, return all or any part of the fee mentioned in subsection (a).
- c) An application under this section shall include such information as may be required by Council for the purpose of adequately assessing the desirability of the proposal.
- d) Council may refuse to consider an application under this section if such applications:
  - (i) Seeks to change an area of land from one type of zoning to another contrary to the designation of the land in the Municipal Plan; or
  - (ii) Has not been signed by all registered owners of each property proposed for rezoning or an agent or agents for all of the owners.
- e) Where a property abuts a line separating designations in the Municipal Plan, it may be considered to be within either designation for the purposes of considering an amendment to this By-law.

#### 2.17 PROTECTION OF GROUND WATER CAPACITY

In setting out terms and conditions for any rezoning or Conditional Use that involves permanent or temporary accommodation of large numbers of people (commercial/institutional or residential uses) or a business/industry that uses a large quantity of water, the Planning Advisory Committee and/or Council will require sufficient evidence (engineering report, hydrogeological study, etc.) to be reviewed by the Town Engineers, to consider that there is adequate capacity not to adversely affect existing water supply.

#### 2.18 COMPLIANCE WITH OTHER REGULATIONS

Nothing in this By-law shall exempt any person from complying with the requirements of the Town of Woodstock's Building By-law 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. DEFINITIONS

In this By-law:

**"access"** means an access, exit, or driveway from a street to a lot.

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

**"accessory structure"** means a subordinate structure that is incidental and exclusively devoted to the main use, building, or structure located on the same lot.

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

**"accommodation"** means an establishment that provides lodging for travelers, and includes but is not limited to, a bed and breakfast, hotel, or motel but does not include a hostel or rooming house.

**"active transportation"** means modes of transportation that rely on human power including, but not limited to, walking, jogging, cycling, in-line and roller skating, skateboarding, wheelchair use, snowshoeing, and skiing.

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

**"Adult Entertainment Facility"** means an establishment where service or entertainment appealing to, or designed to appeal to, an erotic or sexual appetite or inclination is provided.

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

**"agricultural use"** means the cultivation of the soil to produce a crop or the raising of a domestic animal including, but not limited to, the growing of a crop, an agro-forestry operation, garden, greenhouse, maple syrup production, nursery, orchard, or vineyard, or the keeping and raising of bees, fish, fowl, livestock, or fur or wool bearing animals.

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

**"amenity space"** means that part of a lot or building intended and capable of being used privately or commonly for recreation or relaxation including, but not limited to, a balcony, courtyard, deck, garden, gym or fitness room, movie room, play area, gazebo or pergola, landscaped area, or swimming pool, but does not include a driveway or parking lot.

**"amusement place"** means an amusement park or an establishment, other than a private club or an establishment authorized to serve beer or spirit, which for profit provides facilities for dancing, games,

the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a restaurant or other commercial establishment;

**“animal shelter”** means an establishment that provides care and veterinary service to lost, abandoned, or neglected animals.

**“artist or craftsperson studio”** means an establishment used for creating, finishing, refinishing, or similar production of custom or handmade goods and may include the display and sale of such goods.

**“asphalt plant”** means a use where the production of asphalt takes place and may include the stockpiling and storage of bulk materials and storage and sale of finishing products manufactured on site.

**“auction house”** means an establishing that provides for the auctioning and related temporary storage of goods except large equipment, livestock, or motor vehicles.

**“auto service drive-thru”** means a drive-thru facility designed for express servicing of vehicles and includes, but is not limited to, a quick-lube or quick-oil change business.

**“bachelor or studio apartment/unit”** means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities contained within that same apartment or dwelling unit;

**“balcony”** means a horizontal platform attached to a building above the first storey floor level that is intended for use as an outdoor amenity space.

**“banquet hall”** means a room or building used for hosting parties, banquets, events, functions, receptions, or other social events and may include an area for food preparation and may be licensed under the Liquor Control Act.

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

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

**“basement”** means that portion of a building 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;

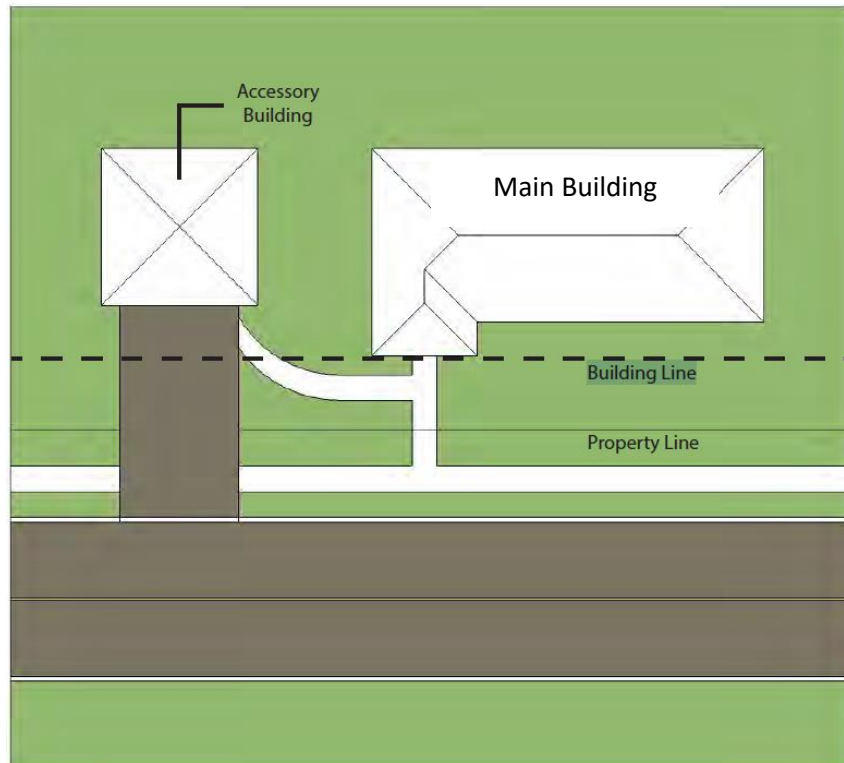
**“billboard sign”** means a ground sign that displays third-party advertising.

**“block face”** means the main buildings within 60 metres of a lot on the same street.

**“boarding house”** means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons other than the owner or tenant thereof and members of his 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;

**“building”** means any roofed structure used or intended to be used as a shelter for the accommodation of persons, animals, or chattels, but does not include a trailer or mobile home.

**“building line”** means any line defining the positions of a building or structure on a lot.



**“business office”** means an establishment where one or more persons are employed in the conduct, direction, or management of an agency, business, brokerage, labour, or fraternal organization, but does not include such uses as an assembly or storage of goods, manufacture, a place of amusement or assembly or retail sales.

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

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

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

**“car port”** means a building or structure without walls on at least two sides used for the parking or storage of a motor vehicle.

**“car wash”** means an establishment for the public where a vehicle is washed within a building or within a permanent structure, but does not include a mobile car wash

**"cellar"** see basement;

**“cemetery”** means any land, building, or structure used for burying or interring the dead, and may include associated building for grounds keeping, equipment storage, or administrative office space.

**“Clean Water Act”** means the Clean Water Act, SNB 1989, c C-61, of the Province of New Brunswick.

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

**“commercial garage”** means any building or enclosure in which motor vehicles are stored or repaired but does not include body shops.

**“commercial recreation”** means an outdoor recreational use such as, but not limited to, boating, camp site rental, recreational vehicle parking, tourist cabin rental, golfing, skiing, or swimming, but does not include motor vehicle racing.

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

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

**“conditional use”** means those uses of land, buildings and structures which may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Committee.

**“convenience store”** means a retail store not exceeding 300 square metres in gross floor area, which serves the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines and newspapers.

**“cul-de-sac”** means a street designed for have one end permanently closed with the closed end terminated by a vehicle turnaround or bulb, and which does not intersect with another street.

**“day care centre”** means an establishment that provides care and supervision for up to 60 children as regulated by the Family Services Act or the Early Childhood Services Act.

**“deck”** means a horizontal accessory structure, erected above grade intended for use as an outdoor amenity space, which may including a railing or privacy lattice along the sides.

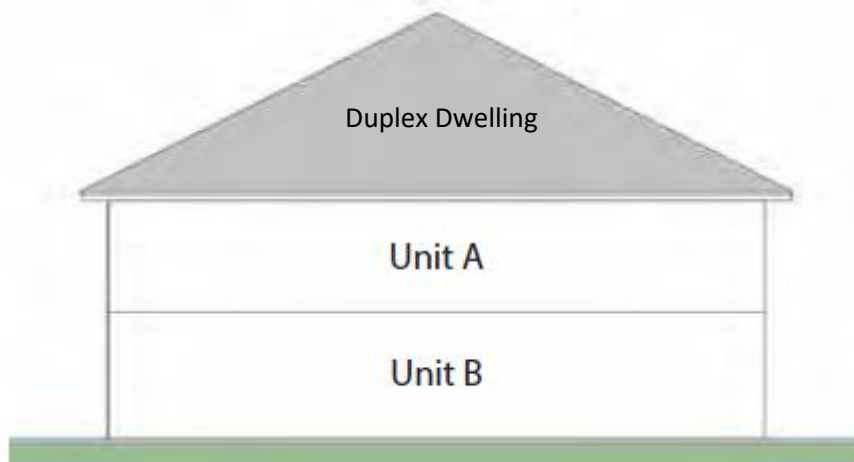
**“development”** means (a)the altering, erecting, placing, relocating, removing, demolishing, repairing, or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines as defined in the Pipeline Act, 2005; (b) any change in the purpose for which any land, building, or structure is used; (c) any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development as defined in (a) or for purposes of the sale or commercial use of the excavated material; or (d) the making of land by cutting or filling in excess of 1 metre.

**“drive-thru business”** means an establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles.

**"dwelling"** means a building or a portion thereof, used for residential occupancy, containing one or more dwelling separate dwelling units, but does not include a hotel, motel, or hostel.;

**“dwelling, converted”** means a building which was originally constructed as a one-unit dwelling or two-unit dwelling that has been lawfully converted into a two-unit dwelling or a multiple dwelling.

**“dwelling, duplex”** means a residential building divided horizontally into an upper and a lower separate dwelling unit each of which has an independent entrance, either directly or through a common vestibule.

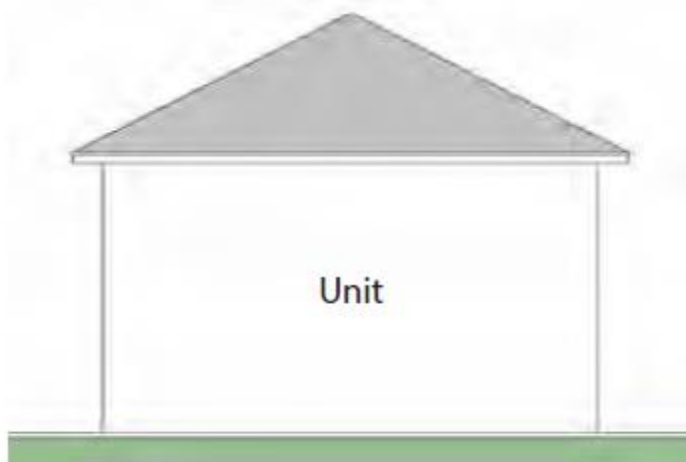


**“dwelling, mini home”** means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini home is a minimum of 4.88 metres wide and a maximum of 5.0 metres wide (excluding eaves), a maximum of 21 metres in length and a maximum of 4.4 metres in height.

