



# Village of New Maryland Zoning By-law By-law No. 04-2019

(Consolidated - January 2024)

## **TABLE OF CONTENTS**

<b>PART I: ADMINISTRATION .....</b>	<b>1</b>
<b>1.0 TITLE AND SCOPE .....</b>	<b>1</b>
<b>2.0 POWERS OF THE DEVELOPMENT OFFICER .....</b>	<b>2</b>
2.1 Administration of Zoning By-law .....	2
2.2 Completion of Application .....	2
2.3 Development Officer Variance .....	2
2.4 PAC-Rendered Decision .....	2
2.5 Zoning Letters and Fees .....	2
2.6 Development Permits [04-01-2023] .....	2
2.7 Requirement for Additional Information or Study .....	4
<b>3.0 POWERS OF THE PLANNING ADVISORY COMMITTEE .....</b>	<b>5</b>
3.1 Unsuitable Site Conditions .....	5
3.2 Temporary Uses .....	5
3.3 Conditional Uses .....	5
3.4 Similar Use and Variances .....	5
3.5 Public Notice .....	6
3.6 Non-Conforming Uses .....	6
3.7 Making of Land Subject to Terms and Conditions .....	6
<b>4.0 POWERS OF COUNCIL .....</b>	<b>7</b>
4.1 Infrastructure and Utilities .....	7
4.2 Off-Street Parking .....	7
4.3 Dilapidated, Dangerous or Unsightly Buildings or Structures .....	7
4.4 Imposing Terms and Conditions (Conditional Use) .....	7
4.5 Non-Conforming Use .....	7
4.6 Density Bonus Provision .....	7
<b>5.0 AMENDMENTS TO THE BY-LAW .....</b>	<b>8</b>
5.1 By-law Amendment Requirements .....	8
5.2 Return of Application Fee .....	8
5.3 Information Requirements .....	8
5.4 Signature of Owner(s) .....	8
5.5 Reapplication .....	8
<b>6.0 DEFINITIONS .....</b>	<b>9</b>
<b>7.0 GENERAL PROVISIONS .....</b>	<b>17</b>
7.1 Uses Permitted in All Zones .....	17
7.2 Boundaries of Zones .....	17
7.3 Number of Main Buildings or Structures on a Lot .....	17
7.4 Accessory Buildings and Structures .....	17
7.5 Accessory Dwelling Units .....	18
7.6 Access to a Public Street .....	18
7.7 Line of Vision at Intersection .....	18
7.8 Elevation of New Structures .....	18
7.9 Height Exceptions .....	18
7.10 Non-Residential Development Abutting a Residential Zone .....	18
7.11 Projections into Yards .....	18
7.12 General Prohibitions [04-01-2023] .....	20

7.13	Permitted and Prohibited Uses [04-01-2023]	20
7.14	Affordable Housing [04-01-2023]	20
7.15	Short Term Rental Accomodation [04-01-2023]	20
7.16	Telecommunications Towers and Antenna	20
7.17	Wind Turbines	21
7.18	Swimming Pools	21
7.19	Residential Development near a Lagoon	22
7.20	Development Adjacent to a Watercourse	22
7.21	Home Occupations	22
7.22	Off-Street Parking Requirements	23
7.23	Loading Spaces	26
7.24	Lighting of Sites	26
7.25	Signs	27
7.26	Pits and Quarries	30
7.27	Excavation and Stripping of Materials	32
7.28	Liquor-Licensed Establishments	32
7.29	In-law Suites	33
7.30	Garden Suites	33
7.31	Single Room Occupancies [04-01-2023]	34
7.32	Group Homes [04-01-2023]	34
7.33	Keeping of Hens in Residential Zones [04-01-2023]	34
7.34	Nuisance Standards	34
7.35	Design Criteria [04-01-2023]	34
7.36	Garbage Containers [04-01-2023]	35
<b>PART II:</b>	<b>ZONES</b>	<b>36</b>
<b>8.0</b>	<b>RESIDENTIAL ZONES</b>	<b>36</b>
8.1	General Provisions for Residential Zones	36
8.2	Residential Zone One (R-1)	37
8.3	Residential Zone Two (R-2)	39
8.4	Residential Zone Three (R-3)	41
8.5	Residential Mini-Home Zone (RMH)	43
8.6	Residential Mini-Home Park Zone (RMHP)	44
8.7	Residential Main Street Zone (R-4) [04-01-2023]	45
<b>9.0</b>	<b>COMMERCIAL ZONE</b>	<b>49</b>
9.1	Community Commercial Zone (CC)	49
<b>10.0</b>	<b>BUSINESS PARK ZONE (BP)</b>	<b>53</b>
10.1	Permitted Uses	53
10.2	Standards	54
<b>11.0</b>	<b>INSTITUTIONAL ZONE (I)</b>	<b>55</b>
11.1	Permitted Uses	55
11.2	Standards	55
<b>12.0</b>	<b>RECREATIONAL ZONE (REC) [04-01-2023]</b>	<b>56</b>
12.1	Permitted Uses	56
12.2	Standards	56
<b>13.0</b>	<b>OPEN SPACE ZONE (OS)</b>	<b>57</b>
13.1	Permitted Uses	57

<b>14.0</b>	<b>RURAL ZONE (R)</b> .....	<b>58</b>
14.1	Permitted Uses.....	58
14.2	Standards.....	58
14.3	Conditional Uses.....	58
<b>15.0</b>	<b>FEES</b> .....	<b>59</b>
<b>16.0</b>	<b>ENFORCEMENT</b> [04-01-2023].....	<b>59</b>
<b>17.0</b>	<b>REPEAL AND TRANSITION</b> .....	<b>60</b>

SCHEDULE "A" Village of New Maryland Zoning Map [04-01-2023 and 04-02-2023]

SCHEDULE "B" Schedule of Fees [04-01-2023]

SCHEDULE "C" Lot Types and Characteristics [04-01-2023]

SCHEDULE "D" Central Corridor Overlay Zone [04-01-2023]

**VILLAGE OF NEW MARYLAND  
BY-LAW NO. 04-2019  
ZONING BY-LAW**

WHEREAS the *Community Planning Act* S.N.B. 2017, c.19 ("the *Act*") was proclaimed and came into force January 1, 2018,

AND WHEREAS under Section 141 of the *Community Planning Act* S.N.B. 2017, c.19, the "*former Act*" means the *Community Planning Act*, chapter C-12 of the Revised Statutes, 1973,

AND WHEREAS under Section 144 of the *Act* a by-law made under the authority of the former *Act* that was in force immediately before the commencement of this section shall be deemed to have been made under the *Act* and is valid and continues in force until amended or repealed, to the extent that it is not inconsistent with this *Act* or a statement of provincial interest.

AND WHEREAS the Council for the Village of New Maryland proposes amendments to *Zoning By-law No. 04-2016*,

THEREFORE, BE IT ENACTED by the Council of the Village of New Maryland under the authority vested in it by the *Community Planning Act* S.N.B. 2017, c.19, and amendments thereto, as follows: [04-01-2023]

The Village of New Maryland in accordance with Sections 53, 59 and 117 of the *Community Planning Act* enacts the following Zoning By-law:

**PART I: ADMINISTRATION**

**1.0 TITLE AND SCOPE**

- 1) This by-law may be cited as "The Village of New Maryland Zoning By-law".
- 2) This by-law applies to the Village of New Maryland municipal boundaries as outlined in Regulation 2022-50 under the *Local Governance Act* S.N.B. 2017, c.18. [04-01-2023]
- 3) This Zoning By-law:
  - (a) Divides the Municipality into zones as described on the Village of New Maryland Zoning Map;
  - (b) Prescribes the purposes for which land, buildings and other structures within any zone may be used;
  - (c) Prescribes standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
  - (d) Prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in Clauses (b) and (c).
- 4) For the purposes of this by-law, the Village is divided into zones as delineated on the *Village of New Maryland Zoning Map* (Schedule "A" attached hereto).
- 5) The *Village of New Maryland Zoning Map* and amendments thereto form part of this by-law.
- 6) Any reference to "the *Building By-law*" refers to *By-law No. 06, The Village of New Maryland Building By-law*, and amendments thereto. [04-01-2023]
- 7) Any reference to "the *Subdivision By-law*" refers to *By-law No. 07, The Village of New Maryland Subdivision By-law*, and amendments thereto. [04-01-2023]

## **2.0 POWERS OF THE DEVELOPMENT OFFICER**

### **2.1 Administration of Zoning By-law**

- 1) The Development Officer appointed by Council, or his or her delegate, shall be charged with the general administration of this by-law. [04-01-2023]

### **2.2 Completion of Application**

- 1) The Development Officer will ensure that an application is completed by requiring that:
  - (a) Requests for variance, conditional use or temporary use approval include the application fee as referenced in Schedule "B" attached hereto, and
  - (b) Supporting documentation and any necessary information to process the various types of development applications is provided as determined by the Development Officer and/or any information required for a proper review by the Planning Advisory Committee (PAC).
- 2) Despite Sections 2.2, 1) (a) and 2.2, 1) (b), the Development Officer reserves the right not to proceed with any application deemed incomplete from the perspective that there is insufficient information provided to assess the overall impact of the development on the subject or adjacent properties.

### **2.3 Development Officer Variance**

- 1) The Development Officer may, subject to terms and conditions that he or she considers fit, permit a reasonable variance from the requirements of the Zoning By-law in accordance with Section 55 (2) of the *Community Planning Act*.
- 2) If the Planning Advisory Committee has made a decision regarding an application for a variance, the Development Officer cannot use his or her powers to rule on the same application. If the Development Officer makes a decision on a variance application request, the same application cannot be forwarded to the Planning Advisory Committee for a decision.

### **2.4 PAC-Rendered Decision**

- 1) The Development Officer shall not issue a development approval on any application reviewed by the Planning Advisory Committee (PAC) until the Planning Advisory Committee has rendered a decision, and any conditions required by the Planning Advisory Committee or this by-law have been satisfied.

### **2.5 Zoning Letters and Fees**

- 1) The Development Officer shall ensure that:
  - (a) Upon receipt of an application fee as referenced in Schedule "B" attached hereto, the Development Officer shall issue a letter of confirmation regarding the zone applied to the property requested; and
  - (b) Upon receipt of an application fee as referenced in Schedule "B" attached hereto, the Development Officer shall issue a letter of confirmation regarding conformity of the use of the property within the zone and/or that a review of a survey certificate indicates that the property is in conformity with the standards of a zone.

### **2.6 Development Permits [04-01-2023]**

- 1) No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms with this bylaw.

- 2) A development permit may be revoked if the development undertaken does not conform to or exceeds the scope of work authorized under the development permit.
- 3) No development permit shall pertain to more than one lot.
- 4) Despite sentence 1), no development permit shall be required for a tent having a floor area not exceeding 18.6 square metres.
- 5) A person seeking to obtain a development permit for any work shall make application in the form prescribed by the Development Officer and such application shall:
  - (a) Be completed and signed by the applicant;
  - (b) State the property identifier number, civic number and street name of the property upon which the development is to be completed and state the names, e-mail addresses, telephone numbers, and complete mailing addresses of the registered property owner, applicant and the person performing the work;
  - (c) State the intended use or purpose of the work;
  - (d) Unless waived by the Development Officer, include copies in duplicate of the dimensioned drawings of the building or structure and a site plan of the property with respect to which the work is to be carried out, showing:
    - (i) The dimensions of the property and the building or structure and all applicable setbacks to property lines, all easements and the grades of the streets and sewers abutting the subject property; and
    - (ii) Elevations drawings of the building or structure showing size dimensions;
    - (iii) The position, height, horizontal dimensions and geodetic elevations of all buildings or structures on, and those proposed to be located on, the land referred to;
  - (e) Set out the total estimated cost of the proposed work; and
  - (f) Contain such other information as the Development Officer may require for the purpose of determining compliance herewith.
- 6) Despite other provisions contained in this by-law, if the development involves an application by or on behalf of the Village, application fees shall be waived.

## **2.7 Requirement for Additional Information or Study**

- 1) If an application to rezone land will increase:
  - (a) The allowable residential density by 50% or more from that allowed under the existing zone,  
or
  - (b) The maximum allowable gross floor area of a building by 50% or more from that allowed under the existing zone,

Additional studies may then be required by the Development Officer to confirm that upgrades to the street network or other required components of municipal infrastructure (i.e., water, storm water, sanitary or fire flow capacity) are not required.



### 3.0 POWERS OF THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee is a committee established pursuant to *Village of New Maryland By-law No. 1* in accordance with the *Community Planning Act*. The role of the Planning Advisory Committee is to advise and make recommendations to Council, and exercise such powers and perform such duties, on matters of community planning in accordance with Section 4 of the *Community Planning Act*.

#### 3.1 Unsuitable Site Conditions

- 1) In accordance with Section 53(2)(h) of the *Community Planning Act*, no building or structure may be erected on any site where it would otherwise be permitted hereunder when, in the opinion of the Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

#### 3.2 Temporary Uses

- 1) In accordance with Section 53(2)(i) of the *Community Planning Act*, the Planning Advisory Committee, subject to such terms and conditions as it considers fit, may:
  - (a) Authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law;
  - (b) Authorize for an additional temporary period, not exceeding one year, a development otherwise prohibited by this by-law if:
    - (i) The applicant holds an authorization under Clause (a) above that is to expire or has expired,
    - (ii) An application with respect to the land has been made to amend the applicable Zoning By-law, and
    - (iii) The Advisory Committee has received a resolution from the Council confirming that the Council will consider the application referred to in Clause (ii); and
  - (c) Require the termination or removal of a development authorized under Sections 3.2, 1) (a) or (b) at the end of the authorized period.

#### 3.3 Conditional Uses

- 1) Where conditional uses are permitted in this by-law, these uses shall be approved by the Planning Advisory Committee. In accordance with Section 53(3)(c) and 53(4) of the *Community Planning Act*, in prescribing the purposes for which land, buildings and structures may be used, the Planning Advisory Committee may, where so empowered by other sections in this by-law or the *Community Planning Act*, impose terms and conditions on or may prohibit such uses where compliance with those 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: [04-01-2023]
  - (a) Properties within the zone or in abutting zones, or
  - (b) The health, safety and welfare of the general public.

#### 3.4 Similar Use and Variances

- 1) In accordance with Section 55(1) of the *Community Planning Act*, 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
  - (b) Such reasonable variance from the requirements of the Zoning By-law falling within Section 53(2)(a) or (f) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the by-law and any plan or statement hereunder affecting such development. Only those regulations

and requirements found under the Standards sections of this by-law may be varied through a variance application process. [04-01-2023]

### **3.5 Public Notice**

- 1) In accordance with Section 56 of the *Community Planning Act*, where requested to permit a proposed use or variance under Section 3.4, the Planning Advisory Committee or the Development Officer may give notice to owners of land in the immediate neighbourhood:
  - (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.

