

Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

**TOWN OF FLORENCEVILLE-BRISTOL  
A BY-LAW RESPECTING ZONING  
BY-LAW NO. 13  
ZONING BY-LAW**

Be it enacted by the Council of the Town of Florenceville-Bristol under authority vested in it under Division A of the *Community Planning Act, Chapter 19, R.S.N.B. 2017* replaces the by-law enacted October 11, 2010 and all amendments thereto by the following Zoning By-law:

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**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

***PART I - GENERAL CLAUSES AND INTERPRETATION***

**1.0 TITLE AND SCOPE**

**1.1 Introduction**

- (1) By-law No. 13 entitled the Town of Florenceville-Bristol Zoning By-law, is hereby adopted.
- (2) This By-law may be cited as "The Town of Florenceville-Bristol Zoning By-Law".
- (3) This By-law applies to the Town of Florenceville-Bristol municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.
- (4) This Zoning By-law:
  - (a) divides the Municipality into zones as described on the Town of Florenceville-Bristol Ward 1 Zoning Map and Ward 2 Zoning Map as found in Part III, Schedules "A", "B" and "C".
  - (b) prescribes, subject to powers reserved in the Planning Advisory Committee:
    - (i) the purpose for that land, *buildings* and *structures* in any zone may be used, and
    - (ii) standards that land *use*, and the placement, *erection*, *alteration* and *use* of *building* and *structures* must conform to; and
  - (c) prohibits the use, placement, erection or alteration of land, *buildings* or *structures* other than in conformity with the purposes and standards mentioned in clause (b).
- (5) For the purposes of this By-law, the Town is divided into zones as shown on the Town of Florenceville-Bristol Zoning Map as found in Part III of this By-law and attached as Schedule "A", Schedule "B" and Schedule "C".
- (6) The Town of Florenceville-Bristol Zoning Map and any amendments thereto form part of this By-law.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### 1.2 Definitions

In this By-law the following words are defined as provided in this Section.

#### “ABATTOIR”

A *building* or *structure* specifically designed to accommodate the penning and slaughtering of live animals and preliminary processing of animal carcasses.

#### “ACCESSORY BUILDING OR STRUCTURE”

Means a detached *building* or *structure* not used for human habitation, the *use* of which is naturally customarily incidental and subordinate to, or exclusively devoted to the *main use*, *building* or *structure* and located on the same *lot* therewith and shall also mean and include a detached *private garage* or detached *carport* but which does not include children’s play *structures* or patios and decks associated with a *dwelling*.

#### “ACCESSORY USE”

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

#### “ACT, THE”

Means the *Community Planning Act*, Chapter 19, R.S.N.B. 2017 and any amendments thereto.

#### “ADVISORY COMMITTEE”

Means the *Planning Advisory Committee* as established by *Council*.

#### “ADULT ENTERTAINMENT USE OR ESTABLISHMENT”

Means a *beverage room*, nightclub, *restaurant*, movie theatre or other similar establishment that features:

- (i) live performances that are characterized by the exposure of specified anatomical areas or be specified sexual activities;
- (ii) escort services; and/or
- (iii) films, motion pictures or other photographic reproductions are shown which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

#### “AGGREGATE”

Means gravel, sand, clay, shale, earth, stone, limestone, granite, marble, rocks and stones other than metallic ore.

#### “AGRICULTURAL USE”

Means the *use* of any land, *building*, or *structure* for the production of food, fiber, or flora, or the breeding and handling of animals, and includes a *single-family dwelling* and *accessory buildings*, hatchery, and retail, or market outlets for the sale of perishable agricultural goods, or for the handling of animals except, for the purpose of this By-law, such *use* does not include a *kennel* or *abattoir*.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### **“AISLE”**

The area used by motor vehicles for access to and from all off-street *parking spaces*, but does not include an access or egress *driveway*.

### **“ALTER OR ALTERATION”**

Means, as applied to a *building* or *structure* or part thereof:

- (i) a change or rearrangement in the structural parts or means of egress;
- (ii) an enlargement, whether by extending the side, front or rear of a *building* or *structure*;
- (iii) by increasing the *height*; and/or
- (iv) in the moving from one location or position to another.

### **“AMENITY SPACE”**

The area situated within the boundaries of a residential *development* site intended for *recreational uses* and *open space* that may include *landscaped* areas, patios, parks, trails, private *amenity areas*, swimming pools, play areas and other similar *uses*, but does not include any area occupied at grade by a *building's* service area, *parking lots*, aisles or access *driveways*.

### **“AMUSEMENT PLACE”**

An amusement park or an establishment, other than a *private club*, *beverage room* or *adult entertainment establishment*, which for profit provides facilities for dancing, games, the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a *restaurant* or other *retail store*.

### **“APARTMENT BUILDING”**

See *multiple-unit dwelling*.

### **“ARTERIAL STREET”**

Means a *street* or *road* with the primary function to move large volumes of through traffic with limited direct access to adjacent development.

### **“AUTOMOBILE REPAIR SHOP”**

An establishment for the repair of automobiles, trucks not exceeding one-half ton capacity, motorcycles, snowmobiles and other vehicles; the retail sale, installation, servicing or machining of automotive parts and accessories; and drive through vehicle repair, servicing and cleaning facilities. This term refers to uses such as alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores and car washes. This term excludes any establishment where gasoline, diesel fuel, oil, anti-freeze, tires and accessories for motor vehicles are sold and autobody repair and automobile paint shops.

### **“AUTOMOBILE SALES AND RENTAL ESTABLISHMENT”**

Means a *development* where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and recreational vehicle sales and rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### **“AUTOMOBILE SERVICE STATION”**

An establishment where gasoline, oil, grease, anti-freeze, tires and accessories for motor vehicles are stored and kept for sale, and where minor repairs to motor vehicles are performed. An *automobile service station* is a separate use from *automobile repair shop* and *gas bar*.

### **“BACHELOR APARTMENT OR UNIT”**

A *dwelling unit* in a *multiple-unit dwelling*, consisting of not more than one *habitable room* together with kitchen or kitchenette and sanitary facilities contained within the same *dwelling unit*.

### **“BED AND BREAKFAST”**

An establishment in a *single-family dwelling* offering short-term food and lodging to travelers for compensation but does not include a *tourist home*, *boarding house*, or a *hotel or motel*.

### **“BEVERAGE ROOM”**

Synonymous with bar, tavern, pub, nightclub or similar uses and means a *building or structure* licensed under the *Liquor Control Act*, R.S.N.B. 1973, c. L-10, and amendments thereto.

### **“BOARDING OR ROOMING HOUSE”**

Means a *dwelling* in which lodging and meals are regularly provided for compensation to three or more *persons* other than the owner or tenant thereof and members of his or her family and where bathrooms, kitchens and other areas of the dwelling are common to all boarders. This does not include a *bed and breakfast*, *tourist home*, *hospital*, *residential care facility*, *rental suite*, *senior citizens housing*, *hotel or motel*, *multiple-unit dwelling*, *group home* or other establishment otherwise classified or defined in this by-law.

### **“BUILDING”**

A *structure* having a roof supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of *persons*, animals or goods.

### **“BUILDING INSPECTOR”**

Means the *Building Inspector* appointed by *Council*.

### **“BUILDING PERMIT”**

A permit that is issued and monitored until the completion of a *building or structure* by the Town’s *Building Inspector*. In order to receive and retain a *building permit*, a *building or structure* must meet all applicable requirements of all Town By-laws to receive approval from the *Building Inspector*.

### **“BUILDING SUPPLY OUTLET”**

A *building or structure* where the *main use* involves the retail sale of *building* or construction materials and home improvement materials.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### “CARPORT”

A *building* or *structure* attached to a *dwelling unit* that is designed for the parking and storage of motor vehicles and is open on at least two ends in order to provide unobstructed access to the *rear yard*.

### “CEMETERY”

Land primarily used for internment of human remains and where *places of worship*, *funeral homes*, crematoria and related facilities may be incorporated as *accessory uses*.

### “COLLECTOR STREET”

Means a roadway with the functions of providing land access and traffic movement as equal importance.

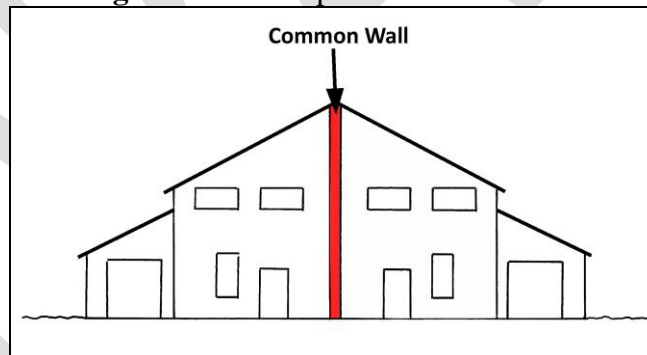
### “COMMERCIAL VEHICLE”

Any vehicle that is licensed as a commercial carrier as determined by the *Registrar of Motor Vehicles*.

### “COMMON WALL”

A vertical wall separating *semi-detached dwelling units* or *rowhouse dwelling units* above and below grade, mutually common to both *dwelling units* and where the common wall constitutes at least 50% of the vertical and adjacent plane between two adjacent *dwelling units*.

**Figure 1.1:** Example of a Common Wall



### “COMMUNITY PLANNING ACT”

See *the Act*.

### “CONDITIONAL USE (USE SUBJECT TO TERMS AND CONDITIONS)”

A *use* of a property, which is permitted within a zone so long as it can be implemented subject to such terms and conditions as may be imposed by the *Planning Advisory Committee* pursuant to **Part 2** of the *Community Planning Act* of New Brunswick. Where compliance with such terms and conditions is not possible, the *Planning Advisory Committee* may prohibit the *use*.

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### “CONSERVATION USE”

A *use* dedicated towards the preservation of fish and wildlife habitat including woodlot management and *structures* for flood/erosion control. This *use* shall not include administration and/or operational facilities.

### “CONTRACTOR’S YARD”

A premises in which the shop or assembly work of a contractor or tradesperson is performed and includes the storage of any related equipment and/or materials.

### “CONVENIENCE STORE”

A *retail store* that provides a variety of household necessities, groceries and other convenience items.

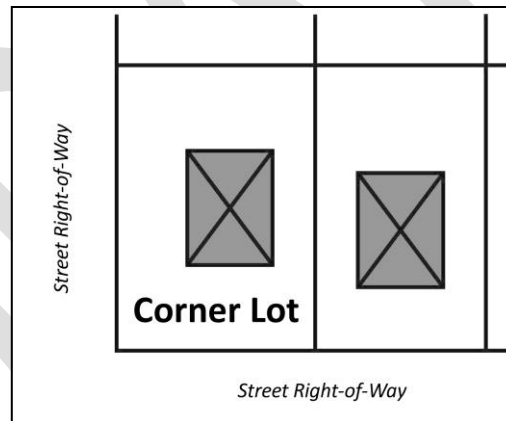
### “CONVERTED DWELLING”

A *building* originally built and designed as a *single-family dwelling* which contains two or more *dwelling units*.

### “CORNER LOT”

A *lot* having a continuous *street frontage* along two or more different *streets*.

Figure 1.2: Example of a Corner Lot



### “COUNCIL”

Means the Mayor and Councilors of the Town of Florenceville-Bristol;

### “CULTURAL USE”

Means a *theatre*, art gallery or similar uses that assists in the promotion of a cultural community but does not include an *adult entertainment use*.

### “DAY CARE CENTRE OR FACILITY”

A *building* or *structure* where day care services are the *main use* and which is regulated under the Day Care Regulation of the Family Services Act.

### “DETACHED DWELLING”

A *single dwelling unit* that is not joined or to any other *dwelling* by a shared or *common wall*.

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**"DEVELOPER"**

Means an individual or corporation seeking to obtain a variance, a rezoning or the approval of a *building permit*, a subdivision plan, or who enters into a subdivision agreement with the *Town*.

**"DEVELOPMENT"**

Means development as defined in the *Community Planning Act*, Chapter 19, R.S.N.B. 2017 and amendments thereto.

**"DEVELOPMENT OFFICER"**

Means the *Development Officer* appointed by *Council*.

**"DOMESTIC ANIMAL"**

A household animal kept for pleasure or companionship but does not include *livestock*.

**"DRIVE-IN RESTAURANT"**

Synonymous with 'drive-through restaurant' and means an eating and drinking establishment may have one or more of the following features:

- (a) car attendant services;
- (b) drive through food pickup services; or
- (c) parking primarily intended to allow for the on-site consumption of food within a motor vehicle.

**"DRIVEWAY"**

Means that portion of a *lot* used to provide vehicular access from a *street* to a *parking space, aisle, or to an off-street parking or loading area* located on the same lot.

**"DRY-CLEANING ESTABLISHMENT"**

A *building or structure* where the business of laundry or dry-cleaning is housed and where the cleaning, drying, ironing and finishing of such goods are conducted.

**"DUPLEX"**

Synonymous with 'two-family *dwelling*' and means a detached *building* primarily divided horizontally into two *dwelling units* but which may also share a *common wall*.

**"DWELLING"**

A *building* designed for residential occupancy and contains one or more *dwelling units* but which does not include a *recreational vehicle, hotel or motel*.

**"DWELLING UNIT"**

One or more rooms *used or intended to for use* by one or more individuals living as a single housekeeping unit, with a separate kitchen and sanitary facilities provided for the exclusive *use* of such individuals and with a private entrance from outside the *building* or from a common hallway or stairway inside.

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### **“ENTERTAINMENT USE”**

Means any activity carried on within a *building* or part of a *building* that involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other *beverage room* or *amusement place* but does not include *adult entertainment uses*.

### **“ENVIRONMENTALLY SENSITIVE AREAS”**

Areas of land and/or water that contain natural features or ecological functions of such significance that protection is warranted.

### **“EQUIPMENT SALES AND RENTAL ESTABLISHMENT”**

Means a *development* where tools, appliances, recreation, craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced.

### **“ERECT”**

Means to build, construct, reconstruct, *alter*, locate, 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. This includes any physical operations preparatory thereto.

### **“ESTABLISHED GRADE”**

Means, with reference to a *building*, the average elevation of the finished surface of the ground where it meets the exterior of such *building*, and when used with reference to a *structure*, shall mean the average elevation of the finished *grade* of the ground immediately surrounding such *structures*.

### **“EXCAVATED AREA”**

Synonymous with ‘excavation area’ and means:

- (i) the area on the property of a gravel *pit*, *quarry* or topsoil removal site where the excavation of land crushing and other forms of processing activities and stock piling of excavated material takes place; or
- (ii) the area of topsoil and stone that is removed for the purposes of constructing a *building* and/or *structure*.

### **“FAÇADE”**

Means the exterior wall of a *building* or *structure* that is exposed to public view or that wall viewed by *persons* not within the *building*.

### **“FAMILY”**

Means one (1) or more *persons*, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a *hotel*, *boarding or rooming house* or other similar *use*.

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**“FARM PRODUCE RETAIL OUTLET”**

Where the products of an *agricultural use* are sold at retail either as the *main use* of the property or as an *accessory use* and on the same *lot* as the principal *agricultural use*.

**“FINANCIAL INSTITUTION”**

Means a bank, credit union, trust companies, mortgage loan companies or other similar operations that provide financial services to the general public.

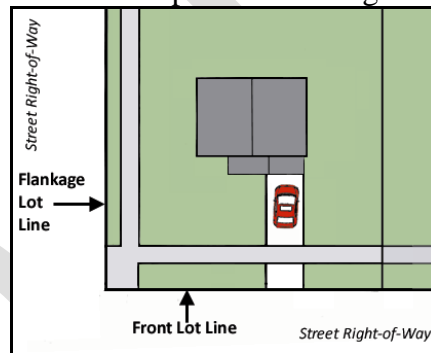
**“FITNESS CENTRE”**

Synonymous with ‘gym’ and means a *building* or *structure* that provides facilities and equipment for indoor exercise and physical fitness.

**“FLANKAGE LOT LINE”**

Means a *side lot line* that abuts a *street* on a *corner lot*.

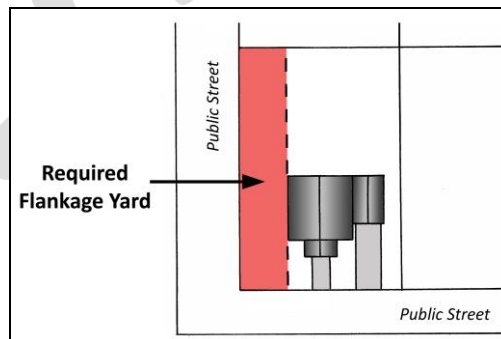
**Figure 1.3: Example of a Flankage Lot Line**



**“FLANKAGE YARD”**

The *side yard* of a *corner lot*, which abuts a *street*, and ‘required *flankage yard*’ or ‘minimum *flankage yard*’, means the minimum *side yard* required by this By-law where the *yard* abuts a *street*.

**Figure 1.4: Example of Required Flankage Yard**



**“FLOOD PLAIN”**

Means the area adjoining the channel of a river, stream, or watercourse, which has been or may be covered by floodwater during a regional flood or a one-in-one-hundred-years flood, whichever is greater.

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**“FLOOR AREA”**

Means the total area of all floors of a *building* above *grade* within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the *floor area* of basements, garages, sheds, open porches or breezeways, except that all *dwelling units* in a *multiple-unit dwelling* shall be included in the calculation of *floor area*.

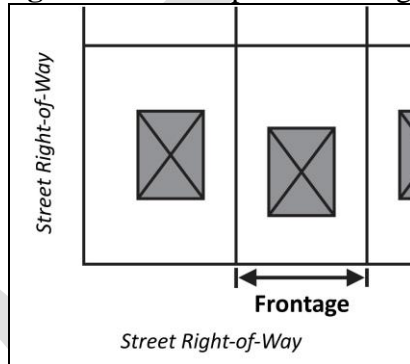
**“FORESTRY USE”**

Means commercial silviculture and the production of timber or pulp, and any uses associated with a silvicultural use, including sawmills, related vehicle and equipment storage and maintenance *buildings, structures* and *yards* but excludes a fire wood sales yard.

**“FRONTAGE”**

Means the measurement of the *front lot line* between the *side lot lines*.

**Figure 1.5: Example of Frontage**



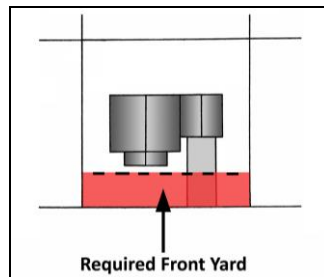
**“FRONT LOT LINE”**

Means in the case of an *interior lot*, the line dividing the *lot* from the *street*. In the case of a *corner lot*, the shorter *lot line* abutting a *street* shall be deemed the *front lot line*. Where a *corner lot* has the same dimensions on the two *streets* upon which it abuts, the *lot line* abutting the *street* upon which the *building* or *structure* erected or to be erected has its principal entrance shall be deemed the *front lot line*.

**“FRONT YARD”**

A *yard* extending across the full width of a *lot* 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 distance required by this By-law between the *front lot line* and the nearest main wall of any *building* or *structure* on the *lot*.

**Figure 1.6: Example of Required Front Yard**



## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### “FUNERAL HOME”

A *building* or *structure* designed for the purpose of furnishing funeral supplies and service to the public and include, as a *secondary* or *accessory use*, equipment or facilities intended for the preparation of corpses for interment or cremation.

### “GARDEN CENTRE”

The use of lands, *buildings* or *structures* or part thereof for the purpose of buying or selling lawn and garden equipment, plants, trees, flowers, shrubs, furnishing and supplies.

### “GARDEN SUITE”

Means an additional detached *dwelling unit* that is one storey, free standing, temporary, portable, containing bathroom and cooking facilities and is equipped for year-round occupancy. A *garden suite* shall not include a *mobile home*, *mini home*, a *recreational vehicle* or any other trailer. A *garden suite* shall only be occupied by:

- (i) the parents or grandparents of the owner of the *single-family dwelling*;
- (ii) a child of the owner of the *single-family dwelling*, including the spouse and dependent children;
- (iii) a sister or brother of the owner of the *single-family dwelling*, including the spouse and dependent children; or
- (iv) a *person* who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner of the *single-family dwelling*, including the spouse and dependent children of the *person* so employed.

### “GAS BAR”

Means a *building* or *structure* where the *main use* is the storage and sale of gasoline, propane or other motor vehicle fuels (all fuels, with the exception of propane, must be stored in underground tanks), kerosene or motor oil and lubricants or grease (for the operation of motor vehicles) directly to the public on the premises and must comply with all Provincial and Federal regulations. A *gas bar* may include the sale of minor accessory parts for motor vehicles and a car wash.

### “GOVERNMENT USE”

Means a *building* or *structure* that is used by the Government of Canada, Government of New Brunswick or the Town of Florenceville-Bristol for *uses* other than a *utility use*.

### “GRADE”

Means the finished level of the ground at the exterior walls of a *building* or *structure*.

### “GREENHOUSE”

A *building* or *structure* with roof and walls, often heated, and used for growing flowers and plants that need warmth or for forcing early produce.

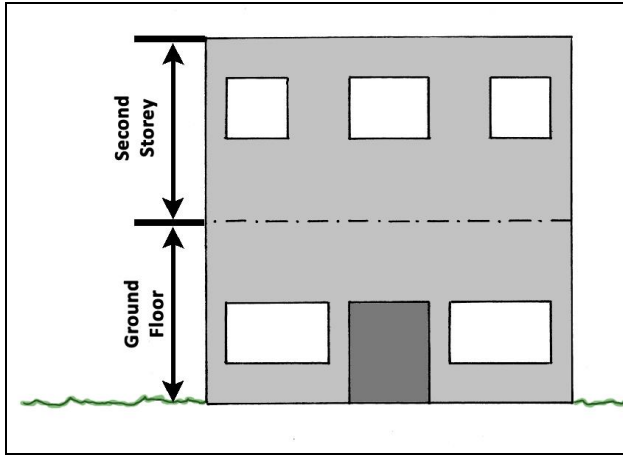
### “GROSS FLOOR AREA”

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. *Gross floor area* does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators and car parking area s.