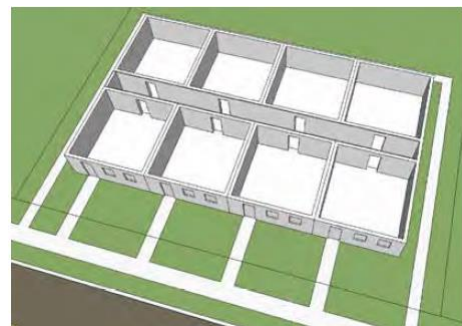
**"dwelling, mobile home"** means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

**"dwelling, multiple"** means a dwelling containing more than two dwelling units.

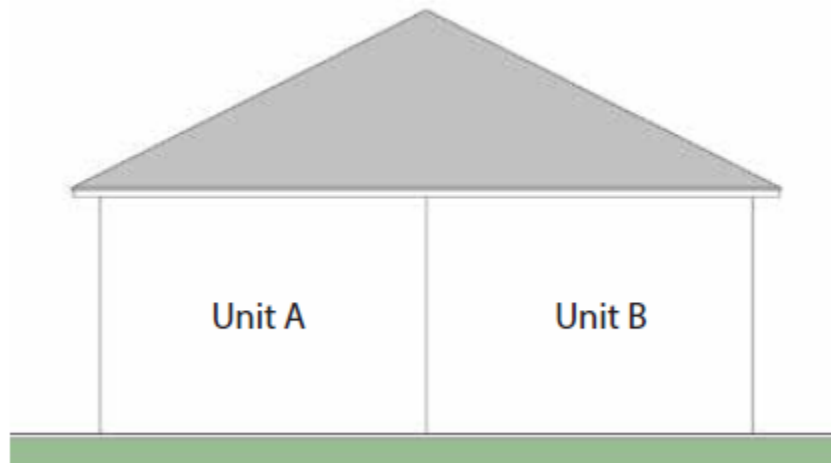
**"dwelling, one unit"** means a detached building having independent exterior walls, designed or used exclusively for residential purposes and containing only one main or primarily dwelling unit.



**"dwelling, row or townhouse"** means housing consisting of a building containing a row of three or more dwellings joined in whole or in part by vertical common walls. Each dwelling shall have separate and direct access to grade.



**"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 two-unit"** means a duplex or semi-detached dwelling.

**"dwelling unit"** means a room or suite of two or more rooms designed or intended for use by a person or persons in which culinary facilities, kitchen, and sanitary conveniences are provided for the exclusive use of such person or persons;

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

**"excavation of land"** means any act, operation, or process by which earth, sand, gravel, stone, rock, clay, or similar material is cut into, dug, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom, provided the excavation extends to a depth of 1 metre below the undisturbed surface which existed before the excavation began.

**"farmers market"** means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a building.

**"financial service"** means an establishment where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.

**"floor area"** means the aggregate of the horizontal areas of each floor in a building or structure measured from the exterior of outside walls or outside finished partitions but excluding in the case of a dwelling, any unfinished areas.

**"frontage"** refers to lot frontage.



**"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;

**"garden centre"** means any use of land, building, or structure for the display and sale of plants, gardening, or landscaping equipment or supplies.

**"garden suite"** means a detached secondary dwelling unit on the same lot as a main building and serviced from the main building.

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

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

**"ground floor area"** means the floor area of the first storey of a building located at or above grade.

**"group home"** means a residence for the accommodation of five or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing. A Group Home does not include a daycare facility, a halfway house or a facility for the temporary care of transient and homeless persons or foster care.

**"health, fitness, and wellness facility"** means an establishment providing health, fitness, and recreational activities, such as, but not limited to, boxing, dancing, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise.

**"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 Province of New Brunswick or the Government of Canada as a property possessing cultural or historical significance;

**"home occupation"** means, subject to Section 5.7 of this By-law, an occupation or business which is conducted in a portion of a dwelling unit or accessory building by a person who uses the dwelling unit and subsequent lot as their primary place of residence and which is clearly secondary and incidental to the residential use of the dwelling unit.

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

**“hotel or motel”** means a building providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention meeting room.

**“household pet”** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure, rather than for utility, and includes not more than 3 dogs, 3 cats, 3 rabbits, or small birds or rodents in cages, but excludes cattle, sheep, horses, pigs, poultry, bees and other animals kept as farm animals or livestock customarily found in an agricultural use.

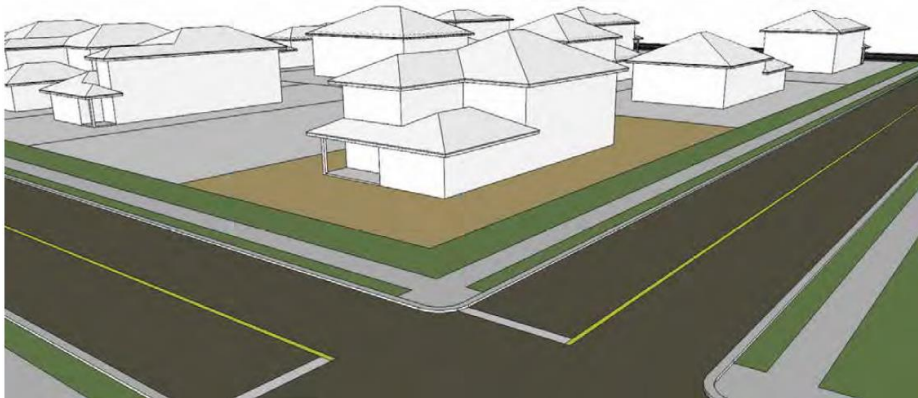
**“inn”** see bed and breakfast / tourist home.

**“kennel”** means building or structure used for the enclosure of animals kept for a commercial purpose, and may include premises used for the breeding, raising, training, sheltering, or boarding, or the overnight accommodation of dogs, cats, or other household pets, including a “doggie daycare” but shall not include a veterinary clinic.

**“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. ;

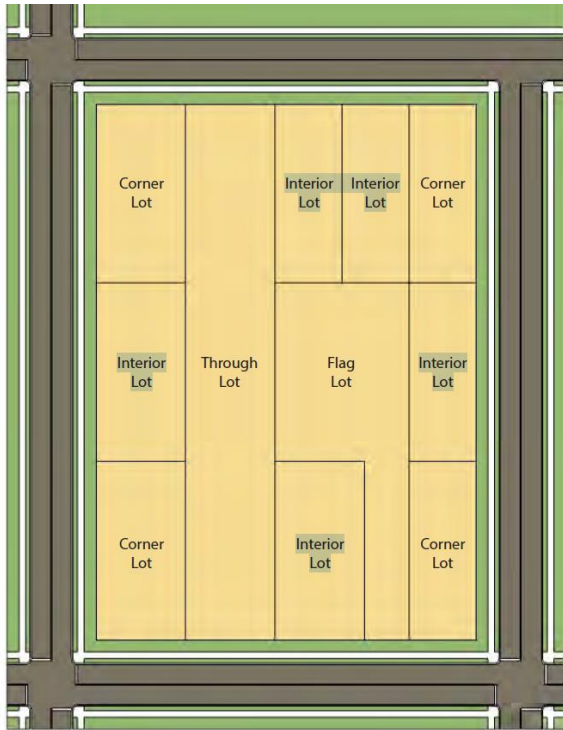
**“lot area”** means the total area within the lot lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of cliffs or embankment having slope of thirty degrees or more from the horizontal;

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

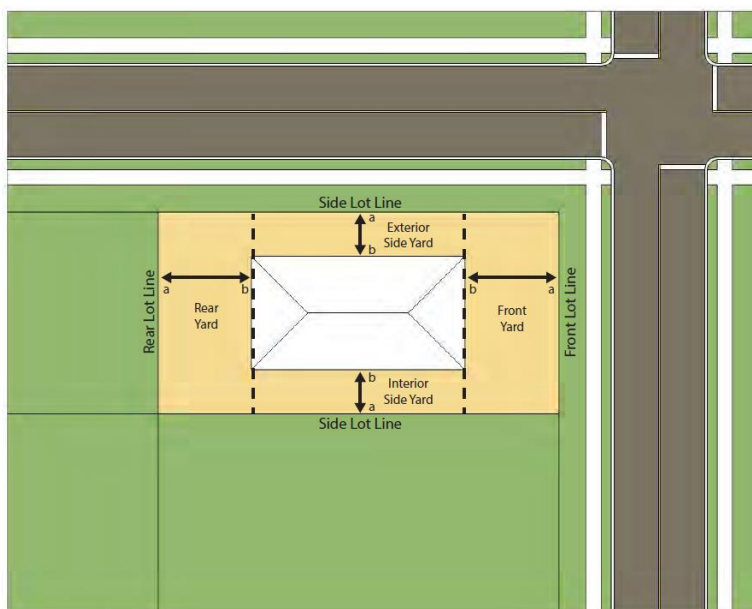


**“lot coverage”** means that percentage of the lot area that is permitted to be covered by all buildings and structures, other than swimming pools, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the 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, 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 line"** means the common line between a lot and an abutting lot, land, or street.

**"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.

**"lot, through"** means a lot bounded on two opposite sides by streets or highways.

**"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;

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

**"medical clinic"** means an establishment where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment, but does not include any overnight accommodation of a patient. A medical clinic includes, but is not limited to, an acupuncturist, athletic therapist, chiropodist or podiatrist, chiropractor, dental provider, massage therapist, naturopath, osteopath, physician, physiotherapist, psychologist, social worker, speech therapist, or vision care provider.

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

**"mobile car wash"** means an establishment or business that offers vehicle cleaning services that does not involve a building or permanent structure.

**"mobile vendor"** means an establishment or business that offer goods and services in a mobile vehicle, such as a trailer, van, or truck (e.g. food truck), and may include a farmers stand.

**“neighbourhood day care”** means an establishment for the provision of care and supervision of 6 to 15 children operating in a residential area in accordance with the Family Services Act or the Early Childhood Services 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 in compliance with the Town’s Building Bylaw, National Building Code, and any other applicable Provincial or Federal regulation.

**“permit, development”** a permit issued by the Town in compliance with the Town’s Zoning By-law.

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

**“pit”** means a place where unconsolidated metallic mineral or mineral bearing substance, rock, earth, clay, sand, or gravel has been or is being removed by means of an open excavation in order to supply it for construction, industrial, and or manufacturing purpose.

**“principal use”** means the primary purpose for which a parcel, building or dwelling unit is used.

**“public street”** means a highway, road or street owned or maintained by the Town of Woodstock.

**“quarry”** means a place where consolidated rock has been or is being removed by means of an open excavation in order to supply material for construction, industrial, and or manufacturing purpose and includes an open pit mine.

**“recreation establishment”** means:

- a) premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf and all other similar places or amusement excluding adult entertainment.

- b) A recreation facility operated as a business and open to the public for a fee.
- c) Establishments primarily engaged in the operation of sports, active amusement or recreation services for use by the general public on a fee or non-fee basis

**“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.

**“required yard”** means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law.

**"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;

**“retail store”** means an establishment for the retail sale or rental of goods, wares, merchandise, substances, articles or things and may include supplementary postal services, film processing, repair of articles sold or rented by the store and food consumption areas not exceeding 20% of the gross leasable area.