### **3.6 Non-Conforming Uses**

- 1) A non-conforming use may continue notwithstanding the Zoning By-law but:
  - (a) If such use is discontinued for a consecutive period of ten months, or such further period as the Planning Advisory Committee considers fit, it shall not be recommenced and any further use of the land, building or structure shall conform with the by-law or regulation; or
  - (b) If a building or structure so used has, in the opinion of the Planning Advisory Committee, been damaged to the extent of at least half of the whole exclusive of the foundation, such building or structure shall not be repaired or restored, or used except in conformity with the by-law, unless the Planning Advisory Committee agrees thereto, and the Council may purchase or otherwise acquire the parcel of land on which such building or structure is situated. With the consent of the Planning Advisory Committee a non-conforming use may be changed to a similar non-conforming use.

### **3.7 Making of Land Subject to Terms and Conditions**

- 1) In any zone, any development which is for the purpose of making land and involves the cutting or filling to a depth or height exceeding one metre except where it is directly related to an approved subdivision or building permit, shall be a conditional use for which the Planning Advisory Committee may provide terms and conditions or otherwise prohibit the use where terms and conditions cannot be reasonably expected to be met.

#### **4.0 POWERS OF COUNCIL**

##### **4.1 Infrastructure and Utilities**

- 1) No building may be erected in the Municipality in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities deemed necessary to the development by Council.
- 2) Subject to Section 4.1, 3) of this by-law the Council, within any zone, may:
  - (a) Designate land to be used for the location or erection of any installation for the supply of electricity, water, sanitary or storm sewers or for the treatment, storage or disposal of water or sewerage wastes, and
  - (b) Use land designated under Section 4.1, 2) (a) for a purpose therein mentioned.
- 3) No land may be designated or used for the purposes of Section 4.1, 2) unless, in the opinion of the Council:
  - (a) Such land is essential to the operation of the services concerned, and
  - (b) Any development thereon in a Residential Zone is screened and buffered from public view through natural or man-made means.

##### **4.2 Off-Street Parking**

- 1) Notwithstanding any other provision of this by-law, the Council may, in its discretion, allow a developer of a building or structure to pay to the Municipality a fee as referenced in Schedule "B" attached hereto in lieu of providing off-street parking required hereunder to a maximum of 50% of the required spaces.
- 2) All money received by the Council under Section 4.2, 1) shall be subject to the provisions of Section 57 of the *Community Planning Act*, whereby such money would be placed in a special account to be used for the acquiring or developing of land for off-street public parking.

##### **4.3 Dilapidated, Dangerous or Unsightly Buildings or Structures**

- 1) When, in Council's opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may:
  - (a) Require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
  - (b) Acquire the parcel of land on which such building or structure is located.

##### **4.4 Imposing Terms and Conditions (Conditional Use)**

- 1) Where an application is received by Council to have an area of land rezoned to permit the carrying out of a specific proposal, the Council may, by resolution, set out the proposal and impose such reasonable terms and conditions as are permitted under Section 59 of the *Community Planning Act*.

##### **4.5 Non-Conforming Use**

- 1) The Council may require that any land, building or structure containing a non-conforming use shall be maintained and kept in a condition appropriate to the area in which it is located, in accordance with standards prescribed by the Council and in accordance with provisions of Section 60 of the *Community Planning Act*.

##### **4.6 Density Bonus Provision [04-01-2023]**

- 1) This by-law provides density bonus provisions in lieu of an "incentive or bonus zoning agreement" as outlined in Section 96 of the *Community Planning Act*.

## **5.0 AMENDMENTS TO THE BY-LAW**

### **5.1 By-law Amendment Requirements**

- 1) A person who seeks to have this by-law amended shall:
  - (a) Address a written and signed application therefore to the Village Clerk; and
  - (b) Pay a fee as outlined in Section 4.4, 1) and as referenced in Schedule "B" attached hereto.

### **5.2 Return of Application Fee**

- 1) If the Village Council so advises, the Village Treasurer may return to the applicant all or any part of a fee mentioned in Subsection 5.1.

### **5.3 Information Requirements**

- 1) An application under this section shall include such information as may be required by the Council, the Planning Advisory Committee or the Development Officer for the purpose of adequately assessing the desirability of the proposal. This information shall include, but not be limited to:
  - (a) A site plan showing the lot(s) affected and the nature and extent of any proposed development;
  - (b) The names of the owners of all subject properties of the application and the signature of all owners of the affected lands if a rezoning is involved; and
  - (c) A statement of the reasons why the applicant(s) feels the amendment is necessary.

### **5.4 Signature of Owner(s)**

- 1) Notwithstanding Section 5.3, Council may initiate a Zoning By-law amendment without the signature of the owner(s) of the parcel(s) of land involved in the rezoning, provided that the amendment obtains the support of a majority of the whole Council.

### **5.5 Reapplication**

- 1) Unless, upon the advice of the Planning Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application on the same site and for the same or a similar use may be considered by the Council within one year of Council's decision.

## 6.0 DEFINITIONS

### 1) In this by-law:

**Adult Entertainment Establishment** means a use which provides activities, facilities, performances, exhibitions, viewing and encounters, the principal characteristic of which is the nudity or partial nudity of any person.

**Affordable Housing** means dwelling units constructed under the Province of New Brunswick's Affordable Rental Housing Program, Canada Mortgage and Housing Corporation's Rental Construction Financing Initiative or other similar government program. [04-01-2023]

**Agricultural and farming use** means a use where land is used for raising field or forestry crops and/or grazing livestock and includes any agricultural buildings required for operation, maintenance or storage and may include the sale of produce grown on site. [04-01-2023]

**Alternate energy source** means energy provided by solar, wind, or geothermal means.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Building, accessory** means a detached subordinate building, not designed or used for human habitation or public congregation, located on the same lot as a main building, structure or use to which it is accessory, and the use of which is normally incidental and complementary to the main use of the land, building or structure. [04-01-2023]

**Building, main** means a building in which is conducted the main or principal use of the lot on which the building is located.

**Building permit** means a permit issued pursuant to the *Building By-law* that pertains to work as defined therein. [04-01-2023]

**Code** means the *National Building Code of Canada* adopted by the Province of New Brunswick via *NB Regulation 2021-2* under the *Building Code Administration Act*, S.N.B., 2020, c.8 and respective amendments thereto, and includes all revisions, errata and corrections to errata issued from time to time. [04-01-2023]

**Community daycare home** means an establishment for the provision of care and supervision of a maximum of nine children operating in a residential area, as regulated under the *Family Services Act* (N.B. Regulation 83-85).

**Community Planning Act** means the New Brunswick *Community Planning Act* S.N.B. 2017, c.19 and amendments thereto.

**Corner lot** means a lot situated at the intersection of, and abutting on, two or more streets.

**Council** means the mayor and councillors of the Village of New Maryland. [04-01-2023]

**Daycare centre (commercial)** means an establishment for the provision of care and supervision of a maximum of 60 children, as regulated under the *Family Services Act* (N.B. Reg. 83-85).

**Daycare centre (neighborhood)** means an establishment for the provision of care and supervision of a maximum of 15 children operating in a residential area, as regulated under the *Family Services Act* (N.B. Reg. 83-85).

**Density** means the maximum number of dwelling units on a lot expressed in dwelling units per hectare or the minimum lot area per dwelling unit.

**Development** means development as defined in Section 1 of the *Community Planning Act*. It includes:

- (a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices and pipelines defined in the *Pipeline Act*, 2005 except for buildings and structures remote from a pipeline used for management and administration or housing or storing of moveable equipment or statutory notices,
- (b) if the purpose for which land, buildings and structures are used is set out in a regional plan, municipal plan, rural plan, development scheme, zoning bylaw or regulation, a change in the purpose for which the land, building or structure is used,
- (c) any excavation of sand, gravel, clay, shale, limestone or other deposits for a development mentioned in paragraph (a) or for purposes of the sale or other commercial use of the material excavated, or
- (d) the making of land by cutting or filling to a depth in excess of one metre, except in the case of laying pipelines defined in the *Pipeline Act*, 2005. [04-01-2021]

**Development Officer** means the planning director appointed under Section 10(1)(b) of the *Community Planning Act*. [04-01-2021] [04-01-2023]

**Development permit** means a permit issued pursuant to this by-law that pertains primarily to land-use requirements. Work permitted under a development permit is not subject to *Code* inspections per the Building By-law. [04-01-2023]

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

**Domestic animals** means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, fish, rabbit or other similar animal kept primarily indoors for the personal enjoyment or companionship of the resident. [04-01-2023]

**Drive-thru facility** means a use where services are provided to customers while in their automobiles and will always be approved with another use such as a restaurant or financial institution.

**Dwelling** means a main building or portion thereof, containing one or more dwelling units.

**Dwelling, apartment** means a building comprising three or more dwelling units which generally has shared outside access, or dwellings attached to a building which is principally commercial. An apartment dwelling does not include a row dwelling.

**Dwelling, bachelor** means a dwelling in which the sleeping and living areas are combined into one habitable room with kitchen and sanitary facilities.

**Dwelling, converted** means an existing building originally constructed as a detached dwelling unit, which is used for more than one dwelling unit.

**Dwelling, duplex** means a separate building divided horizontally or vertically into an upper and lower separate dwelling unit, each of which has an independent entrance, either directly or through a common vestibule on a single lot.

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

**Dwelling, mobile home** means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

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

**Dwelling, semi-detached** means a building divided vertically into two side-by-side separate dwelling units each of which has independent entrances and separate lots.

**Dwelling, single-detached** means a building or portion thereof, designed for, redesigned for and/or used for occupancy by one family with only one entrance facing the street where the principal dwelling unit and the accessory dwelling unit share a common entrance.

**Dwelling, single-family** means a dwelling containing only one dwelling unit.

**Dwelling, two family** means a dwelling containing two dwelling units.

**Dwelling unit** means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family.

**Dwelling unit, accessory** means a dwelling unit which is secondary to the principal dwelling unit and contained in the basement or cellar of the same building and not exceeding 75 square metres.

**Erect** means to construct, build, assemble or relocate a building or structure, and any physical operations preparatory thereto.

**Easement** means a right to use land, most commonly for access to other property or as a right-of-way for a utility service.

**Family** means one or more persons, to a maximum of 4 persons if unrelated, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or a single room occupancy. [04-01-2023]

**Farm** means a lot, buildings and structures where the primary use is for the production of farm products such as dairy products, livestock, field or forestry crops, or undeveloped land. As accessory uses, a farm may incorporate one single detached or mobile home dwelling for use by farm help, and structures such as a barn or silo.

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

**Garden centre** means an establishment for the growing, storage and/or sale of garden, household and ornamental plants and trees, and includes supplementary retail sale of fertilizers, garden chemicals, garden implements and associated products. Garden centres may be of permanent or seasonal nature.

**Garden suite** means a secondary dwelling unit that is detached and located at grade and to the rear of a single-detached dwelling.

**Grade** means the average elevation of the finished ground surface adjacent to a building, excluding localized depressions such as vehicle or pedestrian entrances.

**Gross floor area** means the sum of the areas of all above grade floors of a building measured to the outside surface of the exterior walls, or where buildings are separated by firewalls, to the centreline of the common firewalls, and includes all mechanical equipment areas and all open areas inside a building that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.

**Gross leasable area** means the total floor area designed for tenant occupancy and exclusive use, measured from centrelines of joint partitions and exterior outside walls.

**Group home** means a residence that provides social, physical or mental care to four or less persons living on the premises full-time under the supervision of at least one staff person.

**Height** means the vertical distance measured from average finished grade to the highest point of the roof surface in the case of flat roofs, or to a point halfway up the roof in the case of pitched roofs, excepting special parts such as tanks, elevator penthouses, spires, skylights, cupolas and similar structures which occupy less than 10% of the volume of the building.

**Home occupation** means a secondary use of a dwelling unit by the resident for a business within the home that is limited in scale and intensity so that only a very limited impact from the operation of the business is observed, detected or felt outside of the dwelling unit and subject to the description and conditions outlined in Section 7.21.

**In-law suite** means a temporary living unit contained within, or as an addition to, a main single detached dwelling, which is designed for use by an elderly or infirmed family member of the owner and resident of the principal dwelling and is internally accessible from the main dwelling unit. The in-law suite is meant to be temporary in nature and when the suite is no longer occupied by the parent, the unit shall be incorporated into the principal dwelling.

**Kennel** means a use where domestic animals are cared for during the day and/or boarded overnight and may include pet care service but does not include veterinary services. [04-01-2023]

**Landscaped open space** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening, or other architectural elements; all of which are designed to enhance the visual amenity of property or to provide a screen to mitigate any objectionable aspects which may detrimentally affect adjacent land.

**Loading space** means an unencumbered area of land on privately owned property which is provided and maintained for temporary parking of a commercial vehicle while merchandise or materials are being loaded onto or unloaded from such vehicle.

**Lot** means one parcel of land described in a deed, transfer, or subdivision plan, used or intended to be used as the site for a building or structure or an appurtenance thereto. Refer to lot types and characteristics in Schedule "C" attached hereto. [04-01-2021]

**Lot area** means the total area within the lot lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the high-water mark of a watercourse, or between the top and toe of the cliffs or embankment having a slope of thirty degrees or more from the horizontal.

**Lot coverage** means the percentage of lot area covered by buildings and structures above established grade, but does not include uncovered swimming pools, unenclosed porches, patios, sundecks and above ground pool decks.

**Lot depth** means the horizontal distance between the front and rear lot lines.

**Lot frontage or width** means the horizontal distance measured along a public street. Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage. Where a corner lot has the same dimensions on the 2 streets upon which it abuts, the property line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front property line. Width, in relation to a lot other than a standard rectangular lot, means: [04-01-2023]

- (a) Where the side lots lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines; or
- (b) Where the side lot lines are not parallel, the distance between the side lines as measured across the lot along a line drawn:
  - (i) Parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, and
  - (ii) Through the point at which the line of minimum setback intersects a line drawn perpendicular to and through the mid-point of the line referred to in the subparagraph above.

**Lot line** means any boundary line of a lot or the vertical projection thereof that separates one parcel of land from the next.