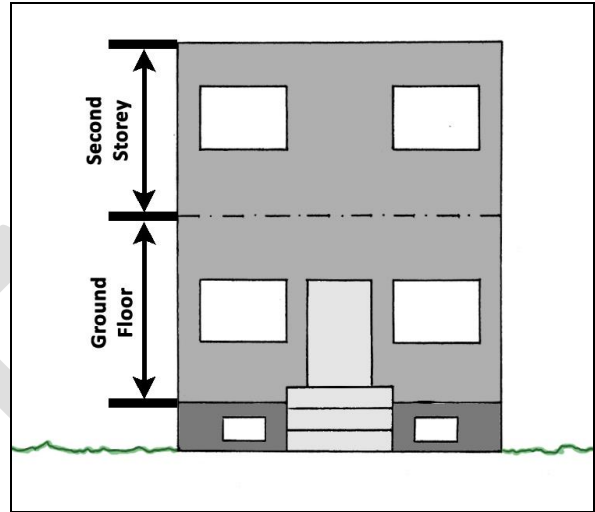
**“GROUND FLOOR”**

The lowest full *storey* that is located entirely above the *established grade*; and with respect to the *street façade*, means the part of the *façade* that is within 4 m (13.1 ft) of the *established grade*.

**Figure 1.7:** One Example of Ground Floor



**Figure 1.8:** Second Example of Ground Floor



**“GROUND FLOOR AREA”**

Means the total area of the first floor of a *building* above the *established grade* within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, and steps, cornices, eaves and similar projections. Site coverage shall include air wells, and all other space within a *building* except inner or outer courts.

**“GROUP HOME”**

Means a *building* or portion of a *building* used for the care of rehabilitation of children, adolescents or adults and may contain an *office use* provided that the office is used only for the administration of the *group home* in which it is located.

**“HABITABLE ROOM”**

Means the space within a *dwelling unit* that living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, recreation rooms, workshops and recreational rooms located in a basement or cellar.

**“HEIGHT”**

Means in relation to a *building* or *structure*, the vertical distance as measured from mean grade to the highest point of such *building* or *structure* but does not include:

- (a) towers associated with a fire station;
- (b) ornamental roof construction features including towers, steeples or cupolas; and
- (c) mechanical features such as air conditioning units or similar features.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### “HOME DAY CARE”

Means a private residence where care, protection and supervision are provided for up to 10 children, but which does not provide overnight accommodation to those being cared for.

### “HOME OCCUPATION”

Synonymous with ‘home based business’ and means an occupation, trade, profession or craft carried on by the occupant of a residential *building* as a *secondary use* that is clearly subordinate and incidental to the main residential *use* of the property, and which does not change the character, thereof or have any exterior evidence of such *secondary use* other than a small *sign* not exceeding a size prescribed by the Zoning By-law.

### “HOTEL OR MOTEL”

A commercial *building* or *buildings* providing temporary accommodations for travelers or transients on a year-round basis, and may include a *restaurant*, *beverage room* and convention room.

### “HOUSEHOLD”

Shall mean:

- (a) a *person*;
- (b) two (2) or more *persons* related by blood, marriage, a common law relationship, or adoption; or
- (c) a group of not more than five (5) *persons* who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A *household* may also contain a full-time employee, up to two (2) *boarders* or lodgers, or up to four (4) foster children.

### “HIGHWAY COMMERCIAL USE”

Means a *development* serving the local and traveling public that relies on a highly visible location in proximity to a highway or major traffic thoroughfare. *Highway commercial uses* include *restaurants*, *automobile service stations*, *automobile repair shops*, *gas bars*, *building supply outlets*, *retail stores*, *hotels* and *motels*.

### “INDUSTRIAL USE”

The *use* of land, *buildings* or *structures* for the processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related *accessory uses* and shall include the *use* of land, or *building*, or *structure* for one or more of the following operations:

- (a) the dismantling and separating into parts of any article, machinery, or vehicle;
- (b) the breaking up of any articles, goods, machinery, or vehicles;
- (c) the treatment of waste materials;
- (d) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof;
- (e) the repairing and servicing of all vehicles, machinery and *buildings*;
- (f) the storage of goods in connection with or resulting from any of the above operations;
- (g) the provision of amenities for *persons* engaged in such operations;

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (h) the sale of goods resulting from such operations; and
- (i) any work of administration or accounting in connection with the undertaking.

### “IN-LAW SUITE”

Means a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, which is contained within a *single-family dwelling*, but functions as a separate *dwelling unit*. An *in-law suite* shall only be occupied by:

- (a) the parents or grandparents of the owner of the *single-family dwelling*;
- (b) a child of the owner of the *single-family dwelling*, including the spouse and dependent children;
- (c) a sister, brother or cousin of the owner of the *single-family dwelling*, including the spouse and dependent children; or
- (d) a *person* who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner of the *single-family dwelling*, including the spouse and dependent children of the *person* so employed.

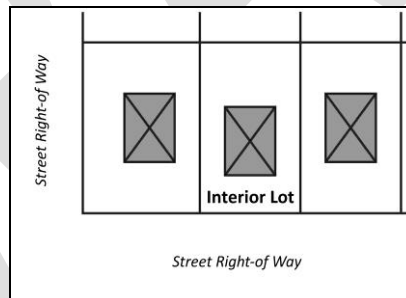
### “INSTITUTIONAL USE”

The *use* of land, *buildings*, or *structures* for religious, educational, health, indoor recreational facilities, community centre, hospital, *nursing homes*, *group homes* or *residential care facilities*.

### “INTERIOR LOT”

Means a *lot* other than a *corner* or *through lot*.

**Figure 1.9:** Example of an Interior Lot



### “KENNEL”

A *building* or *structure* where dogs, cats and other *domestic animals* excluding *livestock* are bred and raised, and are sold or kept for sale or boarded, with or without veterinary care.

### “LANDSCAPED AREA”

Means an area of land within a *lot* dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features such as stones. A *landscaped area* may be crossed by a driveway or walkway provided it is substantially perpendicular to the *landscaped area*. A *freestanding* or *directory sign* may be located within a *landscaped area*. A *landscape buffer* may be included in the calculation of *landscape area*.

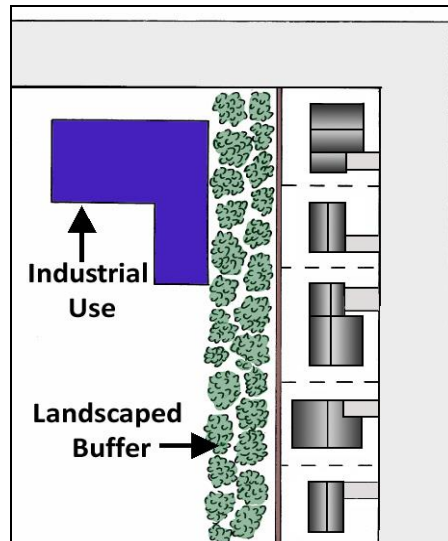
### “LANDSCAPED BUFFER”

Means the area of a *lot* which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense *landscaping* screen consisting of evergreen trees or a

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

combination of solid screen fencing with evergreen or deciduous trees, shrubs or *berms*. Pedestrian and/or vehicular entrances through the *landscaped buffer* are permitted.

**Figure 1.10:** Example of a Landscaped Buffer



### **“LANDSCAPING OR LANDSCAPED”**

Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, screening or other architectural elements, all of which are designed to enhance the visual appearance of a property or to provide a screen to soften the linear appearance of a *structure* or *use*.

### **“LIVESTOCK”**

Means large animals such as cattle, horses, sheep, pigs, goats, mules, donkeys, game animals, lamas and alpacas. This definition also includes live fish, shellfish and poultry such as chickens, chicks, geese and turkeys and large quantities of rabbits. The definition of *livestock* does not include *domestic animals* such as cats, dogs, parrots, birds, mice, rats, gerbils, rabbits etc.

### **“LOADING SPACE”**

An off-street space or berth on the same *lot* as a *building* or contiguous to a *building* or group of *buildings*, for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public street by an appropriate access.

### **“LOCAL STREET”**

Means a *street* or *road* whose major function is to provide direct land access to abutting properties and is designed to carry low traffic volumes for short distances.

### **“LONG TERM CARE FACILITY”**

Means a *building* containing residential accommodations where a broad range of 24-hour personal care, support and health services are provided for *persons* requiring these services in a supervised setting and that may contain common facilities, such as but not limited to, the preparation and consumption of food, accessory personal service shop, retail and *recreational uses* for the residents.

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### “LOT”

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

### “LOT AREA”

Means the area contained within the boundaries of a *lot* as shown on a plan of subdivision or described in a certificate of title.

### “LOT COVERAGE”

Means the maximum horizontal area at *grade* of all *buildings* and *structures* including all exterior walls but does not include a children’s play structure or *swimming pool*.

### “LOT DEPTH”

Means the measurement of the distance *front* and *rear lot line*.

### “LOT LINE”

The common line between two *lots*, between two or more *lots*, between a *lot* and a lane, between a *lot* and a body of water, or between a *lot* and any such line other than a *street line*.

### “LOT WIDTH”

Means:

- (i) where the *side lot lines* are parallel, the distance measured across the *lot* at the *street line*; or
- (ii) where the *side lot lines* are not parallel, the distance measured across the *lot* at the required *front yard*.

### “MAIN BUILDING”

Synonymous with ‘principle *building*’ and means a *building* which:

- (i) occupies the major or central portion of a site;
- (ii) is the chief or *main building* among one or more *buildings* on the site; or
- (iii) constitutes by reason of its *use* the primary purpose for which the site is used.

### “MAIN USE”

Synonymous with principle use and means the primary purpose for which a *lot*, *buildings* or *structures* are used.

### “MAIN WALL”

Means the exterior front, side, or rear wall of a *building*.

### “MANUFACTURED DWELLING”

Means a new residential *building* containing one *dwelling unit*, built in a factory and transported to a site where it is installed on a permanent foundation, and which appear indistinguishable in design and finish from a house built on-site but does not include a *mini-home*, *mobile home*, or

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

*recreational equipment* defined herein and is considered a *single-family dwelling* for the purposes of this By-law.

### “MANUFACTURING USE”

The use of *land, building* or *structures* for the purpose of manufacturing, assembly, preparing, finishing, treating, repairing, warehousing or adapting for sale of any goods, substance, article or service.

### “MEAN GRADE”

Is the average elevation of the finished ground level around the exterior walls of a *building* or *structure*.

### “MEDICAL CLINIC”

Means a premises containing *offices* and common administration and/or reception areas used by members of the medical or health care professions to provide medical, dental, and/or therapeutic diagnosis and treatment to the general public without overnight accommodation and may include accessory dispensary facilities.

### “MICROBREWERY”

Means a facility, having less than 500 square meters gross floor area, where beer, wine and/or spirits are produced and may be sold for consumption onsite or off the premises; and may include a restaurant, beverage room and/or retail store as accessory uses.

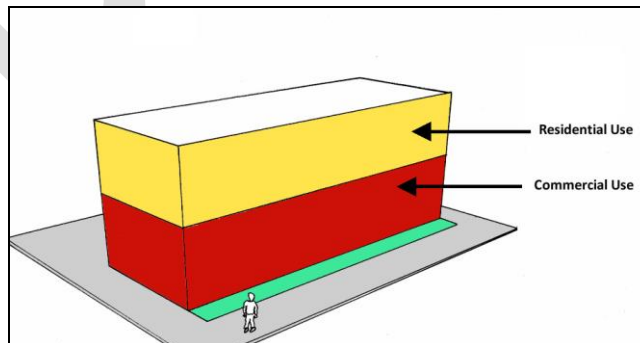
### “MINI-HOME”

A *dwelling unit*, other than a *manufactured dwelling* or *mobile home*, fabricated in an off-site manufacturing facility for installation or assembly at the *building* site, is provided with a CSA approved stamp and number and/or meeting the requirements of the *National Building Code of Canada* but is not situated on a permanent foundation.

### “MIXED USE”

Means a number of different *uses* contained within the same *building*.

**Figure 1.11:** Example of a Mixed Use Building



### “MOBILE HOME”

A movable or portable *dwelling unit* constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. It may consist of one or more

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The *mobile home* must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

### “MULTIPLE-UNIT DWELLING”

Synonymous with ‘*apartment building*’ and means a *building* or portion thereof, other than a *rowhouse, hotel or motel*, containing four (4) or more *dwelling units*.

### “MUNICIPAL PLAN”

Means the Municipal Plan of the Town of Florenceville-Bristol and any amendments thereto.

### “NON CONFORMING USE”

Shall have the same meaning as contained in the *Community Planning Act* as may be amended from time to time.

### “NURSERY”

Means a *building or structure* or piece of land where young plants or trees are grown for subsequent transplanting and may include the associated retail sale of such plants.

### “OBNOXIOUS USE”

Means a *use* which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the *use*.

### “OFFICE”

Means a *building or structure* where *persons* are engaged in the management and direction of a business or enterprise or the practice of a profession or provision of a service including its administration and includes the *offices* of a Regulated Health Professional, but does not include a *personal service shop, a financial institution or a medical clinic*.

### “OPEN SPACE”

Means land that is left unoccupied by any *buildings or structures* but is used for one of the following purposes:

- (a) preservation of natural areas;
- (b) preservation of environmentally sensitive areas; or
- (c) passive *recreation uses*.

### “OUTDOOR DISPLAY”

Means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an *outdoor display court*, by locating them on a *lot* exterior to a *building*, and includes material covered by canvas or other opaque or non-opaque material. The definition of *outdoor display* shall not include *outdoor storage*.

### “OUTDOOR DISPLAY COURT”

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

Means an area of land where goods are displayed, which are available for sale to the general public from a *use* located on the same *lot* but which shall not include *outdoor storage*.

### **“OUTDOOR PATIO”**

Means an outdoor area associated with a permitted *restaurant* use, located on the same lot as the *restaurant*, is used on a seasonal basis only and which shall provide tables and seating for patrons to be served meals and/or refreshments for consumption on the premises. Patio seating shall not exceed 50% of the capacity of the *restaurant*. An *outdoor patio* shall be used exclusively for dining and shall not include any *recreational* or *entertainment use* or activity.

### **“OUTDOOR STORAGE”**

Means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an *outdoor display court*, by locating them exterior to a *building*.

### **“PARKING LOT”**

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

### **“PARKING SPACE”**

Means an area 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, and or maneuvering areas.

### **“PAVED”**

Means the use of tar and gravel, asphalt, Portland cement concrete, or other similar substances such as brick, or stone to create a smooth surface, including bituminous penetration, but does not include the use of clay, dirt, or slag.

### **“PERSON”**

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

### **“PERSONAL SERVICE SHOP”**

Means a *building* or part of a *building* in which *persons* are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of *persons*, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many other services that relate to personal aesthetics, but excludes the manufacturing, processing or fabrication of goods for retail or any form of distribution.

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### “PIT”

Means an area of land where unconsolidated gravel, stone, sand, earth, clay, fill or other material is being removed by means of an excavation to supply materials for construction, *industrial* or *manufacturing uses* and may include, as an *accessory use*, facilities for the crushing, *screening*, washing and storage of such materials.

### “PLACE OF WORSHIP”

Means a *building* or *structure* used by religious group(s) for the practice of religious services.

### “PLANNING ADVISORY COMMITTEE”

Means the *Planning Advisory Committee* established by Town Council;

### “PORTABLE OR TEMPORARY GARAGE”

A *structure* that is designed to be collapsible in nature and is covered in plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of *driveways*.

### “PRIVATE CLUB”

Means a non-profit, non-commercial organization which carries on cultural, social, athletic or recreational activities and includes the premises of a fraternal or charitable organization.

### “PUBLIC PARK”

An outdoor space characterized by its natural, historic or landscaped features, 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 or Government of Canada; and includes playgrounds, playing fields, outdoor skating rinks, community gardens, linear parks and trails, and other similar outdoor *recreational uses*.

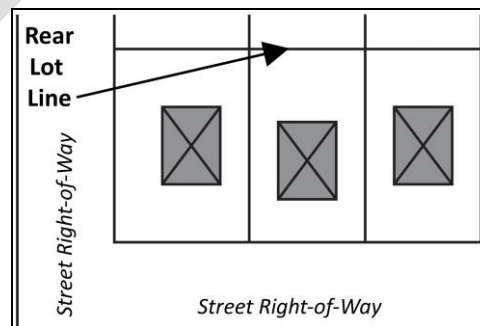
### “QUARRY”

A place where clay, shale, limestone, sand, gravel, marl, marble, soil or other bedrock or non-metallic materials are excavated for use by a public authority in the construction of a public works project.

### “REAR LOT LINE”

Means the *lot line* farthest from or opposite to the *front lot line*.

**Figure 1.12:** Example of a Rear Lot Line

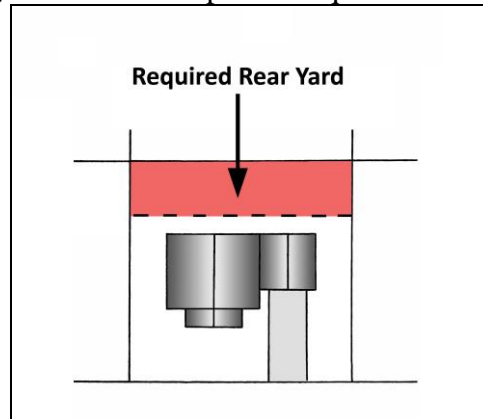


## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### “REAR YARD”

A *yard* extending across the full width of a *lot* 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 distance required by this By-law between a *rear lot line* and the nearest main wall of any *building* or *structure* on the *lot*.

**Figure 1.13:** Example of Required Rear Yard



### “RECREATION USE”

The use of land, *buildings* and *structures* for tennis courts, lawn bowling greens, indoor skating rinks, outdoor skating rinks, curling 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.

### “RECREATIONAL VEHICLE”

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

### “RECYCLING DEPOT”

Means a *building* that is used for the deposit, collection and handling of waste metal, paper, rags, tires, bottles, or other materials that are to be delivered wholesale to other off site operations for further processing, or salvage.

### “RENTAL SUITE”

An additional *dwelling unit* contained within a *single-family dwelling* that features a separate entrance from the main *dwelling unit* and is rented **on a monthly basis/long-term** to someone outside of the *family* unit residing in the main *dwelling*.

### “RESIDENTIAL CARE FACILITY”

Means a residential *building* or part of a *building* in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three *persons* with social health, legal, emotional, mental or physical disabilities or problems, and

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

includes such facilities as are licensed by the *Family Services Act*, or by other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

### “RESOURCE EXTRACTION”

Means the removal (or mining) of resources from the land and includes sod farming, the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

### “RESTAURANT”

Means a *building* or any portion thereof designed or used primarily for the serving of, and consumption of food by customers within such *building* or portion thereof, and includes a cafeteria.

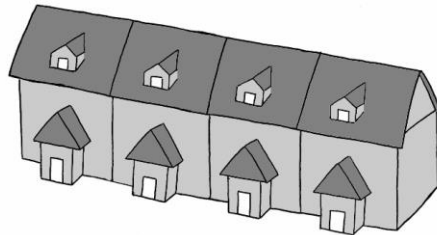
### “RETAIL STORE”

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.

### “ROWHOUSE DWELLING”

Is synonymous with ‘townhouse dwelling’ and means a *building* that is divided vertically by *common walls* into three or more *dwelling units*, each of which is located on a separate *lot* and each of which has independent entrances to a *front* and *rear yard* immediately abutting the front and rear walls of the unit.

**Figure 1.14:** Example of a Rowhouse Dwelling



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

### “SCREENING”

Means the use of *landscaping*, fences, trees, or berms to visually and/or audibly separate areas or *uses*.

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### "SECONDARY USE"

Means a use:

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

### "SEMI-DETACHED DWELLING"

Means a *building* that is divided vertically by a *common wall* into two *dwelling units* side by side, under one roof, and each of which is located on a separate *lot* and has a separate entrance from the *front yard*.

### "SENIOR CITIZEN HOUSING"

Means a *multiple-unit dwelling* designed primarily for older residents in need of close proximity to urban amenities such as public transit services, retail, church, etc. and which includes common area(s) where residents can socially interact and may also include such *secondary uses* within the *building* as *offices* or *medical clinics*, *personal service shops* or a *retail store* and other similar *uses*. Common areas shall consist of a space equal to at least ten percent (10%) of the total *floor area* of each *dwelling unit* of which up to fifty percent (50%) may be exterior to the *building*.

### "SERVICE SHOP"

Means a *building* or part of a *building* used for the sale and repair of household articles and includes glass replacement shops, and electronic and appliance repair shops but does not include *industrial uses* or *manufacturing uses*, *automobile service stations*, *automobile repair shops* or heavy equipment repair shops.

### "SHOPPING CENTRE"

Means a commercial *development* of at least 5,575 m<sup>2</sup> (60,000 ft<sup>2</sup>) of land, consisting of one or more business establishment(s), which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such *retail stores*, *service shops* and other establishments as permitted by this By-law, in a unitary type *building* or *buildings* at least 1,486 m<sup>2</sup> (16,000 ft<sup>2</sup>) in size and characterized by the sharing of common *parking lots* and *driveways*.

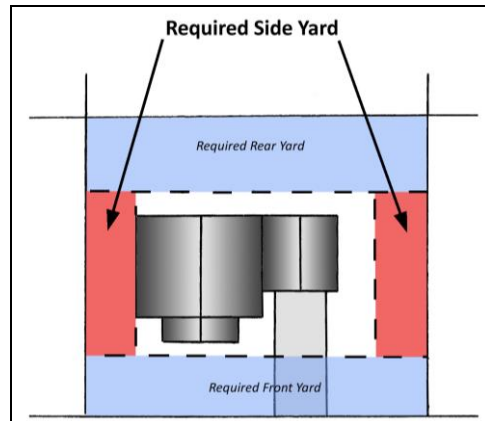
### "SIDE LOT LINE"

Means a *lot line* extending from the *street line* to the rear of the *lot* or the line extending from the *front lot line* to the *rear lot line*.

