

By-law No. _03-91__

Schedule "A"

Blacks Harbour Rural Plan

PART A:

AUTHORITY & AREA DESIGNATION

Section 1 – Authority & Area Designation

- 1.1 The Council of Blacks Harbour, under the authority vested in it by Section 27.2 of the *Community Planning Act*, enacts a Rural Plan for the physical and socio-economic development and improvement of the municipality.
- 1.2 The area of land outlined on the Map shown as Schedule "B" (the Blacks Harbour Rural Plan Zoning Map), being the boundaries of Blacks Harbour in the County of Charlotte, is designated for the purpose of the adoption of this Rural Plan, and the area to which this By-law applies:

beginning at a point where the northern bank or shore of the Bay of Fundy meets the eastern boundary of Lot 26 granted to John Cochran; thence in a northerly direction along the said eastern boundary to the western right of way of Route 776; thence in a northeasterly direction along the said right of way to a point two hundred feet beyond the northern right of way of Farm Road; thence in a westerly direction maintaining a distance of two hundred feet from the northern right of way of Farm Road to the eastern boundary of the said Lot 26; thence in a northerly direction along the said boundary to the southern bank or shore of the brook that drains into Cricket Cove; thence in a generally westerly direction along the bank or shore of the said brook and the bank and shore of Cricket Cove to the eastern bank or shore of Letang Harbour; thence in a generally southerly direction following the various courses of Letang Harbour, Blacks Harbour, Deadman Harbour, and the Bay of Fundy to the place of beginning.

Section 2 – Administration

Powers of Council

- 2.1 No building may be erected in the municipality where, in the opinion of the Council, satisfactory arrangements have not been made for the supply of water, sewerage, electric power, streets, or other services or facilities deemed necessary to the development.
- 2.2 Subject to Section 2.3 of this by-law, within any zone the Council may:
 - 2.2.1 designate land to be used for the location or erection of any installation for the supply of water, sanitary or storm sewers, and electricity; and
 - 2.2.2 use land designated under Subsection 2.2.1 for a purpose therein mentioned.
- 2.3 No land may be designated or used for the purposes of Section 2.2 unless, in the opinion of Council:
 - 2.3.1 such land is essential to the operation of the services concerned; and
 - 2.3.2 any development thereon is screened and buffered from public view through natural or man-made means.

Special Powers of the Planning Advisory Committee

- 2.4 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 Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.
- 2.5 The Planning Advisory Committee may, subject to such terms and conditions as it considers fit:
 - 2.5.1 authorize for a temporary period not exceeding one year, a development otherwise prohibited by this By-law; and
 - 2.5.2 require the termination or removal of a development authorized under Subsection 2.5.1 at the end of the authorized period.

Section 3 – Amendments

- 3.1 A person who seeks to have this By-law amended shall:
 - 3.1.1 address a written and signed application to the Development Officer; and
 - 3.1.2 pay a fee of \$1000.00 payable to the municipality.
- 3.2 On the advice of the Council, the Village Clerk may return to the applicant all or part of the fee mentioned in Subsection 3.1.2.
- 3.3 An application shall include such information as may be required by the Development Officer.

Section 4 – Repeal of Existing Rural Plan

- 4.1 By-law #97-84 (the Rural Plan By-law) is hereby repealed.

PART B:

GENERAL OBJECTIVES, PROPOSALS, AND POLICIES

Section 5 - General Objectives

- 5.1 In November 2002, the Council of Blacks Harbour retained a consultant to revise the municipality's Rural Plan so as to reflect changes that have taken place in Blacks Harbour since the previous Rural Plan was adopted in 1997.
- 5.2 It is anticipated that the establishment of the following general objectives will help to maintain a healthy balance between local development pressures, environmental integrity, and community identity within Blacks Harbour:
- 5.2.1 to preserve and enhance aesthetic features and residential character;
 - 5.2.2 to promote orderly and compact physical development;
 - 5.2.3 to minimize land-use conflicts between residential, commercial, and industrial development;
 - 5.2.4 to facilitate the development of recreational sites and facilities;
 - 5.2.5 to protect against polluting and nuisance uses;
 - 5.2.6 to protect surface and ground water resources; and

Section 6 - Proposals and Policies Concerning Permitted Uses

It is proposed that the permitted uses within Blacks Harbour shall be as follows:

- 6.1 Residential
- 6.1.1 It is proposed that "Residential" uses be confined to single-and two-family dwellings. As recreational uses frequently enhance the enjoyment of "Residential" areas, it is also proposed that trails, playgrounds, and ballfields shall be permitted;
 - 6.1.2 It is proposed that mobile homes shall be permitted provided that they are located in a Mobile Home Park as defined under the *Provincial Mobile Home Parks and Sites Regulation - Community Planning Act*;
 - 6.1.3 Subject to terms and conditions established by the Planning Advisory committee, it is proposed that bed and breakfast establishments and multiple-family dwellings may be permitted within areas designated for "Residential" use; and
 - 6.1.4 In addition, as more people are becoming involved in home-based businesses, it is proposed that—subject to the zoning provisions of this By-law—such uses will also be permitted within "Residential" areas.

6.2 Commercial

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Commercial” use:

- 6.2.1 the buying and selling of commodities and services;
- 6.2.2 professional and administrative offices;
- 6.2.3 beverage rooms;
- 6.2.4 a single-family or two-family residential use located above a commercial use; and
- 6.2.5 subject to the zoning provisions of this By-law, a motor vehicle sales/service station or gas bar, or autobody shop.

It shall be the policy of this Rural Plan that new “Commercial” development shall:

- 6.2.6 ensure that the development and operation of the proposed use does not pose a threat to the environment with respect to noise or pollution of the earth, air, or water;
- 6.2.7 have a five metre landscaped buffer, including a fence, hedging, or sheltering belt of trees, provided and maintained between the commercial development and adjacent differing land-uses; and
- 6.2.8 have adequate off-street parking provided on the same lot as the commercial use.

6.3 Institutional

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Institutional” use:

- 6.3.1 a public building or structure;
- 6.3.2 a school;
- 6.3.3 a place of worship; and
- 6.3.4 a cemetery.