**Mineral extraction** means the surface or underground digging to yield any type of mineral.

**Non-conforming use** means an existing use or activity of any land, building or structure which does not conform to the permitted uses or activities of this by-law for the zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

**Obnoxious use** means a use which from its nature or operation creates a nuisance or is offensive by the creation of noise, vibration, glare, electrical interference, fire explosion hazard or by reasons of the emissions of gas fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**Occupancy** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

**Pathway** means a path, sidewalk, or trail used for any form of active transportation.

**Permitted use** means those uses of land, building and structures which are permitted as a matter of right subject only to the requirements of this and other municipal by-laws.

**Personal service** means an establishment providing services for personal care and appearance; for the cleaning, servicing, altering and maintenance of personal articles and accessories.

**Petroleum extraction** means the surface or underground digging and removal of oil or natural gas.

**Pit** means the excavation created through the extraction and removal of unconsolidated material.

**Planning Advisory Committee** means the Planning Advisory Committee appointed by Council pursuant to Village of New Maryland By-Law No. 1 and in accordance with the *Community Planning Act*.

**Portable garage** means a commercially constructed collapsible structure constructed of metal, synthetic tube or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways.

**Professional services** means a business where services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of other services, including but without limiting the general foregoing the following: doctor, dentist, or other health professional; architect, artist, photographer, land use planner, designer or craftsperson, accountant, lawyer, professional engineer or consultant.

**Quarry** means the excavation created by the extraction of material through blasting and drilling.

**Resident** means a permanent inhabitant of a property.

**Resource extraction** means a use where earth, gravel, sand, stone or other forms of aggregate or materials are extracted.

**Retail store** means an establishment for the sale or rental of merchandise, including hardware, from within an enclosed building and may include supplementary postal services, film processing, repair of merchandise sold or rented by the store, and food consumption areas not exceeding 20% of the gross leasable area.

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

**Setback** means the minimum required horizontal distance between the property line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this by-law. (Refer to Figure No. 1.)

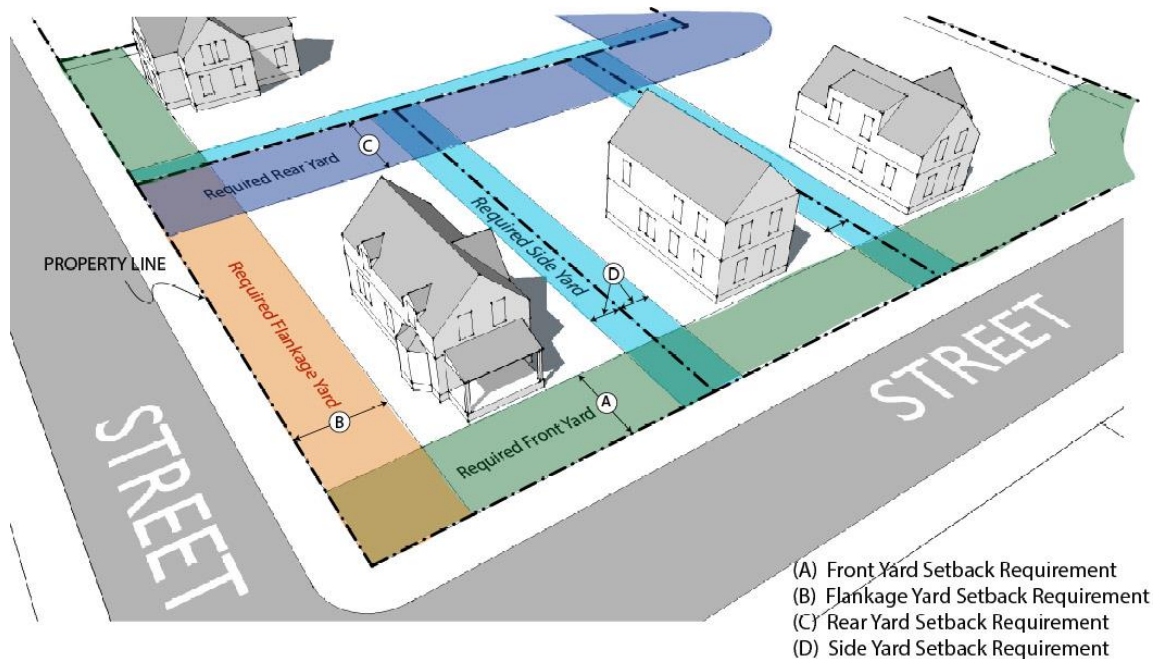


Figure No. 1 - Setbacks

**Sign** means any display of advertisement, placard, boarding, billboard or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purposes.

**Sign, facial wall** means a sign that is attached directly to a building wall that does not extend therefrom nor extend above the roofline.

**Sign, pylon** means a sign supported by one or more uprights, poles, or braces placed in the ground.

**Sign, sandwich board** means a two-sided self-supporting sign that is not permanently affixed to the ground.

**Sign, canopies and awning** means a roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

**Single room occupancy** means a residential dwelling where individual sleeping quarters are provided with a combination of individual and shared habitable space for compensation to 5 or more persons but does not include Apartment Building, Assisted Living, Converted Dwelling, Group Home, Hotel/Motel, Hostel, Nursing Home or Tourist Home. [04-01-2023]

**Stepback** means a horizontal shifting of a facade of a multi-story building towards the center of the building. [04-01-2023]

**Stormwater Management Master Plan** means the Village of New Maryland adopted plan to control the stormwater runoff that comes primarily from impervious surfaces like parking lots, driveways, and rooftops in the goal to protect or maintain the existing municipal infrastructure and also the health of streams, lakes and aquatic life by mitigating the effect of urban development. [04-01-2023]

**Street line** means the boundary line of a street right-of-way of a street owned and maintained by the Village or Province. [04-01-2023]

**Street wall** means the wall or walls of a building facing the street line below the height of a specified stepback. Where no specified stepback is required, the street wall is the wall or walls facing the street line. [04-01-2023]

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

**Swimming pool** means an artificial body of water, the container of which is constructed of cement, plastic, fiberglass or similar material, having a depth greater than 0.6 metres and intended primarily for bathing, swimming or diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic, agricultural or storm water management purposes.

**Telecommunication tower** means any type of tower which is used to support one or more telecommunications antennae for the purpose of telecommunication.

**Tourist Home** means a use where temporary accommodation within a single detached dwelling is provided to visitors and travellers for remuneration. [04-01-2023]

**Townhouse** means a building containing 3 or more side-by-side dwelling units joined in whole or in part by vertical party walls extending from the foundation to the roof where each dwelling unit has a separate entrance with direct access to grade, and no dwelling unit is located wholly or partially above another. [04-01-2023]

**Townhouse, stacked** means a building containing 3 or more dwelling units located wholly or partially above one another where each dwelling unit has a separate entrance with direct access to grade. [04-01-2023]

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

**Use, accessory** means a use, other than human habitation, of land or a building or structure which is normally incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use.

**Use, conditional** means a use of property, which is permitted within a zone subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act*. Where compliance with such terms and conditions is not possible, the Planning Advisory Committee may prohibit the use. [04-01-2023]

**Use, mixed** means where two or more permitted uses are located in one building or on one lot. [04-01-2023]

**Use, principal** means the primary purpose for which a parcel of land, building, structure or dwelling is used. [04-01-2023]

**Use, temporary (seasonal)** means a use and/or structure permitted to exist for a limited amount of time in accordance with the provisions of the *Community Planning Act* of New Brunswick and this by-law.

**Use, secondary** means a use, other than a ~~main~~ principal use or an accessory use, that is naturally and normally incidental, subordinate and exclusively devoted to the principal use, or to the principal building or structure, and located on the same lot with such principal use or building or structure. [04-01-2023]

**Utilities** means the components of water, sewer, storm water, solid waste disposal, cable television, electrical power or telecommunications.

**Variance** means the relaxation of the terms of the Zoning By-law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the by-law would result in unnecessary and undue hardship. The Planning Advisory Committee is given the power to grant variances under Section 55 of the *Community Planning Act*.

**Village** means the Village of New Maryland.

**Watercourse** means the full width and length, including the bed, banks, sides and shorelines, 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 the conveyance or containment of water whether the flow be continuous or not.

**Yard** means an open, uncovered space on a lot adjacent to a building. (Refer to Figure No. 1.)

**Yard, front** means a yard extending across the full width of the lot between the front lot line and the nearest wall of the building on the lot.

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

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

## **7.0 GENERAL PROVISIONS**

### **7.1 Uses Permitted in All Zones**

- 1) Nothing in this by-law shall prevent the use of any land for:
  - (a) Public streets and pathways;
  - (b) Public parks and recreational facilities;
  - (c) Utilities and municipal services; or
  - (d) Safety or emergency facilities or equipment.

### **7.2 Boundaries of Zones**

- 1) Boundaries between zones shall be determined as follows:
  - (a) A zone boundary shown approximately at a lot line is deemed to be coinciding with the lot line;
  - (b) Where zone boundaries are indicated as following an existing or proposed street line, alley line or public utility right-of-way or easement line, the zone boundary shall be construed as coinciding with the boundaries of such street, alley, right-of-way or easement;
  - (c) In the event that a dedicated street or road, as delineated on the Village of New Maryland Zoning Map, is closed, the property formerly within such street or road shall be included within the zone of the adjoining property on either side of such closed street or road; where a closed street or road is the boundary between two or more different zones, the new boundary shall be the former centreline of the closed street;
  - (d) Where an electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be the zone boundary;
  - (e) Where none of the above provisions apply, and where appropriate, the zone boundary shall be determined by scaling from the Village of New Maryland Zoning Map.

### **7.3 Number of Main Buildings or Structures on a Lot**

- 1) Except as provided in this by-law, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure on a lot.
- 2) More than one main building is permitted in the Commercial Zone and Residential Zone Four. 04-01-2023]

### **7.4 Accessory Buildings and Structures**

- 1) Accessory buildings are permitted in each zone where a main building is permitted.
- 2) No accessory building or structure may:
  - (a) Exceed one storey or 4.5 metres in height measured from grade to the highest point of any portion of the roof; or
  - (b) Be placed, erected or altered so that it:
    - (i) Is within the front yard of the main building or structure,
    - (ii) Exceeds 65 square metres in floor space,
    - (iii) Is located closer than 1.2 metres to any side or rear line, except for in the Commercial Zone, Business Park Zone, Residential Zone Three, and Residential Zone Four, in which case the minimum building setback from any property line that does not abut a public street shall be 3 metres: [04-01-2023] or
    - (iv) Is located on an easement.
- 3) Accessory buildings located on a **corner lot** must meet the requirements of Clause 2) above and:

- (a) If located behind the rear line of the main building, may not be located closer than 2.5 metres from the street line;
  - (b) If located beside the main building, may not be located closer than 7.5 metres from the street line.
- 4) A maximum of two accessory buildings are permitted per lot.

#### **7.5 Accessory Dwelling Units**

- 1) Where permitted and unless stated otherwise in this by-law, accessory dwelling units shall:
- (a) Not result in more than two dwelling units contained in any converted single detached dwelling, subject to the lot area being not less than 545 square metres;
  - (b) Be secondary to the main dwelling unit, and not exceed 75 square metres in size;
  - (c) Be completely self-contained and conform to the standards of the *National Building Code*;
  - (d) Require one parking space, in addition to the normal requirement of the zone; and
  - (e) Not be permitted on a property that is the site of a group home, tourist home, home occupation dwelling, neighbourhood daycare centre, or community daycare home.

#### **7.6 Access to a Public Street**

- 1) No person shall erect or use a building or structure or use any lot of land regulated by this by-law, unless the lot of land to be used or the lot of land upon which the building or structure is situated or to be situated abuts or fronts on a public street or otherwise achieves alternate access to a public street to the satisfaction of the Planning Advisory Committee.

#### **7.7 Line of Vision at Intersection**

- 1) Notwithstanding the provisions of this by-law, on a corner lot within the triangular space formed by the street lines for a distance of 6 metres back from their point of intersection, no building or structure shall be erected. Furthermore, no shrubs or foliage shall be planted or maintained within the triangle so formed, which would obstruct the view of a driver of a vehicle approaching the intersection.

#### **7.8 Elevation of New Structures**

- 1) All new structures shall be placed or erected on a foundation which is at least 600 millimetres above the final centreline elevation of the street unless a variance is granted by the Planning Advisory Committee. [04-01-2023]

#### **7.9 Height Exceptions**

- 1) The height restrictions of this by-law shall not apply to church towers, chimneys, water storage tanks, communication towers, or to rooftop structures housing mechanical equipment.

#### **7.10 Non-Residential Development Abutting a Residential Zone**

- 1) Notwithstanding any other provision of this by-law, in the case of a non-residential lot abutting a Residential Zone, no main building or structure may be placed or erected thereon unless the yard abutting the adjoining Residential Zone has a depth or width equal to twice the height of the proposed main building or structure, and has been screened or buffered from adjoining property to the satisfaction of the Planning Advisory Committee.

#### **7.11 Projections into Yards**

- 1) Carports:
- (a) A carport may be permitted over a driveway in a side yard if such structure is not more than one storey in height and provided that no part of the carport is located less than 1.2 metres from the lot line of the abutting side lot or, in the case of a corner lot, 7.5 metres from the street

property line. The maximum floor area coverage shall be no more than 70 square metres or 10% of the lot area, whichever is the lesser.

2) Portable Garages:

- (a) Portable garages may be located on any residential lot between October 15<sup>th</sup> and April 30<sup>th</sup>, inclusive.
- (b) Portable garages shall be commercially constructed of metal or synthetic tube and fabric.
- (c) A building permit will not be required for the placement of a portable garage.
- (d) A portable garage shall not be:
  - (i) Used for any other purpose than to store or accommodate automobiles and recreation vehicles;
  - (ii) Located closer to a side or rear lot line than 1.2 metres;
  - (iii) Located closer to a front lot line than 3 metres; and
  - (iv) Located closer to corner lot line than 3 metres.
- (e) Sea containers shall not be permitted in residential zones or on properties containing legal-non-conforming residential uses. [04-01-2023]

3) Architectural Features:

- (a) Cornices, eaves, belt courses, sills, canopies, bay windows or other similar architectural features, may extend or project into a required side yard not more than 0.5 metres and may extend or project into a required front or rear yard not more than 0.75 metres. Chimneys may also project into a required front, side or rear yard not more than 0.5 metres.

4) Stairways:

- (a) Exterior stairways or stair balconies may extend or project into a required front yard or rear yard not more than 1.5 metres.