### "SIDE YARD"

A yard extending between the *front yard* and the *rear yard* 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 distance required by this By-law between a *side lot line* and the nearest main wall of any *building* or *structure* on the *lot*.

Figure 1.15: Example of Required Side Yard



**“SIDEWALK PATIO”**

Means an *outdoor patio* located in part or entirely on a public road allowance or other *Town* owned land for which an encroachment agreement or lease has been entered into with the *Town*.

**“SIGN”**

Means any *structure*, device, light, painting, or other representation or natural object that 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 displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a *parking lot*, except any *signs* that are affixed to the inside of a window or glass door.

**“SIGN, BILLBOARD”**

Means a large *sign* affixed to the ground or a *fascia sign* that is not related to any business or use located on the *lot* or premises on which it is located.

**“SIGN, CANOPY”**

Means a *sign* attached to or forming part of a permanent *building* projection, projecting or fixed structural framework which extends outward from the exterior wall of a *building*. *Canopy signs* include marquees.

**“SIGN, DIRECTORY”**

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

**“SIGN, FASCIA”**

Means a *sign*, other than a *roof sign* or *projecting sign*, which is attached to and supported by a wall of a *building*.

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### “SIGN, FREESTANDING”

Means a *sign*, other than a *portable sign*, supported independently of a *building* and securely fixed to the ground.

### “SIGN, ILLUMINATED”

Means a *sign* lit internally with light(s) shining through a translucent or coloured material.

### “SIGN, PORTABLE OR MOBILE”

Means a *sign* greater than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) in *sign area* that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a *sign* with one or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means.

### “SIGN, PROJECTING”

Means any *sign*, other than a *canopy sign*, that is attached directly to a *building* wall, where the *sign face* is not parallel to the wall it is attached to.

### “SIGN, ROOF”

Means any *sign* erected upon, or directly above a roof, or on top of, or above the parapet of a *building*.

### “SIGN, SANDWICH BOARD”

Means a *sign* less than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) in area which is constructed of two boards connecting at one end and which can be readily taken on and off a site.

### “SIGN AREA”

Means the area per side of the smallest triangle, square, rectangle, circle or semi-circle that can wholly enclose the surface area of the *sign*. In the case of *fascia sign(s)* featuring individual letters affixed to a *building*, *sign area* shall be the sum of the combined areas of the smallest triangles, squares, rectangles, circles or semi-circles that can wholly enclose each individual letter.

### “SIGN BOX”

Means a box contained within a *freestanding or directory sign* that contains the name, logo or other insignia of a business or other *use*.

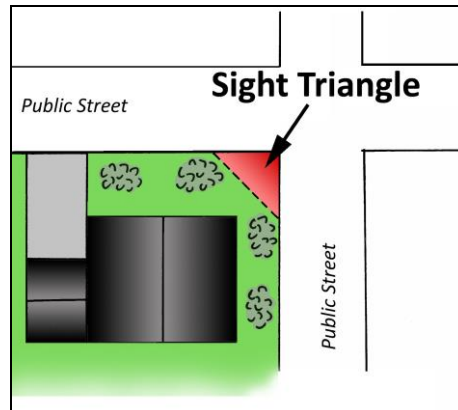
### “SIGN FACE”

Means each individual side or face of a *freestanding or directory, projecting, sandwich board, portable or mobile sign(s)*.

### “SIGHT TRIANGLE”

Means the triangular shaped area of land formed by measuring from the point of intersection of *street lines* on a *corner lot* at a prescribed distance as required by this By-law.

Figure 1.16: Example of a Sight Triangle



**“SINGLE-FAMILY DWELLING”**

Means a detached *building* or portion thereof, other than a *tourist home*, a *mobile or mini-home*, travel trailer, or *recreation vehicle* designed and is used exclusively for residential purposes by one (1) *family that is larger than 40 m<sup>2</sup> (430.6 ft<sup>2</sup>)*.

**“STOREY”**

Means that portion of a *building* included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

**“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 Town of Florenceville-Bristol.

**“STREET LINE”**

Means the boundary line of a *street or road* right-of-way.

**“STRUCTURE”**

Means anything that is *erected*, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other *structure*. A *structure* shall include *buildings*, walls, *signs*, fences exceeding 2 m (6.6 ft) in height and other similar *erections*. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

**“SWIMMING POOL”**

A tank or other *structure*, including inflatable pools and artificially created bodies of water, at least in part, the container of which is constructed of cement, plastic, fiberglass, concrete or similar materials, located outdoors, having a depth of water greater than 0.5 m (1.6 ft) and intended primarily for bathing, swimming, or diving, but does not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

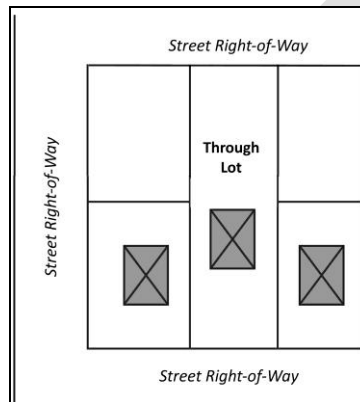
### “THEATRE”

Means any premises or part thereof where motion pictures or live performances are shown or held but does not include an *adult entertainment use*.

### “THROUGH LOT”

Means a *lot* bounded on two opposite sides by *streets* or highways provided. If any *lot* qualifies as being both a *corner lot* and a *through lot* as defined herein, such *lot* shall be deemed to be a *corner lot* for the purposes of this By-law.

**Figure 1.17:** Example of a Through Lot



### “TOURIST HOME”

Any *single-family dwelling* operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities with which sleeping accommodation is provided.

### “TOWN”

Means the Town of Florenceville-Bristol.

### “TRADITIONAL BUILDING MATERIALS”

Materials consistent with construction techniques and architecture of the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, shingle or stucco; but does not include vinyl, plastic, metallic or enameled metallic finishes.

### “TRIPLEX DWELLING”

Means a detached *building* divided horizontally into three *dwelling units*.

### “USE”

Means the purpose for which land or a *building* or *structure*, or any combination thereof, is designated, arranged, erected, *altered*, intended, occupied or maintained.

### “UTILITY USE”

Any component of a water, sewerage, storm water, solid waste disposal, cable television, electric power, natural gas, or telecommunication system.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### **“VEHICLE”**

Means a motor vehicle, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but not including the cars or electric or steam railways running only upon rails.

### **“VETERINARY CLINIC”**

A facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities or *structures* such as *kennels*, pet/pen runs and enclosures.

### **“WAREHOUSE”**

A *building* used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

### **“WATERCOURSE”**

The full width and length, including the bed, banks, sides and shoreline, or any part of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch, or other natural or artificial channel, open to the atmosphere, the primary function of which is to convey or contain water whether the flow is continuous or not.

### **“WHOLESALE ESTABLISHMENT”**

A *building* in which commodities in quantity are offered for sale mainly to industrial, institutional, and commercial users, or to retailers or other merchants mainly for resale or business *use*.

### **“YARD”**

An open, uncovered space on a *lot* appurtenant to a *building*, except a court bounded on two or more sides by *buildings*. In determining *yard* measurements, the minimum horizontal distance between such *building* and the respective *lot lines* shall be used.

### **“ZONE”**

Means a designated area of land *use* shown on the Zoning Map (Schedules “A”, “B” and “C”) of this By-law.

### **“ZONING BY-LAW”**

Means the Zoning By-law of the Town of Florenceville-Bristol and any amendments thereto.

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**2.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES**

**2.1 Zoning Classifications**

- (1) For the purposes of this By-law, the Town of Florenceville-Bristol is divided into zones as delineated on the maps attached hereto, in the following manner:
  - (a) Schedule ‘A’ entitled " Zoning Map Key Plan" dated February 22, 2019;
  - (b) Schedule ‘B’ entitled " Ward 1 Zoning Map" dated February 22, 2019;
  - (c) Schedule ‘C’ entitled “Ward 2 Zoning Map" dated February 22, 2019;
- (2) The zones mentioned in subsection (1) are classified and referred to as described in the following table:

<b>Short Form</b>	<b>Zone Designation</b>
R-1 Zone	Single-Family Residential
R-2 Zone	Residential Mix
R-3 Zone	Multiple Unit Residential
R-4 Zone	Land Leased Community
C-1 Zone	Central Commercial
C-2 Zone	Neighborhood Commercial
C-3 Zone	General Commercial
C-4 Zone	Large Format Retail
I-1 Zone	Light Industrial
I-2 Zone	Heavy Industrial
INST Zone	Institutional
AR Zone	Agricultural and Rural
OS Zone	Parks and Open Space Zone

- (3) R-1, R-2, R-3, and R-4 zones, collectively, are referred to as Residential Zones.
- (4) C-1, C-2, C-3 and C-4 zones, collectively, are referred to as Commercial Zones.
- (5) I-1 and I-2 zones are collectively referred to as Industrial Zones.
- (6) INST can be referred to as Institutional Zones.
- (7) AR and OS zone is collectively referred to as Special Zones.

**2.2 Interpretation**

**2.2.1 Zone Boundaries**

- (1) A *zone* boundary shown approximately at a *lot line* is deemed to be at the boundary of the *lot line*.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

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

### 2.2.2 Metric Measurements

For the purposes of convenience, the measurements contained in this By-law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-law. Measurements may be abbreviated in the following manner:

- (a) metres or m;
- (b) feet or ft;
- (c) square metres or m<sup>2</sup>;
- (d) square feet or ft<sup>2</sup>;
- (e) inches or in;
- (f) centimetres or cm; and
- (g) millimetres or mm.

### 2.2.3 Uses Permitted

*Uses* permitted within any zone shall be determined as follows:

- (a) If a *use* is not listed as a *use* permitted within any zone, it shall be deemed to be prohibited in that zone;
- (b) If any *use* is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements; and
- (c) If a proposed *use* is not specifically defined or listed, it must be reviewed by Town Staff and the *Planning Advisory Committee* to determine whether it is similar or compatible with other *uses* in that specific *Zone*.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### 2.2.4 Interpretation in this By-law

- (1) In this By-law:
  - (a) the words “shall” and “must” are mandatory and not permissive;
  - (b) the word “may” is to be construed as permissive and empowering;
  - (c) the word “required” is to be construed as a compulsory obligation;
  - (b) words used in the present tense shall include the future;
  - (c) words used in the singular number shall include the plural and words used in the plural number shall include the singular;
  - (d) words using masculine gender include feminine gender and words using feminine gender include masculine gender; and
  - (e) words in either gender include corporations.

### 2.2.5 The Use of Italics and Underlining

- (1) The use of italics in the Zoning By-law identifies words that have specific definitions under Section 1.2 and is intended to make the By-law easier to use and shall not be considered to impact the *use*, intent, implication, application or definition of any word contained within this By-law.
- (2) Should a word with a definition under Section 1.2 of this By-law not be italicized, or vice versa, it shall not impact the required compliance with any standard, provision or requirement of this By-law.
- (3) Words that have been underlined and italicized indicate a specific piece of Federal or Provincial legislation.

### 2.2.6 Images Within this By-law

Images contained within this By-law are examples intended for the purposes of clarification and shall not be considered part of this By-law.

## 2.3 Powers of Council

- (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 electrical power, water, sewerage, *streets* and other services and facilities.
- (2) Where, in its opinion, a *building* or *structure* is dilapidated, dangerous or unsightly, *Council* may acquire the parcel of land that such *building* or *structure* is located.
- (3) Subject to subsection (4), Council may, within any *zone* mentioned in Section 2.1:
  - (a) designate land to be used for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, and the disposal of sanitary wastes; and
  - (b) *use* the land so designated for the erection, installation or *use* mentioned in clause 2.3(3)(a).
- (4) No land may be designated or used for the purposes of 2.3(3)(a) unless, in the opinion of the *Council* such land is essential to the operation of the service concerned.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (5) A *non-conforming use* may continue notwithstanding the Zoning By-law but, where a Zoning By-law makes a property non-conforming the Community Planning Act shall apply. The provisions of this section shall not exempt the owner of a *non-conforming use* from the obligation for proper maintenance and minimum occupancy standards of such *use*. Council may also impose standards regarding the maintenance of a non-conforming *building* or *structure* in accordance with the Community Planning Act.

### 2.4 Special Powers of the Planning Advisory Committee

- (1) The *Planning Advisory Committee* is an appointed body under **Part 2** of the Community Planning Act. The role of the *Planning Advisory Committee* is to advise and make recommendations to Council on matters of community planning in accordance with **Part 2** of the Community Planning Act.
- (2) No *building* or *structure* may be placed, *erected* or *altered* on any site where it would otherwise be permitted under this By-law when, in the opinion of the *Planning Advisory Committee*, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (3) The *Planning Advisory Committee* may, subject to such terms and conditions as it considers fit:
- (a) authorize, for a temporary period in accordance with the Community Planning Act, a *development* otherwise prohibited by this By-law; and
  - (b) require the termination or removal of a *development* authorized under clause (a) at the end of the authorized period.
- (4) Where *uses* are listed as being subject to terms and conditions (*conditional uses*) that may be imposed by the *Planning Advisory Committee*, no *building permit* for such *use* shall be issued unless written application and supporting information for such *use* has been submitted to the *Planning Advisory Committee* and the *Planning Advisory Committee* has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the *Planning Advisory Committee* to protect:
- (a) properties within the zone or in abutting *zones*;
  - (b) the health, safety and welfare of the general public; and
  - (c) the integrity of the objectives and policies established in the Municipal Development Plan.
- (5) The *Planning Advisory Committee* may permit, subject to such terms and conditions as it considers fit:
- (a) a proposed *use* of land or a *building* that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed *use* is sufficiently similar to or compatible with a *use* permitted in the By-law for the zone in which the land or *building* is situated; or

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (b) such reasonable variance from the requirements of the Zoning By-law as provided by the *Community Planning Act* as, in its opinion, is desirable for the *development* of a parcel of land or a *building or structure* and is in accord with the general intent of the By-law and any plan or statement affecting such *development*.
- (6) Where requested to permit a proposed *use* or variance under subsections (3), (4) and (5) above, the *Planning Advisory Committee* may give notice to owners of land in the immediate neighborhood:
  - (a) describing the land;
  - (b) describing the *use* proposed or variance requested; and
  - (c) giving the right to make representation to the *Planning Advisory Committee* in connection therewith within the time limit set out in the notice.
- (7) Where permitted under the Community Planning Act, powers of the *Planning Advisory Committee* may be delegated to the *Development Officer* or his/her delegate.

### 2.5 Amendments

- (1) A *person* who seeks to have this By-law amended:
  - (a) must address a written and signed application to *Council*;
  - (b) must, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
    - (i) a statement as to the ownership thereof;
    - (ii) the signature of at least one owner of each parcel of land therein; and
  - (c) shall pay a fee **as outlined in the User Fee Policy**, payable to the Town of Florenceville-Bristol.
- (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 the *Planning Advisory Committee* for the purpose of adequately assessing the desirability of the proposal.
- (4) *Council* may refuse to consider an application under this section that seeks to rezone an area of land from one type of *zone* to another that has not been signed by one or more owners of each property.
- (5) Before giving its views to the *Council* with respect to an application under this section, the *Planning Advisory Committee* may carry out such investigation, as it deems necessary.
- (6) Where an application for rezoning of a property has been refused within the previous twelve months, *Council* will not entertain an application to rezone the same property unless the proposed *use* is substantially different from the previous application or unless *Council* is of the opinion that there is valid new evidence or a change in conditions.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### 3.0 GENERAL PROVISIONS

#### 3.1 Licenses, Permits and Compliance With Other By-Laws

Nothing in this By-law shall exempt any *person* from complying with the requirements of the Building By-law or any other By-law in force within the *Town*, or to obtain any license, permission, permit, authority, or approval required by any other By-law of the *Town*, or statute and regulation of the Province of New Brunswick or Government of Canada. Where the provisions in this By-law conflict with those of any other municipal, provincial or federal regulation, By-law or code, the more stringent requirement shall prevail.

#### 3.2 Sewage Disposal

- (1) Where municipal central sewerage services are available, no *building permit* shall be issued except where the development is provided with such a service.
- (2) Where any *lot* is developed with a septic tank and disposal field, the minimum requirements of this By-law shall apply for the purpose of obtaining a *building permit*. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the relevant department of the provincial government shall prevail.

#### 3.3 Frontage on Street

No *building permit* shall be issued except where the *lot* intended to be *used*, or upon which the *building* or *structure* is to be *erected*, abuts and fronts upon a public *street or road*, or a legally created private *street or road* except where specifically provided for within this By-law.

#### 3.4 One Main Building on a Lot

- (1) Except where provided for in this By-law, no more than one main *building* may be placed or *erected* on a *lot* and no *building* or *structure* may be altered to become a second *main building* on a *lot*.
- (2) Notwithstanding 3.4(1), within the R-3 (Multiple-Unit Residential) Zone, R-4 (Land Leased Community) Zone, C-3 (General Commercial) Zone, C-4 (Highway Commercial) Zone and all industrial *zones* more than one *building* on the *lot* may be permitted subject to terms and conditions as the *Planning Advisory Committee* deems appropriate and the *Planning Advisory Committee* may prohibit the *use* where compliance with the terms and conditions imposed cannot reasonably be expected.
- (3) Where more than one *main building* is permitted on a *lot*, except in the R-4 (Land Leased Community) Zone, the minimum separation between *main buildings* on the same lot is 8 m (26.2 ft).
- (4) Notwithstanding 3.4(1), a *garden suite* is considered an *accessory building* and not a second *main building*.

#### 3.5 Existing Buildings

Where a *building* has been erected on or before the effective date of this By-law, on a property having less than the minimum *lot area, frontage, front or flankage yard, side yard*

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or *rear yard* required by this By-law, the *building* may be enlarged, reconstructed, repaired, or renovated provided that:

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

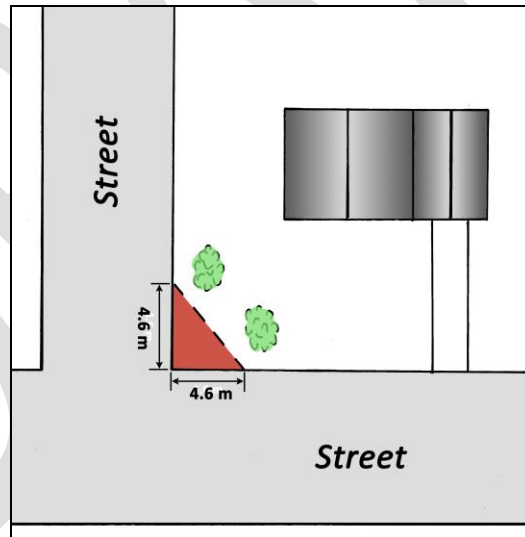
### 3.6 Reduced Frontage on a Curve

Where the *front lot line* of any *lot* is a curved line or when the *side lot lines* of a lot are not parallel, a minimum *lot width* that is equal to the minimum *lot frontage* required by this By-law shall be required in lieu of such minimum *lot frontage*. For the purpose of this subsection, 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 lot lines* with the minimum *front or flankage yard* as required by the applicable provision of this By-law.

### 3.7 Sight Triangle

On a *corner lot* a fence, *sign*, hedge, shrub, bush, or tree, or any other *structure or building* must not be erected or permitted to grow to a *height* more than 1 m (3.3 ft) 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 (15.1 ft) from their point of intersection.

**Figure 3.1:** Example of the Sight Triangle Requirement



### 3.8 Distance From Watercourses

No *development, building or structure* shall be permitted within 30 m (98.4 ft) of a watercourse or water body unless a Watercourse and Wetland Alteration Permit has been issued by the Department of Environment and no *building or structure* except as otherwise permitted in this By-law shall be located within 10 m (32.8 ft) of a watercourse or water body.

### 3.9 Accessory Buildings or Structures Erected Prior to Main Building

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

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- (a) a *building permit* for the *main building* or *structure* is obtained first;
- (b) the *main building* or *structure* will be completed within one year from the date of the issuing of the *building permit* therefore; and
- (c) the *accessory building* or *structure* is located as indicated on the plot plan.

### 3.10 Vehicle Bodies

A motor vehicle, *commercial vehicle*, tractor trailer, *recreational vehicles* and equipment, tractor engine, container designed for commercial transport, farm tractor, road *building* machine and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be *used*, in any *zone*, as a *dwelling unit* or commercial *main building* nor be used as an *accessory building* or *structure* in any residential *zone* except as specifically permitted by other legislation and this By-law.

### 3.11 Height Exceptions

The *height* regulations of this By-law do not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, or radio antennae, air conditioning units, ventilators, skylights, barns, chimneys, clock towers, windmills, monuments, lightning rods, or solar collectors attached to the principle *structures* except where specifically regulated, provided that such *buildings* or *structures* conform to all restrictions of other Government authorities having jurisdiction.

### 3.12 Setbacks

- (1) No *building* shall be *erected* or *altered* so that it is closer to a *street line* than 6 m (19.7 ft) unless otherwise provided for in this By-law.
- (2) Notwithstanding 3.12(1), a *building* may be placed, *erected*, or *altered* so that it is as close to the *street line* as:
  - (a) where there is a *building* on both sides and within 30 m (98.4 ft) thereof, the mean of the distance between the *street line* and the adjacent *buildings*; and
  - (b) where there is a *building* within 30 m (98.4 ft) of one side only thereof, the mean of the *front* or *flankage yard* distance and the distance between the *street line* and the adjacent *building*.

### 3.13 Yards

Notwithstanding any other provision of this By-law, with respect to a *corner* or *through lot* in a Commercial or Industrial Zone abutting a Residential Zone, no *building* or *structure* may be placed, *erected* or *altered* thereon so that it has a *front yard* on the *street* along which the Residential Zone is located, wherever possible.