6.4 Industrial

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Industrial” use:

- 6.4.1 manufacturing or processing plants;
- 6.4.2 warehouse or wholesale establishments;
- 6.4.3 wholesale above-ground oil storage tank farms;
- 6.4.4 generating stations;
- 6.4.5 solid waste transfer stations;
- 6.4.6 harbour development activities; and
- 6.4.7 scrapyards.

It shall be the policy of this Rural Plan that no new “Industrial” use shall be permitted unless:

- 6.4.8 adequate measures are in place to prevent or mitigate pollution that could threaten the quality and quantity of surface and ground water resources and the quality of the air (including noise); and
- 6.4.9 adequate buffering is provided between the “Industrial” use and any adjoining non-complementary land-use.

6.5 Recreation

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Recreation” use:

- 6.5.1 recreation buildings or structures such as gymnasias or arenas;
- 6.5.2 parks, fields, and trails;
- 6.5.3 community recreation facilities and services.

Some of the lands that have been designated as “Recreation” are under private ownership. Whenever and wherever possible, it shall be the policy of the Council to acquire lands which are intended for public use. However, it is not the intention of this Rural Plan to imply that all “Recreation” areas that are under private ownership are free and open to the general public, or that they will be purchased by a public authority. At any particular time, if proposals to develop such lands that are in private ownership are made, and a public authority does not wish to purchase such lands in order to maintain them for “Recreation” purposes, then an amendment to the zoning provisions of this Regulation shall be considered, having regard for the characteristics of the land, the proposed use, as well as other proposals and policies of this Rural Plan.

6.6 Sand and Gravel Pits and Quarry Uses

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Sand and Gravel Pits and Quarry” use:

6.6.1 a sand and gravel pit; and

6.6.2 a quarry.

It shall be the policy of this Rural Plan that, after the commencement of this Rural Plan, no new “Sand and Gravel Pits and Quarry” uses shall be permitted if the excavation operation activities would:

6.6.3 in the opinion of the Planning Advisory Committee, create a hazard to human life;

6.6.4 cause injury to a person;

6.6.5 damage adjoining property;

6.6.6 permit ponding of water in excess of 0.6 metres in depth;

6.6.7 lower the water table excessively, or cause decrease surface water flow on adjoining properties; or

6.6.8 prejudice proposed or required rehabilitation of the land.

It shall also be the policy of this Rural Plan that, after the commencement of this Rural Plan, adequate buffering shall be provided between new sand and gravel pits and quarries and adjoining non-complementary uses.

6.7 Rural

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Rural” use:

6.7.1 “Residential” uses (including mini homes);

6.7.2 “Institutional” uses;

6.7.3 “Recreational” uses;

6.7.4 “Sand and Gravel Pits and Quarry” uses;

6.7.5 agricultural uses;

6.7.6 forestry uses if they conform to accepted management practices;

6.7.7 the milling and sawing of wood;

6.7.8 conservation uses, including the maintenance of wetlands, deer wintering areas, and wildlife refuges;

6.7.9 salvage yards; and

6.7.10 public utilities.

6.8 Restricted Development

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Restricted Development” use:

- 6.8.1 conservation uses, including the maintenance of wetlands, deer wintering areas, and wildlife refuges.

6.9 Conservation

It is proposed that the following uses, and no other uses, shall be permitted in an area designated for “Conservation use:

- 6.9.1 uses that are permitted in the Wetlands Protection Policy for New Brunswick including:
 - A) the maintenance or enhancement of the coastal feature (e.g., sand fencing or planting native dune grasses to protect sand dunes);
 - B) acceptable erosion control structures;
 - C) development associated with access and interpretation for educational or research purposes; or
 - D) a development or undertaking to protect a coastal feature while providing approved public or private access to a shoreline (e.g., a boardwalk).
- 6.9.2 All coastal marsh areas that have been defined by the Provincial Government as being subject to the provisions of the Wetlands Protection Policy. These areas shall be subject to the same provisions outlined above in Sub-section 6.9.1.
- 6.9.3 Conservation uses, including the maintenance of wetlands, deer wintering areas, and wildlife refuges.

PART C:

ZONING PROVISIONS

Section 7 - Zoning Map & Interpretation

- 7.1 For the purposes of this By-law, the Planning Area is divided into zones as delineated on the map attached as Schedule "B", entitled Blacks Harbour Zoning Map and dated May 1997.
- 7.2 In this By-law:
- 7.2.1 Accessory Building means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental to the main use of the land, building, or structure;
 - 7.2.2 Accessory Dwelling Unit means a dwelling unit which is secondary to the principal dwelling unit and contained in the basement or cellar of the same building and not exceeding 60 square metres;
 - 7.2.3 Act means the *Community Planning Act, Chapter C-12, R.S.N.B.*;
 - 7.2.4 Agricultural Use means any use of land for the purpose of producing crops and livestock;
 - 7.2.5 Alter means to make any change, structurally or otherwise, in a building or structure which is not for the purpose of only maintenance;
 - 7.2.6 Beverage Room means a beverage room licensed under the *Liquor Control Act* of New Brunswick and includes a tavern;
 - 7.2.7 Boarding House means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons other than the owner or tenant thereof and members of his/her family, but does not include a hospital, home for the aged or infirm, or other establishment otherwise classified by this By-law;
 - 7.2.8 Building means a roofed erection with solid exterior walls which is permanently affixed to a site and which is used or intended as a shelter for persons, animals, or chattel;
 - 7.2.9 Building Inspector means the inspector(s) appointed by the Council to apply the Building By-law for the Planning Area;
 - 7.2.10 Cemetery means the use of land primarily as landscaped open space in the placement of grave sites;
 - 7.2.11 Commercial means any use of land, buildings, or structures for the purpose of buying or selling goods or services to the general public;
 - 7.2.12 Conservation Use means the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both individual and society's uses, both in the present and in the future.
 - 7.2.13 Dwelling means a main building, or portion thereof--other than a mobile home, mini home, or trailer--which contains one or more dwelling units;
 - 7.2.14 Dwelling Unit means a room, or a suite of two or more rooms, designated or intended for use by an individual or family in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;
 - 7.2.15 Dwelling, Multiple means a building comprising three or more dwelling units which generally has shared outside access;

