

VILLAGE OF BLACKVILLE

RURAL PLAN

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PART I

1.0 INTRODUCTION

The Village of Blackville has undertaken a review of the Village's Municipal Development Plan. The Plan was last updated in 1976. As a result of recent changes to the *Community Planning Act* which enables Villages to prepare and adopt Rural Plans, the Village decided that a Rural Plan is the preferred planning mechanism for the municipality. The Village of Blackville Rural Plan is prepared under Section 27.2 of the *Community Planning Act*. The Rural Plan will serve as a guide to the orderly and long-term economic growth of the Village of Blackville.

The Village is primarily residential in nature, with a limited number of commercial and industrial establishments. The older development in the Village is primarily a mix of commercial and residential uses established along the major roads. The more recent development primarily consists of residential subdivisions. The population of the village has been in the range of 900 persons since 1971, when it reached 943. It declined to 892 in 1981. By 1991, the population had increased to almost the 1971 level, when the population reached 938.

1.1 Development Constraints

The most serious constraint to future growth within the Village is the limited amount of the municipality which is served public sewer. As a result, most of the new development must occur on private systems thus requiring large lots (one acre minimum).

2.0 LOCATION AND LAND USE

2.1 Location

The Village of Blackville is located in central New Brunswick approximately 40 kilometres west of Miramichi City and 40 kilometres east of the Village of Doaktown. It is situated on Highway 8 within the Miramichi River Valley and borders the Southwest Miramichi River.

The municipal limits of the Village of Blackville are shown on Map 1.

2.2 Existing Land Use

An important aspect of a community plan is directing physical development to achieve a desired living environment. To prepare such a strategy requires an understanding of the potentials and constraints for development as dictated by the existing use of land in the community. Map 2, attached, identifies the existing land use pattern as observed in May 1996.

2.2.1 Residential

Single family residential areas comprise the majority of the developed land in the Village. The most densely developed portion of the municipality occurs in the central portion of the Village, in the area encompassed by Digby, Quinn, Gillespie, Cripp and portions of Station Streets. Residential development in this area has occurred on relatively small lots resulting in a considerably higher density of development than any other area of the Village. There are several residential subdivisions scattered throughout the community and for the most part residential development occurs in a linear nature along main roads such as Main Street (Route 8), Howard Road, MacLaggen, Lockstead and Colonial Roads. Due to the Village's location along the banks of the Southwest Miramichi River, there are several camps (seasonal) within the limits of the Village. Some of these camps are used year-round as private dwellings. There is one apartment dwelling, located on Main Street, which contains four units. There are several mobile homes on private lots intermixed with low density housing units.

A senior citizens complex is located on Bartholomew Street.

2.2.2 Commercial

There is a limited amount of commercial activity in Blackville. Most commercial land uses front on Highway 8 between Station Street and the bridge. There is a small cluster of commercial development approximately 2 km east of the central portion of the Village, also fronting on Route 8. Commercial

activity includes a credit union, two restaurants, a grocery/hardware store, a convenience store with a gas bar, a convenience store with gas bar and NBLCC Retail Outlet, a Sears Catalogue Outlet and a drug store. For the most part, the existing mix of commercial activities serve the daily needs of the residents of the Village and the surrounding area. The absence of large stores offering durable goods, such as appliances, furniture and automobiles requires residents to shop for such items in Miramichi City and to a lesser extent in Doaktown.

2.2.3 Industrial

The most dominate industrial land use in the Village is Blackville Lumber Inc. located along Route 8 near the western entrance of the municipality. There is a construction/truck yard located on Digby Street.

2.2.4 Institutional

The Blackville School is the largest institutional land use within the Village. The school which contains students for Kindergarten to Grade 12 is located on McLaggen Road. Other institutional uses include churches, a Village Hall, Legion Hall, Fire Hall and cemeteries.

2.2.5 Recreation

The Village does not have a Recreation Department. There is a Recreation Council which receives some funding from the Village. The Recreation Council owns and operates a recreation centre and a ballfield. A park located between Route 8 and the river has recently been established. Work is continuing on various components of this valuable community resource. It contains passive and active recreation areas, such as a playground. The park's location along the river bank and the trail system is a very attractive addition to the community and is bound to become a focal point for visitors and residents alike.

2.2.6 Rural

Rural lands provide the backdrop for this community. The Village's urban fabric is almost totally encircled by a rural environment. Much of the rural setting is, or was based, on forestry. Extensive areas of the Village remain in their wooded natural state which contributes to the rural character of the community.

3.0 INFRASTRUCTURE ASSESSMENT

3.1 Existing Level of Services

In order to determine the type and level of future development a community can accommodate, it is essential that an assessment of the municipal infrastructure and services is undertaken. Generally, the Village is well positioned to accommodate additional growth and development. There are no significant constraints posed to development by the current services, however it should be noted that large areas within the Village remains unserved and development must utilize on-site systems for water and sewer.

3.1.1 Transportation Network

Transportation and communication play an important role in the lifestyle and economy of Blackville. The ability to move people, goods and information in a safe, reliable, consistent and economical manner both within the community and between other centres, is essential for Blackville's well being. Good access is important for the growth and development of any community. Accessibility to raw materials and markets play an important part in Blackville's economy.

Blackville is located at approximately the midway point between Miramichi and Doaktown with Fredericton being approximately 130 km to the west. Domestic air transportation for both freight and passengers is available at the Miramichi airport. The port facilities at Miramichi are within a 1/2 hour drive of the Village.

Route 8 pass directly through the Village. Route 8 is the primary connection between Blackville and Miramichi City to the east and Doaktown to the west.

Roads within Blackville can be divided into three classifications:

- Arterial - those carrying through traffic and traffic movements between areas within the Village;
- Collector - provide movement of moderate volumes of traffic from local to arterial streets;
- Local - for local traffic movements and serve abutting properties which have direct access to the road.

Route 8 is classified as an arterial. There is one designated collector road in the Village, Route 118, known locally as Colonial Road. Roads such as Howard, Lockstead and Bartholmew and MacLaggan serve as local collectors. All remaining roads are considered to be local roads/streets.

The majority of the vehicle traffic within the Village occurs on Route 8. This Provincially designated road serves as both a provincial arterial highway as well as the “Main Street” for the Village. At the present time, there are no difficulties with the flow of traffic, although the conflict between local and through traffic on Route 8 is cause for concern.

For the most part, streets within the Village are in good condition. All of the local streets are either chipsealed or paved, with the exception of Riverside Road on the east side of the Southwest Miramichi River. This road provides access to many of the camps located along the river. The abandoned rail-right-of-way is used by motorized vehicles, including automobiles.

Table 3.1 provides generally accepted standards for various classifications of streets/ roads. Where possible, these standards should be implemented to ensure that the road network is efficient and as safe as possible for vehicular and pedestrian traffic.

3.1.2 Water and Sewer

Only a limited amount of the Village is served by public sewer collection. Properties located along Route 8 between the intersection of Howard Road east through the central portion of the Village to approximately two kilometres east of the village centre are served by a public sewerage collection and treatment system. In total, 218 residences and businesses, as well as the Blackville school and senior citizens home are connected to the collection system.

A lagoon provides primary treatment before the effluent is released into the river. The lagoon occupies approximately seven acres and has a design capacity to serve a population of 1400 persons.

There is no public water system within the village. All properties rely on individual wells and with the exception of approximately 65 houses, business and institutional uses which are connected to a fresh water spring for potable water.

3.1.3 Recreation

The Village does not have a Recreation Department. There is a Recreation Council within the Village which is a privately incorporated body. The Village partially funds the Recreation Council for recreational activities from time to time. The recreational facilities located in the Village consist of an outdoor rink owned and operated by the Recreation Council, a sports field owned by the School Board, a ball field and the new Municipal park.

An agreement with the School Board, permits the use of the school facilities for recreational and leisure activities by the general public.

3.1.4 Police And Fire Protection

The Village has recently initiated a civic numbering program to aid in emergency response system for police, fire and ambulance services.

The R.C.M.P. provides police protection to the Village. The force consists of eight officers and six patrol cars. Currently the RCMP detachment is housed in the Village office building. A new command centre building will be constructed along Route 8 approximately 2 km east of the Village Hall. This facility will serve as the detachment headquarters for the district policing operation.

Fire protection is provided by a completely volunteer department. There are two Fire Department pumper trucks which are accompanied by a rescue van. The Blackville Fire Department retains close communication ties with other Fire Departments in the area. The Southwest Miramichi Ambulance services operates one ambulance from the Village Office.

3.1.5 Education

Blackville falls in School District 16 with its District Office in Miramichi. There is one school in which offers classes from Kindergarten to Grade Twelve. The current enrolment in the school is 603 students. The capacity of the school is 750.

3.1.6 Solid Waste Disposal and Collection

The Village has a contractual arrangement for the collection and hauling of residential solid waste. The waste is hauled by the contractor to the transfer station operated by the Northumberland County Solid Waste Commission. Commercial operations within the Village, such as stores and service stations, secure their own arrangements for the collection and disposal of the solid waste they generate. The Village dump has been decommissioned.

3.1.7 Municipal Administrative Structure

The Village's administrative structure involves two part-time clerks. These individuals are charged with the day-to-day administration and management of the Village.

4.0 COMMUNITY CONDITIONS

4.1 Economic Inventory

The continued well-being of a community is dependent upon the strength and continuing development of its economic base. The study of the structure and functioning of the local economy is important to the formation of the development plan because:

- population growth and decline is closely linked to economic activity;
- commerce and industry use a great deal of space and thus have a significant impact on surrounding land use; and
- commerce and industry generate many activities which affect Village life and the environment.

The economic base usually explains how the Village has developed to where it is today. It also indicates the future prospects and growth potential which in turn affects the demand for housing, transport, services and facilities.

4.1.1 Commercial Activity

Commercial activity includes a credit union, a grocery/hardware store, two restaurants, a convenience stores with a gas bar, a convenience store with gas bar and NBLCC Retail Outlet, a Sear Catalogue Outlet and a drug store. There are also some home based business which operate in predominately residential areas. These home based business include insurance office, hair dressers etc... . For the most part the existing mix of commercial activities serve the daily needs of the residents of the Village and the surrounding area. The amount of commercial development reflects the limited industrial sector and other employment generators within the community and the surrounding areas. Due to the proximity of Blackville to Miramichi, several of the commercial needs of the residents are being met in the larger urban area resulting in a reduction in the amount and type of commercial activities within the Village.

4.1.2 Industrial Activity

The industrial operations in the Village include Blackville Lumber Inc. . There is a construction/truck yard and welding and auto body shops located within the Village.

4.1.3 Financial Analysis

An analysis of a municipality's financial state will determine its ability to support capital works projects which may be recommended to improve the appearance and efficiency of the community.

An essential element in the continued financial viability of the municipality is the assessment base which generates revenue through the applied property tax rate. The growth of the tax base should provide a guideline for development in the municipality.

The borrowing capacity of the municipality is limited by the Capital Borrowing Board Regulations to a total of 6% of the value of residential and business property. This borrowing capacity is exclusive of funds borrowed to develop domestic water and sanitary sewer facilities. The municipality can only borrow 2% of the value of its assessment in any given year without holding a plebiscite.

The municipality may apply for Capital Works Grants from the New Brunswick Department of Transportation to perform storm sewer, curb and gutter and road upgrading work on the designated highways in the community.

Tables 4.1 and 4.1 (a) provide details on the municipalities financial position. Table 4.1 (a) details the changes which have occurred to the Village's finance between 1990 and 1994. Some of the more significant changes include an increase of 19 % in the net budget, while the municipal tax base increased by 12.1 % during the same five year period, this represents an approximate annual increase of 2.4 %. During this period of time the Village has been able to provide services at a consistent level with a municipal tax rate which has increased by 14.2 % over the five year period. On an annual basis, the tax rate has increased by 2.8 %. During this period of time, the Village experienced a 5.9 % increase in the unconditional grant it receives from the Province.