### 3.14 Prohibition Regarding Yards and Other Open Space

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

- (a) be considered as providing a *yard* or *open space* for a *building* or *structure* on another *lot*; or

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

### 3.15 Building and Structure Projections / Permitted Encroachments

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

- (a) cornices, eaves and steps that project not more than 0.61 m (2 ft);
- (b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in);
- (c) the ordinary projection of skylights;
- (d) window or door awnings which project not more than 1.02 m (3.3 ft);
- (e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (3.3 ft);
- (f) chimneys, smoke stacks or flues, which project not more than 0.457 m (1.5 ft);
- (g) balconies of upper stories of *multiple-unit dwellings* or *buildings*, provided they are not enclosed above a parapet of normal *height*, which project not more than 1.83 m (6 ft) into a *front* or *rear yard* or not more than 1.22 m (4 ft) into a *side yard*;
- (h) floors in the *main building* above the first floor, which project not more than 1.83 m (6 ft) into a *front yard* or *rear yard* or not more than 1.22 m (4 ft) into a *side yard*;
- (i) wheelchair ramps and lifting ramps may be located in any *yard*;
- (j) steps providing access at the first storey level may be located in any *front*, *rear* or *flankage yard*;
- (k) window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the main wall into a required *front*, *rear* or *flankage yard*;
- (l) *swimming pools* may encroach within 1.2 m (3.9 ft) of the property line in any *rear* or *side yard* but never encroach on any required *front* or *flankage yard*;
- (m) air conditioning or heat pump units may project up to 0.61 m (2 ft) into a required *side yard*; and
- (n) exterior staircases providing access to the basement or any floor above the first *storey*, balconies, porches, verandas and sundecks shall be permitted to project a maximum of 2 m (6.6 ft) into any required *front*, *rear* or *flankage yard*; and
- (o) no exterior staircase giving access to any floor above the first storey level shall be permitted between the *façade* of any *building* and the *street line*, except subject to such terms and conditions as the *Planning Advisory Committee* considers necessary.

### 3.16 Satellite Dishes and Communication Towers

- (1) Satellite dishes greater than 1.5 m (4.9 ft) in diameter shall not be permitted between the *main building* and the *street line*.

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- (2) The *use* of land for purposes of a communication tower shall be considered a development subject to such terms and conditions as the *Planning Advisory Committee* deems appropriate and the *Planning Advisory Committee* may prohibit the *use* where compliance with the terms and conditions cannot be reasonably expected, and furthermore shall be subject to the following provisions:
- (a) communication towers shall not be permitted on that portion of a roof of a *building* in or abutting a residential *zone* facing the street;
  - (b) communication towers within or abutting a residential *zone* shall be subject to all *accessory building* provisions of this By-law;
  - (c) where, in the opinion of the *Planning Advisory Committee*, there is a risk of injury to occupiers or others, communication towers shall be equipped with appropriate anti-climb devices or such other equipment as required to restrict the access of the public thereto; and
  - (d) the *Planning Advisory Committee* may require that all communication towers be appropriately designed, painted and *landscaping* be properly undertaken to minimize the impact of the appearance of such communication towers on the adjacent properties.

### 3.17 Outdoor Storage and Outdoor Display Courts

- (1) Subject to 3.17(2), where any permitted *use* involves the *outdoor storage*, other than an *outdoor display court*, the land used for storage shall be *screened* from the *street* by an opaque fence not less than 2 m (6.6 ft) and not more than 2.5 m (8.2 ft) in *height*, and no material shall be piled higher than the *height* of the surrounding fence.
- (2) Notwithstanding 3.17(1), where a *zone* contains specific requirements with respect to *outdoor storage*, the specific provisions of the *zone* shall apply.
- (3) No *development* shall be permitted, nor shall any land be *used* for the purposes of *outdoor display* of goods or merchandise, unless an *outdoor display court* is expressly permitted, by definition or otherwise.
- (4) An *outdoor display court* shall be separated from any public *street* by a *landscaped* strip of at least 2 m (6.6 ft) horizontal depth.

### 3.18 Lesser Horizontal Dimension

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

### 3.19 Finished Floor Above Grade

- (1) Subject to 3.19(2), where any habitable *building* is to be constructed within 30 m (98.4 ft) of a public *street*, the top of the foundation wall shall not be less than 0.5 m (1.6 ft) above the crown of the street to which the *development* gains access.

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- (2) Notwithstanding 3.19(1) where the elevation of the *lot* to be developed is significantly below the adjacent *street or road* elevation and a *building* is to be constructed within 30 m (98.4 ft) of a public *street*, a lot-grading plan shall be prepared showing:
  - (a) existing and final ground elevations;
  - (b) floor and top of foundation wall elevations of any *buildings* and *structures*;
  - (c) all measures for the control and management of surface water;
  - (d) all vegetation to be preserved; and
  - (e) areas to be *landscaped*.
- (3) The lot-grading plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

### 3.20 Keeping of Livestock

With the exception of the AR (Agricultural and Rural) Zone or I-2 (Heavy Industrial) Zone, no land or any portion thereof may be used for the keeping or breeding of *livestock*.

### 3.21 Garbage Storage

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

- (a) be fully *screened* by a surrounding opaque fence at least 2 m (6.56 ft) in *height*;
- (b) no garbage storage area shall be located in any required *yard*, nor shall it be located within 6 m (19.7 ft) of a public *street* or within 2 m (6.56 ft) of a residential *use*;
- (c) no garbage shall be stored between a *building* or *structure* and a public *street*;
- (d) no garbage shall be stored in any garbage storage area so as to exceed the *height* of the surrounding fence as described in 3.21(a); and
- (e) materials used for *screening* must surround the garbage storage unit or dumpster and must be made of materials similar to that of the *building*.

### 3.22 Lighting or Illumination Devices

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

### 3.23 Enclosures for Swimming Pools

- (1) No land may be *used* for purposes of a *swimming pool* capable of containing a depth in excess of 0.6 m (2 ft) of water unless the *swimming pool* is enclosed by a fence, or by a wall of a *building* or *structure*, or by a combination of walls and fences, at least 1.5 m (4.9 ft) in *height* and meeting the requirements of this section.
- (2) Where a portion of a wall of a *building* forms part of an enclosure mentioned in 3.23(1),
  - (a) no main or service entrance to the *building* may be located therein; and

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- (b) any door therein, other than a door to a *dwelling* or *dwelling unit*, shall be self-closing and equipped with a self-latching device at least 1.3 m (4.3 ft) above the bottom of the door.
- (3) An enclosure mentioned in 3.23(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (4) A fence mentioned in 3.23(1):
  - (a) must be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or other materials in the manner described in 3.23(5);
  - (b) must not be electrified or incorporate barbed wire or other dangerous material; and
  - (c) must be located:
    - (i) at least 1.22 m (4 ft) from the edge of the *swimming pool*;
    - (ii) at least 1.22 m (4 ft) from anything that would facilitate its being climbed from the outside; and
    - (iii) so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above grade/ground level.
- (5) The design and construction of a fence under this section shall provide:
  - (a) in the case of chain link construction,
    - (i) no greater than 38 mm (1.5 in) diamond mesh,
    - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
    - (iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8.2 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.
  - (b) in the case of wood construction,
    - (i) vertical boarding, not less than 19 mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.6 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
    - (ii) supporting wood posts at least 10 cm (3.9 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
  - (c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- (6) Gates forming part of an enclosure mentioned in 3.23(1):
  - (a) must be equivalent to the fence in content, manner of construction and *height*;
  - (b) must be supported on substantial hinges; and
  - (c) must be self-closing and equipped with a self-latching device at least 1.3 m (4.3 ft) above the bottom of the gate.

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- (7) The vertical walls of a permanent above-ground *swimming pool*, can be used as part of a *swimming pool* enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.52 m (5 ft) in *height* above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground *swimming pool*, must be enclosed by a *swimming pool* enclosure as defined within this section.
- (8) No *swimming pool* enclosure may be located within the *front* or *flankage yard* of a lot.
- (9) No water shall be placed in the pool until a *Building Inspector* has inspected the completed *swimming pool* enclosure.
- (10) The installation of a *swimming pool* and/or enclosure is not to alter the existing grade or drainage pattern unless otherwise approved by the Town.
- (11) No *person* is to alter or replace a *swimming pool* enclosure without a permit.
- (12) No *person* shall allow sections of the *swimming pool* enclosure to be removed or become dilapidated so that in no longer conforms to this By-law; and
- (13) No *person* is to allow materials to be placed, piled, attached, hung or leaned against or near the *swimming pool* enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

### 3.24 Power Lines Over Swimming Pool

No overhead electrical power line shall be placed over the area of a *swimming pool* enclosed by a fence or *structure* as provided in section 3.23. Similarly, no *swimming pool* or *swimming pool* enclosure can be placed, erected or altered so that is located underneath an existing overhead electrical power line.

### 3.25 Fences

- (1) No fence shall be located:
  - (a) within 0.15 m (0.5 ft) of a lot line in the case of fence of chain link construction; or
  - (b) within 0.6 m (2 ft) of a lot line in the case of any fence other than one of chain link construction.
- (2) Notwithstanding 3.25(1) or any other provision of this By-law, a fence may be placed or located in any required *yard*, however:
  - (a) Except for a security fence of chain link construction in any Commercial, Industrial, Institutional or Special Zone, no fence located within the required *front* and *flankage yard* shall exceed 1 m (3.3 ft) in *height*.
  - (b) No fence shall exceed in *height*:
    - (i) 2 m (6.6 ft) in any Residential Zone; or
    - (ii) 2.5 m (8.2 ft) in any other zone.

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- (c) No fence in any Residential Zone shall incorporate barbed wire or other sharp dangerous material in its construction.
- (d) Except for a fence in an AR (Agricultural and Rural) Zone designed for the confinement of *livestock* or farm animals, no fence shall be electrified.

### 3.26 Stripping of Topsoil

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

### 3.27 Excavation

- (1) No *person* may undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposit for purposes of the sale or other commercial *use* of the excavated material unless the *use* of a *pit* or *quarry* is permitted within the *zone*.
- (2) In addition to the information required for the zoning amendment under Section 2.5, the following information shall be provided to *Council*:
  - (a) the name and address of the applicant and the location of the proposed excavation;
  - (b) a plan drawn to a scale not less than 1:1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
  - (c) indicate the proposed base or lowest level of the proposed excavation;
  - (d) the means to be employed by that *person* named in the proposed permit to maintain accesses to the excavation, and public *streets* over which excavated materials are transported, in a dust-free condition by paving, sweeping, or the *use* of calcium chloride;
  - (e) the anticipated date of commencement of work involved in the excavation; and
  - (f) a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed the lime limit therefore.
- (3) Operation of the *use* under this section is subject to the following terms and conditions:
  - (a) that no excavation take place below the base agreed to pursuant to clause 3.27(2)(c);
  - (b) that accesses to the excavation and public *streets* over which excavated material is transported are maintained by the *person* named in the permit in a dust-free condition, as by paving, sweeping or the *use* of calcium chloride;

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- (c) that the excavation, and any work related thereto, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays as defined by the *Interpretation Act*;
  - (d) that no operation in relation to the excavation is conducted in such a manner as:
    - (i) to be apt to create a hazard to human life, life, to cause injury to a *person* or to damage adjoining property,
    - (ii) to permit ponding of water in excess of 0.61 m (2 ft) in depth,
    - (iii) to lower the water table on neighbouring properties, or
    - (iv) to prejudice proposed or required rehabilitation of the land.
  - (e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
  - (f) that neither the top or toe of the slope of the excavation, or any *building* or *structure*, is within 15.2 m (49.9 ft) of an abutting property line;
  - (g) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 Horizontal to 1 Vertical for the full depth thereof; and
  - (h) that the land of the site of the excavation is rehabilitated as provided herein.
- (4) Rehabilitation mentioned in 3.27(3)(h) shall be completed by the owner and include the following:
- (a) where an excavation is over 6.1 m (20 ft) deep, a terrace shall be provided not less than 6.1 m (20 ft) in width at each 6.1 m (20 ft) interval of the depth;
  - (b) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;
  - (c) all plant equipment, *buildings* or *structures*, placed or *erected* on the site for purposes of the excavation shall be removed;
  - (d) all stock piles, earth, sand, gravel or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and
  - (e) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 152 mm (6 in) and seeded with grass or other ground cover to prevent erosion.
- (5) Where an excavation of 1 m (3.3 ft) or more has occurred on a site for the purpose of a *use*, other than a *pit* or *quarry*, and has not been either filled in or developed over within 12 months, it shall be rehabilitated by the owner in the following manner:
- (a) the *excavated area* shall be cleared of all debris and brought to a common grade with the rest of the surrounding land; and
  - (b) the *excavated area* shall be covered in a layer of soil to a depth of at least 152 mm (6 in) and seeded with grass or other ground cover to prevent erosion.

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- (6) Where an owner mentioned in 3.27(4) and 3.27(5) fails to meet the requirements of that subsection, the Council may cause the required rehabilitation to be done and may recover all cost connected therewith from the owner.

### 3.28 Queuing Spaces

*Queuing spaces* must be provided for *drive-thru businesses* (including *drive-thru restaurants*, car washes, *gas bars*, *automobile service stations* and *drive-in business*), as follows:

- (a) for *drive-thru businesses*, including *drive-thru restaurants*, *financial institutions* and car washes:
  - (i) six (6) in-bound *queuing spaces* shall be provided for vehicles approaching the drive-up service window; and
  - (ii) one (1) outbound *queuing space* shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- (b) for *drive-in businesses*, including *automobile service stations*, *gas bars* and *automobile repair shops*:
  - (i) five (5) in-bound spaces shall be provided; and
  - (ii) one (1) out-bound space shall be provided.
- (c) all *queuing spaces* shall be a minimum of 6.5 m (21.3 ft) long and 3 m (9.8 ft) wide; and
- (d) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

### 3.29 Parking Requirements

- (1) 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 Table 3.29, except where any parking requirement is specifically included elsewhere in this By-law.
- (2) Where the total required spaces for any *use* is not a whole number, the total spaces required by this sub-section, or by other specific sections, shall be the next largest whole number.
- (3) Subject to subsection (4), the owner of each *building* or *structure erected*, extended or *altered*, in whole or in part, for any of the usages listed herein, shall provide and maintain on lands appurtenant to, or within 152.4 m (500 ft) of, such *building* or *structure* not less than the following number of accessible off-street vehicular *parking spaces*:

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<b>Table 3.29: Schedule of Minimum Parking Requirements</b>	
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Any <i>use</i> not specified below	1 space per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) of <i>gross floor area</i>
Any <i>dwelling</i> except as specified below	1 space per <i>dwelling unit</i>
<i>Amusement places, cultural uses, entertainment uses, places of worship and recreation uses</i>	1 space for each 5 <i>persons</i> comprising a capacity audience or congregation therein
<i>Bed and breakfast establishments, boarding and rooming houses</i>	1 space per guest room in addition to the required <i>parking spaces</i> of the <i>single-family dwelling</i>
<i>Day care centres</i>	1 space per 25 m <sup>2</sup> (269.1 ft <sup>2</sup> ) of <i>gross floor area</i>
<i>Funeral homes</i>	The greater of 15 spaces per viewing room or, where a chapel is provided or 1 space per 4 fixed seats
<i>Home day cares</i>	1 space per 5 children to which care is provided
<i>Home Occupations</i>	2 spaces in addition to the required parking of the <i>dwelling</i>
<i>Hospitals, residential care facilities, long term care facilities and group homes</i>	The greater of 1 space per 2 beds or 1 space per 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of <i>gross floor area</i>
Hotels or motels	1 space per guest room
<i>Industrial and manufacturing uses including recycling depots and warehouses</i>	The greater of 1 space per 2 employees on the largest shift or 2 spaces per 100 m <sup>2</sup> (1,076.4 ft <sup>2</sup> ) of <i>gross floor area</i>
<i>Institutional uses</i> not otherwise defined	The greater of 1 space per 4 seats where there are fixed seats, or 1 space per 10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i> where there are no fixed seats
<i>Medical and veterinary clinics</i>	5 spaces per doctor or veterinarian on staff
<i>Multiple-unit dwellings</i>	1.25 spaces per <i>dwelling unit</i>
<i>Office uses</i> including <i>financial institutions</i>	3 spaces per 93 m <sup>2</sup> (1,001 ft <sup>2</sup> ) of <i>gross floor area</i>
<i>Public parks</i> including sports and <i>recreational uses</i>	1 space for each 6 <i>persons</i> for whom seating arrangements may be provided
<i>Restaurants, beverage rooms and private clubs</i>	The greater of 1 space per each 3 patrons comprising capacity patronage or 1 space per 10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) of <i>gross floor area</i>
Retail or service establishments with a <i>gross floor area</i> <u>not</u> exceeding 1,000 m <sup>2</sup> (10,763.9 ft <sup>2</sup> )	1 space per 20 m <sup>2</sup> (215.3 ft <sup>2</sup> ) of <i>gross floor area</i>

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<b>Table 3.29: Schedule of Minimum Parking Requirements</b>	
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Retail or service establishments with a <i>gross floor area</i> exceeding 1,000 m <sup>2</sup> (10,763.9 ft <sup>2</sup> )	1 space per 30 m <sup>2</sup> (322.9 ft <sup>2</sup> ) of <i>gross floor area</i>
Schools	1 space per classroom for an elementary or middle school; 4 spaces per classroom for a high school; Additional spaces to accommodate auditorium seating shall be provided in accordance with the provisions for an <i>institutional use</i>
<i>Senior citizens housing</i>	1 space per 2 residents and 1 space per 2 staff per shift

- (4) When calculating the required off-street parking for a *building* containing multiple *uses*, the total amount of required *parking spaces* is the combination of the total required *parking spaces* for each individual *use* under Table 3.29 and is based upon the *gross floor area* of each specific *use*.
- (5) Except for *parking spaces* for a *hotel* or *motel*, no *parking space* is permitted nearer than 1.83 m (6 ft) from a wall containing windows to *habitable rooms*.
- (6) Each off-street *parking space* must:
  - (a) have a minimum width of 2.75 m (9.0 ft) and a minimum length of 5.5 m (18.0 ft), exclusive of driveways thereto;
  - (b) be readily accessible from a public *street*; and
  - (c) be located on the *lot* containing the *use* for which the *parking spaces* are provided.
- (7) Notwithstanding Table 3.29, reserved *parking spaces* for the mobility disabled shall be provided for all *uses* requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:
  - (a) one *parking space* for the mobility disabled for each 25 *parking spaces* or less required under Table 3.29;
  - (b) where the required number of *parking spaces* exceeds 200, there shall be 1 *parking space* for the mobility disabled for each 50 required *parking spaces*;
  - (c) notwithstanding 3.29(7)(a), no *parking space* for the mobility disabled is required where the proposed *development* requires less than 4 *parking spaces*.
  - (d) each reserved *parking space* must contain an area of not less than 28 m<sup>2</sup> (301.4 ft<sup>2</sup>) measuring at least, 4.6 m (15.1 ft) in width;
  - (e) where the limits of the *parking lot* are defined by a curb, the *parking lot* must have a ramped curb located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 m (295.3 ft) from the location which it is intended to serve;

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- (f) each reserved *parking space* must be located as close as possible to the location it is intended to serve; and
  - (g) each reserved *parking space* must be clearly identified.
- (8) Within a Residential Zone, required parking must be located beyond the required *front yard setback* of a *single-family dwelling, semi-detached dwelling, duplex dwelling, mini-home dwellings* or *multiple-unit dwellings*. Paved areas and/or *driveways* must not occupy more than 40% of the required *front yard*.

### 3.30 Parking Lot and Driveway Requirements

- (1) Where a *parking lot* for more than six (6) vehicles is required or proposed the following provisions apply:
- (a) no gasoline pumps or other *automobile service station* equipment can be located or maintained on the *parking lot*;
  - (b) approaches or *driveways* to the *lot* and the limits of the *lot* shall be defined by a fence, shrubs, trees, plants, curb or other suitable obstruction designed to provide a neat appearance;
  - (c) the location of approaches or *driveways* shall not be closer than 15 m (49.2 ft) from the limits of the right-of-way at a *street* intersection;
  - (d) entrance and exit *driveways* to the *parking lot* must not exceed two (2) in number at the *street line* and edge of pavement;
  - (e) notwithstanding 3.30(1)(d), the *Planning Advisory Committee* may consider the creation of more than two *driveways*, subject to terms and conditions;
  - (f) the width of a *driveway* leading to a *parking lot* or *loading space*, or of a *driveway* or *aisle* in a *parking lot* leading to or from a *parking lot* or *loading space* shall:
    - (i) in the case of a one-way *driveway* for traffic entering the *lot*, have a width of at least 3.5 m (11.5 ft);
    - (ii) in the case of a one-way *driveway* for traffic exiting the *lot*, have a width of at least 3.2 m (10.5 ft) when the number of *parking spaces* on the *lot* exceeds 12;
    - (iii) in the case of a two-way *driveway* for traffic entering and exiting the *lot*, have a width of at least 6.7 m (22 ft); and
    - (iv) not exceed a maximum width of 9 m (29.5 ft) except in the C-3 (General Commercial) Zone, C-4 (Highway Commercial) Zone or an Industrial Zone, where it shall not exceed a maximum width of 12 m (39.4 ft);
  - (g) the *parking lot* must be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public *street*.
  - (h) the *parking lot* must be graded, drained and finished with a durable, all-weather and dust proof material.
  - (i) *driveways* must be located at least 3 m (9.8 ft) from the *side lot line*.

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- (2) Notwithstanding the provisions of section 3.30(1), access to *parking lots* must be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.
- (3) Where *parking lots* or facilities are illuminated by lighting fixtures or standards, they must be arranged so that light from the fixture is shielded and/or directed away from other residential *uses*.
- (4) No *driveway* can meet the traveled portion of a *street* at an angle less than 60 degrees.