**“rooming house”** means a dwelling or part thereof in which rooms are provided to lodgers for compensation;

**“screening”** means the use of landscaping, fences, or berms to visually and/or audibly separate areas of uses.

**“secondary suite”** means a dwelling unit attached to or contained within a main building.

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

**"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, and may include a car wash or mobile car wash.

**"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 m<sup>2</sup> 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 m<sup>2</sup> in size and characterized by the sharing of common parking areas and driveways.

**"similar or compatible use"** means a use of land or building that is otherwise not permitted in a zone but has been authorized by the Planning Advisory Committee, subject to any imposed term or condition, as being sufficiently similar to or compatible with a permitted use in that zone.

**"storey"** means

- iii) 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
- iv) a basement or cellar, if the average vertical distance from grade to the ceiling is over 1.5 m 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 common line between a street and a lot;

**"structure"** means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings.

**"supportive facility" means:**

- (a) an establishment licensed or approved by a government agency that provides care and or supervision to residents on a 24-hour basis by professional staff; or

- (b) an establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such residents.

**"swimming pool"** means any structure intended for swimming, wading or recreational bathing that is designed to contain a capacity of 0.6 m 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 person appointed by Town Council as the Building Inspector for the Town of Woodstock or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law.

**"use"** means the purpose for which land or a building or structure or any combination thereof, is designed, arranged, erected, intended, occupied or maintained.

**"use, accessory"** means a use that is naturally and normally incidental and subordinate and exclusively devoted to the main use, or to the main building or structure, and located on the same lot with such main use or building or structure.

**"use, secondary"** means a use, other than the main use, permitted in a building or a structure.

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

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

**"veterinary clinic"** means an establishment within a building where domestic animals or household pets are treated by a licensed veterinarian, and includes temporary indoor accommodation related to such treatment and/or recovery of animals after a surgical procedure, but does not include any outdoor facilities such as a kennel, dog run, or other similar enclosure.

**"warehouse facility"** means an establishment other than a self-storage facility where goods are stored and packaged inside a building, and may include administration, but does not include the manufacturing, display, or sale of goods or a distribution facility.

**"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 the nearest wall of the main building on the lot.



**"yard, rear"** means the yard extending across the full width of the lot between the rear lot line and the nearest wall of the main building on the lot.

**"yard, side"** means the yard extending from the front yard to the rear yard between the side lot line and the nearest wall of the main building on the lot.

## 4. GENERAL PROVISIONS

### 4.1 USES PERMITTED IN ALL ZONES

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

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

### 4.2 USES PROHIBITED IN ALL ZONES

- a) Notwithstanding any provision of this By-law, the use of a vehicle or recreational vehicle as a place of residence shall not be permitted within any zone in the Town;
- b) A semi-trailer or what was a semi-trailer or what is or was a vehicle within the meaning of the Motor Vehicle Act, or a part thereof, shall not be used for storage in any zone. Such a semi-trailer or part of a vehicle shall be deemed to be used for storage when it has not been used for hauling goods to or off the premises at least once every 30 days.

### 4.3 CONVERTED DWELLINGS

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

- a) The building shall be service by municipal sanitary sewer and municipal water;
- b) There shall be no changes to the exterior appearance of the building that would indicate the building is a converted dwelling; and
- c) In accordance with Section 6, there shall be one on-site parking space for each dwelling unit;

## 4.4 GASOLINE BARS, SERVICE STATIONS, AND COMMERCIAL GARAGES

### 4.4.1. PUMP ISLANDS

- a) All Pump Islands shall be located at least 9 metres from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- b) A canopy over a pump island may extend to within 6 metres of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section.

### 4.14.2. LONG TERM PARKING

No part of a lot used for the purpose of a gasoline bar or automobile service station shall be used for parking a vehicle for a period exceeding one week.

### 4.14.3. DISPENSING OF GASOLINE AND DIESEL FUEL

- a) 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 Planning Advisory Committee and on compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.
- b) 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
  - i) be placed in the rear of the lot; and
  - ii) wherever possible, not be visible from the public street.

## 4.5 HEIGHT EXCEPTIONS

The height restrictions of this By-law shall not apply to church towers, chimneys, water storage tanks, telecommunication towers, or to structures housing mechanical equipment.

## 4.6 LIGHTING

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties or passing vehicular traffic or interfere with the effectiveness of any traffic control devices.

## 4.7 LINE OF VISION AT AN INTERSECTION

Notwithstanding the provisions of this By-law, no building or structure shall be erected on a corner lot included within the triangular space measured a distance of 6 metres from the point of intersection of the street/lot lines. Furthermore, hedges, shrubs or foliage shall not be planted or maintained within the triangular space measured a distance of 6 metres from the point of intersection of the street/lot lines between the length of one (1) and three (3) metres above the grade of the street which would obstruct the view of a driver of a vehicle approaching the intersection.

## 4.8 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 through approvals of Council and / or the Planning Advisory Committee.

#### 4.9 LOTS WITH 15% GRADE

Any part of a lot that has a grade of 15% or greater may not be considered as part of the lot for purposes of calculating minimum lot area required hereunder, subject to alleviation only by Variance granted by the Planning Advisory Committee and by such terms and conditions as determined by the Planning Advisory Committee.

#### 4.10 NUMBER OF MAIN BUILDINGS OR STRUCTURES ON A LOT

Except as otherwise provided in the By-law, 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.

#### 4.11 PERMITTED ENCROACHMENTS AND PROJECTIONS

Nothing in this By-law shall prevent the following:

- a) An air conditioning or heat pump unit, or solar collector in any required yard;
- b) A balcony, deck, or veranda with a maximum projection of 2 metres into a required front, rear, or flankage yard;
- c) A canopy, chimney, cornice, eave, flue, gutter, pilaster, roof overhand, sill, smoke stack, or other architectural feature with a maximum projection of 1 metre into any required yard;
- d) A door or window awning with a maximum projection of 1.5 metres into any required yard;
- e) the ordinary projection of skylights;
- f) A cantilevered floor in a main building above the first floor, which projects not more than 2 m into a required front, flankage, or rear yard or not more than 1.5 m into a required side yard.
- g) A personal mobility lift or wheelchair ramps may be located in any required yard;
- h) A fire escape or exterior staircase that projects into any required yard;
- i) steps providing access at the first storey level may be located in any required yard; and
- j) an ornamental planting, retaining wall, or other similar landscaping installation may be located in any required yard.

#### 4.12 REDUCTION OF YARDS

No part of landscaped open space required around any building or structure for the purpose of complying with the provisions of this By-law shall be included as part of landscaped open space similarly required for another building or structure.

#### 4.13 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.

#### 4.14 SETBACKS FROM WATERCOURSES

Subject to the provisions of the relevant provincial regulations and, notwithstanding any provision of this By-law, no person shall erect a building or structure within 30 metres of the high water mark of a stream or water course, as determined by the Development Officer, without approval from the Planning Advisory Committee and such terms and conditions as may be imposed by the Committee and the provincial Department of Environment.

#### 4.15 STRIPPING OF TOPSOIL

- a) Subject to subsection (b), no person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- b) 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.
- c) Notwithstanding subsection (a), the farming of sod may be carried out where the owner of the land has entered into an agreement with Council making arrangements satisfactory to the Council for rehabilitation of the land.

#### 4.16 UNDERSIZED LOTS

This By-law does not prevent the use of an existing lot that does not conform to minimum size requirements provided:

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

#### 4.17 UTILITIES AND INFRASTRUCTURE

- a) This By-law prohibits the erection of any building in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, street or other services or facilities.
- b) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sewer facilities.

#### 4.18 VEHICLE BODIES

- a) 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.
- b) Notwithstanding section (a), a shipping container may be used as an accessory building or structure in the General Commercial or Corridor Commercial Zones subject to the following:
  - (i) the shipping container shall be in the rear yard; and
  - (ii) the shipping container shall be set back from the side and rear lot line by a minimum of 3 metres.
- c) Subject to subsection (d) below, any recreational equipment or unoccupied non-commercial trailer must be stored in the rear yard of a main building or an accessory building.
- d) Where an unoccupied trailer is stored in a rear yard, it shall be at least
  - (i) 1.5 metres from a side or rear lot line; and

(ii) 3 metres from any building or structure.

- e) Shipping containers proposed for seasonal, temporary use will be considered through Temporary Use Applications as described in section 2.11.

#### 4.19 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 m, 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

## 5. USES PERMITTED IN MULTIPLE ZONES

### 5.1 ACCESSORY BUILDINGS AND STRUCTURES

#### 5.1.1 GENERAL PROVISIONS

- a) Except as otherwise provided by this By-law, any lot containing a main building or use may also contain one or more accessory buildings, structures, or storage tanks subject to the requirements of this section.
- b) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered so as to be in the required front or flankage yard of a main building or structure.
- c) Except as otherwise provided by this By-law, an accessory building or structure shall be erected, placed, or altered in accordance with the following:
  - i) **Minimum Cumulative Ground Floor Area**  
The total lot coverage of all accessory structures, including a detached private garage, shall not exceed:
    - a. Within an Residential Zone: 75m or 5% of the lot area up to a maximum of 150m<sup>2</sup>, not exceeding the lot occupancy requirements;
    - b. All other zones: 75m<sup>2</sup> or 5% of the lot area up to a maximum of 250m<sup>2</sup>, not exceeding the lot occupancy requirements.
  - ii) **Side and Rear Yard Setback Requirements:**
    - a. **Residential**  
In residential zones any accessory structure, heat pump or storage tank may be built or located in a side yard or rear yard provided that any structure so erected shall be a distance of at least 1.5 metres from the side lot line or rear lot line.
    - b. **All other zones**  
In all other zones, any accessory structure or storage tank shall be at least 3 metres from the side lot line or rear lot line.
  - iii) **Front Yard Setback Requirements:**  
No accessory building or structure may be placed within the required front yard setback area of the zone.
  - iv) **Height**
    - a. **Residential**  
No accessory structure, excluding a satellite dish and communication tower, shall exceed the height of the main building on a lot in a residential zone and in no case shall it exceed 9 metres in height measured from average grade to the highest point of any portion of the roof.

**b. All other zones**

No accessory structure, excluding a satellite dish and communication tower, shall exceed a maximum height of 11 metres. Where abutting a residential zone; accessory buildings over 9 metres will require an additional 1metre side and year yard setback for each additional metre in height to a maximum of 5 metres.

**v) Corner Lots**

In zones which permit accessory structures, no accessory structure, including storage tanks, satellite dishes and communication towers, shall be erected on a corner lot at a distance from the street line less than the front yard and corner lot side requirements for the main building.

**vi) Garages for Semi-Detached Dwellings**

Garages for semi-detached dwellings may be centered on the mutual lot line if erected simultaneously on both lots as one structure.

**vii) Separation of Structures**

No part of an accessory building or structure should be located with 1.5 metres of the main building on the lot.

**viii) Permitted Uses**

No accessory building shall be used for agricultural purpose or keeping of animals other than household pets, unless in the Rural and Agricultural (RU) Zone

**ix) Multiple Accessory Buildings Per Lot**

The maximum number of accessory buildings on any lot is three, not exceeding total lot occupancy requirements.

**5.1.2 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.

**5.1.3 SWIMMING POOLS**

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool is permitted in any zone subject to the following requirements:



- a) The swimming pool use must be accessory to the main use of the lot;
- b) The swimming pool shall not be located in the front, side, or flankage yard in any zone;
- c) The swimming pool shall not be closer than two metres from any lot line;
- d) 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 5.5. Similarly, no swimming pool shall be placed or erected underneath an existing overhead electrical power line.