5) Sundecks and Platforms:

- (a) Rear Yard: Porches, platforms, landing places, or sundecks may extend or project into a required rear yard as follows:
  - (i) Where the mean height of the structure from the adjacent grade to the bottom of the structure does not exceed 0.5 metres in height, such a structure may extend to within 1.2 metres of the rear lot line;
  - (ii) Where the mean height of the structure from the adjacent grade to the bottom of the structure exceeds 0.5 metres in height, such a structure may extend to within 2.0 metres of the rear lot line.
- (b) Side Yard: Porches, platforms, landing places or sundecks may extend or project into a required side yard to within:
  - (i) 1.8 metres of the side lot line on the non-driveway side of the main structure;
  - (ii) 1.2 metres of the side lot line on the driveway side where a garage or carport is attached to the main structure;
  - (iii) 3.6 metres of the side lot line on the driveway side where no garage or carport is attached to the main structure;
  - (iv) 1.8 metres of the side lot line on the driveway side, where the distance from the front lot line equals or exceeds 12 metres.
- (c) Front Yard: Porches, platforms, landing places, or sundecks may not extend into the required front yard setback area of the zone.

6) Driveway Markers:

- (a) The provisions of this Section shall not restrict the location of ornamental planting, illuminated driveway markers, or landscaping in any yard, with the exception of Section 7.7 of this by-law, unless otherwise indicated in this by-law.

**7.12 General Prohibitions** [04-01-2023]

- 1) No land, building or structure may be used or occupied, and no building or structure may be placed, constructed, erected, moved, sited, altered or enlarged, and no subdivision may be approved, except in conformity with this by-law.
- 2) No building or structure may be placed, constructed, erected, moved, sited, altered or enlarged, and no subdivision may be approved, so as to cause any existing building or structure on the same lot to violate the provisions of this by-law.

**7.13 Permitted and Prohibited Uses** [04-01-2023]

- 1) No land, building or structure may be used for a use that is not specifically listed under the heading "Permitted Uses" or "Conditional Uses" in the zone that the land, building or structure is located.
- 2) No building or structure may be placed, constructed, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that zone.

**7.14 Affordable Housing** [04-01-2023]

- 1) No more than 50% of the number of dwelling units in a building shall be considered as affordable housing dwelling units.

**7.15 Short Term Rental Accommodation** [04-01-2023]

- 1) A dwelling unit in a Residential Zone may be used in whole or in part to provide sleeping accommodation for a period of less than 28 days for payment provided that:
  - (a) the owner resides in the dwelling;
  - (b) there is no group home, home occupation, community daycare home or daycare centre operating within the same dwelling, and
  - (c) no more than 3 rooms in a single detached dwelling are used for short term rental accommodation.
- 2) A dwelling unit in a Commercial Zone that permits a hotel/motel may be used in whole or in part to provide sleeping accommodation for a period of less than 28 days for payment provided that:
  - (a) there is no group home, home occupation, **community daycare home** or **daycare centre** operating within the same dwelling.

**7.16 Telecommunications Towers and Antenna**

Telecommunication towers are regulated by the federal government. All applicants seeking approval of a telecommunication tower must seek the opinion of the municipality as part of the federal approval process. The Zoning By-law does not regulate the placement of towers other than those affecting an existing or accessory building as outlined in the sections below.

- 1) Telecommunications towers and antennae shall not be permitted on a street-facing portion of a building in a residential zone or abutting a residential zone.
- 2) Telecommunications towers and antennae in or abutting a residential zone shall be subject to all accessory buildings provisions of this by-law as per Section 7.4, with the exception of Sections 2) (a) and 4).



- 3) Where, in the opinion of the Development Officer, there is a risk of injury to occupiers or others, telecommunications towers shall be equipped with appropriate anti-climb devices or such other equipment as required to restrict access of the public thereto.
- 4) The Development Officer shall have the authority to require that all telecommunication towers be appropriately painted and landscaping be properly undertaken to minimize the impact of the appearance of such towers from adjacent properties.

#### **7.17 Wind Turbines**

- 1) The erection of a wind turbine shall only be permitted as an amendment to the Zoning By-law and subject to such terms and conditions as may be imposed by Council.

#### **7.18 Swimming Pools**

- 1) The property owner or contractor will be responsible for obtaining a permit and paying all fees to acquire a Village of New Maryland Development Permit for the installation of above-ground or in-ground swimming pools with a depth of 0.6 metres or more, or for any major repairs, such as, but not limited to, liner replacement, to existing pools. [04-01-2023]
- 2) The homeowner or contractor may **not** use a private well as a water source for filling pools.
- 3) Overhead or underground electrical lines are not permitted immediately above or below a swimming pool and 5 metres of horizontal clearance must be provided between the location of the power line and the edge of the pool.
- 4) No land shall be used for the purpose of a swimming pool unless it is:
  - (a) 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 metres in height and meeting the requirements of this section;
  - (b) Located no less than 2.5 metres from any side or rear lot line;
  - (c) Located behind the rear line of the house;
  - (d) Located no less than 3.6 metres from the side street lot line when located on a corner lot; and
  - (e) Located no less than 1.2 metres from the wall of a building.
- 5) Doors and gates that form part of the required enclosure shall be self-latching to restrict access.
- 6) An enclosure mentioned in Section 7.18, 4) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 7) A fence mentioned in Section 7.18, 4) shall:
  - (a) Be made of chain link construction, with galvanized vinyl or other CSA approved coating, or of wood or of other materials, in the manner prescribed by Section 8) below;
  - (b) Not be electrified or incorporate barbed wire or other dangerous material; and
  - (c) Be located at least:
    - (i) 1.2 metres from the edge of the swimming pool; and
    - (ii) 1.2 metres from any condition that would facilitate its being climbed from the outside.
- 8) A fence under this section shall be designed and constructed:
  - (a) In the case of a fence made of chain links, with at least 3.8 centimetre diameter steel posts, set below frost level and spaced not more than 2.5 metres apart, with a top horizontal rail of at least 3.2 centimetre diameter steel;
  - (b) In the case of a fence made of wood, with:
    - (i) Vertical boarding, not less than two and one half centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside; and

- (ii) Supporting wood posts at least 8.9 centimetres square or round, set below frost and spaced not more than two and one half metres apart, with the portion below grade treated with a wood preservative;
  - (c) In the case of a fence made of metal and located within 3 metres of an in-ground pool, the fence must be grounded to the electrical panel of the dwelling; and
  - (d) In the case of a fence constructed with materials and in a manner other than described in this subsection, in a manner that will ensure rigidity equal to the design and construction prescribed by this subsection.
- 9) Gates forming part of an enclosure mentioned in Section 7.18, 5) shall:
- (a) Be equivalent to the fence in content, manner of construction and height;
  - (b) Be supported on substantial hinges;
  - (c) Be self-closing and equipped with a self-latching device at least 1.2 metres above the bottom of the gate; and
  - (d) Have the bottom of the gate no more than 10 centimetres above grade.
- 10) Rigid hot tub covers, latched and locked in place when not in use, shall be permitted in lieu of the required fencing or enclosures referenced in Section 7.18, 5).

#### **7.19 Residential Development near a Lagoon**

- 1) Notwithstanding any other provision of this by-law, the minimum distance between a dwelling and sewage lagoon shall be in accordance with provincial guidelines.

#### **7.20 Development Adjacent to a Watercourse**

- 1) Subject to the provisions of the *Watercourse and Wetland Alteration Regulation* (N.B. Reg. 90-80) and any requirements or conditions subsequently imposed by provincial approval, notwithstanding any provision of this by-law, no person shall erect a building or structure within 30 metres of the high-water mark of a watercourse without approval from the Planning Advisory Committee and in accordance with such terms and conditions as may be imposed by the Committee.

#### **7.21 Home Occupations**

- 1) Subject to Section 7.21, 2), where a home occupation is permitted under this by-law, one of the following occupations may be conducted as a home occupation in the main dwelling:
- (a) An occupation such as professional services (engineer, architect, lawyer, accountant, financial planner, insurance agent, artist) in an office or studio therein; a neighbourhood daycare centre; a community daycare home; the teaching of music or dancing; or a barber or hairdresser. A hairdresser is permitted to include a maximum of two tanning beds; or
  - (b) Service oriented businesses, such as plumbers or electricians, where a home office would be the only part of the occupation being carried out on the premises.
  - (c) A use not mentioned in Clauses 1) (a) and 1) (b) above is prohibited unless approved by the Planning Advisory Committee.
- 2) A home occupation is subject to the requirements that:
- (a) Not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which is located;
  - (b) It is confined to the dwelling unit mentioned in Clause 2) (a) above, and no part of it is located in an accessory building or structure;
  - (c) The floor area of the dwelling unit which is devoted to it does not exceed the lesser of:
    - (i) 20% of the floor area of the dwelling unit, or
    - (ii) 30 square metres;
  - (d) No change, except for a sign permitted under Section 7.21, is made in the outside appearance of the building, which would indicate that a home occupation is being conducted therein;

- (e) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or there from;
- (f) No equipment or material used therein is stored other than in the dwelling unit mentioned in Clause (a) above;
- (g) Off-street parking shall be provided to the satisfaction of the Planning Advisory Committee;
- (h) No outside animal enclosures related to the home occupation shall be permitted; [04-01-2023]
- (i) No toxic, explosive, flammable, radioactive, or other restricted or hazardous material shall be permitted as it relates to a home occupation; and [04-01-2023]
- (j) The business owner/operator must reside in the dwelling unit in which the home occupation operates; [04-01-2023]

## 7.22 Off-Street Parking Requirements

- 1) No building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the design criteria (Section 7.35) and the requirements of this section. [04-01-2023]
- 2) With respect to **location**:
  - (a) All required parking spaces shall be provided on the same site as the building or structure; and
  - (b) In all zones, parking shall not be permitted within the required front yard setback area, except commercial zones where parking is prohibited in the first 6 metres of the front yard setback area.
- 3) With respect to **dimensions**:
  - (a) Each vehicle parking space shall be in accordance with the following stall width and length, curb length and minimum drive aisle width. Angle parking shall only allow one-way traffic. (Refer to Figure No. 2.)

Type of Parking	Minimum Stall Width (metres)	Minimum Curb Length/Car (metres)	Minimum Stall Length (metres)	Minimum Drive Aisle Width (metres)
Parallel	2.75	6.0	2.75	4.0
Angle	2.75	5.5	6.0	5.5
Perpendicular	2.75	2.75	5.5	7.5

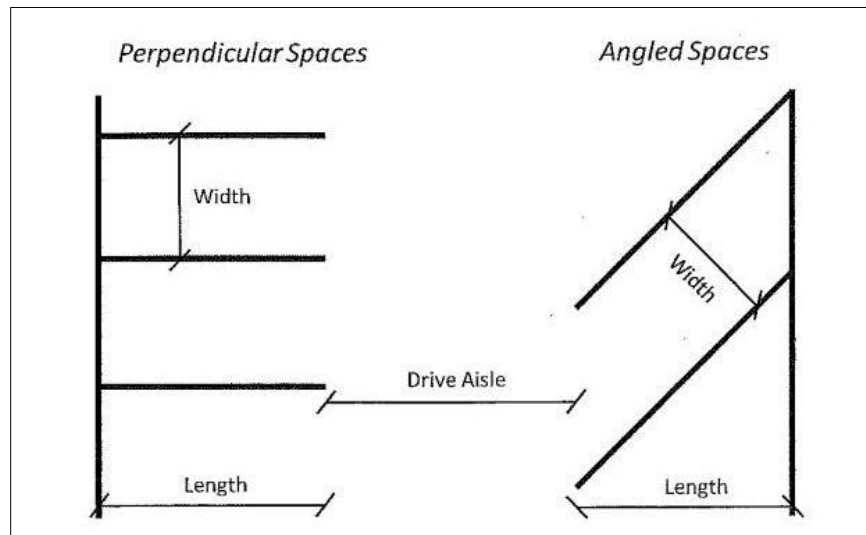


Figure No. 1 – Parking Spaces and Aisles

4) With respect to **landscaping**:

- (a) The first 6 metres of the front yard setback area shall be landscaped open space, except for exits and entrances, subject to Clause 2) (b) above;
- (b) Where parking lots abut residential uses, a 3 metre wide landscaped buffer area with appropriate screening of trees, hedges or fences shall be incorporated to the satisfaction of the Planning Advisory Committee; and
- (c) All permanent parking lots and access driveways required for commercial, industrial and institutional development, and residential development of three units or greater shall:
  - (i) Be in compliance with the Village's Stormwater Management Master Plan; [04-01-2023]
  - (ii) With respect to surface treatment, be surfaced with hot-mix asphalt, portland cement concrete, or asphalt stone chip seal coat unless, in the opinion of the Planning Advisory Committee, the lot should have a permeable surface such as gravel or a permeable paving material in order to permit infiltration of surface water to prevent flooding and/or for the replenishment of the underground water table or supply;
  - (iii) Be graded or drained in such a manner as to ensure that surface water will not escape to neighbouring lands, and wherever the surface of the parking area is more than 10 centimetres higher or lower than any adjoining land, a suitable retaining wall shall be installed along the edge of the parking lot or along the lot line; and
  - (iv) Be provided with continuous curbing or bumper guards where parking and maneuvering areas and driveways abut landscaped areas.
  - (v) No parking space, maneuvering area or driveway shall be located any closer than 2 metres to any wall or residential development of three units or greater.