5.0 DEMOGRAPHIC ANALYSIS

5.1 Population Growth

Blackville has had rather stable population base since 1971. In fact, based on the 1991 population, the total population is essentially unchanged in this 20 year period. The population change has fluctuate around 900 persons, dropping to 892 in 1981. The following tables depicts the changes in population, the number of private dwelling units and the average number of persons per dwelling between 1971 and 1991. It is interesting to note that as the number of dwelling increased, the average number of person per dwelling decreased from 3.6 in 1971 to 3.0 in 1991. This indicates that although the number of dwellings is increasing, the size of the families occupying these dwellings is decreasing. This trend toward smaller household and family sizes is a national trend and not limited to Blackville or New Brunswick. Despite this trend toward smaller household sizes, the demand for low density single unit dwellings remains strong.

Population and Dwelling Changes 1971 - 1991, Village of Blackville

Year	Total Population	Private Dwellings	Average Number of Person per Dwelling
1971	943	N/A	N/A
1976	924	255	3.6
1981	892	280	3.2
1986	903	285	3.2
1991	938	315	3

Source: Census of Canada, 1971, 1976, 1981, 1986, 1991

5.2 Population Composition

Population growth and change is a major element in the development of a Plan. Because the primary objective of a Plan is to guide the physical development of a community, a thorough knowledge of the population characteristics of the Village is necessary so that population size and growth can be considered. Concern about change in the composition of the population is also important. Changes in

the relative number of persons within age groups, education levels, skills and income group influences the specific needs of the community for infrastructure and community services and facilities.

Table 5.2 provides a detailed breakdown of the age sex structure of the Village relative to Northumberland County and the Province. Figure 5.1 provides a graphic representation of the population breakdown. Figure 5.2 shows the population distribution by sex and age for the Village in 1991. These tables and figures indicate that a significant portion of the population of the Village is in the 25 -54 age group. The younger portion of this population segment, generally the 25 - 44 age group, is often associated with the family formation stage of the life cycle. The large percentage in this group corresponds to the relatively significant number of children (i.e., under 19 years of age) present in the population.

Blackville is characterized by a relatively well balanced population in terms of its age structure. This balance results in a demand for a wide range of services and facilities. If the trend of aging populations, which is occurring throughout the country can be used as a reference, than Blackville will also experience an aging population in the years ahead. This trend toward an aging population is brought about by a decrease in the replacement population (i.e., number of children entering the population).

5.3 Population Projections

Population projections are only to be considered as best estimates of the size of the population that could be expected in the future. This is especially true in this small community because even minor economic changes can produce significant changes in the make-up of the population.

Based on past growth rates and the level of new residential building activity which has taken place in the Village over the past few years, a safe estimate would be that the Village will continue to attract new residents thus resulting in a very modest population increase of approximately 0.5 % annually. Factors such as employment opportunities as well as an increase in the number of persons selecting the area as a retirement destination, may influence the growth of population.

5.4 Labour Force Activity

Table 5.3 provided details on the employment activities of the labour force of the Village in 1991. Table 5.4 presents a breakdown of the labour force by industry which residents of Blackville where employed in for 1991. Figure 5.4 presents this information in graphic form. Reflecting the rural nature of the area, Primary Industries accounted for the largest portion of the labour force of the Village. This sector accounted for nearly 20 % (19.1 %) of the total labour force. Manufacturing industries, which would include lumber processing at the mill, also accounted for nearly 20 % of the total labour force. This

sector is followed by the broad category of Other Industries (17.9%), which is comprised of business service industries, accommodation, food and beverage service industries.

6.0 STATEMENTS OF POLICY AND PROPOSALS

The following section provides objectives for future development and the required policies and proposals to achieve these development objectives.

6.1 Community Objectives

These policies and proposals form the basis for evaluating future development in the community and shall be referred to to determine the compliance of future development with the overall objectives of the community.

6.1.1 General Community Objectives

It shall be the objective of Council:

- to encourage the development of safe, appealing, efficient and high quality residential neighbourhoods;
- to maintain an appropriate balance of land uses;
- to minimize land use conflicts;
- to encourage the efficient use of municipal infrastructure;
- to build upon the Village's physical, man-made and economic attributes; and
- to ensure that Blackville remains rural in nature while allowing for appropriate type and scale of development.

6.1.2 General Development Policies / Proposals

GDP - 1 It is the policy of Council to require the developer to assume sole responsibility for providing services (water, sewer and streets) to new development.

GDP - 2 It is the policy of Council to encourage the preservation of the natural environment and the maintenance of the rural character of the community.

GDP - 3 It is the policy of Council to implement appropriate regulatory measures to protect the potable water supply of the Village.

6.2 Residential Development

The Village of Blackville contains a mixture of housing types varying from relatively new single-family units to older, large Victorian style homes.

Typical of a small rural-based community, Blackville's housing is comprised primarily of single-family dwellings with a limited number of two or more family units within one dwelling. Potentially, future development of additional multi-family dwellings is possible and should be evaluated based on changing needs of the community.

While residential areas should be developed for predominately residential purposes, other compatible uses which enhance and contribute to neighbourhoods should be permitted.

Most of the new residential development that will take place will be low density in the form of single unit dwellings. Changes in population structure and personal choice may result in increased demand for alternative forms of housing, such as duplex, semi-detached, row house, cluster development and apartments. Council should consider such alternative forms of development provided the proposed site and location are appropriate.

6.2.1 Residential Development Objectives

It shall be an objective of Council:

- to maintain the integrity of existing neighbourhoods and to protect them from encroachment of incompatible uses;
- to ensure the appropriate location of housing which projects an aesthetically pleasing image and is of consistent neighbourhood character;
- to minimize costs by encouraging new residential development to locate within areas that are readily serviced by the existing trunk sewer;
- to minimize the risk of property damage by encouraging new residential development to take place outside areas such as those areas with poor soil conditions;
- to encourage, where appropriate, a diversity of housing types; and
- to preserve natural forest and vegetation where possible and to blend natural features with the built form of new developments.

6.2.2 Residential Development Policies / Proposals

- RDP - 1** *It is the policy of Council to designate sufficient residential land to accommodate projected housing needs.*
- RDP - 2** *It is proposed to permit low and medium density housing. Low density residential areas will be the predominate land use. Additional forms of residential development including but not limited to, row house, cluster and medium density forms of development may also be considered through the rezoning process.*
- RDP - 3** *it is proposed to direct future residential development to those areas which are readily serviceable from the existing municipal sewer systems.*
- RDP - 4** *Notwithstanding RDP-3, it is proposed to permit unserviced residential development to occur, provided the site is of sufficient size to accommodate on-site and water and sewer facilities and the subject property meets the requirements of this Plan and the Department of Health and Community Services regulations pertaining to unserviced development.*

Home Occupations

Home occupations have become a reality if not a necessity in most municipalities. Municipalities must balance the needs of some residents to operate a business out of their homes with the rights of others to enjoy their homes and uphold property values. This is particularly true in Blackville, where some residents operate small business out of their homes. Permitting such operations, provided the impact on adjacent property owners is minimal, adds to the economic base of the community.

RDP - 5 *It is proposed to permit home occupations associated with single unit and two unit dwellings to occur, provided there are no negative impacts associated with the use and the following criteria is satisfied.*

- *the use is minor and clearly secondary to the residential use;*
- *the use is compatible with surrounding land uses;*
- *there shall be no visible indication from the exterior that a home occupation is being carried out in the dwelling other than one non-illuminated fascia sign; and*
- *other requirements as defined in the zoning provisions.*

Garden Suites

Increasing secondary activities are being introduced into low density residential areas. Uses such as garden suites and accessory apartments are seen as ways to increase the accommodation options for certain segments of the population.

Garden suites are a new, but increasingly popular, housing alternative for members of our society. Garden suites are small self-contained houses designed so that family members may live on the same lot as the other family members, while maintaining some independence and privacy.

RDP - 6 It is proposed to allow garden suites in association with a single unit dwelling through the rezoning process. When evaluating such requests, Council shall direct the PAC to have regard for the following:

- *the garden suite is portable and temporary;*
- *the garden suite is approved on its overall appearance, compatibility with the surrounding neighbourhood and setbacks from property lines;*
- *garden suites should be permitted only in the rear yard of the lot;*
- *garden suites shall be allowed only in conjunction with a single unit dwelling;*
- *the host lot be of sufficient size to accommodate the unit;*
- *require one parking space in addition to the parking required for the principle dwelling;*
- *the coverage of the entire lot by the garden suite and the principal dwelling shall not exceed 35%;*
- *the garden suite is removed when no longer required by the original occupant;*
- *approval be subject to review by Council on an annual basis; and*
- *such terms and conditions as determined by the PAC.*

Accessory Apartments

Single unit dwellings often contain a secondary or an accessory dwelling in the form of an apartment in the basement. This type of development should only be permitted in a single unit dwelling on a lot capable of accommodating additional demands for parking.

RDP - 7 It is proposed to permit accessory apartment in the basement or cellar of a single unit dwelling, provided the use is clearly secondary to the main use and the apartment unit is completely self-contained and the subject property is of sufficient size to accommodate additional vehicle parking demands.

Infill Development

An effective way of achieving growth and increasing density without any significant cost to the municipality is to intensify development in areas which are serviced but have excess capacity or the municipal services are underutilised. These types of developments are generally referred to as infill lots. The intention of this initiative is to accommodate new development in areas where amenities such as community facilities, services, access to parks and open space exist. The Plan does not designate specific areas for this form of development, but it does provide the necessary policy guidance to encourage this form of efficient use of existing services throughout the municipality.

RDP - 8 It is proposed that infill development will be encouraged in those areas of the Village where servicing capacity is underutilised, amenities are available and the lot is of sufficient size to accommodate the proposed use.

Other Dwelling Types

Changes in population structure, income levels and living styles play an important role in the types of housing that is needed in a community. In order to satisfy these changing needs, a community must be flexible and open to alternative forms of housing.

RDP - 9 It is the policy of Council to encourage the provision of a variety of housing types and densities in order to meet the changing needs of the population.

RDP - 10 It is proposed to allow affordable housing alternatives and a mix of housing densities in future residential areas.

Mini and mobile homes are increasing in popularity and are meeting the housing needs of many people.

RDP-11 It is proposed to allow for the establishment of mini and mobile home parks provided the use meets the requirements of Section 188 of the Municipalities Act and Department of Health and Community Services regulations pertaining to unserviced development.

Other Uses within Residential Areas

While areas designated for residential use should be predominately developed for residential purposes, other compatible uses may be permitted.

RDP - 12 ***It is proposed to allow the following uses within a residential area provided that they satisfy the requirements of this Plan and terms and conditions as determined to be appropriate by the Planning Advisory Committee. The uses that may be considered include:***

- i) parks, open space and recreational uses;***
- ii) schools;***
- iii) churches and church halls;***
- iv) police and fire stations;***
- v) other institutional uses; and***
- vi) residential care facilities.***

6.3 Commercial Development

Existing commercial development in Blackville is substantially less than the population level would normally support. This is likely due to the proximity of the Village to the City of Miramichi and the large amount of commercial development in the City. The existing commercial development in the Village is located along Main Street near the central portion of Village as well some limited development fronting on Route 8 located approximately one kilometre east of the Village centre. The amount and type of commercial development is limited.

6.3.1 Commercial Development Objectives

It shall be an objective of Council:

- to encourage the development of high quality, low scale commercial developments such as professional offices, retail shops, personal service operations to locate in the Village.

- to ensure that commercial development does not negatively impact on residential neighbourhoods; and

- to allow some commercial developments to have a residential component.

6.3.2 Commercial Development Policies / Proposals

CDP - 1 ***It is the policy of Council to provide for three commercial land use categories: Neighbourhood Commercial, Central Commercial and Highway Commercial.***

Neighbourhood Commercial

Neighbourhood Commercial activities are relatively small scale business which serve the daily needs of local residents and do not generate large volumes of traffic. These commercial uses generally include such activities as convenience stores and small corner grocery stores. Existing Neighbourhood Commercial type uses will be recognized, however, no new areas have been identified for this use. In the future, an application for rezoning will be required to permit a Neighbourhood Commercial use. At such time, terms and conditions can be placed on the request to ensure that control is maintained over signage, parking and landscaping/buffering.