#### 5.1.4 SWIMMING POOL ENCLOSURES

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool shall be completely enclosed by a fence or a combination of a permanent structure and a fence that prevents access to the pool from the street or abutting lot.

- a) The swimming pool enclosure shall completely enclose the swimming pool;
- b) The swimming pool enclosure shall create a barrier that is no less than 1.5 metres in height when measured from the ground to the top of the fence, gate, or structure, enclosing the pool.
- c) The swimming pool enclosure shall have no opening greater than 10 centimetres in the barrier(s) required in subparagraph (b).

#### 5.1.5 SWIMMING POOL ACCESS

Notwithstanding other provisions presented in the By-law, an outdoor swimming pool shall be accessed by:

- a) A self-closing and self-latching gate that is a minimum height of 1.5 metres;
- b) A main building or structure, subject to 5.1.4; or
- c) An accessory building or structure, subject to 5.1.4

#### 5.2 BED AND BREAKFASTS AND TOURIST HOMES, INCLUDING INNS

Where permitted, Bed and Breakfasts and Tourist Homes shall:

- a) Be limited to one unit dwellings;
- b) Limit Bed and Breakfast operations to no more than four (4) sleeping units in the building or as regulated by the appropriate provincial department;
- c) Limit Inn operation to no more than ten (10) sleeping units in the building;
- d) Not permit any sign visible from the outside of the house, advertising the existence of the Bed and Breakfast, Tourist Home, or Inn or the availability of a room except:
  - (i) in a Residential Zone, one non-illuminated sign attached to the building not exceeding 0.4 square metres in area is permitted;
  - (ii) in all other zones, one non-illuminated fascia sign not exceeding the provisions in this By-law under section 8 for a fascia sign.

- e) Not permit a Group Home, Residential Care Facility, Support Facility, Home Occupation or Daycare Facility on the same lot;
- f) The person operating the Bed and Breakfast, Tourist Home, or Inn shall hold a valid license issued by the agency/agencies having jurisdiction or authority.

### 5.3 BOARDING AND ROOMING HOUSES

A boarding or rooming house is subject to the requirements that:

- a) accommodations for compensation are provided for no more than ten persons;
- b) the use shall not be within 60 metres of another lot that also contains a boarding or rooming house;
- c) no Group Home, Residential Care Facility, Supportive Care Facility, Home Occupation, or Day Care Facility be permitted on the same lot;
- d) cooking equipment is not permitted in a room used for sleeping accommodation;
- e) the exterior of the building is not altered;
- f) required parking is provided at the rear or the side of the building; and
- g) no sign advertising the existence of the boarding or rooming house shall be displayed except a sign permitted in a residential zone under section 8.

### 5.4 DAY CARES

#### 5.4.1 NEIGHBOURHOOD DAY CARES

Where permitted by this By-law, a Neighbourhood Day Care may be permitted as a secondary use in a one unit, two unit, semi-detached dwelling, or townhouse dwelling subject to the following requirements:

- a) A Neighbourhood Day Care complies with the daycare regulations of the *Early Childhood Services Act* of the Province of New Brunswick;
- b) A Neighbourhood Day Care shall have no more than 15 spaces;
- c) Any fenced, outdoor play area must be in the rear yard;
- d) A Neighbourhood Day Care shall be located on a street with unrestricted on-street parking or the provision of an off-street drop-off area must be provided which limits the obstruction of passing traffic;
- e) The Fire Marshall certifies the area in which the business is to be conducted meets the appropriate requirements; and
- f) No Bed and Breakfast, Garden Suite, Secondary Suite, or Supportive Facility is permitted in any building on the lot.

#### 5.4.2 DAY CARE CENTRE

Where permitted by this By-law, a Day Care Centre shall be subject to the following requirements:

- a) A Day Care Centre complies with the daycare regulations of the Early Childhood Services Act of the Province of New Brunswick;
- b) Any fenced or outdoor play area shall be in the rear yard;
- c) One on-site parking space shall be provided for every five children; and
- d) Pick-up and drop-off of children must occur on-site and have limited impact on neighbourhood traffic patterns.

## 5.5 FENCES

- a) Notwithstanding any other provision of this By-law, subject to this section, a fence may be placed or located in a yard;
- b) Notwithstanding any other provision of this By-law, no fence along a street line may exceed 1.2 metres in height, and;
- c) No fence may exceed the height of:
  - (i) 1.5 metres in a Residential or Mobile Home Park Zone; or
  - (ii) 2.5 metres in a zone other than a Residential or Mobile Home Zone.
- d) No fence shall be located within 1.5 metres of a street line in all zones.
- e) No fence shall be located:
  - (i) within 150 mm of a property line in the case of chain link construction; or
  - (ii) within 600 mm of a property line for all other types of construction.
- f) Notwithstanding subsection (e) of this Section where both owners of adjacent properties have applied for and signed the Building Permit, a fence may be placed exactly on the property line;
- g) No fence shall be electrified or incorporate barbed wire or other dangerous materials;
- h) Notwithstanding (g) of this Section fences other than a chain link fence, shall be installed with the finished side facing the adjoining property.

## 5.6 GARDEN SUITES

Where permitted by this By-law, a one or two-unit dwelling may also contain a Garden Suite subject to the following:

- a) The Garden Suite shall not exceed a maximum gross floor area of 75 square metres;
- b) The Garden Suite must be serviced from and in the same manner as the main building via one set of laterals to the building or by the same on site services at the main building;
- c) The height of the Garden Suite shall not exceed the height prescribed for an accessory building in Section 5.1 of this Bylaw;
- d) The Garden Suite shall be in the rear yard of the main building;
- e) The Garden Suite shall be of a similar appearance and design as the main building; and
- f) There shall be at least one on-site parking space provided for the Garden Suite.

## 5.7 HOME OCCUPATIONS

### 5.7.1 HOME OCCUPATION GENERAL REQUIREMENTS

In addition to all other requirements of this By-law, the following shall apply to all Home Occupations:

- a) A Home Occupation may be permitted as an secondary use within a dwelling unit or an accessory building, or both for the same home occupation, and must be clearly secondary to the residential use;
- b) A Home Occupation shall be the principle residence of the operator;
- c) The maximum area of the Home Occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit;
- d) When the Home Occupation operates from an accessory building, the accessory building shall meet the regulations for maximum gross floor area permitted on the property;
- e) A Home Occupation may be housed in a combination of the main dwelling unit and an accessory building provided that the area utilized does not exceed 25% of the dwelling unit;
- f) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- g) The Home Occupation will meet the parking and signage requirements as set out in this By-law;
- h) Off-street parking shall be required in accordance with Section 7 of this By-law.
- i) The following environmental standards shall apply:
  - i. No emissions of odorous gas or particulates that can be discerned at the lot line;
  - ii. No production of noise in excess of a normal street traffic experience;
  - iii. No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - iv. No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
  - v. Outdoor storage must be located in the rear yard containing the Home Occupation and screened.

### 5.7.2 HOME OCCUPATIONS PERMITTED BY DEVELOPMENT PERMIT

- a) Art or Craft Person Studio
- b) Bed & Breakfast
- c) Home Business Office – no additional staff
- d) Neighbourhood Day Care

### 5.7.3 HOME OCCUPATIONS PERMITTED BY COMMITTEE APPROVAL

- a) Art Studio with Gallery
- b) Carpentry and Repair Shops, including incidental retail sales
- c) Catering Establishments, including incidental retail sales
- d) Doggie Daycares
- e) Home Office with Staff, including instructional services
- f) Personal Service
- g) Pet Grooming

#### 5.7.4 ADDITIONAL REQUIREMENTS FOR PET GROOMING HOME OCCUPATIONS

- a) Outdoor kennels for animals associated with the business are not permitted;
- b) No overnight accommodation for animals associated with the business is permitted; and
- c) The number of animals associated with the business shall not exceed 5 on the lot at any given time.

#### 5.8 KEEPING OF CHICKENS

Where permitted by this By-law, the keeping of chickens shall comply with the following:

- a) A maximum of 6 hens shall be kept;
- b) Roosters are prohibited;
- c) The owner of the chickens shall reside on the lot where the chickens are kept;
- d) The sale of eggs or meat and the slaughter of animals on the lot is prohibited;
- e) Manure is not to be stored on-site unless in a sealed container; and
- f) A roofed enclosure consisting of a chicken coop connected to a chicken run shall be provided in the rear yard of the main building and shall:
  - i) Be fully enclosed by wire fencing and impermeable to predators;
  - ii) Be visually screened from a public street and neighbouring properties; and
  - iii) Be no closer than two metres to any side lot line or rear lot line, and shall have a minimum separation distance of 7.5 metres from a main building on an adjoining lot and 30 metres from any existing well on an adjoining lot.
  - iv) Any combination of the above.

#### 5.9 EXCAVATION

##### 5.9.1 EXCAVATION PERMIT APPLICATION

An application for an Excavation Permit 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;
- g) Indicate the size and location of signs erected or proposed to be erected within the lands involved in the proposal;
- h) The amount of security to be deposited in the sum of money or surety bond in lieu thereof, issued by an insurance company licensed to carry on business in New Brunswick, in amount adequate to cover the cost of rehabilitation required under subsection (c) (vi).

#### 5.9.2 EXCAVATION GENERAL PROVISIONS

- a) No person may undertake or continue the excavation of land unless an Excavation Permit has been issued by the Development Officer;
- b) An Excavation Permit is valid until December 31<sup>st</sup> of the year of issue and may be renewed for the fee prescribed by Council;
- c) No Excavation Permit shall be issued if the proposed work would be apt to:
  - i) Create a hazard to human life;
  - ii) Cause injury to a person;
  - iii) Damage adjoining property;
  - iv) Adversely affect a public water main or sewer, or watercourse or street; or
  - v) Cause geological instability or flood hazard to the extent that no reasonable amount of work could be undertaken to correct or eliminate or sufficiently reduce the hazard
- d) No excavation shall take place below the base agreed upon pursuant to 5.9.1(c)
- e) Access to the excavation site 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;
- f) 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;
- g) Adequate measures shall be taken to prevent surface water from damaging the face of the excavation;
- h) 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 15m of an abutting property line;
- i) 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
- j) The land of the site of the excavation is rehabilitated as described in the approved rehabilitation plan.
- k) Where a person violates any of the terms and conditions mentioned in 5.9.2, or any provision of this section, the Development Officer or Council may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.

### 5.9.3 EXCAVATION SITE REHABILITATION

- a) 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
  - i) depletion of excavation material from the site to the extent that further operation would be no longer viable;
  - ii) failure to seek renewal of an elapsed or cancelled permit; or
  - iii) cessation of operation for a period of at least one year.
- b) Rehabilitation mentioned in subsection (a) shall include the following:
  - i) where an excavation is over 6 m deep, a terrace shall be provided not less than 6m in width at each 6 metre interval of the depth;
  - ii) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;
  - iii) all plants, equipment, buildings or structures, placed or erected on the site for purposes of the excavation shall be removed;
  - iv) 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
  - v) 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.
- c) Where an owner fails to meet the requirements of 5.9.2 or 5.9.3, Council may cause the required rehabilitation to be done and may recover all cost connected therewith from the owner.