5) With respect to **access**:

- (a) Except for row dwellings, which may require additional driveways due to the site development concept, the number of driveways shall be limited to not more than one driveway for 30 metres of frontage or less, and no more than two driveways are permitted for frontages over 30 metres unless deemed by the Planning Advisory Committee to be in the interests of public safety; and [04-01-2021]
- (b) All driveways to a corner lot shall be located no closer than 11 metres from the intersection of the lot lines along two streets with the exception that no driveway may be located within 30 metres of an intersection of two or more streets if traffic at such intersection is controlled by traffic signals.
- (c) No driveway shall meet the travelled portion of the fronting street at a horizontal angle of less than 70 degrees. [04-01-2023]

- (d) Every driveway shall be maintained with an all-weather, dust-free surfacing sufficient to carry imposed loads. [04-01-2023]
- (e) Every driveway shall have a slope to the satisfaction of the Village Public Works Supervisor. [04-01-2023]

6) With respect to **accessible parking for disabled persons:**

- (a) The number of accessible parking spaces for development where five or more spaces are required shall be in accordance with the following:

Total Number of Required Spaces in a Lot	Total Number of Accessible Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6

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

7) With respect to the **number of spaces** to be provided for various uses, off-street vehicular parking shall be provided on the following basis:

Use	Number of Spaces Required
(a) Dwelling	1 space for each dwelling unit, plus 1 additional space for every 4 dwelling units
(b) Residential building other than a hotel/motel or apartment building	1 space for every habitable unit
(c) Business or professional office, medical or dental clinic	1 space for every 36 square metres of gross floor area
(d) Retail store	1 space for every 18 square metres of floor gross leasable area
(e) Service or repair shop	1 space for every 27 square metres of floor area used for providing services
(f) Shopping centre	1 space per 17 square metres of gross leasable space
(g) Hotel	1 space per sleeping unit plus restaurant and conference facility parking requirements
(h) Motel	1 space per sleeping unit plus restaurant and conference facility parking requirements
(i) Eating or drinking establishment	1 space per 5 seats
(j) Undertaking establishment	10 spaces plus 1 per 19 square metres of floor area

Use	Number of Spaces Required
(k) Warehouse, storage yard or transportation yard	1 space for every 200 square metres of storage space or 1 space per 3 employees, whichever is greater
(l) Factory or industrial use	1 space for every 36 square metres of floor space used for industry except storage
(m) Public or private school	1 space per teacher plus auditorium parking requirements
(n) Church, club, lodge or place of public assembly	1 space for every 8 persons normal attendance
(o) Theatre, billiard or pool room, public hall, dance hall or bowling alley	1 space per 5 seats
(p) Spectator entertainment, auditoriums, libraries, clubs, sports establishments, indoor and outdoor recreation facilities	1 space per 10 seats or 1 space per 19 square metres, whichever is greater
(q) Tennis, squash or racquet ball courts	2 spaces/court plus provision for other uses on or in the facility
(r) Other uses	1 space for every 28 square metres of gross floor area

8) No person shall park any commercial vehicle or trailer:

- (a) On any street unless engaged in the process of moving goods or making deliveries; or
- (b) Overnight on any residential lot unless it is operated by the resident of the property on which the trailer is parked, or is an accessory to construction activities being conducted on that property.

### 7.23 Loading Spaces

- 1) In addition to parking requirements of this by-law, wherever a building or structure is erected, converted or altered to be used for manufacturing, storage or commercial purposes or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise, the occupants shall provide and maintain on land that is not part of the highway and not part of the required parking area, loading areas in accordance with the following standards:

Floor Area of Building	Number of Loading Spaces
Up to and including 1,800 square metres	1
Over 1,800 square metres up to and including 4,500 square metres	2
For each additional 4,500 square metres	1 additional

- 2) Each loading space shall be a minimum of 9 metres in length and 3.5 metres wide, and have a vertical clearance of not less than 4 metres.

### 7.24 Lighting of Sites

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

## 7.25 Signs

- 1) Except as permitted under this section, no sign may be placed, erected or displayed on any land, building or structure. Excluded from the requirements of this by-law are traffic control signs and devices as defined by the *Motor Vehicle Act* of New Brunswick and legal notices.
- 2) A sign not expressly permitted by this section is permitted only if approved by the Planning Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.
- 3) A permit fee as outlined in Schedule “B” attached hereto shall be submitted to the Development Officer for each sign (except Special Events Signs) which is permitted under the provisions of this by-law or for any modification to the structure and/or the face or message on said category of sign. A continuously changing message board sign is exempt from this fee after the initial installation permit fee.
- 4) All signs (except Sandwich Board, Temporary Commercial or Special Events Signs) shall be permanently mounted in a manner so as to make the sign immovable, such as securely fastened to Sonotubing, securely fastened to a concrete foundation by posts or anchor bolts embedded in the concrete, or buried at sufficient depth below ground so as to prevent relocation of the sign.
- 5) All temporary signs shall be secured against winds. For safety reasons, temporary signs shall be removed from display during high wind conditions.
- 6) No sign may:
  - (a) Be placed or located so as to obstruct the view of any vehicular or pedestrian traffic to or from the lot on which it is located or any adjacent lot;
  - (b) Be an imitation of a traffic control device or contain the words, “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or similar wording;
  - (c) Have a size, location, movement, content, coloring or manner of illumination, which may be confused with, construed as, or tend to hide from view any traffic control device;
  - (d) Advertise any activity, business, product or service no longer conducted on the premises on which the sign is located;
  - (e) Except as specifically permitted by the Planning Advisory Committee and then only in accordance with the terms and conditions set out by the Planning Advisory Committee, be illuminated in a manner that changes color, has movement, flashes, or may be illuminated from the interior of the sign;
  - (f) Except as permitted for temporary signs, be attached to or located within 2 metres of a utility pole, or utility lines; and
  - (g) Be erected or placed closer than allowed by the applicable side yard setback requirements for a building or structure in the applicable zone.

### 7.25.1 Signs Permitted In All Zones

The following signs are permitted in **all zones**:

- 1) Signs regulating the property use, denoting on premises traffic or parking, or other signs denoting the direction or function of various parts of a building, structure or lot provided such signs are less than 0.46 square metres in sign area;
- 2) Signs erected by a governmental body or under the direction of such a body;
- 3) Memorial signs or tablets, signs denoting the date of erection of a structure, and the flag, pennant or insignia of any government;
- 4) A sign which is incidental to construction and within the area designated for such purposes. Such signs must be removed within thirty days of completion of construction;

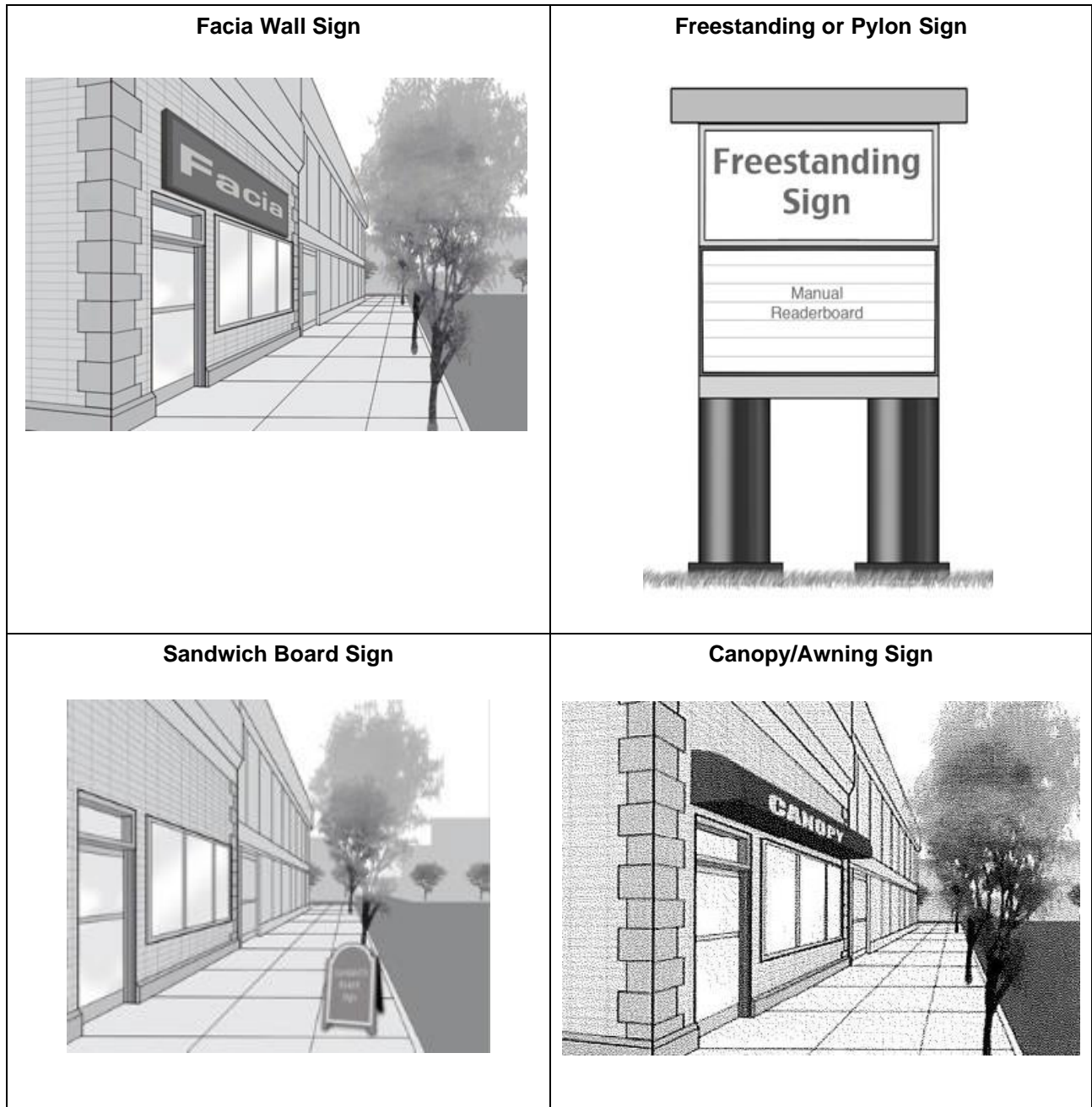
- 5) Signs that constitute an integral part of a vending machine, telephone booth, devices that indicates time, date or weather conditions, or similar device whose principal function is not to convey an advertising message;
- 6) Signs erected on a public property or public right-of-way under the direction of Council and in accordance with any provincial regulations respecting signs along roadways; and
- 7) Special Events Signs will be permitted in all zones subject to the following conditions:
  - (a) Special events signs shall not exceed 1.5 square metres in apparent surface area;
  - (b) The sign shall not be placed so as to obstruct or hide any other sign;
  - (c) Special events signs do not require permits but must be promptly removed once their purpose has been met. Individuals, organizations and firms who do not promptly remove such signs are guilty of an offence under this by-law; and
  - (d) To advertise special events, non-profit groups and service clubs may place a sign at the entrance to the Village for the 5 days preceding and the day of the event, but must be removed immediately following the event. Signs must be of solid construction and letters must be of sufficient size to allow the sign to be easily read by passing traffic. This use does not require a permit or payment of a fee; however, the Development Officer must be advised that the sign is being placed.

#### 7.25.2 Signs Permitted in the Commercial Zone

In the **Commercial Zone** the following Signs shall be permitted (Refer to Figure No. 3.):

- 1) **Facial Wall Signs** shall be permitted providing they do not exceed the following:
  - (a) No sign shall cover more than 0.3 square metres per 0.3 lineal metre of wall upon which the sign is affixed;
  - (b) No more than two facial signs will be permitted per wall projection;
  - (c) No facial wall sign shall extend beyond the extremities of the wall upon which it is placed;
  - (d) No facial wall sign shall project out more than 0.3 metres from the supporting wall.
- 2) A **Pylon Sign** shall be permitted providing it:
  - (a) Does not exceed a height of 6 metres, or an area of 9 square metres per side;
  - (b) Does not exceed more than one pylon sign per lot;
  - (c) Is set back a minimum of 2.5 metres from the front lot line. In the case of a corner lot the pylon sign must also be set back 2.5 metres from the flankage lot line.
- 3) A **Sandwich Board Sign** shall not exceed a single sign face area of 1 square metre and shall be located so as not to obstruct passage along any public sidewalk. Only one sandwich board sign is permitted per lot.
- 4) **Canopies and Awnings** attached to walls shall not project more than 1.2 metre over a public sidewalk. Canopies and awnings shall be self-supporting and shall be placed a minimum height of 3 metres above a sidewalk. Signage may be included as an integral part of an awning or canopy.





**Figure No. 3 - Signs**

- 5) A **Temporary Commercial Sign** shall be permitted subject to the following conditions:
- (a) Only one Temporary Commercial sign may be erected per lot;
  - (b) These signs shall include all readily moveable non-illuminated signs;
  - (c) The apparent surface area of the sign shall not exceed 1.5 square metres per side;
  - (d) The sign shall not be placed so as to obstruct or hide any other sign; and
  - (e) The sign shall not be placed closer than 6 metres to the nearest portion of any street or highway.

### **7.25.3 Signs Permitted in the Residential Zones**

- 1) In Residential Zones signs shall be permitted for the following uses:
  - (a) Advertising the sale, rental or lease of such building, land or structure, on which the sign is placed;
  - (b) Identifying the name of the property or residents thereof;
  - (c) Indicating a home occupation permitted hereunder; or
  - (d) Warning against trespass or danger.
- 2) Residential signs shall be non-illuminated.
- 3) Residential signs shall not exceed 0.18 square metres (in gross area except for a use described in Clause 1), (a) above in which case shall not exceed 0.55 square metres in area).
- 4) Residential signs must maintain a minimum setback distance of one metre from any lot or street line.

### **7.25.4 Other**

- 1) Placement and removal of election posters shall be in accordance with provincial and federal Election Acts in force.
- 2) The Village shall remove any sign that is contrary to this by-law, at the expense of the person responsible for erecting the sign.

### **7.26 Pits and Quarries**

- 1) No person shall undertake or continue the excavation of sand, gravel or rock, where the excavated material is relocated off site, unless an excavation permit has been issued therefore by the Development Officer pursuant to this section.
- 2) A person seeking to obtain an excavation permit under this section shall make application in writing to the Development Officer in a form prescribed by that officer.
- 3) An application mentioned in Section 7.26, 1) above shall:
  - (a) State the name and address of the applicant and the location of the proposed excavation;
  - (b) Be accompanied by a plan indicating the boundaries of that part proposed to be excavated;
  - (c) Indicate the proposed base or lowest level of the proposed excavation;
  - (d) Set out the means to be employed by the person in the proposed permit to maintain accesses to the excavation and public street over which excavated material is to be transported, in a dust free condition as by paving, sweeping, or the use of calcium chloride;
  - (e) Identify the estimated date of commencement of the work involved in the excavation; and
  - (f) Include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed time limit therefore.
- 4) Subject to Section 7.26, 5) and Section 7.26, 6) where:
  - (a) An application under Section 7.26, 2) has been received;
  - (b) The proposed excavation and the proposal for rehabilitation of the site meet the requirements thereof;
  - (c) The fee set out in Schedule "B" attached hereto has been paid; and
  - (d) The application has been approved by the Planning Advisory Committee, the Development Officer shall issue the excavation permit requested.