**3.31 Loading Standards**

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

<b>Table 3.31: Minimum Loading Space Requirements</b>	
<i>Gross Floor Area of Building</i>	<i>Number of Loading Spaces</i>
Up to and including 1,858.1 m <sup>2</sup> (20,000 ft <sup>2</sup> )	One (1)
Over 1,858.1 m <sup>2</sup> (20,000 ft <sup>2</sup> ) up to and including 4,645 m <sup>2</sup> (50,000 ft <sup>2</sup> )	Two (2)
Each additional 1,858.1 m <sup>2</sup> (20,000 ft <sup>2</sup> ) or fraction thereof in excess of the first 1,858.1 m <sup>2</sup> (20,000 ft <sup>2</sup> ).	One (1)

- (2) An off -street *loading space* referenced in 3.31(1) above shall:
  - (a) be so located that merchandise or materials are loaded or unloaded on the premises being served;
  - (b) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
  - (c) have a paved surface.

**3.32 Utility Uses**

- (1) Public and private *utility uses* such as water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines shall be a *development* permitted in any *zone*. No permit shall be required, when such installations are to be developed in a manner which is compatible with surrounding properties, but if adjacent to public rights-of-ways, will require the approval, subject to terms and conditions, of the *Town*.
- (2) Notwithstanding 3.32(1) any *main* and/or *accessory building* or *structure* associated with a public or private utility *use* described above will be subject to the provisions of this By-law.

**3.33 Day Care Centres**

Excluding *home day cares*, where permitted in this By-law *day care centres* are subject to the following requirements:

- (a) a *day care centre* shall only be permitted subject to terms and conditions as may be imposed by the *Planning Advisory Committee*;
- (b) the number of children shall be limited the number permitted by the provisions of the *Family Services Act* and any additional By-laws of the *Town*;
- (c) the operator of the *day care centre* shall enter into an agreement with the *Town* requiring compliance with such terms and conditions as may be required by the *Planning Advisory Committee* to protect adjacent or nearby properties or protect the health, safety and welfare of the general public; and
- (d) the *day care centre* shall be in compliance with the *Family Services Act*.

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**PART II – ZONES**

**4.0 RESIDENTIAL ZONES**

**4.1 General Provisions for all Residential Zones**

**4.1.1 Requirements for Conditional Uses**

Notwithstanding any additional requirements imposed by the Planning Advisory Committee, all *conditional uses* are required to meet the requirements of the specific zone and *dwelling* type as established for that specific *use* with the exception of *rowhouses* which shall be subject to the lot requirements outlined in 4.1.2.

**4.1.2 Requirements for Rowhouse Dwellings**

- (1) Notwithstanding any other provision of this By-law, townhouse or *rowhouse dwellings* in a series or group are subject to the further requirements that:
- (a) no series or group:
    - (i) contains more than 6 *dwelling units* with the same or approximately the same *front lot line*; and
    - (ii) exceeds 68.58 m (225 ft) in continuous length.
  - (b) no side wall of a series or group is placed, *erected* or *altered* so that any part of such wall is closer to a sidewall of another series or group than the greater of the minimum *side yard* of both groups or the distance equal to the *height* of the higher of such walls;
  - (c) no front wall of a series or group is placed, *erected* or *altered* so that any part of such wall is closer to:
    - (i) the front wall of another series or group than 21.33 m (70 ft), or
    - (ii) the side wall of another series or group than 7.62 m (25 ft) plus the average *height* of the two series or groups;
  - (d) it is designed so that the *setback* of adjacent units are varied by at least 0.6 m (2 ft) from each other along the front of the *lot*.
  - (e) no *rowhouse dwelling* shall have direct vehicular access to Main Street.
  - (f) the following *lot* standards for each *rowhouse dwelling* are met:

<b>Lot Component</b>	<b>Requirement</b>
Minimum <i>Lot Frontage</i>	12 m
Minimum <i>Lot Width</i>	12 m
Minimum <i>Front Yard</i>	7.5 m
Minimum <i>Rear yard</i>	6 m
Minimum <i>Side Yard</i>	3 m and 0 m where a shared wall exists.

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- (g) easements to provide access to the *rear yard* of each *rowhouse dwelling* must be established unless the units are to be constructed on one *lot* as a condominium corporation.

### 4.1.3 Private Garages and Carports

Where a *private garage* or carport is attached to or incorporated in a *dwelling*, it becomes part of the *main building* for purposes of determining the required *yards* on the *lot*.

### 4.1.4 Uses Prohibited in Certain Yards

On a *lot* developed for three or more *dwelling units*, the required *front* or *flankage yard* must not be used for the storage or display of any motor vehicle, *recreational vehicle*, boat, or other chattel.

### 4.1.5 Landscaping

- (1) Except in the RA (Rural and Agricultural) Zone, on any lot developed for the purpose of a residential *use*, the following areas must be *landscaped*:
  - (a) the *front yard*;
  - (b) any required *yard* that abuts a *street*;
  - (c) any *side yard*;
  - (d) any part of the *rear yard* within 4.5 m (14.8 ft) of any *building*; and
  - (e) the entire area of the *lot* not devoted to *buildings*, *structures*, walkways or *driveways*.
- (2) For the purposes of this section, *landscaping* shall include:
  - (a) all grading necessary to divert surface water from the *dwelling* and in so far as is reasonably possible, to contour the *front yard* to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 cm (3 in) of topsoil; and
  - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs or stones, vines and flowers as are not prohibited by this or any other By-law, rule or regulation.
- (3) Notwithstanding 4.1.5(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*.
- (4) The *landscaping* under this section must be completed not later than one year from the date of the granting of the *building permit* for the *main building* located thereon.
- (5) Non-planned wild plantations left in fallow land are not considered as *landscaping*. The occupant of any land located within town limits must cut the grass and control noxious plants. All lots must be clear of grass or weeds exceeding 0.2m high, unless it has been approved as a research or agricultural use.

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### 4.1.6 Residential Development Near a Lagoon or Treatment Plant

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

### 4.1.7 Portable or Temporary Garages

Notwithstanding section 4.1.8, any setback or *yard* requirements in this By-law, *portable garages* may be permitted on any lot with a *single-family dwelling*. ~~Such garages shall only be permitted on a residential property between October 15 and April 30, inclusive.~~

### 4.1.8 Accessory Uses, Buildings and Structures in a Residential Zone

(1) *Accessory uses, buildings and structures* will be permitted in all Residential Zones but they shall not:

- (a) exceed one storey or 4.6 m (15 ft) in *height* or in the case of a *single-family dwelling*, the *height* of the *main building*;
- (b) except for a *garden suite*, be used as a *dwelling*;
- (c) be placed, *erected* or *altered* so that it is within the *front yard* of the *main building*;
- (d) be placed, *erected* or *altered* so that it is closer to the *front lot line* than the minimum *setback* distance required for the *main building*;
- (e) be placed, erected or altered so that it is closer to the *side* or *rear lot line* than the minimum *setback* requirement;
- (f) exceed the lesser of 84 m<sup>2</sup> (904.2 ft<sup>2</sup>) in *gross floor area* or 10% of the *lot area*;
- (g) be used for agricultural uses; and
- (h) be used for the keeping of *livestock* with the exception of an *accessory building* in the RA (Rural and Agricultural) Zone.

(2) Common semi-detached garages may be centered on the mutual *side lot line*.

### 4.1.9 Special Requirements for Residential Care Facilities, Group Homes and Long Term Care Facilities

Where permitted in a Residential Zone, a *residential care facility, group home* or *long term care facility* must:

- (a) be located at least 250 m (820.2 ft) from any other *residential care facility, group home* or *long-term care facility*;
- (b) subject to 4.1.17 (a) and (d), have a minimum *rear yard amenity area* of 18.5 m<sup>2</sup> (199.1 ft<sup>2</sup>) per resident of the *residential care facility*, not including staff and/or receiving *family*;
- (c) occupy the whole of:
  - (i) a *single-family dwelling*;
  - (ii) a *semi-detached dwelling* (both units);
  - (iii) a *duplex* (both units); and
  - (iv) a *building* constructed as a *group home*.

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- (d) the minimum *ground floor area* shall be 18 m<sup>2</sup> (193.8 ft<sup>2</sup>) of *gross floor area* per resident inclusive of staff and/or receiving *family*.

### 4.1.10 Home Day Cares

Where permitted in a Residential Zone, a *home day care* shall:

- (a) be designed to accommodate not more than ten (10) children at any one time;
- (b) have no *sign* in connection with the use that is illuminated and any *sign* must conform to Section 9 of this By-law;
- (c) be secondary to the main residential *use* and located within the *main building*;
- (d) be owned and/or operated by someone who resides on the *lot*;
- (e) comply with all Provincial regulations as stated in the *Family Services Act* of New Brunswick; and
- (f) provide sufficient on-site parking to prevent customers from parking on a public *street*.

### 4.1.11 Home Occupations

- (1) Subject to 4.1.11(2), where a *home occupation* is permitted under this By-law, one of the following occupations may be conducted as a *home occupation*:

- (a) a business *office* or home *office* or studio;
- (b) a home-based *personal service shop*;
- (c) a home-based instructional service, which may include, without limiting the generality of the forgoing, the teaching of music, arts and crafts or dance;
- (d) a home-based domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys, and a caterer's establishment;
- (e) a home-based trades business which may include, without limiting the generality of the forgoing, plumber, electrician, carpenter, painter or other similar uses;
- (f) a home-based repair shop, which may include, without limiting the generality of the forgoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, auto body shop;
- (g) subject to section 4.1.11(3), a *bed and breakfast*;
- (h) professional services such as a doctor, dentist, lawyer, engineer, planner, architect or other similar professions;
- (i) a home-based *contractor's yard*; and
- (j) notwithstanding (a) through (h), automobile service stations, automobile repair shops, construction equipment repair, recreation vehicles or motorcycles repair;

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metal fabrication shops; and auto body shops are specifically excluded from the definition of a home occupation.

(2) Where permitted under this By-law, a *home occupation* is subject to the following requirements:

- (a) not more than the greater of 25 percent or 40 m<sup>2</sup> (430.6 ft<sup>2</sup>) of the *gross floor area* of the *dwelling unit* shall be devoted to the *home occupation*;
- (b) no change shall be made to the external appearance of the *dwelling* that would *alter* the residential character of the *building*;
- (c) no goods or services other than those directly pertaining to the *home occupation* shall be supplied or sold therein or there from;
- (d) the *home occupation* may have one (1) business identification *sign* advertising the business that meets the requirements of Section 9.
- (e) there must be no external or *outdoor storage*, *outdoor display court* or *outdoor display* of materials, equipment or containers in connection with a *home occupation* which would indicate that any part of the property is being used for any purpose other than a *dwelling*;
- (f) no *home occupation* shall generate off-site electrical interference, dust, noise or smoke;
- (g) two off-street *parking spaces* are provided, in addition to the *parking space* requirements of the zone;
- (h) no more than one commercially licensed vehicle in connection with the *home occupation* shall be parked on the premises; and
- (i) no equipment or process shall be used which creates or becomes a public nuisance in regard to noise, odour, fumes, vibration, glare, traffic or parking.

(3) Where permitted in this By-law, *bed and breakfasts* must conform to the following requirements as well as any prescribed in subsection 4.1.11(1) and (2):

- (a) the use of a home as a *bed and breakfast* is an *accessory use* to a *dwelling unit* occupied by the owner of the property;
- (b) a *bed and breakfast* establishment shall occupy not more than five (5) bedrooms as sleeping rooms for guests;
- (c) the preparation of food may be permitted within a *bed and breakfast* establishment for sale to the guests of the *bed and breakfast* only;
- (d) no cooking equipment shall be provided in a room that is used for sleeping accommodation; and
- (e) the owners of every *building* hereafter *erected* or *altered* for use as a *bed and breakfast* establishment shall, therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such *bed and breakfast*.

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### 4.1.12 Standards for Boarding and Rooming Houses

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

- (a) the *dwelling unit* still remains as an owner-occupied *dwelling*;
- (b) accommodations for compensation are provided for no more than four *persons*;
- (c) cooking equipment is not permitted in a room used for sleeping accommodation;
- (d) the exterior of the *building* is not *altered*;
- (e) required parking is provided at the rear or the side of the *main building*; and
- (f) no *sign* advertising the existence of the *boarding or rooming house* shall be displayed except a *sign* permitted in a Residential Zone under Section 9.

### 4.1.13 Garden Suites

- (1) A *garden suite* shall in any case be considered an *accessory building* and not a second *main building*.
- (2) Where permitted under this By-law, a *garden suite* is subject to the following requirements:
  - (a) notwithstanding the *yard* requirements for the zone in which it is to be located, it shall be located not less than 1.2 m (3.94 ft) from any *side lot line* or 2.5 m (8.2 ft) from the *rear lot line*;
  - (b) it shall not exceed 6 m (19.7 ft) in *height*;
  - (c) it shall be located on a lot that where the *main building* is a detached *single-family dwelling*;
  - (d) it shall not exceed 75 m<sup>2</sup> (807.3 ft<sup>2</sup>) of *gross floor area*;
  - (e) the *lot* shall be fully serviced by municipal sanitary sewer or an on-site sewage disposal system;
  - (f) one *parking space* shall be required in addition to the parking required for the *main use* of the *lot*;
  - (g) it shall not be placed, *erected* or *altered* so that it is closer to the *front lot line* than the required *front yard* for the *main building*;
  - (h) only one *garden suite* is permitted on a *lot*;
  - (i) it shall not be placed, *erected* or *altered* so that is closer to the *side* or *rear lot line* than the required *rear* or *side yard*;
  - (j) the *driveway* access to the *street* must be common to both the *main building* and the *garden suite*;
  - (k) a *garden suite* is not permitted on a *lot* with an *in-law suite*, *tourist home*, *boarding or rooming house* or a *rental suite*.
  - (l) it shall not be rented for monetary purposes to a *person(s)* who is not a member of the *family* residing in the *main building*; and
  - (m) it shall not be located any closer to the *front lot line* than the *main building*.

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### 4.1.14 In-law and Rental Suites

Where permitted under this By-law, an *in-law* or *rental suite* is subject to the following requirements:

- (a) it shall be located within a *single-family dwelling*;
- (b) it shall be contained within the *main building*;
- (c) it shall not result in more than two *dwelling units* contained in any *single-family dwelling*;
- (d) it shall contain a maximum of 2 bedrooms with the *floor area* of each bedroom not exceeding 20 m<sup>2</sup> (215.3 ft<sup>2</sup>);
- (e) it shall be secondary to the *main building* and not exceed thirty-five percent (35%) of the *main building's* overall *gross floor area*;
- (f) the *lot* shall be fully serviced by municipal sanitary sewer or an on-site sewage disposal system;
- (g) one *parking space* shall be required in addition to the parking required for the *main use* of the *lot*; and
- (h) the *driveway* access to the *street* must be common to both the *main building* and the *in-law* or *rental suite*.

### 4.1.15 Special Requirements for Converted Dwellings

- (1) A *converted dwelling* with more than 2 *dwelling units* shall be considered synonymous with a *multiple-unit dwelling* in terms of permitted *uses*, *lot* requirements, parking requirements, *landscaping* and *amenity space*.
- (2) In addition to all other regulations, an existing *building* or *structure* in certain residential *zones* may be converted to between two and more *dwelling units* subject to the requirements of the *zone* and the following special requirements:
  - (a) no *alteration* may be undertaken which changes the roof line or increases the *height* of the *structure* except for the addition of dormers;
  - (b) no *alteration* may be undertaken which will extend into the *front* or *side yard* of the *lot*;
  - (c) the total *lot coverage* shall not exceed 50 %;
  - (d) parking for *converted dwellings* with more than 2 *dwelling units* shall not be provided between the *main building* and the *front lot line side* or *rear* of the *lot*;
  - (e) no *alteration* may be undertaken to increase the number of entrances in the front of the *building*; and
  - (f) the minimum *floor area* requirements established in 4.1.16(1) are met.

### 4.1.16 Standards for Multiple-Unit Dwellings

- (1) Subject to 4.1.16(2), no *multiple-unit dwelling* may be placed, erected or altered so that it contains a *dwelling unit* with a *gross floor area* less than:

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- (a) 32 m<sup>2</sup> (350 ft<sup>2</sup>) in the case of a bachelor apartment;
  - (b) 41 m<sup>2</sup> (450 ft<sup>2</sup>) in the case of a one bedroom *dwelling unit*;
  - (c) 55 m<sup>2</sup> (600 ft<sup>2</sup>) in the case of a two bedroom *dwelling unit*; or
  - (d) 66 m<sup>2</sup> (700 ft<sup>2</sup>) in the case of a *dwelling unit* containing three or more bedrooms.
- (2) For the purposes of this section, the *gross floor area* of a *dwelling unit* in a *multiple-unit dwelling* does not include garages, carports, porches, verandas, breezeways or exterior stairways.
- (3) Notwithstanding any other provision of this By-law, no *building* containing, or modified so as to contain four or more *dwelling units*, except for townhouse or *rowhouse dwellings* in any zone, shall be *erected* unless:
- (a) not more than 35% of the *lot area* is devoted to surface *parking spaces* and parking aisles;
  - (b) *landscaping* is carried out in conformity with section 4.1.5;
  - (c) no part of any *parking space* is located in any *front* or *flankage yard*;
  - (d) where a *multiple-unit building* abuts any other residential use, no portion of any *parking space* shall be located within any required *side* or *rear yard* except where an opaque fence or *landscaped buffer* is provided in which case no portion of any *parking space* shall be located within 1.5 m (4.9 ft) of the *side* or *rear lot line*; and
  - (e) *amenity space* be provided in accordance with Section 4.1.17.

### 4.1.17 Amenity Space Requirements for Multiple Unit Dwellings

No land shall be developed for the purpose of a *multiple-unit dwelling* in excess of six (6) *dwelling units* unless useable *amenity space* is provided on the same *lot* or contiguous to it in accordance with the following:

- (a) it must not encroach upon, nor be encroached upon by any portion of the *parking lot* or *driveway area*;
- (b) it must not be located any closer to any public *street* than the *main building*;
- (c) it must not have an area not less than 56 m<sup>2</sup> (602.8 ft<sup>2</sup>), plus an additional 7 m<sup>2</sup> (75.3 ft<sup>2</sup>) for every *dwelling unit* excess of six (6); and
- (d) it must have no horizontal dimension measuring less than 6.1 m (20 ft).

### 4.1.18 Institutional Uses in Residential Zones

*Institutional uses* may be permitted in any Residential Zone subject to such terms and conditions as the *Planning Advisory Committee* deems appropriate to address safety issues related to traffic circulation, parking and off-street parking issues, *landscaping*, *building design* as well as any other appropriate matter related to the health, safety and welfare of the general public. The *Planning Advisory Committee* may prohibit the use where compliance with the terms and conditions cannot reasonable be expected.

#### 4.1.19 Accessory Farm Produce Retail Outlets

Where a *farm produce retail outlet* is permitted as an *accessory use*, it must meet the following standards:

- (a) the display or *outdoor storage* of items not produced or grown as a result of the agricultural operation must be fully screened from the street;
- (b) the requirements specified for that particular *zone* must be met; and
- (c) the operation must provide parking in accordance with Section 3.29.

#### 4.1.20 Standards for Mini-Homes

Notwithstanding any other provision of this By-law, where permitted within this By-law, no *mini-home* shall be placed, *erected* or *altered* unless it meets the following requirements:

- (a) the mini home must be placed, *erected* or *altered* on a permanent pad or concrete basement foundation of at least 1.21 m (4 ft) in *height* approved by the Building Inspector;
- (b) the lot and *mini-home* meet the provisions for *front yard* setback, *side yard* setback, *rear yard* setback, *lot frontage*, *lot width*, *lot area* and *lot coverage* for that specific *zone*;
- (c) the *mini-home* must be placed, *erected* or *altered* so that longest side of the *mini-home* is parallel to the *front lot line*;
- (d) the *mini-home* must be skirted to satisfaction of the *Development Officer*;
- (e) the *mini-home* must be occupied either by the owner of the *lot* or a *family* member of the owner of the *lot*; and
- (f) the *lot* and/or *mini-home* shall not be used for or contain a *home occupation*, *secondary use*, *accessory use* and/or *accessory building* or *structure*.

#### 4.1.21 Minimum Floor Area for Dwellings

No *building* shall be *erected* for the purposes of a *single-family dwelling*, *rowhouse dwelling*, *semi-detached dwelling*, *mini-home* or *manufactured dwelling* unless the *dwelling unit* has a *gross floor area* of at least 69.7 m<sup>2</sup> (750 ft<sup>2</sup>).

**4.2 R-1 (Single Family Residential) Zone**

**4.2.1 R-1 Zone Permitted Uses**

Any land, *building* or *structure* may be used for the purposes of:

- (a) One of the following *main uses*:
  - (i) a *single-family dwelling*;
  - (ii) subject to 4.1.20, a *mini-home*;
  - (iii) a *public park*;
  - (iv) a *conservation use*; and
  - (v) a *tourist home*.
  
- (b) One of the following *secondary uses*:
  - (i) subject to 4.1.11, a *home occupation*;
  - (ii) subject to 4.1.11(3), a *bed and breakfast establishment*;
  - (iii) subject to 4.1.13, a *garden suite*;
  - (iv) subject to 4.1.14, a *rental suite*; and
  - (v) subject to 4.1.14, an *in-law suite*.
  
- (c) Subject to 4.1.8, any *accessory building, structure* or use incidental to the *main use* of the land, *building* or *structure* if such *main use* is permitted in this Section.

**4.2.2 R-1 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

- (a) Subject 4.2.1, one of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:
  - (i) a *duplex*;
  - (ii) subject to 4.1.15, a *converted dwelling* with a maximum of two (2) *dwelling units*;
  - (iii) subject to 4.1.12, a *boarding or rooming house*; and
  - (iv) a short-term lodging rental unit, which is not a hotel, motel, bed and breakfast or tourist home (VRBO, Airbnb, or similar).
  
- (b) Subject to 4.2.1, one of the following *secondary uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:
  - (i) subject to 4.1. 10, a *home day care*.