- 7.2.16 Educational Building means an establishment providing academic and/or technical instruction and may include supplementary school cafeterias, book stores, amusement activities, recreation facilities, instruction function, and community assembly use. This term refers to uses such as public and private schools and community colleges;
- 7.2.17 Erect means to construct, build, assemble, or re-locate a building or structure, as well as any physical operations preparatory thereto;
- 7.2.18 Facia Sign means a sign attached or erected horizontally parallel against the face of a building for the purpose of identification of a business or occupancy;
- 7.2.19 Family means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house.
- 7.2.20 Farmland means real property defined in the *Assessment Act*, and includes farm woodlots;
- 7.2.21 Forestry means the general raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products as well as the milling and sawing of wood;
- 7.2.22 Freestanding Sign means a sign erected on a freestanding mast or pole and not attached to any building.
- 7.2.23 Gas Bar means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items;
- 7.2.24 Home-Based Business means a secondary use conducted in a dwelling unit, or an accessory building, for gain or support which is compatible with a domestic household, and which is carried on by at least one member of the family residing in the dwelling unit;
- 7.2.25 Hotel/Motel means a commercial building providing temporary accommodations for travelers or transients, and may have a public dining room and convention meeting room;
- 7.2.26 Industrial means any use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods; warehousing or bulk storage of goods, and related accessory uses;
- 7.2.27 Institutional means any use of land for places of public assembly such as public buildings or structures, places of worship, schools, or cemeteries and public utilities;
- 7.2.28 Lot means a parcel of land, or two or more adjoining parcels, held by the same owner and used or intended to be used as the site for a building or structure, or an appurtenance thereto;
- 7.2.29 Main Building means a building in which is conducted the main or principal use of the lot on which the building is located;
- 7.2.30 Manufacturing means production, compounding, processing, crating, bottling, packing, or assembling of raw or pre-processed materials, including chemical production, refining, smelting, forging, stamping, blanking, or punch-pressing;
- 7.2.31 Mini-Home means a mini-home as defined in *Regulation 84-291 - Community Planning Act*;
- 7.2.32 Mobile Home and Mobile Home Park have the same meaning as provided in *Regulation 84-291 - Community Planning Act*;

- 7.2.33 Motor Vehicle Sales/Service means an establishment for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel;
- 7.2.34 Public Utility means a building, structure, power or telephone pole or line, or underground service line used in conjunction with the supply of local utility services including a water or wastewater pumping station, a water storage reservoir, a gas regulator building, a hydro sub-station, a cable facility, or a telephone facility.
- 7.2.35 Recreation means active or passive sports or leisure-time activities and without limiting the generality of the foregoing shall include horseback and sleigh-riding operations, hiking trails, cross-country ski facilities, farm vacations, as well as hunting, trapping, and fishing on unposted land;
- 7.2.36 Restaurant means an establishment where food is prepared and offered for sale to the public for consumption within the building or structure, or to be taken off the premises;
- 7.2.37 Retail Store means an establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed building and may include supplementary postal services, film processing, repair of merchandise sold or rented by the store, and food consumption areas not exceeding 20% of the gross leasable area;
- 7.2.38 Rooming House means a dwelling in which furnished habitable rooms are regularly provided for compensation to four or more persons other than the occupant and members of his/her family. "Boarding House" and "Hotel/Motel" are separate uses;
- 7.2.39 Salvage or Waste Disposal Facility means an establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which may generate a detrimental impact or nuisance. This term refers to uses such as salvage and scrap yards, solid waste transfer stations, garbage container services, and effluent tanker services;
- 7.2.40 Sand and Gravel Pit and Quarry means the use of land for the excavation of sand, gravel, clay, shale, limestone, or other deposit;
- 7.2.41 Service Shop means a building, or part thereof, for the servicing or repair of articles, goods, or materials, but shall not include manufacturing or motor vehicle repair;
- 7.2.42 Sign means any display of advertisement, placard, boarding, billboard, or other means of public notice or announcement whether erected or posted, and which is suitable or adaptable for such purpose, whether or not it is used at the time for such purpose;
- 7.2.43 Single-Family Dwelling means a dwelling containing only one dwelling unit;
- 7.2.44 Structure means an erection other than a building, power or telephone pole or line;
- 7.2.45 Tourist Home means a private residential dwelling in which lodging and meals are provided for compensation to the traveling public;
- 7.2.46 Trailer means any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the temporary living, sleeping, or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed;
- 7.2.47 Two-Family Dwelling means a dwelling containing two dwelling units;
- 7.2.48 Use means the purpose for which land or a building or structure--or a combination thereof--is designed, arranged, erected, intended, occupied, or maintained;

- 7.2.49 Use-Accessory means a use, other than for human habitation, or land, or of a building or structure which is: (a) not the main building or structure on a lot; (b) naturally complementary to the main use of the land, or the main use of the lot being conducted in the main building or structure; and (c) not a secondary use;
- 7.2.50 Use-Secondary means a use, other than a main use, permitted in a dwelling;
- 7.2.51 Warehouse means an establishment for the storage and/or wholesale distribution of goods, where the warehouse component occupies at least 51% of the gross floor area;
- 7.2.52 Width means, in relation to a lot: (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines; or (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel being drawn through the point at which the line of minimum set-back intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

Section 8 - Purpose, Classification, & Conformity

- 8.1 The purpose of Part C is to:
- 8.1.1 divide the area referred to in Part A, Section 2.1, into zones;
 - 8.1.2 prescribe, subject to powers reserved to the Planning Advisory Committee: (a) the purpose for which land, buildings, and structures in any zone may be used; and (b) standards to which land-use and the placement, erection, alteration, and use of buildings and structures must conform; and
 - 8.1.3 prohibit land-use and the use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in Sub-section 8.1.2.
- 8.2 For the purposes of this By-law, the area is divided into zones as delineated on the map attached as Schedule "B" and entitled "Blacks Harbour Zoning Map" and dated February 2003:
- 8.2.1 the zones mentioned in Subsection 8.2 are classified and referred to as follows:
- (a) Single- & Two-Family Residential Zones - "R-1";
 - (b) Single-, Two-, & Multiple-Family Residential Zones - "R-2";
 - (c) Mobile Home Residential - "MH";
 - (d) Commercial Zones - "C";
 - (e) Institutional Zones - "Inst";
 - (f) Industrial Zones - "Ind";
 - (g) Recreation Zones - "Rec";
 - (h) Sand and Gravel Pits and Quarry Zones - "Pit";
 - (i) Rural Zones - "RR";
 - (j) Conservation "A" – "A";
 - (k) Conservation "B" – "B"; and
 - (l) Restricted Development Zones - "RD".
- 8.3 In any zone, all land shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered, or used only in conformity with the requirements of—except as otherwise provided—the part of this By-law pertaining to such zone.