### 5.10 LANDSCAPING

- a) Subject to this section, the owner of a lot developed for residential purposes shall landscape:
  - i) the front yard of the main building; and
  - ii) subject to section 4.7, any required yard that abuts a street;
  - iii) any side yard; and
  - iv) any part of the rear yard within 4 m of any main building thereon;
- b) 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.
- c) For the purposes of this section, landscaping shall be provided as follows:

- i) for multiple dwelling units of four units or less, and for all conversions to multiple dwelling units under section 4.3, landscaping shall be completed in the front yard area of the lot. In a corner lot, this includes the frontage on all streets;
  - ii) 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;
- d) Landscaping shall include:
  - i) at least 80 mm of topsoil after compaction and the seeding or sodding thereof;
  - ii) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees where not prohibited by this or any By-Law, rule or regulation.
- e) Landscaped areas shall be graded to divert surface water from the building or dwelling and insofar as it is reasonably possible.
- f) 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.
- g) 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.

#### 5.11 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.

#### 5.12 GARBAGE ENCLOSURES AND 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 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 of a public street or within 2 m 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.

### 5.13 SECONDARY SUITES

Where permitted by this By-law, a one-unit, two-unit, and rowhouse dwelling may also contain a Secondary Suite subject to the following:

- a) It shall not exceed 40% of the gross floor area of the main dwelling unit or 75 square metres, whichever is less;
- b) Shall have an entrance to the side or rear of the building;
- c) The suite must be serviced from and in the same manner as the main building via one set of laterals to the building or by the same on site services at the main building;
- d) The presence of the Secondary Suite shall not change the exterior appearance of the building; and
- e) One on-site parking space shall be provided for the Secondary Suite.

### 5.14 SUPPORTIVE FACILITY

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

- a) Maintain a minimum radius of 183 metres from another lot also containing a supportive facility if both are in a residential zone;
- b) Within the Two –Unit Residential Zone, Supportive Facility uses shall be limited to 5 residents;
- c) Within the Multiple Unit Residential Zone, Supportive Facility uses shall be limited to 12 residents;
- d) A Bed and Breakfast, Home Occupation, Day Care Facility, or Secondary Suite are not permitted on the same lot;
- e) When considering the conditional use of the Supportive Facility, the Committee shall consider the following:
  - i) The location of the facility relative to a main or arterial street;
  - ii) The impacts to adjacent properties; and
  - iii) The local need for the facility in the Town.

### 5.15 YARDS

- a) 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.
- b) 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.
- c) 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.

## 6. PARKING AND LOADING

### 6.1 PARKING STANDARDS

The following general provisions will apply to all parking requirements:

- a) Parking shall be provided upon the same lot as, or within 150 m of, the use for which the parking is required;
- b) Except for parking spaces for hotel or motel uses, no parking space is permitted nearer than 1.8m from a wall containing windows to habitable rooms.
- c) A change of use in the Downtown Commercial Centre does not require additional parking spaces than those already provided;
- d) Notwithstanding any other provision in this section, where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use;
- e) Notwithstanding provisions for Barrier Free parking spaces, Individual parking spaces shall have minimum dimensions of 2.7 m by 6 m;
- f) Barrier Free parking spaces are subject to the requirements of section 6.3 and all applicable Provincial requirements;
- g) Where a parking lot for more than six (6) vehicles is required or proposed the following provisions apply:
  - i. except in the case of a home business or home occupation, the parking lot shall be maintained with a stable surface that is paved;
  - ii. lights used for illumination of the lot shall be arranged in order to divert the light away from streets, adjacent lots and buildings;
  - iii. no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
  - iv. approaches or driveways to the lot shall have a curbing radius of 10 m where they meet a public street; shall be defined by a curb of asphalt, 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;
  - v. the location of approaches or driveways shall not be closer than 15 m from the limits of the right-of-way at a street intersection;
  - vi. entrance and exit driveways to the parking lot shall not exceed two (2) in number at the street line and edge of pavement;
  - vii. notwithstanding (vi), the Planning Advisory Committee may consider the creation of more than two driveways, subject to terms and conditions;
  - viii. a driveway leading to or from a parking lot or loading space shall:

- a. in the case of a one-way driveway for traffic entering the lot, have a width of at least 3.5 m;
  - b. in the case of a one-way driveway for traffic exiting the lot, have a width of at least 3.2 m when the number of parking spaces on the lot exceeds 12;
  - c. in the case of a two-way driveway for traffic entering and exiting the lot, have a width of at least 6.7 m ; and
  - d. not exceed a maximum width of 7.6 m except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 m;
- ix. a 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.
- h) Notwithstanding the provisions of subsection (g), 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.
- i) 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.

## 6.2 PARKING SPACE REQUIREMENTS BY USE

	Use	Spaces Required
a)	for one- and two-unit dwellings, town and row houses	One space per dwelling unit
b)	for multiple dwellings	1.25 spaces per dwelling unit
c)	for Supportive Facility, Group Home, Rooming Houses	0.5 spaces per bed
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, medical clinics	Two spaces per bed;
f)	for hotels, motels	One space per guest room;
g)	for licensed bars, taverns, or restaurants	The greater of: one space per each 3 patrons comprising capacity patronage or 1 space per 10 m <sup>2</sup> of gross floor area
h)	for social clubs or commercial fitness facilities	one space per 23 m <sup>2</sup> of gross floor area, or fraction thereof
i)	for business offices, financial institutions, public libraries, art galleries or museums	three spaces per 93 m <sup>2</sup> of gross floor area;
j)	for schools, public or private	three spaces per classroom for an elementary or junior high school; four spaces per classroom for a high school
k)	for sports or recreation fields,	one space for each 6 persons for whom seating arrangements may be provided;
l)	for retail, wholesale or service establishments with a gross floor area exceeding 465.4 square meters	four spaces per 93 m <sup>2</sup> of gross floor area;
m)	for retail, wholesale or service establishments with a gross floor area not exceeding 465.4 square meters	three spaces per 93 m <sup>2</sup> of gross floor area;
n)	for warehousing, wholesale, industrial or manufacturing buildings,	the greater of 2 spaces per 93 m <sup>2</sup> of gross floor area, or 1 space per 4 employees;
o)	for other uses	three spaces per 93 m <sup>2</sup> of gross floor area;
p)	bed and breakfast	one per main dwelling unit plus one per each guest room
q)	customer contact centre	one space per 5 employees
r)	theatre / cinema	one space per 5 fixed seats

### 6.3 BARRIER FREE PARKING

- a) The number of barrier free parking spaces for development where 5 or more spaces are required shall be in accordance with the following:

<b>Total Number of Required Spaces in a Lot</b>	<b>Total Number of Barrier Free Parking Spaces Required</b>
5 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of the total
Over 1000	20 spaces plus 1 space for each 100 spaces over that.

- b) Barrier Free parking spaces shall be:
- (i) provided and considered as part of the number of stalls required for a project;
  - (ii) located closer to the entrance of the building for which they are intended;
  - (iii) identified by a sign and, if the surface is paved, by pavement markings to the satisfaction of the Development Officer;
  - (iv) a minimum of 3.8 metres in width and 7.3 metres in length.

#### 6.4 LOADING STANDARDS

- a) Off-street spaces not less than 9 meters long, 3.5 meters wide, and 4.25 meters 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 <sup>2</sup>	1
Over 1858 m <sup>2</sup> up to and including 4645 m <sup>2</sup>	2
For each 4645 m <sup>2</sup> additional or major portion thereof	1 additional space

- b) An off -street loading space referenced in subsection (a) 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.

#### 6.5 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 long and 3 m wide.

- d) Queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

## 7. SIGNS

### 7.1 GENERAL PROVISIONS

- a) Signs within the Downtown Commercial Centre are subject to the additional requirements of By-law Z-83, 2007.
- b) 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.
- c) With the exception of a sign placed pursuant to section 7.2, 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.
- d) 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 Planning Advisory Committee and only in compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.
- e) Other than a traffic control device as defined by the Motor Vehicle Act, no sign shall be illuminated intermittently or incorporate flashing in any way.
- f) The Development Officer 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.
- g) A Home Occupation sign is limited to a maximum of one per lot.

### 7.2 SIGNS PERMITTED IN ALL ZONES

Notwithstanding anything else in this By-law, the following signs shall be permitted in any land use zone and do not require a permit from the Development Officer:

- a) A real estate sign with an area not exceeding 2 square metres in a Residential Zone or 3 square metres in any other zone. A real estate sign shall be placed on the property in which it is advertising sale;
- b) A sign associated with a special event or public election shall not exceed 3 square metres in total sign face area and shall be removed within seven days after the event or election;
- c) A directional sign subject to the following:
  - i. A maximum of one directional sign for each entrance, exit, and drive through lane is permitted;
  - ii. With the exception of a logo, a directional sign is limited to the purpose of directing vehicle and pedestrian traffic to an access or driveway on the same lot;
  - iii. A directional sign shall not exceed a maximum sign face area of .5 square metres;
  - iv. A directional sign shall not exceed 1.5 metres in height;



- v. A directional sign shall have a minimum setback of 1.5 metres from a front, flankage, or side lot line and a minimum setback of 1 metre from the edge of a paved or painted lane of access or driveway.
- d) A point-of-purchase sign;
- e) An entrance identification sign;
- f) A public welfare or safety sign authorized by the Town or Province including a directional or traffic sign outside of a public street or right-of-way;
- g) A sign identifying a hazard of danger on a lot;
- h) A memorial or foundation sign on a building;
- i) A sign that identifies the address of a residence, the name of the resident, or a sign regulating the conduct of a person on the lot, provided such a sign does not exceed .5 metres in total sign face area;
- j) A flag, banner, or emblem representing a country, province, municipality, or non-commercial organization;
- k) A sign affixed to a licensed taxi cab

### 7.3 SIGNS PROHIBITED IN ALL ZONES

Except as otherwise provided in this By-law, the following signs are not permitted:

- a) A temporary or mobile sign that is not affixed to the ground, a building, or structure;
- b) Except for Billboards in accordance with Section 7.4, a third-party sign advertising an activity, business, product, or service not conducted on the lot or premise where the sign is located;
- c) A sign, other than a traffic control device defined under the Motor Vehicle Act, shall not use words or lights that may mislead, confuse, or interfere with traffic along a public street;

### 7.4 BILLBOARD SIGNS

A billboard sign may be placed, erected, or displayed subject to the approval of the Planning Advisory Committee and subject to the following requirements:

- a) A Billboard Sign shall be permitted, subject to Planning Advisory Committee approval, only in the Corridor Commercial, Industrial, and Rural and Agricultural Zones;
- b) A Billboard Sign's sign face shall not exceed a length greater than 10 metres or a height greater than 4 metres;
- c) A Billboard Sign shall not be located in any required yard;
- d) A Billboard Sign shall not be within 250 metres of another Billboard Sign;
- e) Notwithstanding subsection (d) two Billboard Signs may be located together as a unit if the total sign face length does not exceed 15 metres;
- f) A Billboard Sign oriented towards a Provincial Highway is subject to Provincial approval.

### 7.5 AWNING AND CANOPY SIGNS

Awning / Canopy signage is permitted in Commercial, Industrial, and Institutional zones and is subject to the following requirements:

- a) An awning sign shall be attached below the level of the second floor windows of a building;
- b) An awning sign shall have a minimum clearance of 2.5 metres above a sidewalk or walkway; and
- c) An awning sign shall not exceed a maximum projection of 1 m over a sidewalk or walkway.

## 7.6 GROUND SIGNS

### 7.6.1 GENERAL PROVISIONS FOR GROUND SIGNS

- a) All Ground Signs shall be located no closer to a street line than the lesser of:
  - i. 3 metres;
  - ii. The required front yard of the zone;
  - iii. No closer to a side or rear lot line than 1.5 metres
- b) The height of a Ground Sign shall not exceed the maximum height permitted in the zone in which the sign is located.