**4.2.3 R-1 Zone Standards**

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

<b>Table 4.2.3: R-1 Zone Lot Requirements</b>		
<b>Lot Component</b>	<b>Serviced Lots</b>	<b>Unserviced Lots</b>
<b>Minimum lot area</b>	690 m <sup>2</sup> (7,427.1 ft <sup>2</sup> )	4,000 m <sup>2</sup> (43,055.6 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	23 m (75.5 ft)	54 m (177.2 ft)

Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

<b>Table 4.2.3: R-1 Zone Lot Requirements</b>		
<b>Lot Component</b>	<b>Serviced Lots</b>	<b>Unserviced Lots</b>
<b>Minimum <i>front / flankage yard</i></b>	7.5 m (24.6 ft)	7.5 m (24.6 ft)
<b>Minimum <i>rear yard</i></b>	6.5 m (21.3 ft)	6.5 m (21.3 ft)
<b>Minimum <i>side yard</i></b>	3 m (9.8 ft)	3 m (9.8 ft)
<b>Maximum <i>building height</i></b>	9 m (29.5 ft)	9 m (29.5 ft)
<b>Maximum <i>lot coverage</i></b>	50%	50%

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### 4.3 R-2 (Residential Mix) Zone

#### 4.3.1 R-2 Permitted Uses

Any land, *building* or *structure* may be used for the purposes of:

- (a) One of the following *main uses*:
  - (i) a *single-family dwelling*;
  - (ii) subject to 4.1.20, a *mini-home*;
  - (iii) a *semi-detached dwelling*;
  - (iv) a *converted dwelling* with a maximum of 2 dwelling units;
  - (v) a *duplex*;
  - (vi) a *public park*; and
  - (vii) a *conservation use*.
- (b) Within a *single-family dwelling*, one of the following *secondary uses* may be permitted:
  - (i) subject to 4.1.11, a *home occupation*;
  - (ii) subject to 4.1.11(3), a *bed and breakfast establishment*;
  - (iii) subject to 4.1.13, a *garden suite*;
  - (iv) subject to 4.1.14, a *rental suite*; and
  - (v) subject to 4.1.14, an *in-law suite*.
- (c) Subject to 4.1.8, any *accessory building, structure* or *use* incidental to the *main use* of the land, *building* or *structure* if such *main use* is permitted in this Section.

#### 4.3.2 R-2 Zone Uses Subject to Terms and Conditions

- (a) One of the following *main uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:
  - (i) subject to Section 4.1.2, a *rowhouse dwelling* of not more than 3 consecutively attached *dwelling units*;
  - (ii) a *triplex dwelling*;
  - (iii) subject to Section 4.1.16, a *multiple-unit dwelling* of not more than four (4) *dwelling units*.
  - (iv) subject to Section 4.1.15, a *converted dwelling* of not more than four (4) *dwelling units*.
  - (v) subject to Section 4.1.9, a *residential care facility* or *group home* of not more than six (6) *dwelling units*;
  - (vi) subject to Sections 4.1.16, *senior citizen housing* of not more than 4 *dwelling units*;
  - (vii) subject to 4.1.12, a *boarding or rooming house*;
  - (viii) a *recreation use*; and
  - (ix) a short-term lodging rental unit, which is not a hotel, motel, bed and breakfast or tourist home (VRBO, Airbnb, or similar).

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- (b) Subject to 4.2.1, one of the following *secondary uses* may be permitted within a *single-family dwelling* subject to terms and conditions applied by the *Planning Advisory Committee*:
- (i) subject to 4.1. 10, a *home day care*.

**4.3.3 R-2 Zone Standards**

- (1) The provisions of section 4.2.3 apply with respect to *lots* for *single-family dwellings* and *mini-homes* dwellings within the R-2 (Residential Mix) Zone.
- (2) Subject to 4.3.3(1), no *development* shall be undertaken nor shall any land, *building* or *structure* be used within the R-2 (Residential Mix) Zone unless the *lot* is serviced by municipal sanitary sewer and the following standards are met:

<b>Table 4.3.3: R-2 Zone Lot Requirements</b>		
<b>Lot Component</b>	<b>Dwelling Type</b>	<b>Requirement</b>
Minimum <i>lot area</i>	<i>Semi-detached Dwellings</i>	600 m <sup>2</sup> (6,458.3 ft <sup>2</sup> )
	<i>All other uses</i>	1,200 m <sup>2</sup> (12,916.7 ft <sup>2</sup> )
Minimum <i>lot frontage</i>	<i>Semi-detached Dwelling</i>	15 m (34.4 ft)
	<i>All other uses</i>	30 m (49.2 ft)
Minimum <i>front and flankage yard</i>	<i>All Uses</i>	6 m (19.7 ft)
Minimum <i>rear yard</i>	<i>All Uses</i>	5 m (16.4 ft)
Minimum <i>side yard</i>	<i>Semi-detached Dwelling</i>	3 m (9.8 ft) on each side other than the common wall side of a semi-detached dwelling in which case the common wall side shall be 0 m (0 ft).
	<i>All Other Uses</i>	3 m (9.8 ft) on one side and 1.5 m (4.9 ft) on the other side.
Maximum <i>Height</i>	<i>All Uses</i>	9 m (29.5 ft)
Maximum <i>lot coverage</i>	<i>All Uses</i>	50%

**4.4 R-3 (Multiple Unit Residential) Zone**

**4.4.1 R-3 Zone Permitted Uses**

Any land, *building* or *structure* may be used for the purposes of:

- (a) One of the following *main uses*:
  - (i) subject to sections 4.1.16 and 4.1.17, a *multiple-unit dwelling* to a maximum of 18 *dwelling units*;
  - (ii) subject to 4.1.2, a *rowhouse dwelling* of up to 6 consecutively attached *dwelling units*;
  - (iii) subject to 4.1.9, a *long term care facility*;
  - (iv) subject to section 4.1.9, a *group home*;
  - (v) subject to section 4.1.9, a *residential care facility*;
  - (vi) subject to 4.1.9, *senior citizen housing*;
  - (vii) one *main use* and one *secondary use* permitted in the R-1 Zone, subject to the applicable standards of each *use* as provided in Section 4.2;
  - (viii) one *main use* or one *conditional use* permitted in the R-2 Zone, subject to the applicable standards of each *use* as provided in Section 4.3;
  - (ix) a *public park*; and
  - (x) a *recreation use*.
- (b) Subject to 4.1.8, any *accessory building, structure* or *use* incidental to the *main use* of the land, *building* or *structure* if such *main use* is permitted in this Section.

**4.4.2 R-3 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:

- (i) subject to section 4.1.16 and 4.1.17, a *multiple-unit dwelling* to a maximum of 24 *dwelling units*.
- (ii) a short-term lodging rental unit, which is not a hotel, motel, bed and breakfast or tourist home (VRBO, Airbnb, or similar).

**4.4.3 R-3 Zone Standards**

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within any R-3 (Multiple Unit Residential) Zone unless the *lot* is serviced by municipal sanitary sewer and the following standards are met:

<b>R-3 Lot Requirements</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	1,050 m <sup>2</sup> (11,302.1 ft <sup>2</sup> ) plus 35 m <sup>2</sup> (376.7 ft <sup>2</sup> ) for each unit in excess of 4
<b>Minimum lot frontage</b>	35 m (114.8 ft) plus 3 m (9.8 ft) for each unit in excess of 4
<b>Minimum front and flankage yard</b>	6 m (19.7 ft)

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<b>Minimum rear yard</b>	the greater of 5 m (16.4 ft) or half the <i>height</i> of the <i>building</i>
<b>Minimum side yard</b>	4.5 m (14.8 ft)
<b>Minimum side yard abutting a R-1 or R-2 Zone</b>	The greater of 4.5 m (14.8 ft) or half the <i>height</i> of the <i>building</i>
<b>Maximum Height</b>	15 m (49.2 ft)

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**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**4.5 R-4 (Land-Leased Community) Zone**

**4.5.1 R-4 Permitted Uses**

- (1) Any land, *building* or *structure* in the R-4 (Land Leased Community) Zone shall be used for the purposes of:
- (a) The following main *use*:
    - (i) a land-leased community consisting of not fewer than 10 *mini-homes* and not more than 100 *mini-homes* with private communal infrastructure.
  - (b) One of the following *secondary uses*:
    - (i) personal office space for the purpose of telecommuting.
  - (c) Any *accessory building, structure* or *use* incidental to the main *use* of the land including a residence for the use of the land lease community manager.

**4.5.2 R-4 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

- (1) One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:
- (a) one *convenience store* with a maximum *gross floor area* of 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>);
  - (b) one laundromat;
  - (c) one community *building* for the exclusive use of the residents of the *mini-home development*, with a maximum *gross floor area* of 300 m<sup>2</sup> (3,229.2 ft<sup>2</sup>).
- (2) The *Planning Advisory Committee* may prohibit the use where compliance with the terms and conditions cannot reasonable be expected.

**4.5.3 R-4 Zone Standards**

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within any R-4 (Land Lease Community) Zone unless the *lot* is serviced by municipal sanitary sewer and the following standards are met:

<b>Table 4.3.3: Land Leased Community Development Standards</b>		
	<b>Front-On Sites</b> (longer dimension of the home is parallel to street)	<b>End-On Sites</b> (shorter dimension of the home is parallel to street)
Subdivision Density	20 mini homes per gross hectare	17 mini homes per gross hectare
Maximum Number of <i>Dwelling Units</i> per Site	1	
Minimum <i>Frontage</i>	27 m (88.6 ft)	15 m (49.2 ft)
Minimum Site Depth	15 m (49.2 ft)	31 m (101.7 ft)

Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

<b>Table 4.3.3: Land Leased Community Development Standards</b>		
	<b>Front-On Sites</b> (longer dimension of the home is parallel to street)	<b>End-On Sites</b> (shorter dimension of the home is parallel to street)
Minimum Site Area	500 m <sup>2</sup> (5,382 ft <sup>2</sup> )	500 m <sup>2</sup> (5,382 ft <sup>2</sup> )
Minimum <i>front yard</i>	4.5 m (14.8 ft)	6 m (19.7 ft)
Minimum <i>rear yard</i>	4.5 m (14.8 ft)	3 m (9.8 ft)
Minimum <i>side yard</i>	<p><i>Interior Lot:</i> 3.6 m (11.8 ft) on driveway side and 1.5 m (4.9 ft) on opposite side.</p> <p><i>Corner Lot:</i> 4.5 m (14.8 ft) abutting side street and 1.5 m (4.9 ft) on opposite side.</p>	<p><i>Interior Lot:</i> 3.6 m (11.8 ft) on driveway side and 1.5 m (4.9 ft) on opposite side.</p> <p><i>Corner Lot:</i> 6 m (19.7 ft) abutting side street and 1.5 m (4.9 ft) on opposite side.</p>

- (2) Off-street parking shall be provided in accordance with the parking provisions of this By-law.
- (3) All land-leased communities must have *dwelling*s located on individual sites approved by the Town of Florenceville-Bristol, and subject to the issuance of a *building permit*.
- (4) At least 8% of the area of a *development* shall be provided as *public parks*, outdoor *recreational uses*, *landscaped open space* or some combination thereof, and shall be maintained to the satisfaction of the Town.
- (5) Where a *mini-home* park is being expanded, Council may require that up to 8% of the area of the existing *development* and 8% of the area of the expansion be provided as a public park, outdoor recreational uses, landscaped open space or some combination thereof, and shall be maintained to the satisfaction of the Town.
- (6) Where a public land dedication is required pursuant to the Subdivision By-law or is deemed preferable by Town Council, 8% of the area of the *development* may be conveyed to the municipality as public open space.
- (7) In addition to the above *landscaped open space* requirements, a 6 m (19.7 ft) wide *landscaped buffer* must be maintained along all property lines, planted with coniferous trees and shrubs; such vegetation shall be a minimum 1.5 m (4.9 ft) tall at the time of planting and must be spaced no more than 5 m (16.4 ft) apart, to the satisfaction of the Development Officer.

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- (8) Streets shall have a minimum surface width of 7.3 m (24 ft) and be surfaced with asphalt or chipseal.
- (9) The entire undercarriage of a *mini-home* shall be skirted with an opaque material.
- (10) Stormwater in the *development* shall be managed through the use of a storm sewer system, ditching, or other method, subject to a site drainage plan, to the satisfaction of the Town.
- (11) All sites shall be connected to municipal sewer services and to a private water system to the satisfaction of the Town.

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## 5.0 COMMERCIAL ZONES

### 5.1 General Provisions for all Commercial Zones

#### 5.1.1 Commercial Landscaping Requirements

- (1) A *lot* shall not be developed for a commercial *use* unless the total *lot area*, except for that part devoted to *buildings* and *structures*:
  - (a) is paved, in the case of driveways and off-street parking areas; and
  - (b) is *landscaped*, in the case of that part of the *lot* other than *driveways* and off-street *parking spaces* and aisles, except in the case of *lots* having significantly surplus area.
- (2) With the exception of the C-1 (Central Commercial) Zone, where a commercial *use* or *zone* abuts a residential *zone* or *use*, such *lot* shall not be developed for commercial *use* unless a minimum of a 1 m (3.3 ft) high *screening* facility, such as a hedge or fence or a combination thereof, is provided and maintained along the common property lines.
- (3) *Landscaping* in any commercial zone shall consist of:
  - (a) at least 152.4 mm (6 in) of topsoil after compaction and the seeding or sodding thereof;
  - (b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 93 m<sup>2</sup> (1001ft<sup>2</sup>) of required landscape area; and
  - (c) may include partial devotion to *driveways* and walkways.
- (4) No *signs*, *accessory buildings*, *driveway* nor *parking spaces* or *lots* shall be located in any required *landscaped area* abutting a residential, park or institutional *zone* and any *landscaping* shall be completed no later than one year from the date of the granting of the *building permit* for the *main building* located thereon.

#### 5.1.2 Accessory Buildings and Structures in Commercial Zones

No accessory *building* or *structure* may:

- (a) exceed one *storey* or 4.6 m (15 ft) in *height*;
- (b) be used for a residential *use*;
- (c) be placed, *erected* or *altered* so that is within the *front yard* of the *main building*;
- (d) be placed, *erected* or *altered* so that it is closer to the *front lot line* than the location the *main building*;
- (e) be placed, *erected* or *altered* so that is closer to the *side* or *rear lot line* than the required *side* or *rear yard setback* for that specific *zone*;
- (f) exceed the lesser of:
  - (i) 35% of the *gross floor area* of the *main building*; or
  - (ii) 10% of the *lot area*.
- (g) be used for *agricultural uses*; and
- (h) be used the keeping of *livestock* or *domestic animals*.

**5.1.3 Special Requirements for Auto-Oriented and Gas Bars**

Within any *zone* where an *automobile service station*, *automobile repair shop*, *gas bar*, or an *automobile sales and/or rental establishment* is a permitted *main use* of land, any *development* of land not *used* for such purpose on the effective date of this By-law is subject to the following conditions:

- (a) no *lot* shall be developed for such uses unless the *lot* has an minimum *frontage* of at least 34 m (111.5 ft) for an *interior lot* and 38 m (124.7 ft) for a *corner lot*;
- (b) notwithstanding section 3.12 no portion of any pump island or canopy shall be located closer than 15 m (49.2 ft) from any *street line* and no portion of any underground storage tank shall be located closer than 6 m (19.7 ft) from any *street line*;
- (c) no driveway shall be located within 9 m (29.5 ft) of another driveway;
- (d) no portion of any driveway shall be within 15 m (49.2 ft) of a *street* intersection;
- (e) the angle of intersection between a *driveway* and a *street line* shall be not less than 45 degrees nor greater than 135 degrees; and
- (f) notwithstanding section 3.30 no *driveway* shall have a width less than 6 m (19.7 ft) nor greater than 9 m (29.5 ft).

## 5.2 C-1 (Central Commercial) Zone

### 5.2.1 C-1 Zone Permitted Uses

(1) Within the C-1 (Central Commercial) Zone, no lot shall be developed for any other purpose than:

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

- (i) an *amusement place*;
- (ii) a *bakery*;
- (iii) a *beverage room*;
- (iv) a *butcher or meat shop*;
- (v) a *convenience store*;
- (vi) a *cultural use*;
- (vii) a *dry-cleaning establishment* or *laundromat*;
- (viii) an *entertainment use*;
- (ix) a *financial institution*;
- (x) a *fitness centre*;
- (xi) a *government use*;
- (xii) a *hotel or motel*;
- (xiii) a *short-term lodging rental (Airbnb, VRBO, or similar)*;
- (xiv) a *medical clinic*;
- (xv) an *office use*;
- (xvi) a *personal service shop*;
- (xvii) a *place of worship*;
- (xviii) a *private club*;
- (xix) a *public park*;
- (xx) a *restaurant*;
- (xxi) a *retail store*;
- (xxii) a *recreation use*;
- (xxiii) a *theatre*;
- (xxiv) a *service shop*;
- (xxv) a *veterinary clinic*; and
- (xxvi) a *microbrewery*.

(c) A *residential use* as a *secondary use*, provided that:

- (i) the *residential use* is not located on the *ground floor* of the *building*; and
- (ii) the provisions of sections 4.1.16, 4.1.17 are met.

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

(e) a *sidewalk patio* in association with a *restaurant* or other similar *use*.

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**5.2.2 C-1 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

- (1) One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:
  - (a) an *automobile service station*;
  - (b) a *gas bar*;
  - (c) a *funeral home*;
  - (d) a *farm produce retail outlet*;
  - (e) subject to 3.33, a *day care centre* for not more than 20 children;
  - (f) an *institutional use*; and
  - (g) subject to section 3.30, a *parking lot*.
- (2) The *Planning Advisory Committee* may prohibit the *use* where compliance with the terms and conditions cannot reasonable be expected.

**5.2.4 C-1 Zone Requirements**

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-1 (Central Commercial) Zone unless lot is serviced by municipal sanitary sewer and the following standards are met:

<b>C-1 Zone Lot Requirements</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot frontage</b>	18.3 m (60 ft)
<b>Minimum front / flankage yard</b>	0 m
<b>Maximum Height</b>	20 m (62.3 ft)

**5.2.5 Design Guidelines for C-1 Zone**

Within the C-1 (Central Commercial) Zone, no *development* shall be permitted and no *main building* or *structure* may be used unless:

- (a) there is at least one public entrance to the *building* facing any public *street*;
- (b) the minimum *height* of the *building* is two *stories*; and
- (c) all mechanical, electrical, air conditioning or other similar equipment located on the roof of a *building* is *screened* from view from the adjacent public *street*.

**5.2.6 Grandfathered Buildings**

In the case of a change of use, Section 5.2.5 does not apply to existing *buildings*.

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**5.3 C-2 (Neighbourhood Commercial)**

**5.3.1 C-2 Zone Permitted Uses**

(1) Within the C-2 (Neighborhood Commercial) Zone, no lot shall be developed for any other purpose than:

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

- (i) a car wash;
- (ii) a *convenience store*;
- (iii) an *office use* not exceeding 55.7 m<sup>2</sup> (599.5 ft<sup>2</sup>);
- (iv) a *personal service shop*;
- (v) a retail bakery;
- (vi) a *retail store* of not more than 1,000 m<sup>2</sup> (10,7693.9 ft<sup>2</sup>); and
- (vii) a *service shop*.

(b) a residential *use* as a *secondary use*, provided that:

- (i) the portion of the *building* used for a residential *use* is not more than 50% of the total floor area of the *building*;
- (ii) the residential *use* is not located on the *ground floor*; and
- (iii) the provisions of Sections 4.1.16, 4.1.17 are met.

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

**5.3.2 C-2 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

(1) One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:

- (a) subject to 3.33, a *day care centre*.

**5.3.3 C-2 Zone Requirements**

(1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-2 (Neighbourhood Commercial) Zone unless:

<b>C-2 Zone Lot Requirements</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	540 m <sup>2</sup> (5,812.5 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	18 m (59.1 ft)
<b>Minimum front / flankage yard</b>	3.5 m (11.5 ft)
<b>Minimum rear yard</b>	6 m (19.7 ft)
<b>Minimum side yard</b>	3 m (9.8 ft)
<b>Maximum Height</b>	19 m (62.3 ft)
<b>Maximum lot coverage</b>	50%

**5.3.5 Requirements for Mixed-Use Developments**

Any *development* consisting of both commercial and residential *uses* is required to have at least the ground floor dedicated to the commercial *use*.

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### 5.4 C-3 (General Commercial) Zone

#### 5.4.1 C-3 Zone Permitted Uses

(1) Within the C-3 (General Commercial) Zone, no lot shall be developed for any other purpose than:

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

- (i) an *amusement place*;
- (ii) an *automobile service station*;
- (iii) an *automobile repair shop*;
- (iv) an arts, crafts and/or antique shop;
- (v) a butcher or meat shop;
- (vi) a call centre;
- (vii) a commercial campground;
- (viii) a commercial recreational establishment conducted with wholly enclosed *buildings* and includes such uses as billiards, dance clubs, music schools and *theatres*;
- (ix) a *convenience store*;
- (x) a *cultural use*;
- (xi) a *day care centre*;
- (xii) a *drive-in or drive-through restaurant*;
- (xiii) a *restaurant*;
- (xiv) a *dry-cleaning establishment*;
- (xv) an *entertainment use*;
- (xvi) a *farm produce retail outlet*;
- (xvii) a *financial Institution*;
- (xviii) a *fitness centre*;
- (xix) a *funeral home*;
- (xx) a *garden centre*;
- (xxi) a *gas bar*;
- (xxii) a *hotel or motel*;
- (xxiii) a *short-term lodging rental (Airbnb, VRBO, or similar)*;
- (xxiv) an *institutional use*;
- (xxv) an *office use*;
- (xxvi) an *outdoor display court*;
- (xxvii) a *medical clinic*;
- (xxviii) a *nursery or greenhouse*;
- (xxix) a *personal service shop*;
- (xxx) a *photography studios*;
- (xxxi) a *private club*;
- (xxxii) a *recreation use*;
- (xxxiii) a *retail bakery*;
- (xxxiv) a *retail store*;
- (xxxv) a *service shop*;
- (xxxvi) a *theatre*;
- (xxxvii) a *veterinary clinic*; and
- (xxxviii) a *microbrewery*

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- (b) a residential *use* as a *secondary use*, provided that:
  - (i) the portion of the *building* used for a residential *use* is not more than 50% of the total *gross floor area* of the *building*;
  - (ii) the residential *use* is not located on the *ground floor*; and
  - (iii) the provisions of Sections 4.1.16, 4.1.17 are met.
- (c) within a *restaurant*, one of the following *secondary uses* may be permitted:
  - (i) a *beverage room*.
- (d) any *accessory building, structure* or *use* incidental to the *main use* of the land, *building* or *structure* if such *main use* is permitted by this subsection.