CDP - 2 ***It is proposed to recognize existing Neighbourhood Commercial uses and will permit additional neighbourhood commercial uses through the rezoning process.***

CDP - 3 ***It is proposed to allow Neighbourhood Commercial uses provided they meet the following criteria:***

- ***retail/service space shall be less than 150 square metres (1615 ft²);***
- ***provide for emergency or everyday convenience needs; and***
- ***any terms and conditions as determined to be appropriate by the PAC.***

Central Commercial

Low scale, high quality commercial development should be encouraged to locate in the central area of the Village. The development of diversified, but compatible uses should be encouraged in this area. The Village should co-operate with the business community to improve the central area of the Village in order to make it the focal point of the Village and the dominant commercial area.

CDP - 4 *It is the policy of Council to direct low scale commercial development to the central area of the Village on those lots fronting on Main Street between the Blackville Shopping Centre and east to the bridge.*

CDP - 5 *It is proposed to allow a residential use to be associated with a commercial use in the central area of the Village.*

Highway Commercial

Much of the existing commercial development in Blackville can be generally defined as highway commercial. For the most part the existing commercial development occurs on lands adjacent to the main road (i.e., Route 8) in the community. The range of uses generally associated with this form of commercial development is characterized by the need for large areas for vehicle parking, servicing the travelling public or catering to the needs of the automobile. Generally, a highway commercial zone is very permissive, in that it allows for many uses. In the case of Blackville, this zone will be limited to small scale highway commercial type uses such as service stations, convenience stores and restaurants.

CDP - 6 *It is the policy of Council to accommodate existing highway oriented business located outside the central portion of the Village by establishing a Highway Commercial zone. Further, new highway commercial areas shall not be rezoned, rather each new establishment requesting a highway commercial highway zone designation shall be evaluated on a case-by-case basis through the rezoning process.*

Commercial Landscape/Buffering

Buffer planting which includes provisions for grass strips and appropriate trees and shrubs shall be provided between a commercial use and adjacent residential and institutional uses. The purpose of such buffering is to reduce any negative impacts on the abutting residential and institutional uses. It is recommended that the buffer be a minimum of three metres wide, and where appropriate incorporate a visually impervious fence.

CDP - 7 *It is proposed that commercial buildings and lighting or signs reflect a high quality of development in order to create an attractive appearance and minimize distraction to adjoining residential and institutional areas. Facia signs only will be encouraged, however high quality free standing signs shall be permitted provided they meet standards identified in the Zoning provisions.*

6.4 Community Recreation and Leisure Development

6.4.1 Background

Future facilities and amenities must be flexible enough to accommodate a variety of activities. For example, many currently popular recreational activities are generally linear in nature. Thus, there is a need for relatively large open spaces which are clearly defined (such as parks and playing fields) as well as green space corridors which link together to form a linear recreational/open space network. Changes in the population structure of the Village will result in demands for new recreational facilities and programs.

A continuous green space system which incorporates the river bank and other sensitive areas into its design would provide an additional advantage by affording a measure of environmental protection to such areas.

6.4.2 Community Recreation and Leisure Development Objectives

It shall be an objective of Council to:

- ensure the provision, improvement and expansion of recreation and community areas, facilities and services, for residents of all ages, that are considered appropriate to the maintenance and preservation of healthy neighbourhoods; and
- to provide linked recreation and leisure green space along watercourses at the neighbourhood and community scale of development, and to ensure that the array of amenities, size of development and distance between recreation sites reflects this hierarchical structure.

6.4.3 Recreation and Leisure Development Policies / Proposals

RLDP -1 It is the policy of Council to ensure that existing community facilities remain in their present locations and shall be protected, maintained and upgraded.

RLDP - 2 It is the policy of Council to facilitate the development of recreational activities and public open space for the enjoyment of the people living in the community.

- RLDP - 3*** *It is proposed to continue to co-operate with the District 16 School Board, in order to provide recreational opportunities on land owned by the Department of Education.*
- RLDP - 4*** *It is proposed to continue to co-operate with local service organizations, volunteer groups, churches and individuals, to maintain and upgrade recreational facilities.*
- RLDP - 5*** *It is proposed that in conjunction the various stakeholders a linear trail system will be established which will incorporate sensitive areas, such as river banks and portions of the abandoned rail right-of-ways, and will connect recreation and community facilities with each other and residential areas.*
- RLDP - 6*** *It is proposed to continue to support the initiatives and activities of the Recreation Council.*
- RLDP - 7*** *It is proposed that all public owned and operated parks and recreational facilities are safe and adequately maintained.*

Future Facilities

As changes occur in the population and new areas of the Village are developed, new recreation and community amenities should be provided.

- RLDP - 8*** *It is the policy of Council to meet the changes in the recreational and leisure needs of the population.*
- RLDP - 9*** *It is the policy of Council to ensure that all portions of the municipality are adequately served or have access to quality park and recreational facilities.*
- RLDP - 10*** *It is proposed to continue to acquire land for public purposes through the subdivision process, as required by the Community Planning Act, and other means such as purchase, easements and lease arrangements. Council will require public land dedication when the subdivision will result in the creation of five(5) or more lots. Further, Council may consider cash-in-lieu of public open space during the subdivision process for subdivisions which result in the creation of five or more lots.*

RLDP - 11 It is proposed that when accepting land through the subdivision process or cash-in-lieu, Council shall have regard for the following:

- i) the likely impact on maintenance and property tax costs;***
- ii) existence of other nearby facilities;***
- iii) physical suitability for the intended purpose;***
- iv) potential for integration with existing parkland and linear trail system;***
and
- v) compatibility with existing and proposed adjacent land uses.***

Hierarchy of Parks

The community should strive to have a hierarchy of parks which serve different portions of the community and different segments of the population. There are two types of parks within this hierarchial system; community parks and neighbourhood parks.

Community parks will consist of green spaces which are designed to serve the entire Blackville population. Community parks will be a combination of active areas and passive areas. The active elements of a community park could include athletic fields, arenas, etc. The passive elements could include picnic areas, walking or hiking trails. Community parks are often associated with unique physical characteristics or an area of historical significance upon which a theme may be developed. These parks require good access and good exposure. The existing “Blackville Municipal Park” located adjacent to the river, functions as a community park.

Neighbourhood parks are parklands which are designed to service areas within a 0.8 kilometre radius. Neighbourhood parks are normally located close to, or in residential areas and include landscaped areas, play areas, play equipment, and occasionally hard surfaces. The provision and maintenance of recreational facilities is an expensive undertaking which increases each time the Village acquires more land for open space purposes or constructs a new recreational facility.

RLDP - 12 It is proposed to provide the required amount and type of park development to satisfy the active and passive recreational needs of the community.

6.5 Environment and Conservation

Residents and visitors to Blackville benefit from the rural character and physical environment of the Village. Generous amounts of open space and forested land add to the quality of life offered by the Village. The Village residents currently obtains their water supply from ground water reserves. There are several watercourses in the Village, such as the Bartholomew River and the Southwest Miramichi River as well as smaller brooks, which serve as important parts of the natural drainage pattern. These watercourses require a level of protection from inappropriate forms of development.

6.5.1 Environment and Conservation Policies / Proposals

ECDP - 1 It is the policy of Council

- to protect the quality and quantity of both the surface and ground water supply;
- to enhance and protect the quality and quantity of the Village's natural features such as watercourses, wildlife habitat, wooded areas and the local heritage;
- to protect buildings and sites of heritage significance and areas of archeological interest; and
- to enhance the environmental and aesthetic qualities of the community.

ECDP - 2 It is the policy of Council to protect and enhance the natural environment within the Village.

According to Section 34 (3) (a) (v) of the Community Planning Act, a municipality may establish setbacks for the placement, location and arrangement of buildings and structure, from rivers, streams or other bodies of water.

ECDP - 3 It is proposed to prohibit development within 15 metres (50 feet) of all watercourses. Those areas located within 15 metres shall be designated as open space and the type of uses permitted restricted to non-intrusive passive uses. All relevant Provincial legislation and regulations pertaining to required set backs from watercourses must also be satisfied.

The residents of the Village rely on ground water for their source of potable water. It is imperative for the future well being of the municipality that this resource be protected from uses that may result in contamination.

ECCP - 4 It is proposed to discourage uses which have a high potential to contaminate the groundwater resource, further those uses that exist, will be encouraged to ensure that their activities do not pose a threat to this vital resource.

Large portions of the Village remain in their natural state, either in the form of wooded areas or open fields.

ECCP -5 It is proposed to protect the natural areas of the Village from inappropriate forms of development and the encroachment of incompatible uses.

Increasingly communities, and the people who form them, are becoming more interested and concerned about the protection of historical and cultural resources within their community. In many instances communities are not aware or they do not appreciate the historical and cultural significance of areas or buildings until these are threatened by various forces. An inventory of these resources is usually required if the community is to be proactive in the protection and enhancement of its cultural, archeological and historical assets.

ECDP - 6 It is the policy of Council that local heritage character be defined, that sites or areas of archeological or historical interest, and buildings/structures of architectural or historic interest, be identified on an ongoing basis.

ECDP - 7 It is proposed that heritage resources be conserved in a manner sympathetic to heritage culture.

ECDP - 8 It is proposed that adequate measures of protection be put in place for sites, buildings or structures of historical or archeological interest.

6.6 Institutional Development

6.6.1 Background

Further institutional development in Blackville is acceptable, provided that future locations are selected with care in order to avoid an imbalance in the community and the generation of high traffic volumes on streets not designed for such use.

Many government departments and agencies become involved in the location decisions regarding public institutions. Thus, it is difficult to pre-determine specific sites which would meet the many criteria used for location and funding considerations. As a matter of principle, these facilities are normally best located close to the majority of the population or near other institutional uses where there is a functional or operational relationship.

6.6.2 Objectives for Institutional Development

It shall be an objective of Council:

- to encourage the further development of institutional development in areas which are capable of supporting the activity with as little disruption as possible to adjacent land uses, the street network and municipal services; and
- to provide sufficient space for additional institutional development and ancillary uses in locations close to existing institutions, and on major streets within the Village.

6.6.3 Institutional Development Policies / Proposals

- IDP - 1 It is the policy of Council to endorse the existing public and institutional services and facilities in the municipality and to encourage the establishment of additional facilities and services.*
- IDP - 2 It is proposed to allow the following institutional uses within residential and commercial areas provided that they satisfy the requirements of this Plan as described in the zoning provisions.*
- IDP - 3 It is proposed to require buffer planting, which may include provisions for grass strips and appropriate trees and shrubs, between an institutional use and adjacent residential uses.*
- IDP - 4 It proposed that institutional buildings and lighting or signs reflect a high quality of development in order to create an attractive appearance and minimize distraction to adjoining residential areas.*
- IDP - 5 It is proposed that all institutional development incorporates adequate off-street parking facilities and that access/egress points to such parking be limited in number and designed in a manner that minimizes danger to both vehicular and pedestrian traffic.*
- IDP - 6 It is proposed to allow to the reuse of vacant or under-utilized buildings for accommodating new institutional uses, providing the structure of the building and the location are appropriate for such use.*

6.7 Industrial Development

6.7.1 Background

Forestry and lumbering are very important industries in the Blackville area. Further development of these industries may trigger the growth of related service industries. To capture some of the spin-off benefits from the growth of these activities, Blackville should encourage industrial growth in designated areas of the Village.

6.7.2 Industrial Development Objectives

It shall be an objective of Council:

- to establish terms and conditions to suitably accommodate existing industrial development within the fabric of the community and to minimize the impact on adjacent land use;
- to encourage those industrial uses located in predominately residential areas to relocate to designated industrial areas;
- to permit only those industries which would be low impact and environmentally friendly to the greatest extent possible; and
- to encourage new industrial activities to locate in designated areas.