### 7.6.1 GROUND SIGNS IN RESIDENTIAL ZONES

A Ground Sign shall only be permitted in a Residential Zone with the following maximum sign face area:

a)	Neighbourhood Day Care, Home Occupation, or Supportive Facility	0.5 square metres for each face
		1 square metre total all faces
b)	Rooming House	1 square metre for each face
		2 square metres total of all faces
c)	Bed and Breakfast	1.5 square metres for each face
		3 square metres total of all faces
d)	Other	0.25 square metres for each face
		0.5 square metres total of all faces

### 7.6.2 GROUND SIGNS IN COMMERCIAL ZONES

A Ground Sign shall only be permitted with the following maximum sign face area:

a)	In the Downtown Commercial Zone	3 square metres for each face
		6 square metre total all faces
b)	In the Corridor Commercial Zone	7.5 square metre for each face
		15 square metres total of all faces
c)	In the General Commercial Zone	5 square metres for each face
		10 square metres total of all faces
d)	Other	2.5 square metres for each face
		5 square metres total of all faces

### 7.6.3 GROUND SIGNS IN OTHER ZONES

a)	In the Industrial Zone	9 square metres for each face
		18 square metre total all faces
b)	In the Institutional Zone	5 square metre for each face

		10 square metres total of all faces
c)	In the Parks and Recreation Zone	5 square metres for each face
		10 square metres total of all faces
d)	In the Environmental Protection Zone	2.5 square metres for each face
		5 square metres total of all faces
e)	In the Rural and Agricultural Zone	3 square metres for each face
		6 square metres total of all faces

## 7.7 PROJECTING WALL SIGNS

Projecting Wall Signs are permitted in all Commercial Zones, the Industrial Zone, and the Institutional Zone and are subject to the following requirements:

- a) The Projecting Wall Sign shall be no larger than 2 square metres in size;
- b) The sign shall not exceed a projection of 1.5 metres from the building; and
- c) The sign shall be no less than 2.5 metres high at its lowest point.

## 7.8 SANDWICH BOARD SIGNS

Sandwich Board Signs are permitted in association with any business use including home occupations and are subject to the following requirements:

- a) A Sandwich Board sign shall be no larger than 0.76 m wide by 0.91 m high per side
- b) The sign shall be securely anchored or weighted in place;
- c) The sign shall be placed in front of a business so as not to impede pedestrian and/or vehicular traffic;
- d) A Sandwich Board sign shall be in good repair and appear professionally made; and
- e) Sandwich Board Signs are limited to one per business and shall be removed each day at the end of business hours.

## 7.9 WALL SIGNS

### 7.9.1 GENERAL PROVISIONS FOR WALL SIGNS

- a) A Wall Sign shall be parallel to the wall to which it is affixed;
- b) A Wall Sign shall not cover a fence or roof;
- c) Wall Signs in a Residential zone shall be placed on a wall oriented towards the street;
- d) Wall Signs in Residential Zones and Environmental Protection Zones shall not be illuminated from within. Any illumination shall be downcast upon the sign to lessen impact on the surrounding environment.
- e) No sign shall be illuminated intermittently or incorporate flashing in any way

### 7.9.1 WALL SIGNS IN RESIDENTIAL ZONES

A Wall Sign shall only be permitted in a Residential Zone with the following maximum sign face area:

a)	Neighbourhood Day Care, Home Occupation, Supportive Facility, Rooming House	.5 square metres
b)	Other	.25 square metres

### 7.9.2 WALL SIGNS IN COMMERCIAL ZONES

A Wall Sign shall only be permitted with the following maximum sign face area:

a)	Downtown Commercial Centre Zone	.5 square metres per metre of occupied building frontage for every business with an external public entrance
b)	Corridor Commercial Zone	.7 square metres per metre of lot frontage  Or  .7 square metres per metre of occupied building frontage for every business with an external public entrance
c)	General Commercial Zone	.5 square metres per metre of lot frontage  Or  .5 square metres per metre of occupied building frontage for every business with an external public entrance

### 7.9.3 WALL SIGNS IN OTHER ZONES

a)	Industrial Zone	.5 square metres per metre of lot frontage
b)	Institutional Zone	.7 square metres per metre of lot frontage
c)	Parks and Recreation Zone, Environmental Protection Zone, Rural and Agricultural Zone	.25 square metres per metre of lot frontage

#### 7.10 CONSTRUCTION SIGNS

- a) Notwithstanding section 7.3, nothing in this By-law shall prevent the placement of sign which identifies the architects, engineers, contractors, or other professional individuals or firms involved with the development occurring on the same lot, or an announcement concerning proposed development on the same lot.
- b) A construction sign shall not advertise any product.
- c) A construction sign shall be removed within 14 days of the beginning of the intended use of the construction.
- d) A construction sign:
  - i. shall not exceed 1.11 m<sup>2</sup> in area for each firm; and
  - ii. shall not, in total, exceed 5.57 m<sup>2</sup> in area.

#### 7.11 ELECTRONIC SIGNS

Notwithstanding section 7.3, an electronic message board sign may be erected subject to the following requirements:

- a) Electronic Signs are permitted in the Corridor Commercial, Institutional, and Industrial Zone;
- b) Notwithstanding subsection (a), Electronic Signs are subject to the conditions of the Planning Advisory Committee in non-residential zones;
- c) Only one electronic message board sign shall be permitted per lot;
- d) Messages shall be static images displayed for at least ten seconds;
- e) Message transitions shall not strobe, flash, or be animated;
- f) An electronic message board shall adjust in brightness between daytime and nighttime and shall be of a reduced brightness in the nighttime;
- g) Where permitted, an electronic message board shall not exceed a maximum total sign face area of 3.5 square metres; and
- h) Electronic message boards in the Downtown Commercial Centre zone are subject to the requirements of By-law Z-83, 2007.

## 8. RESIDENTIAL ZONES

### 8.1 ONE-UNIT RESIDENTIAL (R1) ZONE

The intention of this zone is to permit the traditional single-unit dwelling format seen in the established residential neighbourhoods throughout the Town. This zone accommodates more uniform land use patterns through consistent setbacks and limited variety of uses. The R1 zone allows for the gradual evolution of neighbourhoods through the conditional permitting of a broad range of home occupations, secondary units, and garden suites.

#### 8.1.1 PERMITTED USES

Any land, building or structure in the One-Unit Residential Zone may be used for the purpose of:

- (a) a one-unit dwelling
- (b) a park or playground
- (c) any accessory building or structure subject to section 5.1

#### 8.1.2 CONDITIONAL USES

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- (a) a Bed and Breakfast, subject to Section 5.2
- (b) a Garden Suite subject to 5.6
- (c) Home Occupation, subject to Section 5.7
- (d) Keeping of Chickens, subject to Section 5.8
- (e) Neighbourhood Day Care, subject to Section 5.4
- (f) Secondary Suite, subject to Section 5.13
- (g) Supportive Facility, subject to Section 5.14

#### 8.1.3 ZONE STANDARDS

a)

<b>Minimum lot area</b>	<b>Interior lot:</b> 550 m <sup>2</sup> <b>Corner lot:</b> 650 m <sup>2</sup>
<b>Minimum lot frontage</b>	<b>Interior lot:</b> 18 m <b>Corner lot:</b> 21 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	6 m

<b>Minimum rear yard</b>	6 m
<b>Minimum side yard</b>	1.5 m
<b>Maximum Height</b>	9 m
<b>Maximum lot coverage</b>	50%
<b>Other Requirements</b>	In accordance with Sections 4 -8 of this By-law

## 8.2 ONE AND TWO UNIT RESIDENTIAL (R2) ZONE

The intention of this zone is to permit a variety of housing types that represent a gentle increase in density and to allow a transition between uniform, one-unit neighbourhoods and more moderate residential density and commercial development. The R2 zone allows for the sensitive integration of home occupations, secondary and garden suites, and day care uses.

### 8.2.1 PERMITTED USES

Any land, building or structure in the One-Unit Residential Zone may be used for the purpose of:

- (a) One-unit dwelling
- (b) Semi-detached or two unit dwelling
- (c) Row or townhouse dwelling up to and including 6 units;
- (d) Multiple dwelling to a maximum of 6 units;
- (e) Garden suite, subject to section 5.6
- (f) Home Occupation, subject to Section 5.7
- (g) Secondary suite, subject to section 5.16
- (h) Park or playground
- (i) Any accessory building or structure subject to section 5.1

### 8.2.2 CONDITIONAL USES

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- (a) Bed and Breakfast, subject to Section 5.2
- (b) Boarding or Rooming House, subject to 5.3
- (c) Day Care Centre, subject to 5.4
- (d) Group Home
- (e) Keeping of chickens, subject to Section 5.9
- (f) Neighbourhood Day Care, subject to Section 5.4
- (g) Supportive Facility maximum 5 beds, subject to Section 5.14



### 8.2.3 ZONE STANDARDS

	One Unit, Two Unit, or Semi Detached Dwelling	Row or Townhouse Dwelling	Multiple Dwelling
Minimum lot area	550 m <sup>2</sup>	For each dwelling unit therein: 185 m <sup>2</sup>	For each unit having a minimum of 2 bedrooms: 150 m <sup>2</sup>  For each one bedroom or studio unit: 105 m <sup>2</sup>
Minimum lot frontage	Interior Lot: <b>20 m</b> Corner Lot: <b>23 m</b>	For each dwelling unit therein: 6 m	20 m
Minimum lot depth	30 m		
Minimum front / flankage yard	6 m		
Minimum rear yard	6 m		
Minimum side yard	1.5 m	1.5 m	2 m
Maximum Height	12 m		
Minimum Height	Two storeys		
Maximum lot coverage	60%		
Other Requirements	In accordance with Sections 4 -8 of this By-law		

### 8.2.4 STANDARDS FOR ROW AND TOWN HOUSES

Rowhouses and Townhouses are subject to the further requirements that

- a) no series or group shall contain more than
  - i) 6 dwelling units with the same or approximately the same front building line,
  - ii) 85 m in continuous length;
  - iii) 40 m of continuous building line which means either the same front building line of two or more adjacent units, or the front building lines of two or more adjacent units that are not offset by more than one metre from each other.
- b) no front wall of row or town house is placed, erected altered so that any part of such wall is closer to
  - i) the front wall of another row or town house than 21m, or

- ii) the side wall of another row or town house than 7 m
- c) no side wall of a row or town house is placed, erected or altered so that any part of such wall is closer to a side wall of another row or town house than 7.5 m;
- d) no rear wall of a row or town house is placed, erected or altered so that any part of such wall is closer to
  - i) the rear wall of another row or town house than 15 m
  - ii) the side wall of another row or town house than 7.5 m

### 8.3 MULTIPLE UNIT RESIDENTIAL (R3) ZONE

The intent of this zone is to permit more moderate and contextually appropriate density throughout the Town. Low-density residential housing types are permitted through conditional approval to ensure flexibility in the development process. Areas in the R3 zone are typically evolving towards or are adjacent to mixed use areas and are generally close to amenities like sidewalks, trails, and commercial areas.