**5.4.2 C-3 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

One of the following *main uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (a) an *automobile sales and rental establishment*;
- (b) a *building supply outlet*;
- (c) an *equipment sales and rental establishment*;
- (d) a *kennel*;
- (e) a *boats, trailer, snowmobile, bicycle and other recreational vehicle sales and/or rentals*;
- (f) a *shopping centre*; and
- (g) a *wholesale establishment*.

**5.4.3 C-3 Zone Lot Requirements**

No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-3 General Commercial) Zone unless:

<b>C-3 Zone Lot Requirements</b>		
<b>Lot Component</b>	<b>Requirement</b>	
<b>Minimum lot area</b>	1,150 m <sup>2</sup> (12,378.5 ft <sup>2</sup> )	
<b>Minimum lot frontage</b>	30 m (98.4 ft)	
<b>Minimum front and flankage yard</b>	5 m (16.4 ft)	
<b>Minimum rear yard</b>	6 m (19.7 ft)	
<b>Minimum side yard</b>	2 m (6.6 ft) on one side of the <i>lot</i> and 4 m (13.1 ft) on the other side	
<b>Maximum height</b>	11 m (36.1 ft)	
<b>Maximum lot coverage</b>	<i>Main Building</i> or Structure	50%
	<i>Accessory Buildings</i> or structures	10%

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### 5.4.4 C-3 Zone Uses over 1,500 m<sup>2</sup>

Any permitted use within the C-3 (General Commercial) Zone that is larger than 1,500 m<sup>2</sup> (16,146.4 ft<sup>2</sup>) in *gross floor area* shall be subject to such terms and conditions as the *Planning Advisory Committee* deems appropriate and the *Planning Advisory Committee* may prohibit the *use* where compliance with the terms and conditions cannot be reasonably expected.

### 5.4.5 Abutting Yard Requirements

- (1) In addition to the requirements of Subsection 5.4.3, where a *side* or *rear yard* on a property in the C-3 (General Commercial) Zone abuts a residential or institutional *zone*, the required abutting *yard* shall:
  - (a) be at least 5 m (16.4 ft) in the case of a *side yard* and 7 m (23 ft) in the case of a *rear yard* and consist of *landscaping*, as described in 5.4.5(1)(c);
  - (b) be free of any parking, loading areas, or *driveways*;
  - (c) be entirely *landscaped* with a combination of existing trees and plantings which are:
    - (i) spaced in a staggered manner at intervals of 3 m (9.8 ft) on centre over the entire area;
    - (ii) a minimum of 1.5 m (4.9 ft) in *height* at the time of planting; and
    - (iii) at least 75% coniferous trees indigenous to the area.
- (2) In addition to the requirements outlined in 5.4.5(1), where any *building, structure, outdoor storage, outdoor display court* is within 10 m (32.8 ft) of an adjacent *lot* used for residential purposes a fence shall be *erected* along the abutting property line by the *developer* which:
  - (a) has the finished side facing the abutting property;
  - (b) is of a residential design;
  - (c) forms an opaque visual barrier from grade to 1.5 m (4.9 ft) in height; and
  - (d) is a minimum of 2 m (6.6 ft) in height from the ground to the top horizontal member.

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### 5.5 C-4 (Highway Commercial) Zone

#### 5.5.1 Permitted Uses

Within the C-4 (Highway Commercial) Zone, no lot shall be developed for any other purpose than:

- (a) One or more of the following *main uses*:
  - (i) an *amusement place*;
  - (ii) an *automobile sales and rental establishments*;
  - (iii) an *automobile service station*;
  - (iv) an *automobile repair shop*;
  - (v) a *building supply outlet*;
  - (vi) a *gas bar*;
  - (vii) a *financial institution*;
  - (viii) a *boats, trailer, snowmobile, bicycle and other recreational vehicle sales and/or rentals*;
  - (ix) a *building supply outlet*;
  - (x) a *car wash*;
  - (xi) a *day care centre or facility*;
  - (xii) a *drive-in restaurant*;
  - (xiii) a *dry-cleaning establishment*;
  - (xiv) an *equipment sales and/or rental establishment*;
  - (xv) a *financial institution*;
  - (xvi) a *funeral home*;
  - (xvii) a *garden centre*;
  - (xviii) a *hotel, motel or other tourist establishments and related amenities*;
  - (xix) a *short-term lodging rental (Airbnb, VRBO, or similar)*;
  - (xx) an *indoor recreational establishments or uses*;
  - (xxi) a *medical clinic*;
  - (xxii) an *outdoor display court*;
  - (xxiii) a *personal service shop*;
  - (xxiv) a *private club*;
  - (xxv) a *restaurant*;
  - (xxvi) a *service shop*;
  - (xxvii) a *self-storage operation*;
  - (xxviii) a *shopping centre*;
  - (xxix) a *veterinary clinic*; and
  - (xxx) a *microbrewery*.
- (b) within a *restaurant*, one of the following *secondary uses* may be permitted:
  - (i) a *beverage room*.
- (c) any *accessory building, structure or use* incidental to the *main use* of the land, *building or structure* if such *main use* is permitted by this subsection.

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**5.5.2 C-4 Zone Requirements**

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the C-4 (Highway Commercial) Zone unless:

<b>Table 5.5.1: C-4 Zone Lot Requirements</b>		
<b>Lot Component</b>	<b>Requirement</b>	
<b>Minimum lot area</b>	2,500 m <sup>2</sup> (26,909.8 ft <sup>2</sup> )	
<b>Minimum lot frontage</b>	30 m (100 ft)	
<b>Minimum front / flankage yard</b>	7.5 m (24.6 ft)	
<b>Minimum rear yard</b>	7.5 m (24.6 ft)	
<b>Minimum side yard</b>	4 m (13.1 ft)	
<b>Maximum Height</b>	11 m (36.1 ft)	
<b>Maximum lot coverage</b>	Main Building	50%
	Accessory Building	10%

**5.5.3 Abutting Yard Requirements**

- (1) In addition to the requirements of Subsection 5.4.3, where a *side* or *rear yard* on a property in the C-4 (Highway Commercial) Zone abuts a residential or institutional *zone*, the required abutting *yard* shall:

- (a) be at least 5 m (16.4 ft) in the case of a *side yard* and 7 m (23 ft) in the case of a *rear yard* and consist of *landscaping*, as described in 5.4.5(1)(c);
- (b) be free of any parking, loading areas, or *driveways*;
- (c) be entirely *landscaped* with a combination of existing trees and plantings which are:
  - (i) spaced in a staggered manner at intervals of 3 m (9.8 ft) on centre over the entire area;
  - (ii) a minimum of 1.5 m (4.9 ft) in *height* at the time of planting; and
  - (iii) at least 75% coniferous trees indigenous to the area.

- (2) In addition to the requirements outlined in 5.4.5(1), where any *building*, *structure*, *outdoor storage*, *outdoor display court* is within 10 m (32.8 ft) of an adjacent *lot* used for residential purposes a fence shall be *erected* along the abutting property line by the *developer* which:

- (a) has the finished side facing the abutting property;
- (b) is of a residential design;
- (c) forms an opaque visual barrier from grade to 1.5 m (4.9 ft) in height; and
- (d) is a minimum of 2 m (6.6 ft) in height from the ground to the top horizontal member.

**5.5.4 Outdoor Storage and Display**

- (1) No *building permit* will be issued for the *outdoor storage* of goods or materials not intended for immediate sale to the general public unless the *outdoor storage*:

- (a) is accessory to a permitted *use* in the C-4 (Large Format Retail) Zone;
- (b) is not located in the required *front* or *flankage yard*;
- (c) is not located in the required *side* or *rear yard*; and

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- (d) covers less than 75% of the *lot area*.
- (2) No *building permit* will be issued for the *outdoor display* of goods or materials intended for immediate sale to the general public unless the *outdoor display*:
  - (a) covers less than 75% of the *lot area*; and
  - (b) is accessory to a permitted *use* in the C-4 (Highway Commercial) Zone.

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## 6.0 INDUSTRIAL ZONES

### 6.1 General Provisions for all Industrial Zones

#### 6.1.1 Buffering

- (1) Where a permitted use in the I-1 (Light Industrial) Zone abuts a Residential, Commercial, Institutional Zone or a *public park*:
  - (a) the lot line abutting a Residential, Commercial, Institutional Zone or a *public park* must consist of a *landscaped buffer* of at least:
    - (i) 5 m for any *industrial or manufacturing use*;
    - (ii) 3 m for any other *use* permitted in the I-1 (Light Industrial) Zone; and
  - (b) the part of the abutting property that is being used for industrial purposes including any *buildings, structures, parking, outdoor display, or outdoor storage*, shall be screened:
    - (i) with a solid wall or opaque wooden fence no less than 2 m (6.5 ft) in *height*;  
or
    - (ii) with an opaque natural vegetation no less than 2 m (6.5 ft) in height; or
    - (iii) a combination of (i) and (ii).
- (2) When a permitted use in the I-2 (Heavy Industrial) Zone abuts a Residential, Commercial, Institutional Zone or a *public park*:
  - (a) the lot line abutting a Residential, Commercial, Institutional Zone or a *public park* must consist of a *landscaped buffer* of at least:
    - (i) 25 m for any *industrial or manufacturing use, agricultural use, fabrication and processing facility, abattoir, recycling depot, or a salvage yard*;
    - (ii) 10 m for any other *use* permitted in the I-2 (Heavy Industrial) Zone; and
  - (b) the part of the abutting property that is being used for industrial purposes including any *buildings, structures, parking, outdoor display, or outdoor storage*, shall be screened:
    - (i) with a solid wall or opaque wooden fence no less than 2 m (6.5 ft) in *height*;  
or
    - (ii) with an opaque natural vegetation no less than 2 m (6.5 ft) in height; or
    - (iii) a combination of (i) and (ii).
- (3) The *landscaped buffer* mentioned in Section 6.1.1(a) and 6.1.2(a) must:
  - (a) consist of existing trees and other natural vegetation where possible;
  - (b) consist of additional vegetation, *structures* or facilities designed to mitigate any noise, odors, dust or other negative impacts on adjacent Residential Zones or *uses*; and
  - (c) not have any portion of any *parking lot, parking spaces, outdoor storage, or garbage storage* visible from an abutting Residential Zone or *use*.

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- (4) When a permitted use in the I-2 (Heavy Industrial) Zone abuts a Residential, Commercial, Institutional Zone or a *public park* it shall only be permitted if obnoxious odours, noxious gases, noises, vibrations, dust, smoke, or fumes are buffered or mitigated in a manner that prevents negative impacts on adjacent land uses.

### 6.1.2 Outdoor Storage and Display

- (1) Notwithstanding section 3.17, the outdoor storage of goods and materials in any Industrial Zone shall be subject to the following requirements:
  - (a) *outdoor storage* shall not be permitted in any required *landscaped buffer, front yard, flankage yard, side yard or rear yard*;
  - (b) a *yard* used for *outdoor storage* that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the *outdoor storage* area with an opaque fence a minimum of 2 m (4.9 ft) or an evergreen hedge a minimum of 2 m (4.9 ft) in *height*, sufficient to screen the storage area from public view; and
  - (c) no portion of any lot in an Industrial Zone shall be used as a *garbage storage* area unless the *garbage storage* container is either screened by an opaque wooden fence a minimum of 1.5 m (4.9 ft) in *height* or located between the *main* or *accessory building* and the *rear lot line*.
- (2) Notwithstanding 6.1.2(1), *outdoor display* of goods and materials shall be permitted provided that any *yard* used for *outdoor display* that abuts a public right-of-way is buffered with an opaque fence a minimum of 2 m (6.6 ft) in *height* or solid evergreen hedge a minimum of 2m (6.6 ft) in height.

### 6.1.3 Salvage Yard or Recycling Depot

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

- (a) the whole of the area used for *outdoor storage* shall be surrounded by an opaque fence, not less than 3 m (9.8 ft) and not greater than 5 m (16.4 ft) in *height*;
- (b) the fence must be located at least 6 m (19.7 ft) from the *front lot line* and 1.5 m (4.9 ft) from the *side* or *rear lot lines*, and the land between the fence and any *lot line* not required for entrance and exit *driveways* shall be *landscaped* and maintained; and
- (c) no material shall be piled higher than the *height* of the surrounding fence.

### 6.1.4 I-1 and I-2 Zone Landscaping Requirements

- (1) A *lot* shall not be developed in an Industrial Zone unless the total *lot area* visible from a public right-of-way or adjacent property, except for that part devoted to *buildings* and *structures*:
  - (a) is paved, in the case of *driveways* and off-street parking areas; and
  - (b) is *landscaped*, in the case of that part of the lot other than *driveways* and off-street parking, except in the case of *lots* having significantly surplus area.

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- (2) The required *landscaped area* shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of 1 tree or shrub for each 93 m<sup>2</sup> (1001 ft<sup>2</sup>) of the minimum landscaped area.
- (3) *Landscaping* in any industrial zone shall consist of:
  - (a) at least 152.4 mm (6 in) of topsoil after compaction and the seeding or sodding thereof;
  - (b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 35 m<sup>2</sup> (376.7 ft<sup>2</sup>) of required *landscape area*; and
  - (c) notwithstanding 6.1.4(4)(b), may include partial devotion to *driveways* and walkways.
- (4) No *signs*, *accessory buildings*, *driveway* nor parking areas shall be located in any required *landscaped area* abutting a Residential, Commercial Institutional or Special Zone and any *landscaping* shall be completed not later than one year from the date of the granting of the *building permit* for the *main building* located thereon.

### 6.1.5 Lighting or Illumination Devices

Where an industrial *zone* abuts a residential *use*, outside illumination shall be directed away from such residential use. Glare guards, lower wattage lights and other measures may be required by the *Development Officer* to rectify any light pollution infraction.

### 6.1.6 Larger Industrial Uses Subject to Terms and Conditions

For the purposes of this By-law, any *use* or operation within an industrial *zone* larger than 4,700 m<sup>2</sup> (50,590.4 ft<sup>2</sup>) in area, including any areas exterior to the building *used* for storage or other similar *uses*, shall be considered to be a *development* subject to such terms and conditions as the *Planning Advisory Committee* deems appropriate and the *Planning Advisory Committee* may prohibit the use where compliance with the terms and conditions cannot be reasonably expected.

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**6.2 I-1 (Light Industrial) Zone**

**6.2.1 I-1 Zone Permitted Uses**

Within the I-1 (Light Industrial) Zone, no *lot* shall be developed for any other purpose than:

- (a) One or more of the following *main uses*:
  - (i) an *agricultural use*;
  - (ii) an *automobile repair garage*;
  - (iii) an *automobile service station*;
  - (iv) a *conservation use*;
  - (v) a *contractor's yard*;
  - (vi) an *equipment sales and rental establishment*;
  - (vii) a *farm produce retail outlet*;
  - (viii) a *fire wood sales yard*;
  - (ix) a *greenhouse or nursery*;
  - (x) a *hotel or motel*;
  - (xi) a *kennel*;
  - (xii) a *manufacturing or industrial use* where the *main building* does not exceed 500 m<sup>2</sup> (5,381.96 ft<sup>2</sup>) in *gross floor area*;
  - (xiii) a *public park*;
  - (xiv) a *recreation use*;
  - (xv) a *service shop*;
  - (xvi) a *self-storage operation*;
  - (xvii) a *veterinary clinic*;
  - (xviii) a *warehouse or storage establishment*;
  - (xix) a *welding or machine shop* where the *main building* does not exceed 280 m<sup>2</sup> (3,014 ft<sup>2</sup>) in *gross floor area*; and
  - (xx) a *microbrewery*.
- (b) a *secondary use* as *outdoor storage* or an *outdoor display court* for a *use* mentioned in clause (a).
- (c) any *accessory building, structure* or *use* incidental to the *main use* of the land, *building* or *structure* if such *main use* is permitted by this subsection.

**6.2.2 I-1 Zone Requirements**

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

<b>Table 6.2.1: I-1 Lot Requirements</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	1,400 m <sup>2</sup> (15,000 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30 m (100 ft)
<b>Minimum front and flankage yard</b>	9 m (30 ft)
<b>Minimum rear yard</b>	9 m (30 ft)

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<b>Minimum <i>side yard</i></b>	Main Building or Structure: 9 m (30 ft) Accessory Building: 6 m (20 ft)
<b>Maximum <i>height</i></b>	Main Building or Structure: 15 m (50 ft) Accessory Building: Two storeys or 7.6 m (25 ft)
<b>Maximum <i>lot coverage</i></b>	50%

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**6.3 I-2 (Heavy Industrial) Zone**

**6.3.1 Permitted Uses**

Within the I-2 (Heavy Industrial) Zone, no lot shall be developed for any other purpose than:

- (a) One or more of the following *main uses*:
  - (i) an *abattoir*;
  - (ii) an *agricultural use*;
  - (iii) an *automobile repair shop*;
  - (iv) an *automobile service station*;
  - (v) an *equipment sales and rental establishment*;
  - (vi) a fabrication and processing facility;
  - (vii) a *forestry use*;
  - (viii) a *gas bar*;
  - (ix) an *industrial use*;
  - (x) a *kennel*;
  - (xi) a *manufacturing use*;
  - (xii) a *restaurant*;
  - (xiii) a *recycling depot*;
  - (xiv) a *salvage yard*;
  - (xv) a *service shop*;
  - (xvi) a *veterinary clinic*;
  - (xvii) a *warehouse or storage establishment*;
  - (xviii) a *wholesale establishment*; and
  - (xix) a *utility use*.
- (b) a *secondary use* as *outdoor storage* or an *outdoor display court* for a use mentioned in clause (a).
- (c) any *accessory building, structure* or *use* secondary to the *main use* of the land, *building* or *structure* if such *main use* is permitted by this subsection.

**6.3.2 I-2 Zone Uses Subject to Terms and Conditions (Conditional Uses)**

One of the following *main uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (a) a *pit*; or
- (b) a *quarry*.

**6.3.3 I-2 Zone Requirements**

(1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within the I-2 (Heavy Industrial) Zone unless the following standards are met:

<b>Table 6.3.1: I-2 Lot Requirements</b>	
Lot Component	Requirement
<b>Minimum lot area</b>	3,000 m <sup>2</sup> (32,291.7 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	30 m (100 ft)

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<b>Table 6.3.1: I-2 Lot Requirements</b>	
<b>Minimum front and flankage yard</b>	9 m (30 ft)
<b>Minimum rear yard</b>	9 m (30 ft)
<b>Minimum side yard</b>	Main Building or Structure: 9 m (30 ft) Accessory Building: 6 m (20 ft)
<b>Maximum height</b>	Main Building or Structure: 15 m (50 ft) Accessory Building: Two storeys or 7.6 m (25 ft)
<b>Maximum lot coverage</b>	60%

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**7.0 INSTITUTIONAL ZONES**

**7.1 INST (Institutional) Zone**

**7.1.1 INST Zone Permitted Uses**

(1) Within the INST (Institutional) Zone, no *lot* shall be developed for any other purpose than:

(a) one of more of the following *main uses*:

- (i) a *conservation use*;
- (ii) a *cultural use*
- (iii) a *government use*;
- (iv) an *institutional use*;
- (v) a *long-term care facility*;
- (vi) a *hospital or medical clinic*;
- (vii) a *place of worship*;
- (viii) a *private club*;
- (ix) a *public park*;
- (x) a *recreation use*; or
- (xi) a *utility use*.

(b) any *accessory building, structure or use* secondary to the *main use* of the land, *building or structure* if such *main use* is permitted by this subsection.

**7.1.2 INST Zone Uses Subject to Terms and Conditions (Conditional Uses)**

One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:

- (i) a *cemetery*.

**7.1.2 INST Zone Requirements**

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

<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	675 m <sup>2</sup> (7,265.6sq ft)
<b>Minimum lot frontage</b>	20 m (65.6 ft)
<b>Minimum front and flankage yard</b>	7.62 m (25 ft)
<b>Minimum rear yard</b>	7.62 m (25 ft)
<b>Minimum side yard</b>	7.62 m (25 ft)
<b>Maximum height of main building</b>	15.24 m (50 ft) for the main portion and twice the main <i>height</i> of the building for spires, belfries or other subsidiary features.
<b>Maximum height of accessory building</b>	The lesser of two <i>storeys</i> or 9 m (30 feet) or the <i>height</i> of the <i>main building or structure</i> to which it is <i>accessory</i> .

## 8.0 SPECIAL ZONES

### 8.1 AR (Agricultural and Rural) Zone

#### 8.1.1 AR Zone Permitted Uses

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used within any AR (Agricultural and Rural) Zone for any purpose other than:
- (a) One of the following main uses:
    - (i) subject to 4.1.21, a *single-family dwelling*;
    - (ii) subject to 4.1.20, a *mini-home*;
    - (iii) an *agricultural use* including the keeping of *livestock*;
    - (iv) a *forestry use*;
    - (v) a firewood sales yard;
    - (vi) a *conservation use*; or
    - (vii) a *tourist home*.
  - (c) One of the following *secondary uses*:
    - (i) subject to 4.1.11(3), a *bed and breakfast*;
    - (ii) subject to 4.1.11, a *home occupation*;
    - (iii) subject to 4.1.14, an *in-law suite*;
    - (iv) subject to 4.1.13, a *garden suite*; or
    - (v) subject to 4.1.14, a *rental suite*;
  - (d) Any *accessory building, structure* or *use*, including a *single-family dwelling* incidental to the *main use* of the land, *building* or *structure* if this section permits such *main use*.