6.7.3 Industrial Development Policies / Proposals

INDP -1 ***It shall be the policy of Council to encourage new industrial development to locate on the lands owned by the Miramichi Region Development Corporation which are located on the Bartholomew Road. The subject property should eventually be served by municipal sewer.***

INDP - 2 ***It is proposed to monitor the needs for additional industrial land and identify lands in the municipality which may be considered for future industrial use.***

INDP - 3 ***It is proposed to require buffer planting which includes provisions for grass strips and appropriate trees between an industrial use and adjacent residential and institutional uses.***

INDP - 4 *It is proposed that all industrial buildings and lighting or signs reflect a high quality of development in order to create an attractive appearance and minimize distraction to adjoining residential areas.*

INDP - 5 *It is proposed that all industrial activities have adequate off-street parking facilities. Access/egress points to such parking shall be limited in number and designed in a manner that minimizes danger to both vehicular and pedestrian traffic. Further, Council shall ensure that adequate off-street loading and unloading facilities, sufficient in area to accommodate delivery vehicle/trucks within the perimeter of industrial properties is provided.*

6.8 Transportation Network

6.8.1 Background

Blackville is located adjacent to Route 8 and within 40 kilometres of Miramichi City. Arterial, collector and local streets through the Village adequately distribute traffic.

6.8.2 Transportation Objective

It shall be an objective of Council:

- to adequately connect Blackville to other major centres via the Provincial Highway system;
- to ensure the provision of a transportation network which emphasizes safe, convenient and efficient pedestrian and vehicular circulation;
- to maximize accessibility between residential, commercial and community amenities and facilities;
- to minimize through-traffic in residential neighbourhoods;
- to ensure adequate provision of off-street parking facilities; and
- to facilitate solutions to the special transportation needs of seniors and the disabled.

6.8.3 Transportation Policies / Proposals

- TP - 1 It is the policy of Council to provide a safe and efficient road network.*
- TP - 2 It is proposed that all roads within the Village are constructed to conform with Village standards following the Provincial Department of Transportation guidelines.*
- TP - 3 It is proposed that access to the Provincial Highway network is maintained as a means to encourage further growth in Blackville.*
- TP - 4 It is proposed to maintain and possibly increase access to the connecting street network to the outlying areas.*
- TP - 5 It is proposed that within residential neighbourhoods pedestrian movement is a priority and vehicular through traffic in both new and existing neighbourhoods should be discouraged. As new subdivisions are developed, at least one side of new streets should eventually be provided with a sidewalk.*
- TP - 6 It is proposed to maintain a uniform standard of appearance for all transportation infrastructure and to upgrade and maintain the existing transportation network to the best standard possible within financial and physical constraints.*
- TP - 7 It is proposed that adequate off-street parking and loading/unloading facilities are incorporated with new development.*

6.9 Rural Resource Areas

6.9.1 Background

There are some areas within the Village limits which will not be developed within the near future and may be used for rural uses for some time to come. Unserviced development should be permitted but not be encouraged in these areas. Within the limits of the Village there are several fishing and hunting camps which are occupied on a seasonal basis (i.e., spring to late fall). For the most part these camps are located in the rural area and are generally found adjacent to or in close proximity to the South West Miramichi River. These camps provide employment opportunities for area residents as well as resulting in economic spin-offs to the local economy. In recognition that these camps contribute to the local economy, they will be permitted to occur in the rural areas provided the location is suitable for on-site sewerage disposal as per the Department of Health and Community Services standards and all structures are located a minimum of 15 metres (50 feet) from the river bank.

6.9.2 Rural Resource Areas Development Objectives

It shall be an objective of Council:

- to provide guidelines for the areas of the Village which are not expected to be developed in the foreseeable future except for rural type uses such as seasonal dwellings and forestry, agriculture or other rural resource activities which require substantial areas of land and relatively few buildings.

6.9.3 Rural Resource Development Policies / Proposals

RRDP - 1 *It is the policy of Council to allow the following activities in the rural areas of the Village; uses which utilize relatively few buildings; forestry and agriculture uses; single unit dwellings; mini-home and mobile home in parks or on individual lots; and seasonal dwellings and the excavation of sand and gravel.*

RRDP - 2 *It is proposed to, manage and protect natural resources located within the Village including agricultural land, woodland and forested areas and natural habitats and should minimize the deterioration of these resources through limiting development and the encroachment of incompatible uses.*

RRDP - 3 *It is proposed to allow seasonal dwellings to be located in the rural areas provided the location is suitable for on-site sewerage disposal as per the Department of Health and Community Services standards and all structures are located a minimum of 15 metres (50 feet) from the river bank.*

6.10 Municipal Services

6.10.1 Objective

It shall be an objective of Council:

- to ensure the provision and maintenance of high standard municipal services and systems; and
- to encourage the expansion of services and extension of systems which the Village can afford to construct, operate and maintain.

6.10.2 Municipal Services Policies / Proposals

MSP - 1 *It is the policy of Council to maintain the existing level of municipal services and to expand and upgrade these services as demand warrants and resources permit.*

MSP - 2 *It is the policy of Council to prohibit unserved development within those areas of the Village which are readily serviceable from the municipal sewer system.*

MSP - 3 *It is proposed to support the activities of the Northumberland County Region Solid Waste Commission and will continue to permit garbage collection through private contractual arrangements and will continue to have solid waste hauled to the regional transfer station or other facility.*

MSP - 4 *It is proposed to encourage residents to participate in the four "R's" of environmentally friendly practices; reduction, reuse, recycling and recovery.*

MSP - 5 *It is proposed that adequate protective services (police, fire, and ambulance), are provided to ensure the health and safety of Blackville residents.*

PART II - ZONING PROVISIONS

7.0 ZONING PROVISIONS

PART 1: TITLE

This forms the Zoning Provisions of the Village of Blackville Rural Plan

(NOTE: All numerical requirements are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between the metric and the imperial occurs, the metric measurement shall prevail.)

PART 2: DEFINITIONS

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

- 2.1 **ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building
 and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.
- 2.2 **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and dependent upon a main use of land or buildings and located on the same lot and includes home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts, any of which may be carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling to such occupations.
- 2.3 **ACT** means the Community Planning Act, Chapter C-12, R.S.N.B. 1973 and amendments thereto.
- 2.4 **AGRICULTURAL USE** means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable

agricultural goods or for the handling of animals except, for the purpose of this Plan, such shall not include a kennel or cattery.

- 2.5 ADULT ENTERTAINMENT ESTABLISHMENTS means an establishment or part thereof which provides goods or services, including activities, facilities, performances, exhibitions, viewing and encounters, the principle characteristic of which is the nudity or partial nudity of any person.
- 2.6 ALTERATION means any change in a structure component or any increase in the volume of a building or structure.
- 2.7 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.8 AUTOMOBILE BODY SHOP means a building or a clearly defined space on a lot used for the storage, repair, and servicing of motor vehicles including body repair, painting and engine rebuilding but does not include an automobile service station or an automobile sale establishment.
- 2.9 AUTOMOTIVE REPAIR OUTLET means a building or part of a building or a clearly defined space on a lot used for minor or major repair of motor vehicles and may include muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels, nor does it include an automobile body shop.
- 2.10 BASEMENT means that portion of a building between two floors which is partially underground and which has at least one-half of its height from the finished ceiling above grade.
- 2.11 BED & BREAKFAST/ TOURIST HOME means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists.
- 2.12 BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain, to more than three persons, exclusive of the owner of the building or members of his family.

- 2.13 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.
- 2.14 CARPORT means a building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.
- 2.15 COUNCIL means the Council of the Village of Blackville.
- 2.16 COMMITTEE means the Planning Advisory Committee of the Village of Blackville as established by the Council.
- 2.17 CONVENIENCE STORE means a retail store which serves the daily or occasional needs of residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines, videos and newspapers.
- 2.18 DEVELOPMENT means development defined as in the "Act".
- 2.19 DEVELOPMENT OFFICER means the officer of the Village of Blackville charged by the Village with the duty of administering the provisions of this Plan.
- 2.20 DWELLING
- (a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel or hostel.
- (b) Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.
- (c) Dwelling, Single Unit means a building which is a completely detached dwelling unit and having

a minimum width of any main wall of not less than 6.1 m (20 feet) .

- (d) Dwelling, Mini means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres throughout its entire length exclusive of steps or porches, that is not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration.
- (e) Dwelling, Mobile means a detached dwelling designed for transportation after fabrication, whether
on its own wheels or on a flatbed or other trailer and at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and having a width of five metres or less and located on the site on wheels, jacks or similar supports, or on a permanent foundation. For the purpose of this By-law, the removal of the wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.
- (f) Dwelling, Two Unit means a building containing two dwelling units.
- (g) Dwelling, Multiple Unit means a building containing three or more dwelling units.
- (h) Dwelling Unit , Accessory means a dwelling unit which is secondary to the principal dwelling unit
and contained in the basement or cellar of the same building.
- (i) Dwelling, Rowhouse means a dwelling containing at least three and no more than six dwelling
units, such units being constructed adjoining with common walls, and not one above the other, with individual entrances from the street level directly.

2.21 ENTERTAINMENT USE means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically limiting the generality of the foregoing does not include an adult entertainment establishment.

- 2.22 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.21 EXISTING means in existence on the effective date of this Plan.
- 2.22 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, related vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- 2.23 GARDEN SUITE means a portable detached dwelling unit which is designed to be temporarily placed in the yard of an existing single unit detached dwelling and removed when it is no longer occupied by the party it was established for.
- 2.24 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- 2.25 HEIGHT means the vertical distance of a building between the established grade and highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs.
- 2.26 HABITABLE SPACE means the space within a dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.
- 2.27 HOME BUSINESS means a secondary use on a lot that contains a single - family dwelling, which use may entail an office in the dwelling and does entail the storage of not more than a total of 3 commercially licenced vehicles or pieces of equipment for the purpose of performing work at other locations.
- 2.28 HOME OCCUPATION means an accessory business use conducted in a portion of a dwelling unit not exceeding 20 % of the floor area. Refer to subsection 4.1.3 for further requirements pertaining to this use.

- 2.29 IN-LAW SUITE means an apartment contained within a principle single detached dwelling designed to be a temporary living unit and is internally accessible from the main dwelling unit.
- 2.30 LANDSCAPED OPEN SPACE means a portion of a lot area which is not used for buildings, structures, parking spaces and driveways and which consists of grass, flower beds, shrubbery, other forms of natural landscaping, or a combination thereof.
- 2.31 LOADING SPACE means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.
- 2.32 LOT means a parcel of land, whether or not it is shown as a lot on a filed plan of subdivision, which is occupied or to be occupied by one or more main buildings, structures or uses, and including all yards and landscaped open spaces required by this Plan.
- (a) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.
- (b) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this Plan.
- (c) Interior Lot means a lot other than a corner lot.
- 2.33 LOT AREA means the total horizontal area within the lot lines of a lot.
- 2.34 LOT DEPTH means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.
- 2.35 LOT FRONTAGE means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a day lighting triangle, the front and flankage lot lines

shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.36 LOT LINE

- (a) Lot Line means a boundary or exterior line of a lot.
- (b) Front Lot Line means the line dividing the lot from the street or from the unlisted traveled way; and
 - (i) 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 either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
 - (ii) 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.
- (c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
- (d) Side Lot Line means a lot line other than a front or rear lot line.
- (e) Flankage Lot Line means a side lot line which abuts the street on the corner lot.