- 5) No permit shall be issued under this section if, in the opinion of the Development Officer,
  - (a) The proposed work would:
    - (i) Create a hazard to human life;
    - (ii) Create injury to a person;
    - (iii) Damage adjoining property; or
    - (iv) Adversely affect a public water main, sewer or a watercourse or street.
  - (b) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard, or
  - (c) the Development Officer and the applicant thereof do not agree on:
    - (i) The base mentioned in Section 7.26, 3) (c), or
    - (ii) A time limit mentioned in Section 7.26, 3) (f).
- 6) No permit may be issued under this section until the applicant has deposited a sum of money, or a surety bond in lieu thereof, issued by an insurance company licensed to carry on business in the Province of New Brunswick, in an amount determined by Council to be adequate to ensure the excavation project will be completed and adequate to cover the estimated cost of rehabilitation required by Section 7.26, 8).
- 7) Where an owner and/or permit holder mentioned in Section 7.26, 8) fails to meet the requirements of that section, the Council may cause the required rehabilitation to be done and may recover all cost connected therewith from the owner.
- 8) The land of the site of the excavation for which a permit has been issued hereunder shall be rehabilitated by the owner and or permit holder thereof within a time limit mentioned in the permit, upon:
  - (a) Depletion of the sand, gravel or rock from the site to the extent that further operation would be no longer viable;
  - (b) Failure to seek renewal of an elapsed or canceled permit; or
  - (c) Cessation of operation for a period of at least one year.
- 9) An excavation permit is valid until December 31 in the year of issue, and therefore the fee for such permit or renewal thereof shall be in accordance with Schedule "B" attached hereto.
- 10) An excavation permit shall:
  - (a) Be in a form provided by the Development Officer;
  - (b) Set out information pursuant to Section 7.26, 3) contained in the application therefore; and
  - (c) Be signed by both the Development Officer and the applicant.
- 11) Rehabilitation mentioned in Section 7.26, 3) (f) shall include the following:
  - (a) Where an excavation is over 6 metres deep, a terrace shall be provided not less than 6 metres in width at each 6-metre 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:1 vertical;
  - (c) All plant, equipment, buildings or structures, placed or erected on the site for the purposes of excavation, shall be removed;
  - (d) All stockpiles, earth, rubble or other excavated material shall be removed from the site, backfilled into the excavation where feasible or brought to a common grade within 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 15 centimetres, and seeded with grass or other ground cover to prevent erosion.

- 12) A permit under this section is subject to the following terms and conditions:
- (a) That no excavation take place below the base agreed to pursuant to Section 7.26, 3) (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;
  - (c) That the excavation and any work related thereto is carried on only between the hours of 7:00 am and 8:00 pm and only on days other than Sundays and holidays;
  - (d) That no operation in relation to the excavation is conducted in a manner as:
    - (i) To be apt to create a hazard to human life, to cause injury to a person or to damage adjoining property;
    - (ii) To permit ponding of water in excess of 0.5 metres in depth;
    - (iii) To lower the water tables of neighbouring properties; and
    - (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 nor toe of the slope of the excavation or any building or structure or storage or repair in connection therewith, is within 15 metres of an abutting property line;
  - (g) That annually, at the end of the operation for the summer, the slope of the excavation is not steeper than 1.5 horizontal:1 vertical for the full depth thereof;
  - (h) That the land of the site be rehabilitated as provided herein; and
  - (i) Any damage to municipal streets, services or drainage systems caused by the permit holder shall be reinstated at the expense of the permit holder.
- 13) Where a person violates any of the terms and conditions mentioned in Section 7.26, 12), or any provision of this section, the Development Officer may suspend or revoke the excavation permit and may, if the violation is rectified, reinstate a suspended permit.
- 14) No permit is required for the excavation of sand, gravel or rock for use on a person's own property, except if excavated material is hauled off the site for commercial gain.

#### **7.27 Excavation and Stripping of Materials**

- 1) The excavation of sand, gravel, clay, shale, limestone or other deposit for the purposes of sale or other commercial use of the material excavated is prohibited, unless the provisions of Section 7.26 have been complied with.
- 2) The provisions of Section 7.26 do not apply if the material is surplus to the requirements of an approved development.
- 3) No person may strip, excavate or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- 4) Where in connection with the construction of a building or structure, there is an excess of topsoil other than required for grading and landscaping on the lot, such excess may be removed for sale or use.
- 5) Notwithstanding Section 7.27, 3), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council, making arrangements satisfactory to the Council for the rehabilitation of lands subject to the activity.

#### **7.28 Liquor-Licensed Establishments**

- 1) Existing liquor-licensed establishments will be permitted to continue.
- 2) Applications for a liquor-licensed establishment will only be permitted as an amendment to the Zoning By-law and subject to such terms and conditions as may be imposed by Council. Two such conditions shall include:

- (a) No drinking establishment shall be located within 300 metres of a property containing a place of worship or a school; and
- (b) No drinking establishment shall be located in a building used for residential purposes other than one dwelling unit for an owner, operator or caretaker of the establishment.

#### **7.29 In-law Suites**

- 1) Where permitted under this by-law, an in-law suite shall meet the following standards:
  - (a) It shall be contained within or as an addition to a single family detached dwelling and have a shared entrance with the main dwelling unit;
  - (b) It must be serviced by municipal sources, through the principal residence or by a provincially approved septic system;
  - (c) The driveway access point must be common to both the principal dwelling and the in-law suite;
  - (d) The lot area of the principal dwelling shall be a minimum of 545 square metres;
  - (e) It will not exceed 60% of the gross floor area of the principal dwelling or 75 square metres, whichever is the lesser;
  - (f) An in-law suite shall not be permitted where an accessory dwelling unit is already in existence, and an accessory dwelling unit shall not be permitted where an in-law suite is already in existence;
  - (g) One parking space shall be required in addition to the parking required for the principal dwelling;
  - (h) It shall utilize the existing driveway access;
  - (i) It must be constructed in such a manner so as to maintain the appearance of the building as a single-family dwelling, (such as, but not limited to, a common entrance at the rear);
  - (j) It will not permit a separate electrical entrance; and
  - (k) It must meet any other condition that Council may deem appropriate.

#### **7.30 Garden Suites**

- 1) Garden suites shall be permitted only through a zone amendment process and shall:
  - (a) Be considered an accessory building and not a second main building;
  - (b) Be permitted only in the R-1 and R-2 zones;
  - (c) Be located in the rear yard of a single detached dwelling;
  - (d) Not exceed a maximum floor area of 75 square metres;
  - (e) Maintain a minimum 3-metre rear yard setback and a minimum 1.8-metre side yard setback;
  - (f) Be permitted only on lots where there is a single detached dwelling and where the lot area is at least 550 square metres;
  - (g) Be connected to available municipal services;
  - (h) Coverage of the entire lot of the garden suite and the single detached dwelling shall not exceed 35%;
  - (i) Not be permitted on the same lot where a basement apartment or in-law suite is in existence;
  - (j) Utilize the existing driveway access;
  - (k) Be constructed and erected so as to be easily removable or converted back to an accessory use;
  - (l) Be constructed and maintained in an attractive and unobtrusive manner;
  - (m) Provide screening to the satisfaction of the Development Officer;
  - (n) Not be occupied until a final inspection has been conducted by the Building Inspector certifying that the premises meet all applicable building code requirements; and
  - (o) Not be in the form of a mini-home or mobile home.

**7.31 Single Room Occupancies** [04-01-2023]

- 1) Applications for single room occupancies shall only be permitted through a conditional use approval by the Planning Advisory Committee and shall:
  - (a) Be contained within or as an addition to a single family detached dwelling;
  - (b) Be an owner-occupied premises;
  - (c) Be only permitted in R-1 and R-2 Zones;
  - (d) Not be permitted where an accessory dwelling unit, in-law suite, home occupation or garden suite is already in existence;
  - (e) Have parking to the satisfaction of the Planning Advisory Committee; and
  - (f) Meet any other condition(s) that the Planning Advisory Committee may deem appropriate.

**7.32 Group Homes** [04-01-2023]

- 1) Group homes shall only be permitted through a conditional use approval by the Planning Advisory Committee, or via a by-law amendment application to re-zone the property as an Institutional Zone.

**7.33 Keeping of Hens in Residential Zones** [04-01-2023]

- 1) The keeping of hens in residential zones shall only be permitted through a conditional use approval by the Planning Advisory Committee.

**7.34 Nuisance Standards**

- 1) Any use operating within a building in a commercial, business park or industrial zone shall:
  - (a) Not generate any noise, dust or vibration beyond the building containing that use; and
  - (b) Not become a nuisance or annoyance to the surrounding area by reason of unsightliness, the emission of odours, liquid effluents, radiation, fumes, smoke, or glare, nor shall any use be permitted that creates or causes a health, fire or explosion hazard or electrical interference.

**7.35 Design Criteria** [04-01-2023]

- 1) Development in the Community Commercial (CC) and Residential Main Street (R-4) Zones within the area of land designated as 'Central Corridor Overlay Zone' on Schedule "D" attached hereto, shall comply with Design Standards prescribed within the respective Zone.
- 2) For all other development in non-residential zones, development approval is contingent upon compliance with the following criteria:
  - (a) Fronts of buildings shall face the street and have facades that are subdivided and proportioned using features such as windows, entrances, arcades, arbours, awnings, trellises or alternative architectural details scaled to fit well along no less than 60% of the façade.
  - (b) Front yard minimum landscaping shall be:
    - (i) Any combination of trees, hedges, shrubs, flowers, grass or other vegetative ground cover or a combination of ground cover and decorative stone, tile, brick or woodwork; or
    - (ii) One (1) tree for every 6.0 metres of frontage; or
    - (iii) The provision of sidewalks (1.5 metres wide) with a 1-metre planting strip for street trees. Sidewalks must connect with the surrounding sidewalk and pathway network where possible.
  - (c) Location of 50% of the parking areas at the back or to the side of the building to minimize its visual impact.
  - (d) A maximum of two driveways with a maximum width of 7.5 metres each.

**7.36 Garbage Containers** [04-01-2023]

- 1) Garbage containers shall be stored inside a building or within a screened enclosure to the satisfaction of the Development Officer except for residential development of less than 4 dwelling units.
- 2) A garbage container enclosure shall not be located within the front yard in a residential zone and shall not be located within the required front yard setback in all other zones.
- 3) A garbage container shall be accessible and unencumbered for collection at all times.

## **PART II: ZONES**

### **8.0 RESIDENTIAL ZONES**

#### **8.1 General Provisions for Residential Zones**

##### **8.1.1 Minimum Ground Floor Area and Dimensions**

- 1) Unless otherwise specified in this by-law, the minimum ground floor area for a single detached dwelling shall be 70 square metres with a minimum street wall frontage of 7 metres and a sidewall width of 7 metres.

##### **8.1.2 Minimum Floor Area**

- 1) Residential dwelling units must have a minimum total floor area in relation to the number of bedrooms as follows:

<b>No. of Bedrooms in a Dwelling Unit</b>	<b>Square Metres of Floor Area</b>
Bachelor	28
1	35
2	53
3	63
4	82
5	82 plus 9 square metres for each bedroom in addition to the first four bedrooms

##### **8.1.3 Landscaping in Residential Zones**

- 1) The owner of a lot developed for residential purposes shall landscape:
  - (a) The front yard of the main building; and
  - (b) The part of the lot within 2 metres of any building thereon.
- 2) The content of landscaping required under Section 1) above:
  - (a) Shall include all grading necessary to divert surface water from the dwelling and to contour the front yard to the surrounding terrain, together with the installation of lawn having a minimum of 7.5 centimetres of topsoil; and
  - (b) May include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other by-law.
- 3) Notwithstanding Section 1) above, the front yard mentioned therein shall contain only lawn or landscaped area except for walks (2 metres maximum) and driveways (7.5 metres maximum) for access to the main building or other use on the lot.
- 4) For higher density forms of housing (anything other than one or two-unit dwellings), landscaped buffers and/or fencing may be required to screen or protect the view from adjacent one or two-unit development. The extent of such landscaping shall be at the discretion of the Planning Advisory Committee.



## 8.2 Residential Zone One (R-1)

### 8.2.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) A single detached dwelling (Refer to Figure No. 4.);
  - (b) An in-law suite, subject to Section 7.29 (In-Law Suites); [04-01-2023]
  - (c) A home occupation, subject to Section 7.21 (Home Occupations); [04-01-2023] and
  - (d) Accessory building(s), subject to Section 7.4 (Accessory Buildings and Structures).

### 8.2.2 Conditional Uses [04-01-2023]

- 1) Subject to approval by the Planning Advisory Committee, and any terms and conditions deemed necessary, any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Group Home subject to Section 7.32;
  - (b) Single Room Occupancy, subject to Section 7.31;
  - (c) Short Term Rental Accommodation; subject to Section 7.15, and
  - (d) Keeping of Hens, subject to Section 7.33



**Figure No. 4 – Single Detached Dwelling**

### 8.2.3 Standards

- 1) For the R-1 Zone the following standards shall apply:

	<b>Single-Detached Dwelling</b>
<b>Minimum lot area</b>	<b>Interior lot:</b> 545 square metres <b>Corner lot:</b> 690 square metres
<b>Minimum lot frontage</b>	<b>Interior lot:</b> 18 metres <b>Corner lot:</b> 23 metres
<b>Minimum lot depth</b>	30 metres
<b>Minimum front yard</b>	7.5 metres
<b>Minimum rear yard</b>	6 metres
<b>Minimum side yard</b>	<b>Interior lot with a carport or garage:</b> 1.2 metres on the garage or carport side and 1.8 metres on the opposite side

	Single-Detached Dwelling
	<p><b>Interior lot without a carport or garage:</b> 3.6 metres on the driveway side and 1.8 metres on the opposite side</p> <p><b>Corner lot with a carport or garage:</b> 7.5 metres abutting side street and 1.8 metres on opposite side</p> <p><b>Corner lot without a carport or garage:</b> 7.5 metres along butting street and 3.6 metres on opposite side</p>
<b>Maximum height</b>	9 metres
<b>Maximum lot coverage</b>	35%
<b>Setback off public walkway</b>	2.4 metres
<b>Driveways and off-street parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law

### 8.3 Residential Zone Two (R-2)

#### 8.3.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) A semi-detached dwelling (Refer to Figure No. 5.);
  - (b) A duplex dwelling;
  - (c) A single-detached dwelling, subject to Section 8.2.2.;
  - (d) Single detached dwelling with an accessory dwelling unit, subject to Section 7.5 (Accessory Dwelling Unit);
  - (e) An in-law suite, subject to Section 7.29 (In-Law Suites); [04-01-2023]
  - (f) A home occupation, subject to Section 7.21 (Home Occupations); [04-01-2023]
  - (g) Accessory building(s), subject to Section 7.4 (Accessory Structures); and
  - (h) An Institutional use subject to Section 11;

#### 8.3.2 Conditional Uses [04-01-2023]

- 1) Subject to approval by the Planning Advisory Committee, and any terms and conditions deemed necessary, any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Group Home subject to Section 7.32;
  - (b) Single Room Occupancy, subject to Section 7.31;
  - (c) Short Term Rental Accommodation; subject to Section 7.15, and
  - (d) Keeping of Hens, subject to Section 7.33



Figure No. 5 – Semi-Detached Dwelling

#### 8.3.3 Standards

- 1) For the R-2 Zone the following regulations shall apply:

	Semi-Detached Dwelling	Duplex
<b>Minimum lot area</b>	<b>Interior lot:</b> 545 square metres <b>Corner lot:</b> 690 square metres	<b>Interior lot:</b> 818 square metres <b>Corner lot:</b> 920 square metres
<b>Minimum lot frontage<sup>1</sup></b>	<b>Interior lot:</b> 18 metres <b>Corner lot:</b> 23 metres	<b>Interior lot:</b> 23 metres <b>Corner lot:</b> 26 metres

	Semi-Detached Dwelling	Duplex
Minimum lot depth	30 metres	30 metres
Minimum front yard	7.5 metres	7.5 metres
Minimum rear yard	7.5 metres	7.5 metres
Minimum side yard	<b>Common wall side: 0 metres</b> <b>Interior lot with a carport or garage:</b> 1.2 metres on the garage or carport side and 1.8 metres on the opposite side. <b>Interior lot without a carport or garage:</b> 3.6 metres on the driveway side and 1.8 metres on the opposite side. <b>Corner lot with a carport or garage:</b> 7.5 metres abutting side street and 1.8 metres on opposite side. <b>Corner lot without a carport or garage:</b> 7.5 metres along abutting street and 3.6 metres on opposite side.	
Maximum height	11 metres	11 metres
Maximum lot coverage	35%	35%
Setback off public walkway	2.4 metres	2.4 metres
Driveways and off-street parking [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.	