Section 9 - Single- & Two-Family Residential Zones - "R-1"

- 9.1 Subject to this section, in a "R-1" zone any land, building, or structure may be used for the purpose of, and for no other purpose than one of the following main uses:
- 9.1.1 a single- or two-family dwelling;
 - 9.1.2 subject to terms and conditions established by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, a bed and breakfast establishment;
 - 9.1.3 trails, playgrounds, and ballfields;

9.1.4 home-based businesses, provided that:

- (a) the use is clearly secondary to the use of the dwelling unit as a private residence;
- (b) it does not change the external character of the dwelling unit as a private residence;
- (c) it does not create or become a public nuisance with respect to noise, traffic, or parking;
- (d) there is no external storage of goods or materials; and

(e) not more than 25% of the total floor area of the dwelling and accessory building is used for the home occupation;

9.1.5 an accessory building or structure secondary to the main use; and

9.1.6 a boarding house, rooming house, or tourist home as a secondary use.

9.2 Minimum lot sizes - no building or structure may be placed, erected, or altered on a lot unless the lot meets the requirements of this Sub-section:

9.2.1 where a lot for a single-family dwelling is serviced by municipal water and wastewater systems, it shall have and contain:

- (a) a width of at least 18 metres;
- (b) a depth of at least 30 metres; and
- (c) an area of at least 557 square metres;

9.2.2 where a lot for a two-family dwelling is serviced by municipal water and wastewater systems, it shall have and contain:

- (a) a width of at least 30 metres;
- (b) a depth of at least 30 metres; and
- (c) an area of at least 929 square metres;

9.2.3 where a lot for a single-family dwelling cannot be serviced by municipal water and wastewater systems, the lot shall have and contain:

- (a) a width of at least 55 metres;
- (b) a depth of at least 74 metres;
- (c) an area of at least .40 hectares; and

9.2.4 notwithstanding the other provisions of Sub-section 9.2, the lot size for bed & breakfast establishments shall be negotiated as part of the terms and conditions for development.

9.3 Size of dwellings and dwelling units:

9.3.1 no single-family dwelling may be placed, erected, or altered so that it has a ground floor area less than:

- (a) 56 square metres in the case of a one-storey dwelling;
- (b) 45 square metres in the case of a one and one-half storey dwelling; or

(c) 45 square metres in the case of a two-storey dwelling;

9.3.2 no two-family dwelling may be placed, erected, or altered so that it contains a dwelling unit with a floor area less than:

(a) if one such unit is above the other, 65 square metres; or

(b) if semi-detached:

(i) 56 square metres in the case of a one-storey dwelling;

(ii) 45 square metres in the case of a one and one-half storey dwelling; or

(iii) 45 square metres in the case of a two-storey dwelling;

9.3.3 for the purposes of this Sub-section, ground floor area or floor area does not include garages, carports, porches, verandahs, breezeways, approach halls, or stairways (except for those completely contained within a dwelling unit); and

9.3.4 notwithstanding the other provisions of Sub-section 9.3, the size of bed & breakfast establishments shall be negotiated as part of the terms and conditions for development.

9.4 Unless otherwise provided for in this By-law, no main building or structure may be placed, erected, or altered so that it is:

9.4.1 within 8.0 metres of a street line;

9.4.2 within 2.0 metres of a side lot line; or

9.4.3 within 6.0 metres of the rear lot line.

9.5 No main building or structure may exceed 8.50 metres in height.

9.6 No accessory building or structure may:

9.6.1 exceed one storey or 4.0 metres in height;

9.6.2 be placed, erected, or altered so that it is within:

(a) the front yard of the main building or structure; or

(b) 1.50 metres of a side or rear lot line;

9.6.3 in the case of an accessory building, exceed 58 square metres in area or have a horizontal dimension greater than 10 metres; or

9.6.4 be used for agricultural purposes or the keeping of animals other than household pets;

9.6.5 not occupy more than 10% of the area of a lot.

9.7 Buildings and structures on a lot shall not occupy a greater portion of the area of a lot than:

9.7.1 50% in the case of an interior lot; or

9.7.2 45% in the case of a corner lot.

9.8 Subject to this Sub-section, the owner of a lot developed for residential purposes shall landscape:

- 9.8.1 the front yard of the main building; and
- 9.8.2 that part of the lot within 1.50 metres of any building thereon;
- 9.8.3 for the purposes of this Sub-section, landscaping shall include:
 - (a) all grading necessary to divert surface water from the dwelling and insofar as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of 8 centimetres of topsoil; and
 - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines, and flowers as are not prohibited by this or any other By-law, rule, or regulation;
- 9.8.4 notwithstanding Sub-section 9.8.1, the front yard mentioned therein 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; and
- 9.8.5 notwithstanding the other provisions of Sub-section 9.8, the landscaping requirements for a bed & breakfast establishment shall be negotiated as part of the terms and conditions for development.

Section 10 - Single-, Two-, & Multiple-Family Residential Zones - "R-2"

- 10.1 Subject to this section, in a "R-2" zone any land, building, or structure may be used for the purpose of, and no other purpose than one of the following main uses:
 - 10.1.1 a single- or two-family dwelling;
 - 10.1.2 subject to terms and conditions established by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, a multiple-family residential dwelling;
 - 10.1.3 subject to terms and conditions established by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, a bed and breakfast establishment;
 - 10.1.4 trails, playgrounds, and ballfields;
 - 10.1.5 home-based businesses, provided that:
 - (a) the use is clearly secondary to the use of the dwelling unit as a private residence;
 - (b) it does not change the external character of the dwelling unit as a private residence;
 - (c) it does not create or become a public nuisance with respect to noise, traffic, or parking;
 - (d) there is no external storage of goods or materials; and
 - (e) not more than 25% of the total floor area of the dwelling and accessory building is used for the home occupation.
 - 10.1.6 an accessory building or structure secondary to the main use; and
 - 10.1.7 a boarding house, rooming house, or tourist home as a secondary use.
- 10.2 Minimum lot sizes - no building or structure may be placed, erected, or altered on a lot unless the lot meets the requirements of this Sub-section:
 - 10.2.1 the provisions of Sub-section 9.2 apply to single- and two-family dwellings; and

10.2.2 minimum lot sizes for multiple-family residential dwellings and bed & breakfast establishments shall be negotiated as part of the terms and conditions for development.