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

- 2.38 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- 2.39 MEDICAL AND HEALTH OFFICE means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counseling services, chiropractic services and ancillary clinic counseling services, but does not include veterinary services.
- 2.40 MUNICIPALITY means the Village of Blackville.
- 2.41 NURSING HOME means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons.
- 2.42 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or the retail selling of goods.
- 2.43 OPEN SPACE means land which is inappropriate for development by reason of having inherent or natural hazards such as susceptibility to flood or erosion which, if developed, may cause property damage or loss of life. "Landscaped Open Space" is a separate definition.
- 2.44 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.
- 2.45 PARKING LOT means an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

- 2.46 PARKING SPACE means an area of not less than 18.5 square metres (200 square feet), measuring 3.0 metres (10 feet) by 6 metres (20 feet), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or maneuvering areas.
- 2.47 PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, shoe repair and shoe shining, and tailoring, laundry and dry-cleaning collection depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.
- 2.48 PLAN means the Rural Plan of the Village of Blackville.
- 2.49 PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of New Brunswick.
- 2.50 RECREATION USE means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals.
- 2.51 RE-CYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot.
- 2.52 RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed under the Family Services Act, or any other

provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

- 2.53 RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.
- 2.54 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage.
- 2.55 SCREENING means the use of landscaping, fences or berms to visually and/or audibly separate areas or uses.
- 2.56 SEASONAL DWELLING means a single unit dwelling used as an occasional resort for vacation, recreation, rest and relaxation purposes by a person (s) who regularly resides at another location.
- 2.57 SETBACK means the minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this Plan.
- 2.58 SIGN means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include 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 "signs" which are affixed to the inside of a window or glass door.
- (a) Sign, Billboard means a large ground sign or facia wall sign which is not related to any business or use located on the lot or premises.
 - (b) Sign, Facia wall means a sign which is attached to and supported by a wall of a building.
 - (c) Sign, Freestanding means any sign supported independently of a building and permanently fixed to the ground.
 - (d) Sign, Illuminated means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
 - (e) Sign, Mobile means any sign fixed to a wheeled structure and designed to be moveable.

- 2.59 STOREY means that portion of a building which is situated between the top of any floor and the top of the next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.
- 2.60 STREET OR ROAD means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick or the Village of Blackville.
- 2.61 STREET LINE means the boundary line of a street.
- 2.62 STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other buildings or structure.
- 2.63 UTILITY SERVICE means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunications system.
- 2.64 VETERINARY CLINIC means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
- 2.65 WAREHOUSE means a building used primarily for the storage of goods and materials.
- 2.66 WAREHOUSING AND DISTRIBUTION CENTRE means a building used for the storage, wholesaling and distribution of goods and materials.
- 2.67 WATERCOURSE means any lake, river, stream, ocean or other body of water.
- 2.68 WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial users or to retailers or other merchants mainly for resale or business use.
- 2.69 YARD means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings. In determining the minimum yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

- (a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and “required front yard” or “minimum front yard” means the minimum depth required by this Plan of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

- (b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and nearest wall of any main building or structure on the lot; and “required rear yard” or “minimum rear yard means” the minimum depth required by this Plan of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.

- (c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and “required side yard” or “minimum side yard” means the minimum breadth required by this Plan of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.

- (d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and “required flankage yard” or “minimum flankage yard” means the minimum side yard required by this Plan where such yard abuts a street.

- (2) Subject to subsection (5), within any zone mentioned herein, the Council may
 - (a) designate land to be used for the location or erection of any installation for the supply of electricity, water or sanitary or storm sewers, or for the treatment or disposal of sewerage wastes; and
 - (b) use land designated under clause (a) for a purpose therein mentioned.

- (3) Notwithstanding any other provision of this by-law, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of **\$200.00** per space in lieu of providing the off street parking required hereunder.

3.1.3 Special Powers of the Advisory Committee

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

- (2) The Advisory Committee may, subject to such terms and conditions as it considers fit,
 - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this Plan; and
 - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.

3.1.4 Amendments

- (1) A person who seeks to have this Plan amended shall:
 - (a) address a written and signed application therefor to the Council ; and
 - (b) pay a fee of **\$ 500** payable to the Council.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- (4) The council may refuse to consider an application under this section if such application
 - (a) seeks to re-zone an area of land from one type of zoning to another;
- (5) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out investigation as it deems necessary.
- (6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application
 - (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
 - (b) not being in relation to re-zoning, is similar to the original application.

PART 4:GENERAL PROVISIONS FOR ALL ZONES

4.1.1 PERMITS

- (a) No development shall be permitted unless all the provisions of this Plan are satisfied.
- (b) Any permit (i.e., building permit) shall be in force for a period of one year from the date of issue and any permit may be re-issued upon request and subject to review by the Development Officer.
- (c) Notwithstanding Subsection (a), no approval shall be required for the following:
 - (i) any accessory building or structure which has less than 28 square metres (300 square feet) of gross floor area; and
 - (ii) any sign permitted according to Section 14.1.2 of this Plan.

4.1.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

- (a) Nothing in this Plan shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Village, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Village or statute and regulation of the Province of New Brunswick or the Government of Canada.

4.1.3 SEWAGE DISPOSAL SYSTEMS

- (a) Where municipal central sewerage services is available, no development shall be permitted except where the development is provided with such services.
- (b) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this Plan shall apply for the purpose of obtaining approval. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of Health and Community Services shall prevail.

4.1.4 ONE MAIN BUILDING ON A LOT

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

4.1.5 EXISTING UNDERSIZED LOTS

Notwithstanding anything else in this Plan, a vacant lot held in separate ownership from adjoining parcels on the effective date of this Plan, having less than the minimum frontage, depth or area required by this Plan, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this Plan are satisfied.

4.1.6 EXISTING BUILDINGS

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

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

4.1.7 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 40-41 of the Community Planning Act.

4.1.8 ACCESSORY USES PERMITTED

Where the Plan provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereto.

4.1.9 ACCESSORY BUILDING

4.1.9.1 Accessory uses, buildings and structures shall be permitted in any zone but shall not:

4.1.9.1.1 be used for human habitation except where a dwelling is a permitted accessory use;

4.1.9.1.2 be built closer to the front lot line than the minimum distance required for the main building or be built closer than 2.4 m (8 feet) to any other lot line except that:

- (a) in any Residential Zone buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than 1.2 m (4 feet) nor be located in front yard or flankage yard.;
- (b) common semi-detached garages may be centered on the mutual side lot line;
- (c) boat houses and boat docks may be built to the lot line when the line corresponds to the high water mark; and

4.1.9.1.3 accessory buildings and structures in a Institutional, Commercial and Industrial Zone shall not be built closer to any side or rear lot line than 2.4 m.(8 feet) or one half ($\frac{1}{2}$) the height of such building or structure, whichever is the greater.

- (i) exceed 4.6 m(15 feet) in height in any Residential Zone;
- (ii) exceed 84 sq. m (904 square feet) in any Residential zone; nor
- (iii) be built within 2.4 m (8 feet.) of the main building within any Residential Zone or 3.7 m (12 feet) in any other zone.

4.1.10 VEHICLE BODIES

No truck, bus, coach or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building, except as specifically permitted by other legislation.

4.1.11 RESTORATION TO A SAFE CONDITION

Nothing in this Plan shall prevent the strengthening or restoring to a safe condition of any building or structure.

4.1.12 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this Plan without obtaining approval from the Development Officer.

4.1.13 HEIGHT REGULATIONS

The height regulations of this Plan shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors attached to the principle structures except where specifically regulated.

4.1.14 DEVELOPMENT NEAR A WATERCOURSE OR WETLAND

Development shall be permitted outside 15 metres (50feet) of a watercourse or waterbody.

4.1.15 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is a curved line or when the side lines of a lot are not parallel, a minimum lot width which is equal to the minimum lot frontage required by this Plan shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, whose end points are defined by the

intersection of said side lines with the minimum setback as required by the applicable provision of this bylaw.

4.1.16 DAY LIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than 0.6 m.(2 feet) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 m (15 feet) from their point of intersection.

4.1.17 PERMITTED ENCROACHMENTS

The requirements of this Plan with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for the projections which do not protrude into required yards in excess of:

- (1)
 - (a) 15 cm (6 inches), for sills, leaders, belt courses or similar ornamental features;
 - (b) 45 cm (18 inches), for chimneys, smoke stacks or flues;
 - (c) 60 cm (24 inches), for cornices or eaves;
 - (d) 102 cm (40 inches), for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or
 - (e) subject to subsection (2),
 - (i) 1.2 m, for steps or enclosed porches, or
 - (ii) 1.8 m, for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.
- (2) Projections mentioned in clause (e) of subsection (i) may not extend into a required yard to a greater extent than one-half of the required width of the yard.

4.1.18 YARD EXCEPTION

Where, in this Plan, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on

the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot lines.

4.1.19 ILLUMINATION

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

4.1.20 PARKING REQUIREMENTS

(a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this Plan. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

- (i) an off -street parking space shall be an area of not less than 18 m² (193 sq. ft) measuring 6.0 metres (20 feet) in length and not less than 3.0 metres (10 feet) in width, exclusive of driveways thereto;
- (ii) shall be readily accessible from a public street;
- (iii) shall be located on the lot containing the use for which the spaces are provided.

USE

PARKING SPACE (S) REQUIRED

(aa) Any dwelling except as specified below	1 space per dwelling unit
(bb) Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
(cc) Senior Citizen Multiple Use Dwelling	0.5 space per dwelling unit

(dd) Boarding and rooming houses Bed and Breakfast	1 space per bedroom
(ee) Retail stores, service and personal service shops	1 space per 38 ² (400 sq. ft) of gross floor area
(ff) Banks, financial institutions and offices	1 space per 38 ² (400 sq. ft) of gross floor area
(gg) Restaurants	1 space per 5 seats
(hh) Licensed restaurants, lounges, taverns and beverage rooms.	the greater of 1 space per 3 seats or 1 space per 100 square feet (10 m ²) of gross area
(ii) Theatres	1 space per 5 seats
(jj) Institutional uses except as specified below	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m ²) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
(kk) Schools	3 spaces per classroom plus 1 space per 20 high school student
(ll) Hospitals	2 spaces per bed
(mm) Homes for the aged and nursing homes	2 spaces per 5 beds
(nn) Day care facilities	1.5 spaces per 400 square feet (38 m ²) of gross floor area
(oo) Medical clinics and offices of any health	5 spaces per consulting room practitioner

- (pp) Funeral homes 1 space for every 8 seats with a minimum of 4 spaces
- (qq) Warehouses, transport terminals and general industrial uses the greater of 2 spaces per 1000 square feet (93 m²) of gross floor area or 1 space per 4 employees
- (rr) Any use not specified above 3 spaces per 1,000 square feet (93 m²) of gross floor area
- (b) Reserved Spaces for the Mobility Disabled

Notwithstanding Section 3.1.22 (a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

- (aa) Medical Clinics and offices of any health practitioner 1 reserved parking space for the mobility disabled per 5-15 parking spaces required; additional space for each additional 15 required spaces or part thereof to a maximum of 10.
- (bb) Homes for the Aged/Nursing Homes 1 reserved parking space per 20 beds to a maximum of 10
- (cc) Multiple Dwellings 1 reserved parking space per 30 units to a maximum of 10.
- (dd) Restaurants and Theatres 1 reserved parking space per 50 seats to a maximum of 10.
- (ee) All other uses 1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for

each additional 100 required spaces or part thereof, to a maximum of 10.

(c) Standards for Mobility Disabled Parking Spaces

- (i) each reserved parking space shall contain an area of not less than 26 m² (280 square feet) measuring 4.6 metres (15 feet) by 6.1 metres (20 feet) ;
- (ii) where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than 91.4 metres (300 feet) from the location which it is intended to serve;
- (iii) each reserved parking space shall be located as close as possible to the location it is intended to serve;
- (iv) each reserved parking space shall be clearly identified by a ground sign.

4.1.21 MULTIPLE USE OF SITE

In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking on the site.

4.1.22 STANDARDS FOR PARKING LOTS

A parking lot shall be designed and laid out according to the following:

- (a) be surfaced with a durable and dust-proof material
- (b) the lights used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- (c) a structure, not more than 4.6 metres (15 feet) in height and not more than 5 m² (50 square feet) in area may be erected on the lot for the use of attendants;
- (d) the parking lot shall be located on the same lot.
- (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) the parking lot shall have point of ingress and egress located, in the opinion of the Committee, with due regard to topography and general traffic conditions;
- (g) be screened from public view, if practical
- (h) be graded and drained in such a manner as to ensure that surface water will not escape onto neighboring lands; and

- (i) not be used for automotive repair work or servicing except in the case of an emergency.