#### 8.1.2 AR Zone Uses Subject to Terms and Conditions (Conditional Uses)

- (1) One of the following *main uses* may be permitted subject to terms and conditions applied by the *Planning Advisory Committee*:
- (i) a *recreational use*;
  - (ii) an *institutional use*; or
  - (iii) a *farm produce retail outlet*.
- (2) One of the following secondary uses may be permitted subject to terms and conditions as may be applied by the *Planning Advisory Committee*:
- (i) subject to 4.1.10, a *home day care*;
  - (ii) a *kennel*;
  - (iii) subject to 4.1.19, a *farm produce retail outlet*; or
  - (iv) a *nursery* or greenhouse.

#### 8.1.3 AR Zone Requirements

- (1) No *development* shall be undertaken nor shall any land, *building* or *structure* be used for the purposes of a *single-family dwelling, mini-home, tourist home, institutional use* or

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

*recreational use* within the AR (Agricultural and Rural) Zone unless the following standards are met:

<b>Table 4.6.1: AR Zone Lot Requirements (Residential and Institutional Uses)</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	4,046.86 m <sup>2</sup> (43,560 ft <sup>2</sup> )
<b>Minimum lot frontage</b>	54 m (180 ft)
<b>Minimum lot depth</b>	38 m (125 ft)
<b>Minimum front and flankage yard</b>	7.6 m (25 ft)
<b>Minimum rear yard</b>	7.6 m (25 ft)
<b>Minimum side yard</b>	3.05 m (10 ft)
<b>Maximum height</b>	9 m (29.5 ft)
<b>Maximum lot coverage</b>	25%

- (2) *Accessory buildings, structures and uses* associated with a *single-family dwelling, tourist home or institutional use* are permitted in the AR (Agricultural and Rural) Zone but they shall conform to the requirements for *accessory uses, buildings and structures* in residential zones as outlined in Section 4.1.8 of this By-law.
- (3) No *development* shall be undertaken nor shall any land, *building or structure* be used for the purposes of an *agricultural use, forestry use, farm produce retail outlet, pit, quarry, nursery or greenhouse or a firewood sales yard* within the AR (Agricultural and Rural) Zone unless the following standards are met:

<b>Table 4.6.2: AR Zone Lot Requirements (Other Uses)</b>	
<b>Lot Component</b>	<b>Requirement</b>
<b>Minimum lot area</b>	1.2 hectares (2.97 acres)
<b>Minimum lot frontage</b>	58 m (190.3 ft)
<b>Minimum front and flankage yard</b>	10 m(32.8 ft)
<b>Minimum rear yard</b>	16 m(52.5 ft)
<b>Minimum side yard</b>	16 m(52.5 ft)
<b>Maximum height</b>	12.19 m (40 ft)
<b>Maximum lot coverage</b>	35%

- (4) When abutting a residential use, an *agricultural use, forestry use* and a *pit or quarry* are subject to the following requirements:
  - (a) *landscaped buffer* equal to the required yard outlined in Table 4.6.2, must be provided on any *lot line* abutting a residential use;
  - (b) there must be no *outdoor storage* or display of equipment visible from any public street;
  - (c) Noise from the use must be muffled so as not to be objectionable due to intermittence, beat, volume or shrillness.

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**8.2 OS (Parks and Open Space) Zone**

**8.2.1 OS Zone Permitted Uses**

- (1) Within the OS (Parks and Open Space) Zone, no *lot* shall be developed for any other purpose than:
- (a) one of more of the following *main uses*:
    - (i) a boat landing;
    - (ii) a conservation use;
    - (iii) a public open space;
    - (iv) a public park; or
    - (v) a recreational use.
  - (b) any *accessory building, structure or use* secondary to the *main use* of the land, *building or structure* if such *main use* is permitted by this subsection.

## 9.0 SIGNAGE

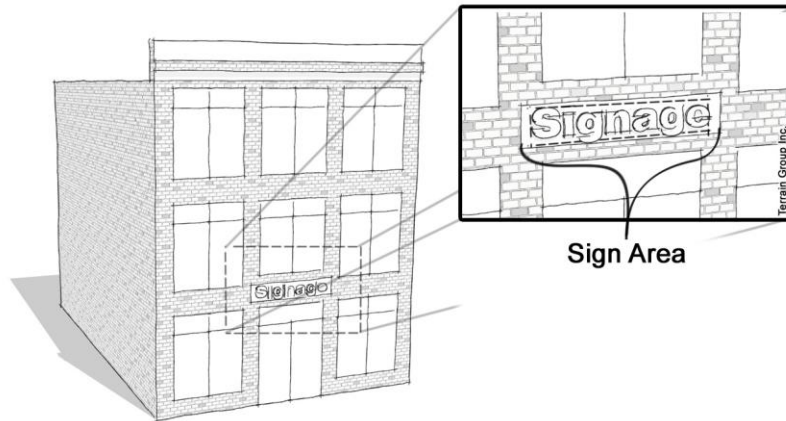
### 9.1 General Signage Criteria

- (1) Any *illuminated sign* must be lit internally with all light shining through a translucent or coloured material and incorporate the use of Light Emitting Diode (LED) lights where possible.
- (2) No *sign* shall be erected, operated, used or maintained which:
  - (a) due to its position, shaped, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Development Officer.
  - (b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - (c) obstructs the use of a fire escape, door, window or other required exit;
  - (d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a fascia or canopy sign unless otherwise permitted in this By-law;
  - (e) extends more than 45 cm (17.7 in) above the roof line or parapet of the building or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy that it is attached to;
  - (f) is attached to a tree **or utility pole**;
  - (g) is a *roof sign*; and
  - (h) is an off-site sign, except a *sign* giving general warning or direction to the public.
- (3) The provisions of this By-law with respect to existing *signs* that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming *sign* that is relocated, *altered*, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of a *sign*.
- (4) No *sign* shall be painted upon or cover a fence or roof.

### 9.2 Sign Area Calculations

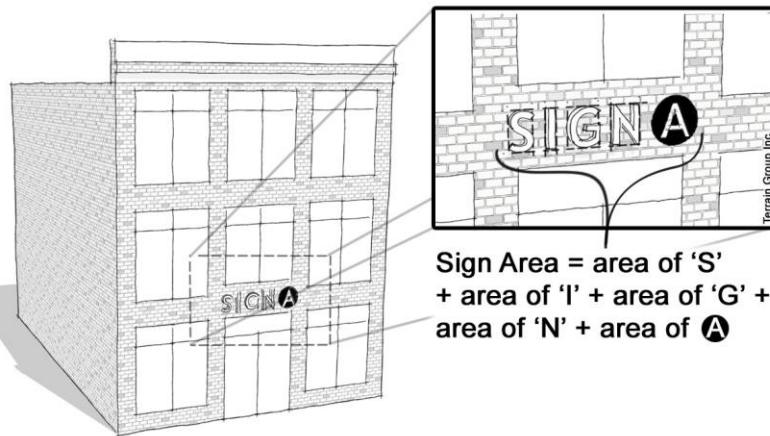
- (1) For the purposes of determining the total permitted area of any *sign*:
  - (a) the *sign area* shall be considered to be the area of the smallest triangle, square, rectangle, circle or semi-circle that can totally circumscribe the *sign face* in the plane of its largest dimension of a *fascia sign* as shown below in Figure 9.1:

Figure 9.1



- (b) in the case of *fascia signage* featuring individual letters affixed to a *building face*, the total *sign area* is the sum of the *sign area* for each individual letter as shown below in Figure 9.2:

Figure 9.2



- (c) when determining the *sign area* of a *freestanding* or *directory sign*, the total area of one or more *sign boxes* must be calculated as shown below in Figures 9.3 and 9.4; and

Figure 9.3

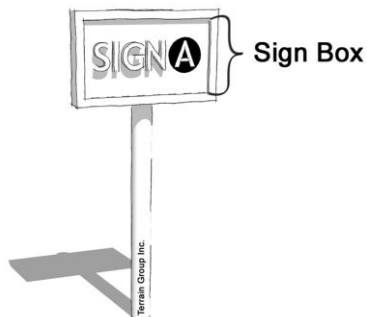
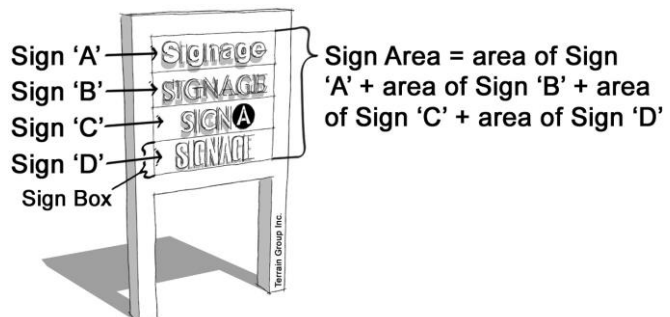


Figure 9.4



## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (d) each visible face of a *sign* shall be calculated separately and the then totaled in determining the *sign area*.

### 9.3 Specific Sign Provisions

#### 9.3.1 Signage in a Residential Zone

- (1) *Signs* associated with a permitted *home occupation, home day care, home office* or *boarding house* shall:
  - (a) be attached to, placed or erected upon, against or projecting from a wall of the residence;
  - (b) be attached below the second *storey* windows;
  - (c) not exceed 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) in *sign area*;
  - (d) not be illuminated; and
  - (e) not exceed 2.25 m (7.38 ft) in height for freestanding signs and must comply with proper *sight triangle*.
- (2) Any *sign* not requiring a permit under section 9.3.3 shall be permitted in all residential zones.
- (3) In Residential and Rural Area zones, *signs shall not be used* for any purpose other than to identify the residents therein, to warn against trespassing, or to advertise a secondary use.

#### 9.3.2 Freestanding or Directory Signs

- (1) *Freestanding or directory signs* are permitted in the C-1 (Central Commercial) Zone and I-1 (Light Industrial) Zone provided that:
  - (a) no *sign* shall exceed a maximum height of 5 m (16.4 ft);
  - (b) no *sign* shall exceed a maximum size of 6 m<sup>2</sup> (64.5 ft<sup>2</sup>) in *sign area* per *sign face* for a single business property and 9 m<sup>2</sup> (96.9 ft<sup>2</sup>) in *sign area* per *sign face* for a multiple-business property;
  - (c) no more than one *freestanding or directory sign* shall be permitted for every 30 m (98.4 ft) of lot frontage; and
  - (d) no *sign* shall extend beyond the street right-of-way line at the outermost point of the *sign*.
- (2) *Freestanding or directory signs* are permitted in the C-4 (Highway Commercial) Zone, C-3 (General Commercial) and I-2 (Heavy Industrial) Zone provided that:
  - (a) no *sign* shall exceed a maximum height of 10 m (32.8 ft);
  - (b) no *freestanding or directory sign* shall have signage that exceeds:
    - (i) 6 m<sup>2</sup> (64.6 ft<sup>2</sup>) in *sign area* per *sign face* for a one or two business *building*;
    - (ii) 8.75 m<sup>2</sup> (94.2 ft<sup>2</sup>) in *sign area* per *sign face* for a three (3) business *building*;
    - (iii) 11.5 m<sup>2</sup> (123.8 ft<sup>2</sup>) per *sign face* in *sign area* for a four (4) business *building*;
    - and
    - (iv) 14.25 m<sup>2</sup> (153.4 ft<sup>2</sup>) in *sign area* per *sign face* for a five (5) or more business *building*.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (c) no more than one *freestanding or directory sign* shall be permitted for every 30 m (98.4 ft) of *lot frontage*; and
- (d) no *sign* shall extend beyond the street right-of-way line at the outermost point of the *sign*.

### 9.3.3 Projecting Signs

*Projecting signs* shall be permitted in all zones except residential *zones*, provided that:

- (a) no *sign* shall exceed a maximum size of 6 m<sup>2</sup> (64.5 ft<sup>2</sup>) in *sign area*;
- (b) no *sign* shall project more than 1 m (3.3 ft) from the *building wall*;
- (c) there shall be a maximum of one *projecting sign* per business on a property; and
- (d) no *sign* shall project more than 30 cm (12 in) above the roof of a *building*.

### 9.3.4 Fascia Signs

- (1) *Fascia signs* shall be permitted in all C-1 (Central Commercial) Zone, C-2 (Neighborhood Commercial) Zone, I-1 (Light Industrial Zone), INST (Institutional) Zone and for *agricultural uses*, provided that:

- (a) the total *sign area* of the *building* does not exceed ten percent (10%) of the total surface area of the *building face* where the signage is to be erected; and
- (b) no single *sign* shall exceed 1.5 m (4.9 ft) in *height*.

- (2) *Fascia signs* shall be permitted in the C-3 (General Commercial) Zone, C-4 (Highway Commercial) Zone and I-2 (Heavy Industrial) Zone provided that:

- (a) signage does not exceed twelve percent (12%) of the total surface area of the *building face* where the *sign* is to be erected; and
- (b) no individual *sign* shall exceed 3.0 m (9.8 ft) in *height*.

- (3) Subject to 9.7(2), *fascia signs* in any *zone* shall not exceed the length of the wall of the *building* upon which the *sign* is to be displayed.

- (4) No *fascia sign* shall project more than 25 cm (10 in) from the wall that the *sign* is affixed to.

### 9.3.5 Portable Signs

*Portable signs* shall only be permitted within the INST (Institutional) Zone.

### 9.3.6 Sandwich Board Signs

- (1) In all *zones*, except residential *zones*, *sandwich board signs* are permitted provided that the *sign* shall:

- (a) not exceed a single *sign face* area of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>);
- (b) no more than one *sandwich board sign* is provided per *lot*;
- (c) it is not located within the required *sight triangle*; and
- (d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

### 9.4 Signage Permits

- (1) 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 By-law.
- (2) No permits shall be issued for a *sign* constructed on a permanent foundation without a *building permit* having first been issued in accordance with the Building By-law.
- (3) Notwithstanding the provisions of 9.3(1), no *sign* permit is required for:
  - (a) real estate *signs* that are of a temporary nature and advertise the property upon which they are located as being available for immediate sale, lease or rent;
  - (b) construction *signs* temporarily located on a lot that identifies the project, owner, architect and/or consulting engineer;
  - (c) advertising specific community events;
  - (d) traffic and directional *signs* authorized by the Town;
  - (e) *signs* less than 0.09 m<sup>2</sup> (1ft<sup>2</sup>) in area;
  - (f) election *signs*; and
  - (g) *signs* posted or exhibited in a *building*, including *signs* inside a window, except neon or flashing *signs*.
- (4) Notwithstanding 9.4(3) a real estate *sign* may be permitted on a different *persons* property if written consent is provided to the *Development Officer*.

### 9.5 Applications and Plans

- (1) An applicant for a *sign* permit shall:
  - (a) complete a *sign* permit application in a form prescribed by the *Development Officer* for the Town of Florenceville-Bristol;
  - (b) submit plans and specifications of the proposed *sign* and of any supporting framework and anchoring devices;
  - (c) submit a site plan showing public and private right-of-way boundaries, the location of existing *signs* and the proposed *sign* that is the subject of the application;
  - (d) a list of the materials proposed to be used in the construction of the *sign*;
  - (e) provide such additional information as the *Development Officer* may require as to stress-bearing capacities of the *sign* and the equipment used in its placement; and
  - (f) submit a *sign* permit to the *Development Officer* for each *sign* that a permit is required under the provisions of this By-law.

### 9.6 Abandoned and Unlawful Signs

- (1) No *person* being the owner or lessee of property that a *sign* is located shall permit, suffer or allow such *sign*, its *sign face*, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- (2) The *Development Officer* may require the removal of any *sign* that, in their opinion is, has become, unsightly, or is in such a state of disrepair as to constitute a hazard.

## Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

- (3) Any *sign* that no longer advertises a bona fide business or service on the premises shall be removed within sixty (60) days of termination of the business or service.

### 9.7 Signage Variances

- (1) The *Planning Advisory Committee* may permit a *fascia*, *freestanding* or *directory sign* to exceed the *height* and area requirements of this By-law through a variance. When reviewing a variance application Town Staff and the *Planning Advisory Committee* shall consider the following:

- (a) the visual dominance of the *sign*;
- (b) whether the *sign* is out of scale in context to surrounding *buildings* and other signage in the area;
- (c) the impact on the architectural features of the *building* and surrounding environment;
- (d) the impact of *illuminated signage* on the surrounding environment; and
- (e) whether the proposed signage impacts pedestrian or vehicular movement.

- (2) The *Planning Advisory Committee* may permit a *fascia sign* to project beyond the wall of a building so long as the *sign*:

- (a) adds to the architectural appeal of the *building*;
- (b) does not impact adjacent land uses through illumination or dominance of the *sign*;  
and
- (c) does not impact pedestrian or vehicular movement.

- (3) Refer to the User Fee Policy for the signage variance fee applicable.

**Town of Florenceville-Bristol Zoning By-law (By-law No. 13)**

**10.0 — REPEAL AND TRANSITION**

- (1) ~~By Law No. 10, the Village of Florenceville Zoning By Law, enacted on June 1, 1982 and all amendments, are hereby repealed. By Law No. 11, the Village of Bristol Zoning By Law, enacted on November 9, 1987 and all amendments, are hereby repealed.~~
- (2) ~~The repeal of By Law 10, the Village of Florenceville Zoning By Law, of the former Village of Florenceville, and By Law No. 11, the Village of Bristol Zoning By Law of the former Village of Bristol, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.~~
- (1) By-law No. 13 A By-law to Respecting Zoning enacted October 10, 2010 and all amendments thereto, is hereby repealed.

READ FIRST TIME: May 7, 2019

READ SECOND TIME: May 7, 2019

READ THIRD TIME AND ENACTED: June 11, 2019

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

***PART III – ZONING MAP SCHEDULES***

DRAFT

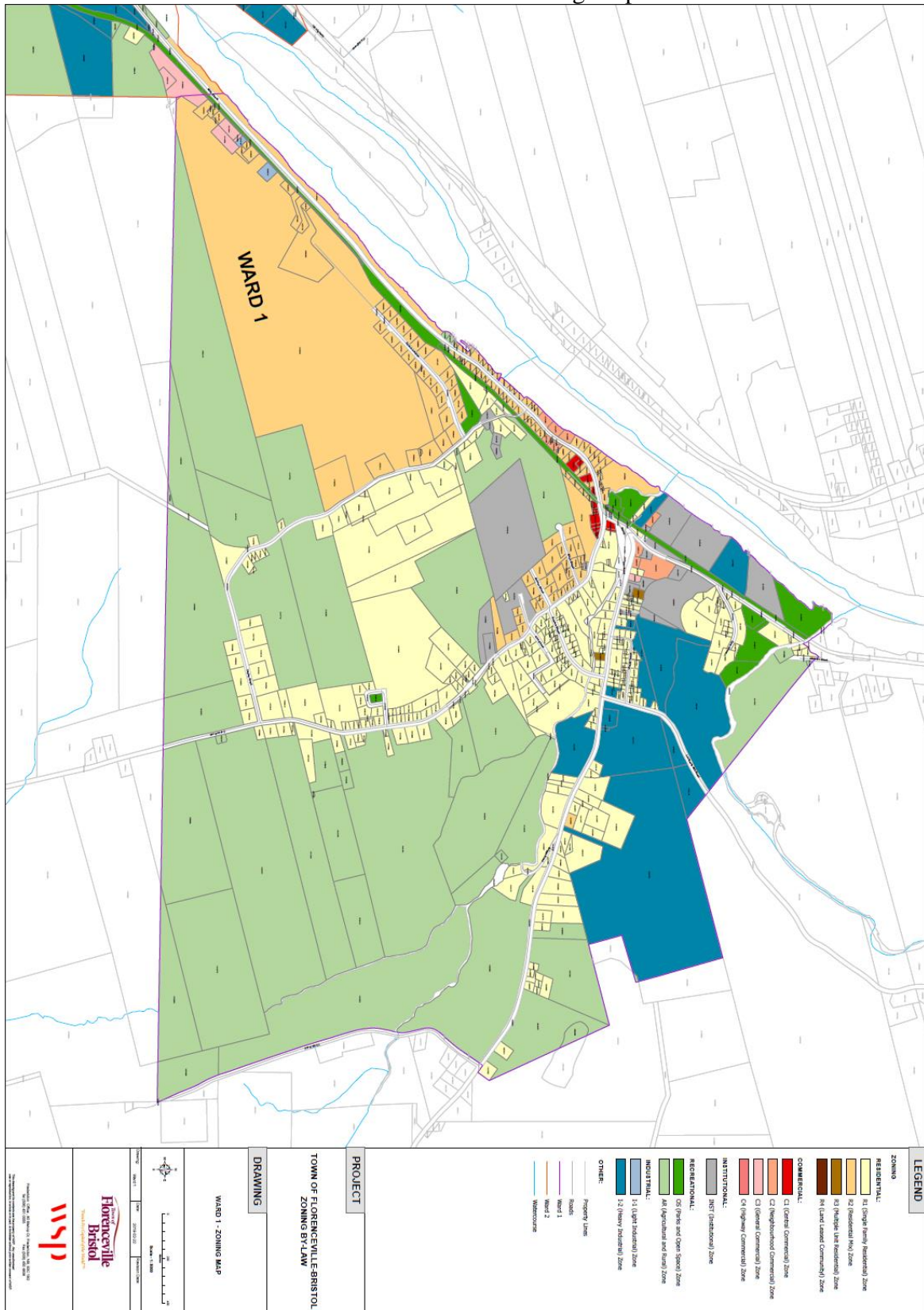
Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

Schedule A  
Zoning Map Key Plan



# Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

## Schedule B: Ward 1 Zoning Map



Town of Florenceville-Bristol Zoning By-law (By-law No. 13)

Schedule C: Ward 2 Zoning Map