10.3 Size of dwellings and dwelling units:

10.3.1 the provisions of Sub-section 9.3 apply to single- and two-family dwellings; and

10.3.2 the size of multiple-family residential dwellings and bed & breakfast establishments shall be negotiated as part of the terms and conditions for development.

10.4 Metres for a main building or structure:

10.4.1 the provisions of Sub-section 9.4 apply to single- and two-family dwellings; and

10.4.2 setbacks for multiple-family residential dwellings and bed & breakfast establishments shall be negotiated as part of the terms and conditions for development.

10.5 No main building or structure may exceed 11 metres in height.

10.6 The provisions of Sub-section 9.6 shall apply with respect to accessory buildings and structures.

10.7 Subject to Sub-section 10.7.1, the provisions of Sub-section 9.7 shall apply with respect to lot occupancy:

10.7.1 the gross floor area of a multiple-residential building (i.e., that area which is the product of the dimensions of the building multiplied by the number of storeys thereof) shall not exceed the area of the lot.

10.8 The provisions of Sub-section 9.8 shall apply with respect to landscaping.

Section 11 - Mobile Home Residential Zones - "MH"

11.1 Subject to Sub-section 11.2, any land, building, or structure may be used for the purpose of, and no other purpose than one of the following main uses:

11.1.1 a mobile home park;

11.1.2 a mobile home site;

11.1.3 a mini home site; or

11.1.4 trails, playgrounds, and ballfields;

11.1.5 home-based businesses, provided that:

(a) the use is clearly secondary to the use of the dwelling unit as a private residence;

(b) it does not change the external character of the dwelling unit as a private residence;

(c) it does not create or become a public nuisance with respect to noise, traffic, or parking;

(d) there is no external storage of goods or materials; and

(e) not more than 25% of the total floor area of the dwelling and accessory building is used for the home occupation.

11.1.6 an accessory building or structure secondary to the main use.

- 11.2 The use of land for the purposes of a mobile home park, or of extensions or additions to a mobile home or mini home located on a mobile home or mini home site, is subject to the provisions of any applicable By-law under Section 188 of the *Municipalities Act, Chapter M-22, R.S.N.B.*
- 11.3 Any land, building, or structure shall not be used for a purpose mentioned in Sub-section 11.1 unless such land, building, or structure is supplied with municipal water and wastewater services.
- 11.4 No mobile home or mini home may be located on a mobile home or mini home site unless such site has and contains:
- 11.4.1 a width of at least 18 metres;
 - 11.4.2 a depth of at least 30 metres; and
 - 11.4.3 an area of at least 557 square metres.
- 11.5 No lot may be used for the purposes of a trail, playground, or ballfield unless it has and contains dimensions at least as great as those mentioned in Sub-section 11.4.
- 11.6 No mobile home or mini home may be located on a mobile home or mini home site unless such dwelling unit has a gross floor area of at least 46 square metres.
- 11.7 Subject to Sub-section 11.7.1, the provisions of Sub-section 9.4 with respect to metres for a main building or structure apply:
- 11.7.1 no mobile home or mini home may be located on a mobile home or mini home site so that it is within:
 - (a) 8.0 metres of the boundary of a street; and
 - (b) 1.50 metres of a property line other than a street boundary.
- 11.8 No main building or structure may exceed 6.0 metres in height.
- 11.9 The provisions of Sub-section 9.6 with respect to accessory buildings and structures apply.
- 11.10 The provisions of Sub-section 9.8 with respect to landscaping apply.

Section 12 - Commercial Zones - "C"

- 12.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one of the following main uses:
- 12.1.1 an automobile salesroom or sales lot;
 - 12.1.2 a bank or other financial institution;
 - 12.1.3 a beverage room;
 - 12.1.4 an establishment for garden and nursery sales and supplies;
 - 12.1.5 a hotel or motel;
 - 12.1.6 an institutional or governmental use;
 - 12.1.7 professional and administrative offices;
 - 12.1.8 a restaurant or theatre;

- 12.1.9 a retail store or service shop;
 - 12.1.10 motor vehicle sales/service, or gas bar;
 - 12.1.11 a single-family or two-family residential use located above a commercial use; and
 - 12.1.12 an accessory building or structure secondary to the main use, provided that it is not located below the second storey of the building or structure.
- 12.2 Notwithstanding the provisions of Sub-section 12.1, the following main uses may only be permitted if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only upon compliance with such terms and conditions as may be established by the Planning Advisory Committee:
- 12.2.1 a bus or other public transportation terminal;
 - 12.2.2 an autobody shop;
 - 12.2.3 a laundry, bakery, dairy, printing establishment, or a cleaning or dyeing establishment;
 - 12.2.4 a place of amusement or entertainment;
 - 12.2.5 a fast-food or take-out establishment; or
 - 12.2.6 a building, structure, or use customarily incidental and accessory to a use mentioned in this Sub-section, provided that it is not located below the second storey of the building or structure.
- 12.3 Except for pump islands at motor vehicle sales/service stations or gas bars, or for a parking lot or automobile sales lot, no use permitted under Sub-section 12.2 may be established or conducted other than in a completely enclosed building.
- 12.4 Notwithstanding the provisions of Sub-section 12.1, all pump islands at motor vehicle sales/service stations or gas bars shall be located at least 9.0 metres from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- 12.5 Minimum lot sizes - no building or structure may be placed, erected, or altered on a lot less than 18 metres in width.
- 12.6 Size of dwelling units:
- 12.6.1 32.5 square metres in the case of a bachelor apartment;
 - 12.6.2 42 square metres in the case of a one-bedroom dwelling unit;
 - 12.6.3 58 square metres in the case of a two-bedroom dwelling unit; or
 - 12.6.4 65 square metres in the case of a dwelling unit containing three or more bedrooms.
- 12.7 No main building or structure may be placed, erected, or altered so that:
- 12.7.1 a wall thereof containing a window to a habitable room is closer to a side or rear lot line than 1.5 metres; or
 - 12.7.2 it is closer than 8.0 metres from the street line except for infilling in existing commercial areas, in which case it would be 1.5 metres.
- 12.8 No main building or structure may exceed 15 metres in height.