4.1.23 LOADING SPACE REQUIREMENTS

4.1.23.1 The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or the distribution of materials or merchandise shall provide and maintain on lands appurtenant to such buildings, structures or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses, for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises,
 - (i) not less than one space
 - (ii) not less than two spaces if the gross floor area thereof is in excess of 1858 square metres (20,000 square feet) but less than 4645 square metres (50,000 square feet), and
 - (iii) an additional space for each 4645 square metres (50,000 square feet), or fraction thereof in excess of the first 4645 square metres (50,000 square feet); and

4.1.23.2 A loading and unloading space mentioned in subsection 3.1.25.1 shall:

- (i) be not less than 9.0 metres (30 feet) in length and not less than 3.6 metres (12 feet) in width, with 4.2 metres (14 feet) overhead clearance;
- (ii) be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (iii) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
- (iv) be surfaced with a durable and dustproof material.

4.1.24 FENCES

Notwithstanding any other provision of this Plan, subject to this section, a fence may be placed or located in a yard

- (1) Except for a security fence of chain link construction, in a Commercial or Industrial zone, no fence may exceed 0.8 metre (2.5 feet) in height.
- (2) Subject to subsection (1), no fence may exceed in height
 - (a) 1.5 metres (5 feet), in an Residential zone; or
 - (b) 2.4 metres (8 feet), in any other zone.
- (3) No fence in a Residential zone, except in a Rural Residential zone, may be electrified or incorporate barbed wire or other dangerous material in its construction.

4.1.25 STRIPPING OF TOP SOIL

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

4.1.26 SCREENING OF COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS IN PROXIMITY TO RESIDENTIAL AREAS

No lot shall be developed for commercial, industrial, or multiple family residential uses unless visual screening is provided to function as a buffer area between the above land uses and the adjacent properties.

4.1.27 SATELLITE DISHES AND COMMUNICATION TOWERS

Satellite dishes and communication towers shall not be permitted between the building and the street line.

4.1.28 MULTIPLE USES

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

4.1.29 USES PROHIBITED IN CERTAIN YARDS

In all Residential zones the required front-yard set back shall not be used for the storage, or display of any vehicle, boat or other chattel.

4.1.30 PUBLIC UTILITIES

Nothing in this Plan shall prevent the use of any land for public utility services.

4.1.31 KEEPING OF ANIMALS

In any Residential Zone, only domestic animals, such as dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, Vietnamese pot Belly pigs and fish, shall be kept.

4.1.32 Residential Development Near a Lagoon or Treatment Plant

Notwithstanding any other provision of this Plan, no dwelling, mobile home or mini home may be located within 100 metres (328 feet) of a sewage lagoon or treatment plant.

4.1.33 Private Garages and Carports

- (a) Notwithstanding any other Residential zone provision of this Plan a private garage or carport attached to or incorporated in a dwelling, in a Residential zone, shall not exceed 84 square metres (904 square feet) in area.
- (b) Where a private garage or carport is attached to or incorporated in a dwelling, it becomes part of the dwelling for purposes of determining the width or depth of a yard.

4.1.34 Home Occupation

- (a) Where a home occupation is permitted under this Plan, a home occupation shall be subject to the following requirements:
- (i) the floor area of the dwelling unit which is devoted to it does not exceed 20 percent of the floor area of the dwelling unit;
 - (ii) the use is wholly contained within the dwelling and is clearly minor and secondary to the residential use;
 - (iii) no change which would indicate that a home occupation is being conducted therein, except for one (1) non-illuminated fascia sign which shall not exceed 0.45m² (4.8 square feet) in gross surface area.
 - (iv) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
 - (v) there shall be no external or outside storage of materials or containers to indicate that any part of the property is being used for any purpose other than a single family dwelling.
 - (vi) there are no outside animal enclosures.
 - (vii) the home occupation shall not generate off-site electrical interference, dust, noise or smoke.
 - (viii) two off-street parking spaces are provided, in addition to the parking space requirements of the zone.
 - (viii) no Home occupation will be permitted where the lot or building is used for any other secondary use or accessory use of the property.

4.1.35 Neighbourhood Daycare Centre

Where, a Neighbourhood Daycare Centre is permitted under this Plan, a Neighbourhood Daycare Centre shall be subject to the following requirements:

- (i) be restricted to a maximum of 15 children;
- (ii) require that the owner/operator of the Neighbourhood Daycare Centre reside in the dwelling;
- (iii) be located outside a corner lot,
- (iv) be located on a local street which permits on-street parking;
- (v) require that signage comply with the residential sign regulations of this Plan;
- (vi) comply with all Provincial regulations as stated in the Family Services Act of New Brunswick;

- (viii) Neighbourhood Daycare Centre will be permitted where the lot or building is not used for any other secondary use or accessory use of the property

4.1.36 Accessory Apartment

Permit shall be issued for an accessory apartment, where:

- (i) The apartment is secondary to the main dwelling unit;
- (ii) The unit is completely self-contained, including provision for cooking, sleeping and bathing.
- (iii) An accessory apartment will be permitted where the lot or building is not used for any other secondary use or accessory use of the property.

4.1.37 Enclosures for Swimming Pools

- (i) No land may be used for the purposes of a swimming pool unless the pool is completely surrounded by an adequate enclosure of at least 1.5 metres (5 feet) in height. For the purpose of this section, an enclosure means a fence, wall or other suitable structure including self latching doors and gates designed primarily not to facilitate climbing and to restrict access thereto. Such enclosure should not have rails, bracing or other attachments on the outside that would facilitate climbing. Such enclosure shall be located a minimum of 1.2 metres (4 feet) from the edge of the water contained in the pool.
- (ii) swimming pool or any portion thereof shall be located outside of any electrical service wires.
- (iii) swimming pool shall be located outside the front setback area.

4.1.38 Requirements for Garden Suites

A Garden Suite may be permitted as a secondary use associated with a single unit dwelling in any residential zone which permits single unit dwellings. These uses shall conform to the following:

- (i) the garden suite be located in the rear yard of a single detached dwelling;
- (ii) does not exceed 1 storey in height;
- (iii) maintain a minimum of 2.4 metre (7.9 feet) rear yard and a minimum 1.2 metre (3.9 feet) side yard;
- (iv) not be located on any parcel or site which contains two or more permanent dwelling units;
- (v) in the case of a garden suite does not exceed 75 square metres (807 square feet); is temporary and

- portable;
- (vi) requires a minimum overall lot area required by the zone;
- (vii) require one parking space in addition to the parking required for the principle dwelling;
- (viii) be subject to all other relevant provisions of this Plan; and
- (x) No Garden Suite or an In-Law suite will be permitted where the lot or building is used for any other secondary use or accessory use of the property.

4.1.39 Requirements for a Bed and Breakfast/ Tourist Home

Where permitted in Residential Zones, Bed and Breakfast/ Tourist Homes shall be permitted provided that:

- (i) the single unit dwelling is occupied as a residence by the operator of the business;
- (ii) be limited to no more than ten (10) bedrooms in the building;
- (iii) not permit cooking equipment in a room that is used for sleeping accommodation;
- (iv) provide and maintain an easily accessible water toilet, a wash basin and a bath tub or shower served with both hot and cold water for every eight occupants of the Bed and Breakfast/ Tourist Home;
- (v) one non-illuminated fascia sign not exceeding 0.45 square metres (4.8 square feet) in area is permitted; and
- (vi) No Bed and Breakfast/ Tourist Home will be permitted where the lot or building is used any other secondary use or accessory use of the property

4.1.40 Location of Parking Facilities

Parking spaces shall be located outside the front yard setback in a Residential zone.

4.1.41 Landscaping Requirements

- (a) In any R1, R2, RM, RR zone, the owner of a lot developed for residential purposes shall landscape:
 - (i) the front yard of the main building;
 - (ii) any required yard that abuts a street;
 - (iii) any part of the lot within 3 metres (9.8 feet) of each building thereon.

- (b) Landscaping mentioned in subsection (i)
 - (i) subject to this section, shall include at least 80 mm of top soil and the seeding thereof, and
 - (ii) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.
- (c) A yard mentioned in subsection (a) may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.
- (d) In the case of multiple unit dwellings, the owner of a lot developed for this purposes shall landscape:
 - (i) the front yard of the main building;
 - (ii) any required yard that abuts a street;
 - (iii) any side yard within 15 metres (49.2 feet) of each main building thereon;
 - (iv) any rear yard within 45 metres (147.6 feet) of each main building thereon
 - (v) the landscaping under this section shall be completed not later than one year from the date of the granting of the building permit for the main building located thereon.
 - (vi) as per the requirements of 4.2.10 (b).

4.1.42 Illumination

Where yard lights are provided in connection with a commercial use, all such lighting shall be directed inwardly toward the subject lot.

4.1.43 Screening of Commercial Uses

Where a lot in a NC zone abuts a residential zone, or use, such lot shall not be developed for a commercial use unless a screening facility, such as an earth berm, hedge or fence or a combination thereof, is provided and maintained along the common property lines.

4.1.44 Accessory Buildings and Structures

No accessory building or structure may:

- (a) exceed 4.3 metres (14 feet) in height;
- (b) be placed, erected or altered so that it is
 - (i) closer to the street at the front of the lot than the rear of the main building or structure,
 - (ii) within 1.5 metres (5 feet) of a side or rear lot line; or
- (c) be used for agricultural purposes or for the keeping of animals other than household pets.

4.1.45 Landscaping Requirements

The required front yard shall be landscaped, excepting the driveways and parking areas. In the case of a corner lot, the side yard abutting a side street shall be landscaped to a depth of 6 metres. The required landscaped area shall be grassed and trees and/or shrubs shall be planted at a minimum rate of one (1) tree or shrub for each 14 square metres (150 square feet) of the minimum landscaped area. Where possible existing trees/shrubs shall be maintained.

4.1.46 Outdoor Storage

- (a) Where any permitted use includes outdoor storage, the land used for such storage shall be screened from the street by a wall or decorative solid board fence not less than 2 metres (6.6 ft) and not more than 2.5 metres (8.2 ft) in height.
- (b) No material shall be piled higher than the height of the surrounding fence.

4.1.47 Salvage or Waste Disposal Facility, Recycling Depot or Junk Yard

Where land is used for the storage of scrap, recycling or automotive materials, the following shall apply:

- (a) The whole of the operation shall be surrounded by a solid fence, not less than 3 metres (9.8 ft) and not greater than 5 metres (16.4 ft) in height, unpierced except for gates necessary for access.
- (b) The fence shall be located at least 6 metres (19.7 ft) from the front line and 1.5 metres (4.9 ft) from side and rear lot lines, and the land between the fence and any lot line, not required for entrance and exit driveways, shall only be used for landscaping.

- (c) No material shall be piled higher than the height of the surrounding fence.

PART 5 RESIDENTIAL ZONES

5.1.1 R-1 (Single Unit Dwelling) Zone

5.1.1.1 R-1 Zone Permitted Uses

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

- (a) Main Use single unit dwelling
- (b) Secondary Use (i) One of the following uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of Part 4
 - (i) an accessory apartment
 - (ii) a garden suite
 - (iii) an in-law suite
 - (iv) a home occupation
 - (v) a bed and breakfast / tourist home
 - (vi) a neighbourhood daycare centre
 - (vii) a boarding house
 - (ii) A home occupation in conjunction with a permitted two unit dwelling; subject to the relevant provisions of 4.1.3.