#### 8.3.1 PERMITTED USES

Any land, building or structure in the One-Unit Residential Zone may be used for the purpose of:

- (a) Row or townhouse dwelling
- (b) Multiple dwelling
- (c) Boarding or Rooming House, subject to 5.3
- (d) Day Care Centre, subject to 5.4
- (e) Garden suite, subject to section 5.6
- (f) Home Occupation, subject to 5.7
- (g) Neighbourhood Day Care, subject to 5.4
- (h) Secondary suite, subject to section 5.16
- (i) Park or playground
- (j) Any accessory building or structure subject to section 5.1

#### 8.3.2 CONDITIONAL USES

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- (a) Bed and Breakfast, subject to Section 5.2
- (b) Boarding or Rooming House, subject to 5.3
- (c) Day Care Centre, subject to 5.4
- (d) Group Home
- (e) Keeping of chickens, subject to Section 5.9
- (j) Neighbourhood Day Care, subject to Section 5.4
- (k) Semi-detached or two unit dwelling
- (f) One Unit Dwelling
- (g) Supportive Facility with a maximum of 12 beds, subject to Section 5.14

### 8.3.3 ZONE STANDARDS

- a) Where approved by the Planning Advisory Committee, One Unit, Two Unit, and Semi Detached Dwellings shall be subject to the appropriate standards presented in section 8.2.3 of the R2 zone.
- b) In addition to the standards presented in subsection (c), Row and Town House Dwellings are subject to the standards described in section 8.2.4, Standards for Row and Town Houses
- c)

	Multiple Dwelling	Row or Town House
Minimum lot area	<b>The greater of:</b>  690 m <sup>2</sup> or  <b>For each unit having 3 or more bedrooms:</b> 80 m <sup>2</sup>  <b>For each unit having 2 bedrooms:</b> 60 m <sup>2</sup>  <b>For each one bedroom or studio unit:</b> 50 m <sup>2</sup>	For each dwelling unit therein: 185 m <sup>2</sup>
Minimum lot frontage	22 m	For each dwelling unit therein: 6 m
Minimum lot depth	30 m	
Minimum front / flankage yard	5m	
Minimum rear yard	5 m	
Minimum side yard	3 m	2 m
Maximum Height	12 m	
Maximum lot coverage	50%	
Other Requirements	In accordance with Sections 4 -8 of this By-law	

#### 8.3.4 SPECIAL PARKING CONSIDERATIONS IN THE R3 ZONE

Where an R3 zone abuts an R1 or R2 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 of the side or rear lot line.

## 8.4 MOBILE HOME PARK (MPH) ZONE

This zone is intended to be used exclusively by mobile home parks. Incidental uses like a sales office are permitted with other compatible uses conditional permitted through application to the Planning Advisory Committee. Any new Mobile Home Parks will be subject to a re-zoning process.

### 8.4.1 PERMITTED USES

Any land, building or structure in the One-Unit Residential Zone may be used for the purpose of:

- a) Mobile home park
- b) A park or playground
- c) An accessory building, subject to section 5.1

### 8.4.2 CONDITIONAL USES

The following uses may be permitted, subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) A Home Occupation, subject to section 5.7
- b) A neighbourhood day care, subject to section 5.4
- c) A mobile or mini home sales lot
- d) A convenience store
- e) Keeping of Chickens, subject to 5.8

### 8.4.3 ZONE STANDARDS

- a) Notwithstanding side yard standards, a deck may projected up to 3 metres into the required side yard on the principle entrance side;
- b) In the case of a mobile or mini home, the dwelling is required to meet the Canadian Standards Association's standards for factory built construction.
- c)

<b>Minimum lot area</b>	370 m <sup>2</sup>
<b>Minimum lot frontage</b>	10 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	7 m
<b>Minimum rear yard</b>	1.5 m
<b>Minimum side yard</b>	<b>Side of Principle Entrance:</b> 4m <b>Other side:</b> 1.5 m
<b>Maximum Height</b>	6 m
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

## 9. COMMERCIAL ZONES

### 9.1 DOWNTOWN COMMERCIAL CENTRE (DCC) Zone

This zone is associated with Woodstock's Downtown as defined in the Town's Municipal Plan. This is the cultural hub of the Town and represents great historic significance and defining community character. The area is targeted for a mix of smaller-scale commercial and residential development with key corridors along parts of Main, King, and Water Streets, and appropriately connected areas being reserved for ground floor commercial presence. Residential uses are encouraged to locate above the first floor or setback from these main corridors to ensure the preservation of the Town's intact Downtown while allowing space for the community to evolve and grow as market demand changes.

#### 9.1.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) Bar, Nightclub, or Lounge, subject 9.1.5
- b) Building for public assembly or for social, cultural or recreational activities;
- c) Day Care Centre, subject to 5.4
- d) Dwelling unit, subject to 9.1.4
- e) Educational or instructional use
- f) Financial institution
- g) Government building
- h) Health and Fitness Facility
- i) Hotel or motel
- j) Medical Office or Clinic
- k) Office or office building
- l) Personal Service
- m) Restaurant;
- n) Retail store or service shop
- o) Theatre or other building intended for commercial entertainment
- p) Grocery store
- q) Mobile Vendor
- r) Museum, Gallery, or Library
- s) Dog Groomer
- t) Veterinary Clinic
- u) An accessory building, subject to section 5.1

### 9.1.2 CONDITIONAL USES

The following uses may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Bus or other Public Transportation Terminal;
- b) Bakery;
- c) Cannabis Retail Sales;
- d) Cleaning or Drying Establishment;
- e) Commercial Parking Lot
- f) Home Occupation;
- g) Live-work unit
- h) Microbrewery or distillery
- i) Multiple Dwelling
- j) Place of Amusement
- k) Printing Establishment
- l) Rooming House
- m) Funeral Home
- n) Service station or Public Garage
- o) Vehicles Sales Office

### 9.1.3 ZONE STANDARDS

<b>Minimum lot area</b>	370 m <sup>2</sup>
<b>Minimum lot frontage</b>	10 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	3 m
<b>Minimum rear yard</b>	<b>Abutting a Residential Zone: 4 m</b> <b>All other zones: 1.5</b>
<b>Minimum side yard</b>	1.5 m
<b>Minimum Building Height</b>	2 storeys
<b>Maximum Height</b>	18 m
<b>Maximum Lot Occupancy</b>	80%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law



#### 9.1.4 DWELLING UNITS IN THE DCC ZONE

- a) A dwelling unit shall not be located below the second storey of a building with the Downtown boundary as described in Schedule A, except:
  - i) When the unit is part of an existing multiple dwelling or a multiple dwelling permitted through conditional approval;
  - ii) When the unit is outside of the area described in Schedule B of this By-law;
  - iii) When the unit is not visible from front or flankage yards of the building and no residential-type activity can be seen from the active frontages of the building.
- b) In new multiple dwelling developments in the DCC zone, the majority of parking spaces shall be located to the rear of the building, with the remainder accommodated in the side yard.
- c) Parking areas shall not be permitted in the front yard of a multiple dwelling in the DCC zone.

#### 9.1.5 SPECIAL CONDITIONS FOR THE DCC ZONE

- a) A lot containing a bar, nightclub, or lounge shall not be located with 30 metres of a Residential zone.

## 9.2 GENERAL COMMERCIAL ZONE

This zone is intended to permit the continuance of low intensity commercial uses throughout the Town. This zone is most appropriate for smaller-scale commercial uses that have little or no traffic impact on the surrounding area and provide a service to the immediate neighbourhood.

### 9.2.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) Building for public assembly or for social, cultural or recreational activities;
- b) Business Office
- c) Day Care Centre, subject to 5.4
- d) Financial institution
- e) Government building
- f) Health and Fitness Facility
- g) Medical Office or Clinic
- h) Personal Service
- i) Restaurant;
- j) Retail store or service shop
- k) Mobile Vendor
- l) Dog Groomer
- m) Veterinary Clinic
- n) An accessory building, subject to section 5.1

### 9.1.2 CONDITIONAL USES

The following uses may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Bakery;
- b) Car Wash
- c) Cleaning or Drying Establishment;
- d) Dwelling unit, subject to 10.2.4
- e) Printing Establishment
- f) Funeral Home
- g) Service station or Public Garage

- h) Vehicle Sales
- i) Commercial Parking Lot

### 9.2.3 ZONE STANDARDS

<b>Minimum lot area</b>	450 m <sup>2</sup>
<b>Minimum lot frontage</b>	15 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	3 m
<b>Minimum rear yard</b>	<b>Abutting a Residential Zone: 7 m</b> <b>All other zones: 3 m</b>
<b>Minimum side yard</b>	3 m
<b>Maximum Height</b>	9m
<b>Maximum Lot Occupancy</b>	70%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

### 9.2.4 DWELLING UNITS IN THE GENERAL COMMERCIAL ZONE

- a) A dwelling unit shall not be located below the second storey of a building; and
- b) Shall have its main access separated from the commercial use main access.

### 9.3 CORRIDOR COMMERCIAL

This zone is intended to capture the large-scale commercial and regional service style development along Connell Street. Connell Street is a regional thoroughfare and therefore draws big-box style commercial development as well as accommodation and entertainment uses. This area is targeted for continued commercial growth that supports the Town and the Region.

#### 9.3.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) Accommodation
- b) Animal Hospital including shelter
- c) Bakery
- d) Banquet Hall
- e) Bar, Lounge, or Nightclub
- f) Building for public assembly or for social, cultural or recreational activities;
- g) Business Office
- h) Car Wash
- i) Contractor Services
- j) Day Care Centre, subject to 5.4
- k) Distribution Facility
- l) Equipment Sales, Rental, and Service
- m) Financial institution
- n) Funeral Home
- o) Government building
- p) Grocery Store
- q) Health and Fitness Facility
- r) Kennel
- s) Medical Office or Clinic
- t) Mobile Vendor
- u) Personal Service
- v) Pet Groomer
- w) Recycling Centre

- x) Restaurant;
- y) Retail store or service shop
- z) Self-Storage Facility
- aa) Vehicle Repair Garage
- bb) Vehicle Sales, Rental, and Service
- cc) Veterinary Clinic
- dd) Warehouse Facility
- ee) An accessory building, subject to section 5.1

### 9.3.2 CONDITIONAL USES

The following uses may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Commercial Parking Lot
- b) Entertainment Facility
- c) Microbrewery or distillery
- d) Office Building
- e) Vehicle Body and Paint Shop

### 9.3.3 ZONE STANDARDS

<b>Minimum lot area</b>	550 m <sup>2</sup>
<b>Minimum lot frontage</b>	15 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	3 m
<b>Minimum rear yard</b>	<b>Abutting a Residential Zone: 7 m</b> <b>All other zones: 1.5 m</b>
<b>Minimum side yard</b>	<b>Abutting a Residential Zone: 7 m</b> <b>All other zones: 3 m</b>
<b>Maximum Height</b>	27 m
<b>Maximum Lot Occupancy</b>	70%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

### 9.3.5 SPECIAL CONDITIONS FOR THE CC ZONE

- a) A lot containing a bar, nightclub, or lounge shall not be located with 30 metres of a Residential zone.
- b) Outdoor Storage as an accessory, secondary, or incidental use to a main use permitted in subsection 10.3.1 shall be subject to the following:
  - i) Materials shall not be stored in a required front or flankage yard or any area require for parking;
  - ii) The materials shall be obscured from view via a fence, walled structure, berm, or a combination thereof, having a minimum height of 2 metres;
  - iii) Gates to the outdoor storage of materials must constructed in the same manner and height as the enclosure described in (ii);
- c) A service station permitted in 10.3.1 shall be subject to the following:
  - i) The lot where the Service Station is located shall have a minimum area of 950 square metres and a minimum front of 30 metres;
  - ii) Any vehicle access shall not be closer than 20 metres from an access for an Educational Facility, Community Centre, or Residential zone; and
  - iii) A fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line.
- d) A vehicle Body and Paint Shop or Vehicle Repair Garage permitted in 10.3.1 or through conditional approval as described in 10.3.2 shall not be located within 30 metres of a residential dwelling in a residential zone.