12.9 No accessory building or structure may:

12.9.1 exceed 4.0 metres in height;

12.9.2 be placed, erected, or altered so that it is:

(a) closer to the street at the front of the lot than the rear of the main building or structure; or

(b) within 1.5 metres of a side lot or rear lot lines; or

12.9.3 be used for agricultural purposes or for the keeping of animals other than household pets.

Section 13 - Institutional Zones - "Inst"

13.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one of the following main uses:

13.1.1 a building intended for public assembly or for social, cultural, or recreational activities;

13.1.2 an educational building;

13.1.3 a place of worship or secular institution;

13.1.4 a library or museum;

13.1.5 a municipal or government building;

13.1.6 a hospital or health care building; or

13.1.7 a cemetery.

13.2 Subject to Sub-section 13.2.1, an accessory building, structure, or use only if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only upon compliance with such terms and conditions as may be established by the Planning Advisory Committee;

13.2.1 in approving a use under Sub-section 13.2, the Planning Advisory Committee shall not approve such use if it:

(a) encroaches on metres required for the main building or structure to which it is accessory; or

(b) exceeds in height the lesser of two storeys or 8.5 metres, or the height of the main building or structure to which it is accessory.

13.3 No building or structure may be placed, erected, or altered so that it is within 8.0 metres of a property line.

13.4 Height of a main building or structure:

13.4.1 subject to sub-section 13.4.2, no building may exceed 15 metres in height;

13.4.2 a building for a place of worship shall not exceed in height:

(a) for the main portion, 15 metres; and

(b) for spires, belfries, or other subsidiary features, a distance equal to twice the height of the main portion.

13.5 The provisions of Sub-section 9.8 shall apply with respect to landscaping.

Section 14 - Industrial Zones - "Ind"

14.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one or more of the following main uses:

14.1.1 a manufacturing or processing plant;

14.1.2 a warehouse or wholesaling establishment;

14.1.3 wholesale above-ground oil storage tank farm;

14.1.4 generating station;

14.1.5 solid waste transfer station;

14.1.6 harbour development activities including ferry terminals and marinas;

14.1.7 scrapyards;

14.1.8 saw mill;

14.1.9 cold storage plant; and

14.1.10 any accessory building, structure, or use secondary to the main use.

14.2 Notwithstanding the provisions of Sub-section 14.1, a permitted use shall have:

14.2.1 adequate measures in place to prevent or mitigate pollution that could threaten the quality and quantity of surface and ground water resources, and the quality of the air (including noise); and

14.2.2 adequate buffering between the "Industrial" use and any adjoining non-complementary land-use.

14.3 Notwithstanding the provisions of Sub-section 14.1, a permitted use may only be established in a completely enclosed building or structure.

14.4 Notwithstanding the provisions of Sub-section 14.1, no main building or structure may be placed, erected, or altered on a lot unless the lot has and contains:

14.4.1 a width of at least 36.5 metres;

14.4.2 a depth of at least 46 metres; and

14.4.3 an area of at least 1672 square metres.

14.5 Notwithstanding the provisions of Sub-sections 14.1 and 14.2, no main building or structure may be placed, erected, or altered so that it is:

14.5.1 within 8 metres of a street line; or

14.5.2 within the distance of a side or rear lot line that is the greater of 3.0 metres or one-half the height thereof.

Section 15 - Recreation Zones - "Rec"

- 15.1 Subject to this section, any land, building, or structure may be used for the purposes of, and no other purpose than one of the following main uses:
- 15.1.1 recreation buildings or structures;
 - 15.1.2 parks, fields, and trails;
 - 15.1.3 public open space;
 - 15.1.4 community recreation facilities and services; and
 - 15.1.5 an accessory building, structure, or use secondary to the main use only if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only upon compliance with such terms and conditions as may be established by the Planning Advisory Committee.

Section 16 - Sand and Gravel Pits and Quarry Zones - "Pit"

- 16.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one of the following main uses:
- 16.1.1 a sand and gravel pit;
 - 16.1.2 a quarry; and
 - 16.1.3 an accessory building, structure, or use secondary to the main use only if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only upon compliance with such terms and conditions as may be established by the Planning Advisory Committee.
- 16.2 Notwithstanding the provisions of Sub-section 16.1, any new sand and gravel pit or quarry shall adhere to the operating standards established in Sub-section 6.6.

Section 17 - Rural Zones - "RR"

- 17.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one or more of the following main uses:
- 17.1.1 a single- or two-family dwelling;
 - 17.1.2 a mini home;
 - 17.1.3 a non-commercial camp or cottage which is only inhabited during part of the year;
 - 17.1.4 a building intended for public assembly or for social, cultural, or recreational activities;
 - 17.1.5 an educational building;
 - 17.1.6 a place of worship or secular institution;
 - 17.1.7 a cemetery;
 - 17.1.8 a public utility;
 - 17.1.9 recreational buildings or structures;

- 17.1.10 parks, fields, and trails;
 - 17.1.11 public open space;
 - 17.1.12 community recreation facilities and services;
 - 17.1.13 sand and gravel pits;
 - 17.1.14 quarries;
 - 17.1.15 agricultural uses;
 - 17.1.16 forestry uses;
 - 17.1.17 the milling and sawing of wood;
 - 17.1.18 conservation uses, including the maintenance of wetlands, deer wintering areas, and wildlife refuges;
 - 17.1.19 a salvage yard; and
 - 17.1.20 any accessory building, structure, or use secondary to the main use.
- 17.2 Notwithstanding Sub-sections 17.1.15 and 17.1.19, any hennery or piggery or salvage yard use shall be permitted only if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only upon compliance with such terms and conditions as may be established by the Planning Advisory Committee.
- 17.3 Notwithstanding Sub-section 17.1.20, no accessory building, structure, or use may:
- 17.3.1 exceed 10.5 metres in height; or
 - 17.3.2 be placed, erected, or altered so that it is:
 - (a) except in the case of an agricultural or forestry use, within the front yard of the main building or structure;
 - (b) in the case of an agricultural or forestry use, within 8.0 metres of a street line; or
 - (c) within a distance of a side or rear lot line of the greater of 3.0 metres or one-half the height of the building or structure;
- 17.4 Minimum lot sizes - the provisions of New Brunswick Regulation 81-126, the *Provincial Building Regulation - Community Planning Act*, or any amendments thereto, respecting minimum lot sizes shall apply to permitted uses.
- 17.5 Size of dwelling - the provisions of New Brunswick Regulation 81-126, the *Provincial Building Regulation - Community Planning Act*, or any amendments thereto, respecting minimum size of dwelling shall apply to permitted uses.
- 17.6 Lot occupancy - buildings and structures on a lot shall not occupy more than 30% of the area of the lot.
- 17.7 Height of a main building or structure - no main building or structure may exceed 8.5 metres in height.