- (c) Community Use The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.
 - (i) a public park and recreational use
 - (ii) a public or a private school
 - (iii) a church or a church hall
 - (iv) a police and/or fire station
 - (v) other institutional uses
 - (vi) residential care facility

- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

5.1.1.2 R-1 Zone Requirements

- (A) Standard for Single Unit Dwelling (served by a public sewer system):
 - (a) the minimum lot area is 672 m² (7,233 ft²);
 - (b) the minimum lot frontage is 23 metres (75ft);
 - (c) the minimum lot depth 30 metres (100 ft)
 - (d) the front or flankage yard is 7.6 metres (25 ft);
 - (e) the minimum rear yard is 7.6 metres (25 ft);
 - (f) the minimum side yard is 1.8 metres (6.0 ft)
 - (g) the maximum height of the main building is 8.5 metres (28 ft);
 - (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

5.1.2 R-2 (One Unit, Two Unit, Multiple Unit Dwelling) Zone

5.1.2.1 R-2 Permitted Uses

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

- (a) One of the following main uses:

a single unit dwelling
a two unit dwelling
a multiple unit dwelling

- (b) Secondary Use (i) One of the following uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of Part 4
- (i) an accessory apartment
 - (ii) a garden suite
 - (iii) an in-law suite
 - (iv) a home occupation
 - (v) a bed and breakfast / tourist home
 - (vi) a neighbourhood daycare centre
 - (vii) a boarding house
- (ii) A home occupation in conjunction with a permitted two unit dwelling and a semi-detached dwelling; subject to the relevant provisions of subsection 4.1.3.
- (c) Community Use The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.
- (i) a public park and recreational use
 - (ii) a public or a private school
 - (iii) a church or a church hall
 - (iv) a police and/or fire station
 - (v) other institutional uses
 - (vi) residential care facility
- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

5.1.2.2 R-2 Zone Requirements

- (A) Standard for Single Unit Dwelling (served by a public sewer system):

- (a) the minimum lot area is 672m² (7233 ft²);
- (b) the minimum lot frontage is 23 metres (75 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 7.6 metres (25 ft);
- (f) the minimum side yard is 1.8 metres (6.0 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

(B) Standards for a Two Unit Dwelling (served by a public sewer system)

- (a) the minimum lot area is 1072 m² (11,539 ft²);
- (b) the minimum lot frontage is 27 metres (88 ft);
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 7.6 metres (25 ft);
- (f) the minimum side yard is 1.8 metres (6.0 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

(C) Standards for a Multiple Unit Dwelling (served by a public sewer system)

- (a) the minimum lot area is 1545 m² (16,630 ft²), plus 102 m² (1098 ft²) for each dwelling in excess of four;
- (b) the minimum lot frontage is 36 metres (118 ft), plus 1.5 m (5.0 ft) for each dwelling unit in excess of four;
- (c) the minimum lot depth 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 7.6 metres (25 ft);
- (f) the minimum side yard is 1.8 metres (6 ft)
- (g) the maximum height of the main building is 8.5 metres (28 ft);

- (h) the maximum lot coverage is 50 % in the case of an interior lot or 45 % in the case of a corner lot.

5.1.3 RM (Mobile/Mini Home Park) Zone

5.1.3.1 RM Zone Permitted Uses

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

- (a) One of the following main uses:
 - a mobile home park
 - a mini home park
 - a mini home
 - mobile home
- (b) Secondary Use: One of the following uses in conjunction with a main use; subject to the relevant provisions of Part 4.
 - (i) a home occupation
- (c) Community Use The Committee may authorize, subject to terms and conditions the development of any combination of the following community uses
 - (i) a public park and recreational use
 - (ii) a public or a private school
 - (iii) a church or a church hall
 - (iv) a police and/or fire station
 - (v) other institutional uses
- (d) Commercial Use Notwithstanding, 5.1.3.1, the Committee may permit, subject to terms and conditions, a local convenience store, or a mini or mobile home display court.
- (e) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

5.1.3.2 RM Zone Requirements

Standards for Mobile Homes

- (a) the minimum lot area is 371 m² (4000 ft²);
- (b) the minimum lot frontage is 12 metres (40 ft);
- (c) the minimum lot depth is 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 1.5 metres (5 ft);
- (f) the minimum side yard is 1.5 metres (5 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft);
- (h) minimum gross floor area of the mobile home is 152 m² (500 ft²)

5.1.3.3 Mobile Home Park

The use of land for the purpose of a mobile / mini home park, or of extensions or additions to a mobile / mini home located on a mobile / mini home site, is subject to the provisions of any applicable by-law under section 188 of the Municipalities Act.

Standards for Mini-Homes

- (a) the minimum lot area is 900 m² (9687 ft²);
- (b) the minimum lot frontage is 30 metres (100 ft) ;
- (c) the minimum lot depth is 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft);
- (e) the minimum rear yard is 6 metres (20 ft);
- (f) the minimum side yard is 6 metres (20 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft).

5.1.3.4 Mini- Home Park

The use of land for the purpose of a mobile / mini home park, or of extensions or additions to a mobile / mini home located on a mobile / mini home site, is subject to the provisions of any applicable by-law under section 188 of the Municipalities Act .

5.1.4 RR (Rural Residential) Zone

5.1.4.1 RR Zone Permitted Uses

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

- (a) One of the following main uses:
 - a single unit dwelling
 - a mobile or mini home
 - a mobile home or mini home park

- (b) Secondary Use One of the following uses in conjunction with a permitted single unit dwelling; subject to the relevant provisions of Part 4.
 - (i) an accessory apartment,
 - (ii) a garden suite
 - (iii) an in-law suite
 - (iv) a home occupation
 - (v) a home business
 - (vi) a kennel or veterinary hospital
 - (vii) a private school
 - (viii) a private stable
 - (ix) a roadside stand for the sale of agricultural produce
 - (x) a bed and breakfast / tourist home
 - (xi) a convenience store
 - (xii) a neighbourhood daycare centre
 - (xiii) a boarding house

- (c) Community Use The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses.
- (i) a public park and recreational use
 - (ii) a public or a private school
 - (iii) a church or a church hall
 - (iv) a police and/or fire station
 - (v) other institutional us
 - (vi) residential care facility
- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 3.1.10, if such main use is permitted by this section.

5.1.4.2 RR Zone Requirements

- (a) in the case of a lot not serviced by municipal sewer and water services:
- (i) an area of at least 4,000 m² (43,057 ft²)
 - (ii) a frontage of at least 54 metres (180 ft)
 - (iii) a lot depth of at least 38 metres (125 ft)
- (b) in the case of a lot serviced by municipal sewer services but not by municipal water services:
- (i) an area of at least 672 m² (7,233 ft²)
 - (ii) a frontage of at least 23 metres (75 ft)
 - (iii) a lot depth of at least 30 metres (100 ft)
- (c) notwithstanding any requirements of this Plan with respect to a minimum lot size, a main dwelling or structure permitted in this zone may be placed, erected or altered on a lot that does not meet such requirements, if the lot:
- (i) exists on the day this section becomes effective; and
 - (ii) in the opinion of the district medical health officer, meets the relevant requirements of the Provincial Health Act.

5.1.4.3 RR Yard Requirements

No main building may be placed, erected or altered so that it is:

- a) within 1.2 metres (3.9 ft) of one side lot line or 2.8 metres (9.2 ft)
- b) within 6.1 metres (20 ft) of the rear lot line except in the case of a
- c) where there is vehicular access to the rear yard through a carport or

5.1.4.4 Height of Main Building or Structure

Maximum height of main building is 10.7 metres (35 ft) in height.

5.1.4.5 Accessory Buildings and Structures

(i) accessory building or structure may:

a) have up to a maximum of 6.5 metres (21 ft) in height;

b) be placed, erected or altered so that it:

i) is within the front yard of the main building or structure,

ii) in relation to a side lot line,

a) is within 0.7 metres (2.3 ft) of a side or rear lot line, or within 1.2 metres (3.9 ft) of a side line when it is located closer to a street line than 14 metres (46 ft), in the case of a lot mentioned in Section 5.1.5.2 (a).

b) is within 1.5 metres (5 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (b).

c) obstructs the access to the rear yard provided by the side yard requirements for the main building or structure, in the case of any lot.

(iii) in relation to the rear lot line,

a) is within 0.7 metres (2.3 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (a), or

b) is within 1.5 metres (5 ft) thereof, in the case of a lot mentioned in Section 5.1.5.2 (b)

c) exceeds 84m² (904 ft²) in ground floor area in the case of a lot mentioned in Section 5.1.5.2 (a) and (b), except as otherwise specified in this Plan.

- (ii) Not more than 12 % of the area of a lot may be occupied by accessory buildings and structures.

5.1.4.6 Lot Occupancy

Buildings and structures including accessory buildings on a lot shall not occupy a greater portion of the area of a lot mentioned in Section 5.1.5.2 (a) and (b):

- (i) in the case of an interior lot 45 percent.
- (ii) in the case of a corner lot, 40 percent.

5.1.4.7 Landscaping Requirements

With respect to landscaping,

- (a) the provisions of subsection 4.2.10 apply, in the case of a lot mentioned in 5.1.5.2 (a)
- (b) the provisions of subsection 4.2.10 apply to only one-half of the width of the front yard of a main building, in the case of a lot mentioned in section 5.15.2 (b).

5.1.4.8 Other Requirements for secondary uses

- (1) A kennel or veterinary hospital is not permitted unless:
 - (a) the lot on which it is located contains a minimum of 2 ha (5 acres); and
 - (b) it is set back at least 60 metres (196 ft) away from the street line and 45 metres (148 ft) away from any property line.
- (2) A private stable is subject to the following standards:
 - (a) a private stable shall not be located on a lot except where the proposed use is set back
 - (i) 18 metres (59 ft) of a street line,
 - (ii) 6.1 (20 ft) metres of a side lot or rear lot line,
 - (iii) 9 metres (30 ft) of a main building on the same lot, or

- (iv) 24 metres (79 ft) of any residence on an adjacent lot; and
- (b) a private stable shall not exceed 100 m² (1076 ft²) in floor area
- (3) No development shall be permitted for a convenience store use except where:
 - (i) it has a maximum gross floor area of 200m² (2153 ft²);
 - (ii) it does not dispense gasoline or other petroleum products for the use by automotive vehicles.

PART 6 COMMERCIAL ZONES

6.1.1 CC (Central Commercial) Zone

6.1.1.1 CC Zone Permitted Uses

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

- (a) One or more of the following main uses:
 - a bank or other financial institution
 - a funeral home
 - a hotel or motel
 - a bed and breakfast or tourist home
 - an institution, including but not limited to a group home, medical or veterinary clinic or agency of an educational, social or philanthropic nature
 - a municipal or other government office
 - a museum, library or cultural centre, or similar use
 - a nursing home
 - an office use
 - a personal service shop
 - a restaurant
 - a retail or wholesale store, service or shop
 - a theatre
 - a craft retail/manufacturing outlet

- a convenience store
- a gas bar
- an automobile sales room or sales lot
- single unit dwelling

- (b) Community Use The Committee may authorize, subject to terms and conditions, any combination of the following community uses.
- (i) a public park
 - (ii) places of worship
 - (iii) fire and police stations
 - (iv) nursing/senior citizens homes
 - (v) other health related facilities to meet the needs of
 - (vi) other types of institutional uses.
- (c) Secondary use A rooming house, boarding house, bed & breakfast/ tourist home in conjunction with a single unit dwelling
- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 6.3, if such main use is permitted by this section

6.1.1.2 CC Zone Development Subject to Terms and Conditions

The Committee may permit, subject to terms and conditions, the following uses:

- (a) a bus or other public transportation terminal
- (b) a public garage
- (c) a laundry
- (d) an entertainment use

6.1.1.3 CC Zone Requirements

Where uses are permitted as Commercial Uses:

- (a) the minimum lot area is 690 square metres (7,427 ft²) for an interior lot; 880 square metres (9,506 ft²) for a corner lot;
- (b) the minimum lot frontage is 23 metres (75 ft);
- (c) the minimum lot depth is 30 metres (100 ft);
- (d) the front yard setback is 7.6 metres (25 ft);
- (e) the side yard is 1.5 metres (5 ft);
- (f) the rear yard is 6.1 metres (20 feet);
- (g) the maximum height of the main building 15 metres (50 ft).