<sup>1</sup> Where a building used for residential purposes is located on a lot meeting the requirements of the Zoning By-law with respect to lot size, the lot may be subdivided along any party wall of the building.

## 8.4 Residential Zone Three (R-3)

### 8.4.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) An apartment dwelling of no greater than 20 units, subject to the provisions of Sections 7.35 (notwithstanding that Section 7.35 references non-residential zones) and 8.4.2 (Refer to Figure No. 6.); [04-01-2021] [04-01-2023]
  - (b) A row dwelling, townhouse or stacked town house subject to the provisions of Section 7.35 (Refer to Figure No. 7); [04-01-2023]
  - (c) A semi-detached dwelling; subject to Section 8.3.2.; [04-01-2021]
  - (d) A duplex dwelling; subject to Section 8.3.2.; [04-01-2021]
  - (e) A single detached dwelling, subject to Section 8.2.2; [04-01-2021]
  - (f) A single detached dwelling with an accessory dwelling unit, subject to the provisions of Section 7.5 (Accessory Dwelling Unit);
  - (g) An in-law suite, subject to Section 7.29 (In-Law Suites); [04-01-2023]
  - (h) A home occupation, subject to Section 7.21 (Home Occupations); [04-01-2023]
  - (i) Accessory building(s), subject to Section 7.4 (Accessory Buildings and Structures); and  
An Institutional use subject to Section 11.



Figure No. 6 – Apartment Building



Figure No. 7 – Row Dwelling or Townhouse

#### 8.4.2 Standards

- 1) For the R-3 Zone the following regulations shall apply:

	<b>Apartment</b>	<b>Row Dwelling</b>
<b>Minimum lot area</b>	180 square metres per unit	180 square metres per unit
<b>Minimum lot frontage</b>	36 metres	6 metres per dwelling unit
<b>Minimum lot depth</b>		30 metres
<b>Minimum front yard<sup>1</sup></b>	7.5 metres	7.5 metres
<b>Minimum rear yard<sup>1</sup></b>	11 metres	7.5 metres
<b>Minimum side yard<sup>1</sup></b>	<b>Common Wall side:</b> 0 metres <b>Interior lot:</b> 6 metres <b>Corner lot:</b> 7.5 metres	<b>Interior lot:</b> 1.8 metres <b>Corner lot:</b> 7.5 metres abutting side street
<b>Maximum height</b>	11 metres	9 metres
<b>Maximum lot coverage</b>	35%	35%
<b>Setback off public walkway</b>	2.4 metres	2.4 metres
<b>Minimum landscaped open space</b>	45 square metres per dwelling unit	45 square metres per dwelling unit
<b>Driveways and off-street parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.	

<sup>1</sup> On a corner lot where a row dwelling building faces a flanking street, the following building setbacks shall apply:

- (a) from a front property line: 7.5 metres;
- (b) from a side property line that abuts a flanking street on a corner lot: 7.5 metres;
- (c) from the side property line on the side opposite the flanking street on a corner lot: 7.5 metres; and
- (d) from a rear property line: 1.8 metres. [04-01-2021]

- 2) Density Bonus: [04-01-2023]

Only one of the following density bonuses may be applied to a development:

- (a) where at least 50% of the required parking is provided underground: MAXIMUM 71 dwelling units per hectare (MINIMUM 140 m<sup>2</sup> per dwelling unit)
- (b) for any affordable housing dwelling unit: MAXIMUM 224 dwelling units per hectare (MINIMUM 45 m<sup>2</sup> per affordable dwelling unit)
- (c) for any apartment building that provides both private and common amenity space: MAXIMUM 68 dwelling units per hectare (MINIMUM 147 m<sup>2</sup> per dwelling unit)

## 8.5 Residential Mini-Home Zone (RMH)

### 8.5.1 Permitted Uses

- 1) This zone is intended to permit single mini-homes on individual lots fronting on public streets. Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) A mini-home site (Refer to Figure No. 8.);
  - (b) A home occupation, subject to the provisions of Section 7.21 (Home Occupations); [04-01-2023]
  - (c) An accessory building, subject to the provisions of Section 7.4 (Accessory Buildings and Structures); and
  - (d) A neighbourhood daycare centre or community daycare home.

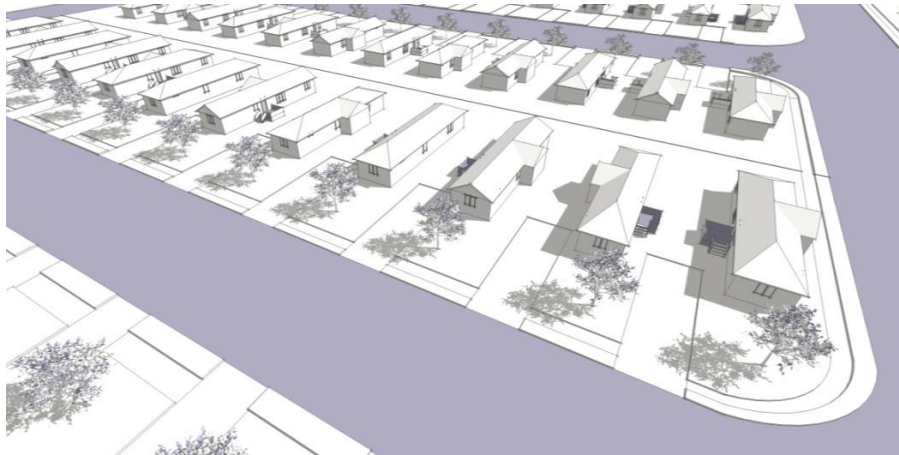


Figure No. 8 – Mini-Home Zone

### 8.5.2 Standards

- 1) For the Residential Mini-Home Zone the following regulations shall apply:

	Residential Mini-Home Zone
<b>Minimum lot area</b>	<b>Interior Lot:</b> 465 square metres <b>Corner Lot:</b> 550 square metres
<b>Minimum lot frontage</b>	<b>Interior Lot:</b> 15 metres <b>Corner Lot:</b> 18 metres
<b>Minimum lot depth</b>	30 metres
<b>Minimum front yard</b>	3.5 metres
<b>Minimum rear yard</b>	6.0 metres
<b>Minimum side yard</b>	<b>With attached garage or carport:</b> 2.4 metres on the garage/carport side <b>Without attached garage or carport:</b> 5 metres on the driveway side; 3 metres on the opposite side
<b>Maximum height</b>	5 metres
<b>Maximum lot coverage</b>	35%
<b>Landscape area</b>	In accordance with Section 8.1.3 of the by-law.
<b>Parking</b> [04-01-2023]	In accordance with Section 7.22 of this by-law.

## 8.6 Residential Mini-Home Park Zone (RMHP)

### 8.6.1 Permitted Uses

- 1) This zone is intended to permit mini-homes within a mini-home park or community with private streets. Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) A mini-home (Refer to Figure No. 9.);
  - (b) A home occupation subject to the provisions of Section 7.21 (Home Occupations); [04-01-2023]
  - (c) An accessory building subject to the provisions of Section 7.4 (Accessory Buildings and Structures); and
  - (d) A neighbourhood daycare centre or community daycare home.



Figure No. 9 – Mini-Home Park Zone

### 8.6.2 Standards

- 1) For the Residential Mini-Home Park Zone the following regulations shall apply:

	Front-On Sites (Mini-Home Parallel to Street)	End-On Sites (Mini-Home Perpendicular to Street)
<b>Minimum lot area</b>	406.5 square metres	465 square metres
<b>Minimum lot frontage</b>	27.1 metres	15 metres
<b>Minimum lot depth</b>	15 metres	31 metres
<b>Minimum front yard</b>	4.5 metres	6 metres
<b>Minimum rear yard</b>	4.5 metres	3 metres
<b>Minimum side yard</b>	3.6 metres on driveway side; 1.5 metres on opposite side	3.6 metres on driveway side; 1.5 metres on opposite side
<b>Maximum height</b>	5 metres	5 metres
<b>Maximum lot coverage</b>	35%	35%
<b>Landscaped area</b>	In accordance with the provisions of Section 8.1.3.	
<b>Parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.	



## 8.7 – Residential Main Street Zone (R-4) [04-01-2023]

### 8.7.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) An apartment dwelling;
  - (b) A row dwelling, town house, or stacked townhouse;
  - (c) A home occupation, subject to Section 7.21 (Home Occupations);
  - (d) Accessory building(s), subject to Section 7.4 (Accessory Buildings and Structures); and
  - (e) An Institutional use subject to Section 11.



Figure No. 10a – Residential Main Street Zone

### 8.7.2 General Standards

For the R-4 Zone the following regulations shall apply:

	Apartment Dwellings	Row Dwellings / Town Houses
<b>Minimum lot area</b>	720 square metres	180 square metres per unit
<b>Minimum lot frontage</b>	24 metres	6 metres per dwelling unit
<b>Minimum front yard</b>	5 metres	5 metres
<b>Minimum rear yard</b>	11 metres	11 metres
<b>Minimum side yard</b>	4 metres	Common Wall side: 0 metres Other side: 7.5 metres
<b>Maximum height</b>	11 metres	9 metres
<b>Maximum lot coverage</b>	50%	35%
<b>Minimum landscaped open space</b>	25 square metres per dwelling unit	45 square metres per dwelling unit
<b>Driveways and off-street parking</b>	In accordance with the provisions of Section 7.22 of this By-law.	

### 8.7.3 Urban Design Standards for Apartment Dwellings

- 1) Development shall comply with the following building placement requirements:
  - (a) Building setbacks shall comply with the following:
    - (i) A minimum of 50% of a building's street walls must be parallel to and within 5.0 and 15.0 m from the street line.
    - (ii) On a corner lot, at least 5.0 metres of street wall facing the flankage lot line must be within 15.0 metres of the front lot line.
  - (b) Developments can always be exempt from Clause (a) if they are set back by at least 25.0 m from the street line, and if another building closer to the street exists or if the property's site plan leaves room for future a building closer to the street.
- 2) Development shall comply with the following general architectural requirements:
  - (a) Within 'Central Areas' as marked on Schedule "D" attached hereto, buildings shall have a minimum street wall height of 6.5 m.
  - (b) Building elevations facing a street line shall comply with the following:
    - (i) Building elevations facing a street line shall have a street wall with a maximum height of 8.0 m.
    - (ii) Above the maximum street wall height, a stepback of 3.0 m away from the street line is required or the next storey must be developed within the attic of a roof.
  - (c) Sections of a street wall without any windows or glazed doors shall not exceed 8.0 m of width.
  - (d) Street walls shall be visually broken up into sections not exceeding a width of 12.0 m, using architectural elements such as projections, recesses, color and/or texture.
  - (e) Roof pitches must be between 4:12 and 9:12.
  - (f) Notwithstanding Clause (e), roof pitches may be below 4:12 if the roof includes landscaped open space and/or rooftop patio space accessible to residents of the building which is visible from the street.
  - (g) Developments next to registered heritage buildings should mimic the roof materials, direction, and pitch of the neighbouring buildings.
  - (h) Rooftop mechanical and utility equipment including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment and exhaust fans shall be visually screened from the public street and adjacent properties. The screening shall include but not be limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.
  - (i) On sloped roofs, exhaust flues should be located within 0.5 m of the roof ridge.
  - (j) Ground level mechanical and utility components of the building should be screened with fencing and/or landscaping.
- 3) Development shall comply with the following architectural detail requirements:
  - (a) All new dwellings shall have a porch/deck oriented toward the main street, at least 2.0 m in depth.
  - (b) Front, flankage, and rear elevations of corner lots should carry a consistent type and quality of materials and window treatments.
  - (c) No more than 4 colors in the color palette are permitted for a single façade, excepting signage. Where projections or recesses are applied, all of these elements should have the same colour.
  - (d) Each building must have the same color scheme in all of its facades.
  - (e) Spacing of wall-mounted lighting fixtures must be at regular intervals. A single row of lighting must not include more than one style of lighting fixtures.

- 4) Development shall provide building entrances as follows:
  - (a) Within 'Central Areas' as marked on Schedule "D" attached hereto, all new development must have a main pedestrian entrance facing a street line. Additional entrances may be located on other sides of the building.
  - (b) Main entrances to a building shall be within 0.3 m from the grade and must be accessible from the sidewalk through a direct pedestrian connection not exceeding 150% of the shortest distance between entrance and sidewalk.
  - (c) Entrances to apartment dwellings above grade must be accessible by stairs and access ramps no steeper than with a slope ratio of 1:12.
  - (d) Adequate lighting and visibility should be maintained at building entrances.
- 5) Development shall comply with the following site design requirements:
  - (a) Pedestrian priority areas must be installed and defined through consistent use of materials (paving patterns), lighting, and other wayfinding elements that allow for a comfortable and safe pedestrian movement. These elements should be used to define walkways and sidewalks and clearly differentiate them from areas where pedestrians may encounter vehicular movement along their path (at drive aisles, intersections and crosswalks).
  - (b) Lot area which is not dedicated to buildings or hardscapes must on average provide one tree per 50 m<sup>2</sup> while respecting other rules on plantings (e.g., line of vision at intersections).
- 6) Development shall comply with the following parking requirements:
  - (a) The parking lots shall not have more than 20 stalls in any direction without an interruption by landscaping of at least 2.0 m width.
  - (b) No parking spaces shall be accommodated in the front yard except for accessible parking and drop-off zones.
  - (c) Landscaped buffers of at least 1.0 m shall separate parking lots and driveways from any lot line, and at least 3.0 m from any lot line abutting a property zoned R1, R2 or I.