Section 18 - Restricted Development Zones- “RD”

- 18.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than the following main use:
- 18.1.1 public utilities.

Section 19 – Conservation Zones – “Conservation”

- 19.1 Subject to this section, any land, building, or structure may be used for the purpose of, and no other purpose than one or more of the following main uses:
- 19.1.1 the maintenance or enhancement of the coastal feature (e.g., sand fencing or planting native dune grasses to protect sand dunes);
- 19.1.2 acceptable erosion control structures;
- 19.1.3 development associated with access and interpretation for educational or research purposes;
- 19.1.4 a development or undertaking to protect a coastal feature while providing approved public or private access to a shoreline (e.g., a boardwalk); or
- 19.1.5 conservation uses, including the maintenance of wetlands, deer wintering areas, and wildlife refuges.
- 19.2 Any land, building, or structure developed in a Conservation zone must conform to the Wetlands Protection Policy, the other relevant Zoning Provisions of this Rural Plan, and other Regulations or By-laws that may be in effect.

Section 20 - General Provisions

- 20.1 Residential development near a municipal wellfield or water storage area, lagoon or treatment plant - notwithstanding any other provision of this By-law, no dwelling, mobile home, mini home, camp or cottage may be located within 91.5 metres of a sewage lagoon or treatment plant.
- 20.2 Commercial and industrial development abutting a residential zone - notwithstanding any other provision of this By-law, in the case of a lot in a “C” or “Ind” zone and abutting a “R-1”, “R-2”, or “MH” zone, no main building or structure may be placed or erected thereon unless the yard adjoining the residential zone has a depth or width equal to twice the height of the main building or structure.
- 20.3 Number of main buildings or structures on a lot - except as otherwise provided, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure on a lot.
- 20.4 Building and structure projections - the requirements of this By-law 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 projections which do not protrude into required metres in excess of:
- 20.4.1 15cm for sills, leaders, belt courses, or similar ornamental features;
- 20.4.2 46cm for chimneys, smoke stacks, or flues;
- 20.4.3 61cm for cornices or eaves;
- 20.4.4 102cm for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes; or
- 20.4.5 subject to Sub-section 20.5:

(a) 1.25 metres for steps or unenclosed porches; or

(b) 2.0 metres for balconies of upper storeys of multiple dwellings that are not enclosed above a normal height.

20.5 Projections mentioned in Sub-section 20.4.5 may not extend into a required side yard to a greater extent than one-half the required width of the yard.

20.6 Building permits - the provisions of the Building By-law respecting building permit requirements shall apply to uses permitted under this By-law.

20.7 Set-back - except as otherwise provided, the provisions of New Brunswick Regulation 84-292, the *Provincial Set-Back Regulation - Community Planning Act*, or any amendments thereto, respecting minimum set-back shall apply to uses permitted under this By-law.

20.8 Heritage and archeological sites - the Heritage Branch of the New Brunswick Culture & Sport Secretariat must approve any proposed development or project where construction or demolition will have a foreseeable impact on a building or site designated under the *Historic Sites Protection Act*.

20.9 Watercourses - all development within 75 metres of watercourses contained in watersheds described in *Regulation 90-136 - Clean Water Act*, or any amendments thereto, shall comply with the requirements of that regulation.

20.10 Public Health - the provisions of the *Health Act*, and any amendments thereto, shall apply to all development.

20.11 Vehicular off-street parking - no building or structure may be placed, erected, altered, or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this Sub-section:

20.11.1 off-street vehicular parking spaces mentioned in Sub-section 20.11 shall be provided on the following basis:

(a) for dwelling units	not less than one space for each dwelling unit;
(b) for retail stores and service shops, or similar establishments	not less than one space for every 18.5 square metres of retail sales floor space;
(c) for restaurants and beverage rooms	not less than one space for each 4 patrons for whom accommodation is provided;
(d) for offices	not less than one space for every 37 square metres of gross floor area;
(e) for recreational and entertainment buildings, "Inst" zone buildings (except educational buildings), clubs (except youth clubs), and places of assembly	not less than one space for every 10 fixed seats, or not less than one space for each 9 square metres of gross floor area, whichever is greater;
(f) for hotels and motels	not less than one space for each habitable unit;
(g) for educational buildings and youth clubs	not less than one space for every classroom or clubroom and, where an auditorium or place of assembly is included therein, an additional space for every 9 square metres of auditorium or assembly area; and
(h) for industrial buildings, warehouses, storage yards or buildings, and servicing and repair establishments	not less than one space for every 5 employees, or not less than one space for every 93 square metres of gross floor area, whichever is the greater;

20.11.2 provided the area is not less than the minimum area required for all buildings which the spaces are to serve, collective provision for off-street parking spaces may be made for two or more buildings on the same lot;

20.11.3 where collective provisions for off-street parking are made under Sub-section 20.11.2, the parking area shall:

- (a) be screened from public view, if practicable;
- (b) be surfaced with a durable and dust-proof material;
- (c) in the opinion of the Planning Advisory Committee, have points of access and egress located with due regard to topography and general traffic conditions; and
- (d) not be used for automotive repair work or servicing except in the case of an emergency.

20.12 Vehicular off-street loading and unloading - 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 distribution of materials or merchandise shall provide and maintain on lands appurtenant to such building, structure, or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

20.12.1 for retail and wholesale stores, bulk storage plants, warehousing, or similar uses:

- (a) not less than one space if the gross floor area thereof is 465 square metres or less;
- (b) not less than two spaces if the gross floor area thereof is in excess of 465 square metres, but less than 2323 square metres; and
- (c) an additional space for each 2323 square metres, or fraction thereof, of gross floor area thereof in excess of the first 2323 square metres.