6.1.2 HC (Highway Commercial) Zone

6.1.2.1 HC Zone Permitted Uses

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

- (a) One or more of the following main uses:
 - an automotive/vehicle repair outlet
 - an automobile/vehicle sales room and outdoor display court
 - a bank or other financial institution
 - a billboard or other advertising sign
 - a car wash
 - a communication use, including but not limited to radio and TV stations and printing establishment
 - a gas bar
 - an entertainment use
 - a food store
 - a funeral home
 - a hotel, motel or motor inn
 - an indoor recreational establishment including, but not limited to premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema facilities
 - a medical, dental and veterinary clinic / office
 - a museum, library or cultural centre, or similar use
 - a nursing home
 - an office use

a personal service shop
a parking lot
a restaurant
a retail bakery
a retail or wholesale store, service or shop
a service station
a taxi stand / dispatch office
a multiple unit dwelling
a tourist information office
single unit dwelling

- (b) Community Use The Committee may authorize, subject to terms and conditions, any combination of the following community uses.
- (i) a public park
 - (ii) places of worship
 - (iii) fire and police stations
 - (iv) nursing/senior citizens homes
 - (v) other health related facilities to meet the needs of
 - (vi) other types of institutional uses.
- (c) Secondary use A rooming house, boarding house, bed & breakfast/ tourist home in conjunction with a single unit dwelling
- (d) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure, subject to subsection 7.3.1.1 , if such main use is permitted by this section

6.1.2.3 HC Zone Requirements

Where uses are permitted as Commercial Uses:

- (a) the minimum lot area is 969m² (10,000ft²); 1,200m² (12,917 ft²) for a corner lot;
- (b) the minimum lot frontage is 18 metres (59 ft) for an interior lot; 23 metres (75 ft) for a corner lot;
- (c) the front or flankage yard is 7.6 metres (25 ft);
- (d) the minimum rear yard is 7.6 metres (25 ft);
- (e) the minimum side yard is 3.0 metres (9.8 ft) on one side and 6.0 metres (19.7 ft) on the other side;
- (f) the maximum height of the main building is 12.5 metres (41 ft)
- (g) the maximum lot coverage is 45 %;
- (h) the minimum landscaped open space is 50 % of the required front yard.

PART 7 INDUSTRIAL ZONES

7.1.1 IND (Industrial) Zone

7.1.1.1 IND Zone Permitted Uses

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

(a) One or more of the following main uses:

- a light manufacturing, assembly or processing operations which are conducted and wholly contained within a building
- a transportation, warehousing or storage establishment
- a retail, wholesale operations and personal service shops
- an office use
- a restaurant
- an indoor commercial recreation use
- a steel fabricating plant
- an automotive body shop
- an automotive repair outlet

(b) Accessory Use

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

(c) Community Use

The Committee may authorize, subject to terms and conditions, the development of any combination of the following community uses

- (i) a public park
- (ii) places of worship
- (iii) fire and police stations
- (iv) other types of institutional uses

7.1.1.2 IND Zone Requirements

- (a) the minimum lot area is 1,672 square metres (18,000 ft²)

- (b) the minimum lot frontage is 36 metres (120 ft)
- (c) the minimum lot depth is 46 metres (150 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft)
- (e) the minimum side yard is 3.0 metres (10 ft); or ½ the height of the main building, whichever is greater, to a maximum of 9 metres (29.5 ft);
- (f) the minimum rear yard is 3.0 metres (10 ft); or ½ the height of the main building, whichever is greater, to a maximum of 9 metres (30 ft);
- (g) the maximum height of the main building is 15 metres (50 ft).

7.1.1.3 Requirements for Accessory Building and Structures

Except for a gate-keeper or security office not exceeding 9 m² (96.9 ft²) in size, no accessory building or structure may be placed, erected or altered so that, in relation to the main building or structure it is:

- (i) within the front yard thereof; or
- (ii) within 3 metres (9.8 ft) of a side or rear lot line.

7.1.1.4 IND Zone Other Requirements

Within any IND Zone, use shall be permitted except in conformity with the following:

- (a) Outside storage shall be permitted and shall be screened from the street by a wall or decorative fence not less than 2 metres (6.6 ft) and not more than 2.5 metres (8.2 ft) in height. No material shall be stacked higher than the height of the surrounding fence. Where feasible, existing trees shall be preserved.

PART 8 INSTITUTIONAL

8.1.1 I (Institutional) Zone

8.1.1.1 I Zone Permitted Uses

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

(a) One or more of the following main uses:

- a building intended for public assembly or for social, cultural or recreational activities, or for an educational or institutional use, or similar use
- a church and other religious institutions including cemeteries or crematories and similar uses
- a day care centre
- a government building and uses (federal, provincial and municipal)
- a group home or institutional residence
- a hospital or health services building
- a park, open space, playground, golf club or other recreational use
- a TV or radio tower

(b) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section.

8.1.1.2 I Zone Requirements

- (a) the minimum lot area is 929 square metres (10,000 ft²)
- (b) the minimum lot frontage is 30 metres (100 ft)
- (c) the minimum lot depth is 30 metres (100 ft)
- (d) the front or flankage yard is 7.6 metres (25 ft)
- (e) the minimum side yard is 1.8 metres (5 ft); or ½ the height of the main building whichever is greater to a maximum of 9 metres (29.5 ft);
- (f) the minimum rear yard is 3.0 metres (10 ft); or ½ the height of the main building whichever is greater to a maximum of 9 metres (30 ft);
- (g) the maximum height of the main building is 15 metres (50 ft).

PART 9 PARK AND RECREATION

9.1.1 PR (Park and Recreation) Zone

9.1.1.1 Park and Recreation Zone(PR) Permitted Uses

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

(a) One or more of the following main uses:

- a public park, including playground, sport or recreational establishment
- an outdoor recreational use, including but not limited to a public or private golf course and ancillary uses and facilities a linear open space trail
- an interpretive uses associated with areas of natural or scientific interest

(b) Accessory Use Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section

9.1.1.2 PR Zone Requirements

Where appropriate, the following requirements shall apply:

- (a) the front or flankage yard is 15 metres (50 ft);
- (b) the minimum rear yard is 11 metres (36 ft);
- (c) the maximum height of the main building is 10.7 metres (35 ft); and
- (b) the minimum side yard is 11 metres (36.1 ft).

PART 10 OPEN SPACE

10.1.1 OS (Open Space) Zone

10.1.1.1 Open Space(OS) Zone Permitted Uses

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

(a) One or more of the following main uses:

- a park
- an interpretive uses associated with areas of natural or scientific interest
- an agricultural uses that do not include structures
- a linear open space trail
- public works associated with flood control

(b) Accessory use

Any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this section, provided that the accessory building or structure is not located within 15 metres (50 feet) of a watercourse.

10.1.1.2 OS Zone Requirements

Where appropriate, the following requirements shall apply:

- (a) the front or flankage yard is 6.1 metres (20 ft);
- (b) the minimum rear yard is 4.5 metres (15 ft);
- (c) the minimum side yard is 3.0 metre (10 ft);
- (d) the maximum height of the main building is 10.7 metres (35 ft); and
- (e) the maximum lot coverage is 10 %.

PART 11

RURAL AREA

11.1.1 RA(Rural Area) Zone

11.1.1.1 RA Zone Permitted Uses

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

(a) One of the following main residential uses:

- a single unit dwelling
- a seasonal dwelling
- a mini-home or mobile home
- a mini-home or mobile home park

(b) Rural Use

- an agricultural use, greenhouse or the raising of livestock
- a forestry use, sawmill or wood working yard
- a kennel or veterinary hospital
- a government use
- a stable or riding school
- a veterinary hospital
- a park
- outdoor recreational uses, including, but not limited to, a public or private golf course and ancillary uses and facilities
- a linear open space trail
- an educational facility
- a place of worship
- a sand and gravel pit

(c) One of the following secondary uses:

- a boarding house, rooming house or tourist home
- a home occupation
- a home business
- a private stable
- a roadside stand for the sale of agricultural produce
- a garden centre

a bed and breakfast / tourist home
a neighbourhood daycare centre
a residential care facility

(d) Accessory Use No accessory building or structure may

- (a) exceed 11 metres (36 ft) in height;
- (b) be placed erected or altered so that it is:
 - (i) except in the case of an agricultural or forestry use, within the front yard of the main building or structure;
 - (ii) in the case of an agricultural or forestry use, within 7.6 metres (25 ft) of a street line;
 - (iii) within a distance of side or rear lot line of the greater of 3 metres (10 ft) or one half the height of the building or structure.

11.1.1.2 RA Zone Requirements - Residential Use - Unserviced

- (a) the minimum lot area is 4,000 m² (1 acre);
- (b) the minimum lot frontage is 54 metres (180 ft);
- (c) the minimum lot depth is 38 metres (125 ft)
- (d) the front or flankage yard is 15.2 metres (49.9 ft);
- (e) the minimum rear yard is 7.0 metres (23 ft);
- (f) the minimum side yard is 7.0 metres (23 ft);
- (g) the maximum height of the main building is 8.5 metres (28 ft).

11.1.1.3 RA Zone Requirements - Rural Use

- (a) the minimum lot area is 2.025 ha (5 acres);
- (b) the minimum lot frontage is 152 metres (498.7 ft);
- (c) the front or flankage yard is 15.2 metres (49.9 ft);
- (d) the minimum rear yard is 7.0 metres (23 ft);
- (e) the minimum side yard is 7.0 metres (23 ft);
- (f) the maximum height of the main building is 20 metres (65 ft).

PART 12 SIGN REGULATIONS FOR ALL ZONES

12.1.1 Signs Permitted in all Zones

The following signs shall be permitted in all zones and no permit shall be required for their erection:

- (a) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which identifies the name and address of a resident.
- (b) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which regulates the use of property, as do "no trespassing" signs.
- (c) any real estate sign (non-illuminated) which has an area of no more than 0.75 square metres (8.1 square feet) in any residentially designated area or 2.2 square metres (23.7 square feet) in any other zone.
- (d) any sign which has an area of no more than 0.45 square metres (4.8 square feet) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) any sign which has an area of no more than 4.6 square metres (49.5 square feet) and which is incidental to construction.
- (f) any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) any memorial sign, plaque or tablet.
- (i) any sign that announces a candidate for public office in a municipal, provincial or federal election.

12.1.2 Signs Prohibited in all Zones

The following signs shall not be permitted in any zone:

- (a) any sign or sign structure which constitutes a hazard to public safety or health.
- (b) any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
- (c) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.

- (d) any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
- (e) any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
- (f) any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
- (g) any searchlight, string light, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations for a period not to exceed fourteen (14) days.
- (h) any sign painted on a tree, stone, cliff or other natural object.
- (i) any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bonafide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

12.1.3 Sign Permit Required

No person shall construct, erect, display, alter or relocate a sign and no person being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such property without a sign permit first having been obtained in accordance with the provisions of this Plan.

12.1.4 Sign Permit Fee

A \$ **25.00** permit fee shall be submitted for each sign for which a permit is required under the provisions of this Plan.

12.1.5 Specific Sign Provisions for Specific Zones

12.1.5.1 In a Commercial or Industrial Zone, the following signs may be placed, erected or displayed:

- (a) a sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area does not exceed:
 - (i) the product of the lineal frontage of the lot on which the building is located, multiplied by two, in the case of a non-illuminated sign,
 - (ii) one-half the size permitted under subclause (i), in the case of an illuminated sign.
- (b) a free-standing sign not exceeding 3.8 m^2 (40 square feet) in gross surface area,

12.1.5.2 In the Rural Area Zone the following signs may be placed, erected or displayed:

- (a) one sign not exceeding 3.8 m^2 (40 square feet) in gross surface area indicating the name of a farm; and
- (b) one sign not exceeding 1.7 m^2 (18 square feet) in gross surface area indicating the sale or rental of the property on which it is placed.

12.1.6 Non-Conforming Signs

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

12.1.7 Abandoned and Unlawful Signs

- (a) No person being the owner lessee of property upon which a sign is located shall permit, suffer or allow such sign, its faces, supports, electrical systems or anchorage to become unsightly, dilapidated or unsafe.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and to be removed.
- (c) Any sign which no longer advertises a bonafide business or service on the premises shall be removed within sixty (60) days of termination of such business or service.

12.1.8 Number of Signs

- (a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.
- (b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where matter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.
- (c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 14.1.2 shall not be counted.