## 10. INSTITUTIONAL ZONE

This zone is intended to capture schools, churches, government buildings, medical facilities, and any other building or use that generally serves the public.

### 10.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) building intended for public assembly or for social, cultural or recreational activities;
- b) Community Centre
- c) Day Care Centre, Subject to 5.4
- d) Educational building;
- e) Hospital or Medical Building
- f) Government or Municipal Building or Depot
- g) Place of Worship
- h) Funeral Home
- i) Cemetery
- j) Mobile Vendor
- k) Recreation Facility
- l) Supportive Facility
- m) Accessory building or structure, subject to section 5.1

### 10.2 ZONE STANDARDS

<b>Minimum lot area</b>	557.42 m <sup>2</sup>
<b>Minimum lot frontage</b>	18.288 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	7.62 m
<b>Minimum rear yard</b>	7.62 m
<b>Minimum side yard</b>	7.62 m
<b>Maximum Height</b>	12 m
<b>Maximum lot coverage</b>	Main Building or Structure          50%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

### 10.3 SPECIAL CONDITIONS FOR THE INSTITUTIONAL ZONE

- a) Spires, belfries, or other subsidiary features associated with a Place of Worship are permitted to exceed twice the height of the main building.



## 11. INDUSTRIAL ZONE

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

### 11.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) Bakery;
- b) Business Office;
- c) Contractors establishment, including a storage yard;
- d) Machine shop;
- e) Office associated with a use permitted in this section;
- f) Brewery, including Microbrewery or Distillery
- g) Mobile Vendor
- h) Equipment Sales, Rental, or Service
- i) Heavy Equipment Repair
- j) Kennel
- k) Outdoor Storage including a laydown area
- l) Trucking and transport depot and warehouse
- m) Vehicle Repair, including body and paint shop
- n) Warehouse or storage establishment
- o) Accessory building or structure subject to section 5.1

### 11.2 ZONE STANDARDS

<b>Minimum lot area</b>	557.42 m <sup>2</sup>
<b>Minimum lot frontage</b>	18.288 m
<b>Minimum lot depth</b>	30 m
<b>Minimum front / flankage yard</b>	5 m
<b>Minimum rear yard</b>	7.62 m
<b>Minimum side yard</b>	3.05 m
<b>Maximum Height</b>	12.192 m
<b>Maximum lot coverage</b>	40%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

### 11.3 SPECIAL CONDITIONS FOR THE INDUSTRIAL ZONE

- a) All relevant Provincial and Federal Approvals must be obtained with respect to emissions from any use permitted in section 12.1 previous to the issuance of a permit;
- b) No use permitted by section 12.1 shall create obnoxious odors, noxious gases, dust, smoke, or fumes that can be sensed from outside the operation;
- c) No use permitted by section 12.1 shall create obnoxious vibrations from the use or operations.
- d) No accessory building or structure in the Industrial zone shall:
  - i) exceed two stories or 7.3 m in height;
  - ii) be placed, erected or altered so that it is within the front yard of the main building structure, or
  - iii) be placed, erected or altered so that it is within 1.52 m of a side or rear lot line;

## 12. OTHER ZONES

### 12.1 PARKS AND RECREATION (P) ZONE

This zone allows for a variety of public and private recreation uses. Larger recreation uses with high parking demand and park and open space uses with large land demands are captured in this zone.

#### 12.1.1 PERMITTED USES

In this zone, any land, building or structures may be used for the purpose of:

- a) Areas of natural or scientific interest
- b) cemetery
- c) public open space
- d) park or playground
- e) fitness facility
- f) golf course
- g) recreational use including a sports facility or field
- h) An accessory building, subject to section 5.1

#### 12.1.2 CONDITIONAL USES

The following uses may only be permitted subject to Planning Advisory Committee approval, and such terms and conditions as determined by the Planning Advisory Committee:

- a) Club House associated with 12.1.1(e) and (f)
- b) Commercial recreation including travel trailer park and campground

#### 12.1.3 ZONE STANDARDS

<b>Minimum lot area</b>	4000 m <sup>2</sup>
<b>Minimum lot frontage</b>	54.864 m
<b>Minimum lot depth</b>	38.1 m
<b>Minimum front / flankage yard</b>	7.62 m
<b>Minimum rear yard</b>	7.62 m
<b>Minimum side yard</b>	3m
<b>Maximum Height</b>	12.19 m
<b>Maximum lot coverage</b>	40%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

## 12.2 ENVIRONMENTAL PROTECTION (EP) ZONE

This zone limits the impact of human activities on environmentally sensitive lands. Uses in this zone are generally passive and focus on the preservation of natural or sensitive areas. Areas prone to regular flooding or experiencing erosion are generally captured in this zone.

### 12.2.1 PERMITTED USES

- a) buffer areas along watercourses
- b) Areas of natural or scientific interest or significance
- c) public open space
- d) park or playground
- e) well field protection areas

### 12.2.2 SPECIAL CONSIDERATIONS IN THE EP ZONE

- a) Wayfinding signage and commemorative and informational installations are permitted in accordance with Section 8 of this By-law.
- b) Rest areas including benches, picnic tables, and shelters should be sensitively designed to withstand flooding events and not contribute to localized damage in a storm event.

### 12.3 RURAL AND AGRICULTURE (RU) ZONE

This zone captures the large swathes of undeveloped lands currently classified as woodlots as well as the active or dormant agricultural lands identified throughout the Town. These areas align with the Municipal Plan direction for rural and agricultural lands which focuses on limiting sprawl into these areas by limiting new services and promoting the use of land with existing services for the expansion of developed areas.

#### 12.3.1 PERMITTED USES

- a) agricultural use
- b) private or public stable
- c) dwelling unit secondary or incidental to main use
- d) camp ground
- e) any accessory building or structure subject to section 5.1

#### 12.3.3 ZONE STANDARDS

<b>Minimum lot area</b>	4050 m <sup>2</sup>
<b>Minimum lot frontage</b>	54m
<b>Minimum lot depth</b>	38 m
<b>Minimum front / flankage yard</b>	7 m
<b>Minimum rear yard</b>	7m
<b>Minimum side yard</b>	<b>For Agricultural Uses:</b> 20m <b>For all other uses:</b> 3 m
<b>Maximum Height</b>	12 m
<b>Maximum lot coverage</b>	25%
<b>Other Requirements</b>	In accordance with section 4-8 of this By-law

## 12.4 INTEGRATED DEVELOPMENT (ID) ZONE

This zone is reserved to be implemented through the policies of the Municipal Plan. The area will be analyzed for best and highest use and a development scheme created to maximize the area.

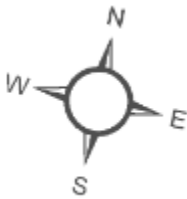
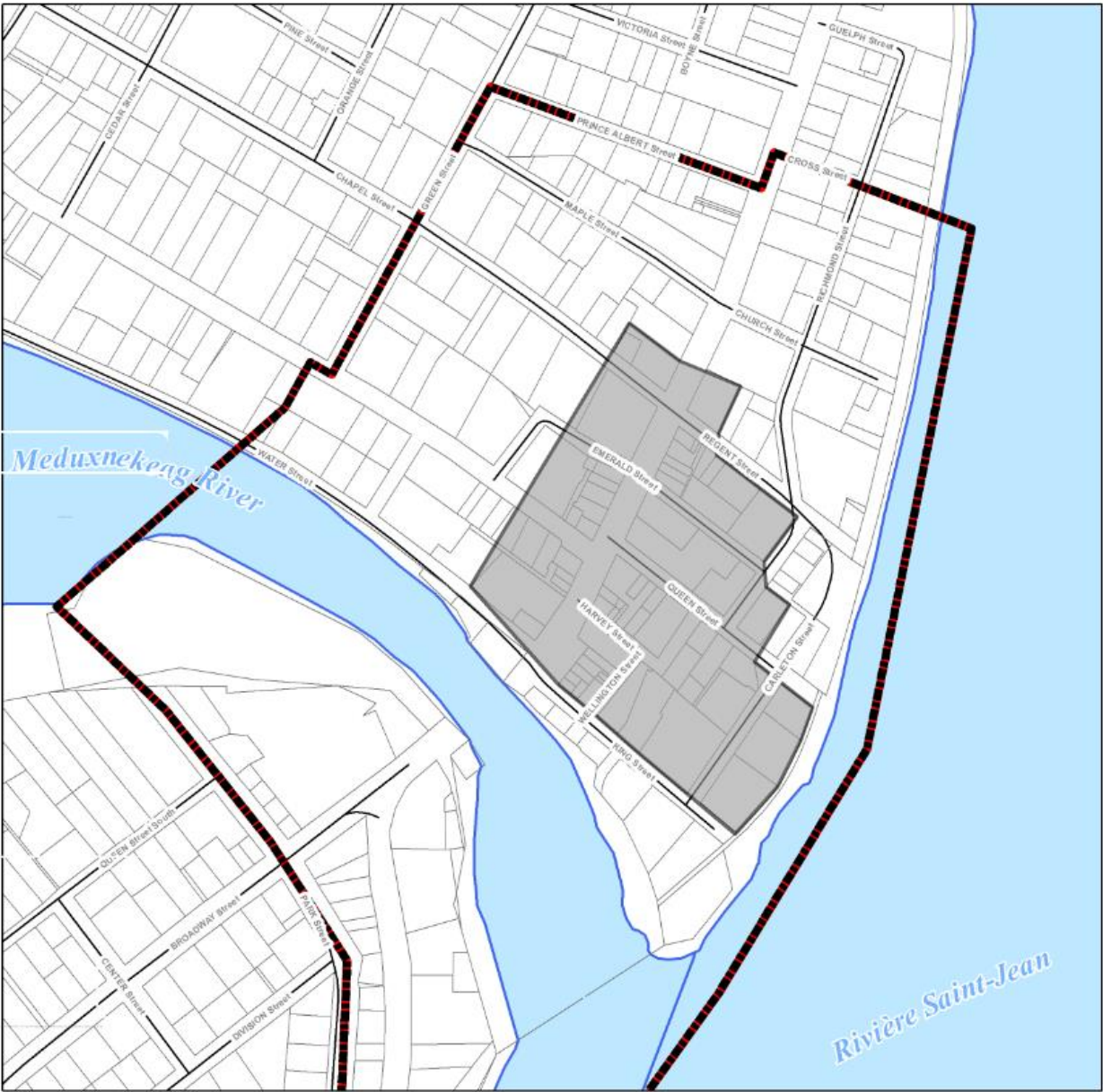
Consideration for the integration of existing uses including the school, existing residential uses, and the day care centre will continue through this section. Expansion of uses will require a rezoning process.

### 12.4.1 PERMITTED USES

- a) Day Care Centre, subject to section 5.4
- b) Dwelling Unit, existing
- c) Educational Institution
- d) Accessory building, subject to section 5.1

## SCHEDULE A: ZONING MAP

SCHEDULE B: DOWNTOWN GROUND FLOOR RESIDENTIAL LIMIT



Downtown Core



Ground Floor Residential Limit Boundary