20.12.2 for business or office buildings, places of public assembly, educational buildings, hotels, motels, or other similar buildings or premises:

- (a) not less than one space; and
- (b) an additional space for each 3252 square metres, or fraction thereof, of gross floor area in excess of 2787 square metres.

20.12.3 a loading and unloading space shall:

- (a) not be less than 9.0 metres in length, and not less than 3.0 metres in width, with 4.5 metres of overhead clearance;
- (b) be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (c) be provided with adequate facilities for access and egress, and unobstructed maneuvering aisles; and
- (d) be surfaced with a durable and dust-proof material.

20.13 Notwithstanding any other provision of this By-law, the Council may, in its discretion, allow a developer of a building or structure to pay the municipality the sum of \$500.00 per space in lieu of providing off-street parking required hereunder.

- 20.14 All money received by the Council under Sub-section 20.13 shall be subject to the provisions of Section 37 of the *Community Planning Act*.
- 20.15 Home-based businesses - subject to Sub-section 6.1.4, where a home-based business is permitted under this By-law, it shall:
- 20.15.1 have a total floor area devoted to the home-based business that is not, in whole, more than 25% of the dwelling unit and/or accessory building;
 - 20.15.2 have no visible indication from the exterior that a home-based business is being carried out in the dwelling unit and/or accessory building;
 - 20.15.3 not generate off-site electrical interference, dust, noise, smoke, or traffic;
 - 20.15.4 not permit any outside animal enclosures; and
 - 20.15.5 not employ, or have involved, in the home-based business any more than one assistant, employee, or associate who is not a member of the family residing on the premises.
- 20.16 Satellite dishes and communications towers - satellite dishes larger than 60cm in diameter, and communications towers, shall not be permitted on a street-facing portion of a building in any residential zone, or abutting any residential zone.
- 20.17 Swimming pools:
- 20.17.1 residential zones:
 - (a) minimum set-back from any street line shall be 7.5 metres;
 - (b) minimum set-back from any other lot line shall be 2.0 metres;
 - (c) the owner of an outdoor swimming pool shall erect and maintain an adequate enclosure of at least 1.5 metres in height surrounding the entire swimming pool area. For the purposes of this Sub-section, an enclosure means a fence, wall, or other structure including doors and gates to restrict access. Doors and gates must be equipped with a self-latching device. Such enclosure shall be set-back a minimum of 1.0 metre from the edge of the water contained in the swimming pool, except for above ground pools which incorporate a fencing structure within their design and manufacture; and
 - (d) no swimming pool or any portion thereof shall be located directly under any electrical service wires.
 - 20.17.2 commercial and institutional zones:
 - (a) no swimming pool shall be placed in any required front or side yard set-back;
 - (b) no swimming pool shall be placed closer than 2.3 metres to the street line if the adjacent land is in any residential zone; and
 - (c) no swimming pool shall be placed closer than 12 metres to any other lot line if the adjacent land is in any residential zone.
- 20.18 Stripping of top soil - the provisions of *Regulation 95-66 - Topsoil Preservation Act*, shall apply to the stripping, excavating, or other efforts to remove top soil for sale or use from a lot or other parcel of land.
- 20.19 Signs - other than a traffic control device as defined by the *Motor Vehicle Act*, a legal notice, or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting, or displaying of a sign not expressly permitted by this Sub-section is permitted only if approved

by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only on compliance with such terms and conditions as may be imposed by the Planning Advisory Committee;

20.19.1 subject to Sub-sections 20.19.2 - 20.19.4, in any zone a non-illuminated sign may be placed, erected, or displayed on any land, building, or structure if such sign:

- (a) advertises the sale, rental, or lease of such land, building, or structure;
- (b) identifies by name the property or the residents thereof;
- (c) indicates a home-based business permitted hereunder; or
- (d) warns against trespass.

20.19.2 in a “C” or “Inst” zone, the following signs may be placed, erected, or displayed:

- (a) a fascia sign not exceeding 0.5 square metres indicating the ownership or nature of the business carried on therein; or
- (b) in the case of a motor vehicle sales/service station or gas bar, a freestanding sign not exceeding 4.0 square metres in area.

20.19.3 in a “RR” zone, the following signs may be placed, erected, or altered:

- (a) for an agricultural use, one sign not exceeding 4.0 square metres in gross surface area indicating the name of the farm; and
- (b) one sign not exceeding 1.5 square metres in gross surface area indicating the sale or rental of the property on which it is placed.

20.19.4 no sign may:

- (a) be an imitation of a traffic control device or contain the words “stop”, “go”, “go slow”, “caution”, “danger”, “warning”, or similar words;
- (b) have a size, location, movement, content, colouring, or manner of illumination that may be confused with, construed as, or tend to hide from view any traffic control device; or
- (c) advertise an activity, business product, or service no longer conducted on the premises on which the sign is located.

20.20 Fences - notwithstanding any other provision of this By-law, subject to this Sub-section, a fence may be placed or located in a yard;

20.20.1 except for a security fence of chain-link construction, no fence in a required front yard may exceed 0.75 metres in height; and

20.20.2 subject to Sub-section 20.20.1, no fence may exceed in height:

- (a) 1.5 metres in a Residential zone; or
- (b) 2.5 metres in any other zone.

20.21 Line of vision at an intersection - except in a “C” zone, no building, structure, fence, shrub, or tree foliage may obstruct the line of vision at a street intersection between the heights of 1.0 – 3.0 metres above the grade of the street within an area bounded by the centre lines thereof and a line joining a point on each centre line 24.5 metres from their intersection.

20.22 Lighting facilities and illuminating devices - no lighting facilities or illuminating device for any purpose may be arranged in such manner as to cause a nuisance.

By-law No. ____

RURAL PLAN BY-LAW

Council of Blacks Harbour under the authority vested in it by Section 27.2(1) of the *Community Planning Act* enacts as follows:

- (1) A Rural Plan for Blacks Harbour is hereby adopted.
- (2) The document entitled "Blacks Harbour Rural Plan" dated June 2003 and attached hereto as Schedule "A" constitutes the Rural Plan mentioned in Sub-section (1).
- (3) By-law #97-84 (the Rural Plan By-law) is hereby repealed.

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

Mayor

Clerk