#### **8.7.4 Urban Design Standards for Row Dwellings and Town Houses**

- 1) Development shall comply with the following building placement requirements:
  - (a) Building Setbacks shall comply with the following:
    - (i) Street walls must be parallel to and within 5.0 and 15.0 m from the street line.
  - (b) Within 'Central Areas' as marked on Schedule "D" attached hereto, buildings shall have a minimum street wall height of 6.5 m.
- 2) Development shall comply with the following architectural detail requirements:
  - (a) Where a row house or town house has garages integrated into the main building on a lot, garage doors facing the street line (i.e., in the front elevation of a building) may not exceed 20% of the building's front elevation, unless they are set back by at least 10 m from the building wall closest to the street line.
  - (b) On sloped roofs, exhaust flues should be located within 0.5 m of the roof ridge.
  - (c) All new dwellings shall have a porch/deck oriented toward the main street, at least 2.0 m in depth.
  - (d) Spacing of wall-mounted lighting fixtures must be at regular intervals. A single row of lighting must not include more than one style of lighting fixtures.
  - (e) Roof pitches must be between 4:12 and 9:12.
  - (f) Notwithstanding Clause (e), roof pitches may be below 4:12 if the roof includes landscaped open space and/or rooftop patio space accessible to residents of the building and which is visible from the street.

- 3) Development shall provide buildings entrances as follows:
- (a) Within 'Central Areas' as marked on Schedule "D" attached hereto, all new development must have a main pedestrian entrance facing a street line. Additional entrances may be located on other sides of the building.
  - (b) Main entrances to a building shall be within 0.3 m from the grade and must be accessible from the sidewalk through a direct pedestrian connection not exceeding 150% of the shortest distance between entrance and sidewalk.
  - (c) Entrances to apartment dwellings above grade must be accessible by stairs and access ramps no steeper than with a slope ratio of 1:12.
  - (d) Adequate lighting and visibility should be maintained at building entrances.

4) Density Bonus: [04-01-2023]

Only one of the following density bonuses may be applied to a development:

- (a) where at least 50% of the required parking is provided underground: MAXIMUM 71 dwelling units per hectare (MINIMUM 140 m<sup>2</sup> per dwelling unit)
- (b) for any affordable housing dwelling unit: MAXIMUM 224 dwelling units per hectare (MINIMUM 45 m<sup>2</sup> per affordable dwelling unit)
- (c) for any apartment building that provides both private and common amenity space: MAXIMUM 68 dwelling units per hectare (MINIMUM 147 m<sup>2</sup> per dwelling unit)

## 9.0 COMMERCIAL ZONE

### 9.1 Community Commercial Zone (CC)

#### 9.1.1 Permitted Uses (Refer to Figure No. 10)

- 1) Any commercial use of land building or structure is permitted other than:
  - (a) All forms of “Adult Entertainment” services of which a feature or characteristic is the nudity or partial nudity of any person, and includes such uses as, but not limited to, cabarets, peep shows, exotic dancers, massage parlors, escort services, adult arcades and adult movie theatres; and
  - (b) Any use that is deemed by Council to be either an obnoxious use or of an industrial or light industrial nature.
- 2) An outdoor area for the temporary sale of seasonal products, such as outdoor garden supplies, shall be permitted as a secondary use.
- 3) Residential development is permitted within a mixed-use building, except for spaces within 6.0 m of the street wall on the ground floor of a building. [04-01-2023]
- 4) All development within the Community Commercial Zone must adhere to Section 7.35 (Design Criteria). [04-01-2023]
- 5) Council will consider any commercial building greater than 1000 square metres through a Section 59 rezoning agreement.



Figure No. 10 – Community Commercial Zone

#### 9.1.2 Standards

- 1) For the Community Commercial Zone the following regulations shall apply:

	Community Commercial Zone
Minimum lot area	720 square metres
Minimum lot frontage	24 metres
Minimum lot depth	30 metres
Minimum front yard [04-01-2023]	5.0 metres
Maximum front yard	15 metres
Minimum rear yard	12 metres

	Community Commercial Zone
<b>Minimum side yard</b> [04-01-2023]	<b>Interior lot:</b> 3 metres on one side and 6 metres on the other side <b>Corner lot:</b> 7.5 metres abutting the side street setbacks are subject to sections 7.10 and 7.19 when abutting a Residential Zone.
<b>Maximum height</b> [04-01-2023]	11.0 m, except as permitted otherwise by Design Standards of 9.1.3.; -> 14 m in central areas
<b>Maximum lot coverage</b> [04-01-2023]	50 %
<b>Minimum landscaped open space</b> [04-01-2023]	In accordance with the provisions in Sections 7.10, 7.22(4) and 7.35 of this by-law.
<b>Open storage</b>	No open storage of goods or materials shall be permitted and all uses shall be conducted within the enclosed building except for the sale of seasonal products in accordance with Section 9.1.1, 2) above.
<b>Lighting</b> [04-01-2023]	In accordance with the provisions of Section 7.24 of this by-law.
<b>Off-street loading</b> [04-01-2023]	In accordance with the provisions of Sections 7.23 and 7.35 of this by-law.
<b>Off-street parking</b> [04-01-2023]	In accordance with the provisions of Sections 7.22 and 7.35 of this by-law.
<b>Signs</b> [04-01-2023]	In accordance with the provisions of Section 7.25 of this by-law.

### 9.1.3 Urban Design Standards [04-01-2023]

This subsection applies to development on land designated as 'Central Corridor Overlay Zone' on Schedule "D" attached hereto.

- 1) Development shall comply with the following building placement requirements:
  - (a) Building Setbacks shall comply with the following:
    - (i) Within 'Central Areas' as marked on Schedule "D" attached hereto, a minimum of 50% of a building's street walls must be parallel to and within 3.0 and 5.0 m from the street line.
    - (ii) Outside of these Central Areas, a minimum of 50% of a building's street walls must be parallel to and within 5.0 and 10.0 m from the street line.
    - (iii) On a corner lot, at least 10.0 metres of street wall facing the flankage lot line must be within 15.0 metres of the front lot line.
  - (b) Developments may be exempt from Clause (a) if the front yard of the building is utilized for outdoor hospitality patios or publicly accessible spaces with seating opportunities and ornamental landscape features.
  - (c) Developments can always be exempt from Clause (a) if they are set back by at least 25.0 m from the street line, and if another building closer to the street exists or if the property's site plan leaves room for future a building closer to the street.
- 2) Development shall comply with the following general architectural requirements:
  - (a) Within 'Central Areas' as marked on Schedule "D" attached hereto, buildings shall have a minimum street wall height of 6.5 m.
  - (b) Building elevations facing a street line shall comply with the following:
    - (i) Within 'Central Areas' as marked on Schedule "D" attached hereto, the maximum street wall height shall be 11.0 m.

- (ii) Outside of these Central Areas, the maximum street wall height shall be 7.0 m.
    - (iii) Above the maximum street wall height, a stepback of 3.0 m away from the street line is required or the next storey must be developed within the attic of a roof.
  - (c) Ground floors shall have a minimum floor-to-floor height of 3.5 m.
  - (d) Sections of a street wall without any windows or glazed doors shall not exceed 5.0 m of width.
  - (e) Street walls shall be visually broken up into sections not exceeding a width of 12.0 m, using architectural elements such as projections, recesses, color and/or texture.
  - (f) New mixed-use buildings should have identifiable vertical articulation that distinguishes the ground floor from the upper floors. For example: projections, change in materials, window treatments, string courses after first floor, signage bands etc.
  - (g) Roof pitches must be between 4:12 and 9:12.
  - (h) Notwithstanding Clause (g), roof pitches may be below 4:12 if the roof includes landscaped open space and/or rooftop patio space accessible to residents of the building or customers of commercial businesses and visible from the street.
  - (i) Developments next to registered heritage buildings should mimic the roof materials, direction, and pitch of the neighbouring buildings.
  - (j) Rooftop mechanical and utility equipment including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment and exhaust fans shall be visually screened from the public street and adjacent properties. The screening shall include but not be limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.
  - (k) Ground level mechanical and utility components of the building should be screened with fencing and/or landscaping.
- 3) Development shall comply with the following architectural detail requirements:
- (a) Where awnings are used, they should have a minimum clearance of 2.5 m from the finished ground elevation of any pedestrian entrance and project between 1.0 to 2.0 m from the wall.
  - (b) A single style of canopy or awning should be used for the length of the building's facade, regardless of how many storefronts exist within that frontage.
  - (c) At least 60% of the street wall façade within the ground floor must be glazed. Second storey commercial uses within the street wall shall include no less than 40% of glazing in the building façade of that storey. Second storey residential uses and any other stories within the street wall shall include no less than 25% of glazing in the building façade of that storey.
  - (d) Doors to commercial uses must be partially or fully glazed.
  - (e) Where glazing is required, the glass should be at least partially transparent and must not be mirrored. Signs and/or lettering may not cover more than 30% of the window surface.
  - (f) Windows on all facades should be vertically and horizontally aligned with each other, and with other features of the building.
  - (g) No more than 4 colors in the color palette are permitted for a single façade, excepting signage. Where projections or recesses are applied, all of these elements should have the same colour.
  - (h) Each building must have the same color scheme in all of its facades.
  - (i) Signage should be placed below second storey windows. If canopies are used below the second storey windows, signs should be attached to them.
  - (j) Spacing of wall-mounted lighting fixtures must be at regular intervals. A single row of lighting must not include more than one style of lighting fixtures.
- 4) Development shall provide building entrances as follows:
- (a) The main entrance must be visually distinct from other openings in the street wall. All commercial entrances should be ornamented by one of the following:
    - (i) Awnings;
    - (ii) Emphasized door lintels;
    - (iii) Roof overhangs;
    - (iv) Canopies or porticos;
    - (v) Pilasters on the sides of the entrance;

- (vi) Arcades; or,
    - (vii) None of the above if the entire ground floor is visually separated from upper floors by projecting string courses or cladding.
  - (b) All new development must have a main commercial entrance facing a street line. Additional entrances may be located on other sides of the building.
  - (c) Entrances to commercial uses shall be within 0.3 m from the grade and must be accessible from the sidewalk through a direct pedestrian connection not exceeding 125% of the shortest distance between entrance and sidewalk.
  - (d) Entrances above grade must be accessible by stairs and access ramps no steeper than with a slope ratio of 1:12.
  - (e) On corner lots, new development must have entrances facing both street lines or be situated within a beveled building corner.
  - (f) Adequate lighting and visibility should be maintained at building entrances.
- 5) Development shall comply with the following site design requirements:
- (a) Pedestrian priority areas must be installed and defined through consistent use of materials (paving patterns), lighting, and other wayfinding elements that allow for a comfortable and safe pedestrian movement. These elements should be used to define walkways and sidewalks and clearly differentiate them from areas where pedestrians may encounter vehicular movement along their path (at drive aisles, intersections and crosswalks).
  - (b) On corner lots, pedestrian priority areas shall connect to sidewalks on both streets, thus creating a possible short cut of the street corner for pedestrians.
  - (c) Lot area which is not dedicated to buildings or hardscapes must on average provide one tree per 50 m<sup>2</sup> while respecting other rules on plantings (e.g., line of vision at intersection).
- 6) Development shall comply with the following parking requirements:
- (a) The parking lots shall not have more than 20 stalls in any direction without an interruption by landscaping of at least 2.0 m width.
  - (b) Parking lot shall include cross-connecting driveways between adjacent parking lots on properties of the same zone abutting each other.
  - (c) No parking spaces shall be accommodated in the front yard except for accessible parking and drop-off zones.
  - (d) Drive-through windows must not face a street line, i.e., they may not be integrated in a street wall.
  - (e) Landscaped buffers of at least 1.0 m shall separate parking lots and driveways from any lot line, and at least 3.0 m from any lot line abutting a property zoned R1, R2 or I.
  - (f) Where 10 or more parking spaces are provided in a development, every 10<sup>th</sup> parking stall shall be equipped with wiring conduits which will facilitate future installations of electric vehicle chargers. Where 40 or more parking spaces are provided in a development, every 40<sup>th</sup> parking space shall provide one electric vehicle charger.
  - (g) Vehicular entrances to buildings shall be set back by at least 3.0 m from the street wall.



## **10.0 BUSINESS PARK ZONE (BP)**

- 1) It is the intention of Council to develop design criteria for the site and building layout of a Business Park.
- 2) The Business Park design criteria will address the following:
  - (a) Create a sense of place for users and passersby,
  - (b) Promote buildings that relate appropriately to surrounding developments and streets and create a cohesive visual identity and street scene,
  - (c) Promote contiguous pedestrian and vehicular circulation patterns,
  - (d) Promote parking areas that provide safe and efficient access to buildings, and
  - (e) Create a unique and identifiable image for development.

## **10.1 Permitted Uses**

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than,
  - (a) Auto body and/or paint establishment,  
Automobile shop,  
Call centre,  
Data processing and computer centre,  
Daycare and early childhood education centre,  
Distribution centre,  
Education, research and development,  
Equipment sales, rental and service,  
Heavy equipment repair,  
Hotel/motel,  
Laboratory and related research and processing facility,  
Radio and broadcasting station as well as activities related to telecommunications,  
research and development,  
Light manufacturing,  
Lumber yard,  
Printing establishment,  
Professional office,  
Recycling depot,  
Research facility,  
Storage facility,  
Transport terminal,  
Transportation service, and/or  
Vehicle sales, storage, service, or repair;
  - (b) Business office incidental to any of the above uses and not exceeding 25% of the gross floor area of the building;
  - (c) Retail use incidental to any of the above, but not exceeding 10% of the total floor area of the building;
  - (d) Any accessory building, structure or use, incidental to the main use of the land, building or structure, if such a use is permitted by this section; and
  - (e) General commercial uses that are compatible with the uses referred to in (a) to (d) and that provide services to persons working in the business park.

## 10.2 Standards

- 1) For the Business Park Zone the following regulations shall apply:

	Business Park Zone
<b>Minimum lot area</b>	2000 square metres
<b>Minimum lot frontage</b>	30 metres
<b>Minimum front yard</b>	15 metres
<b>Minimum rear yard</b>	7.5 metres
<b>Minimum side yard</b> [04-01-2023]	<b>Interior lot:</b> 6.0 metres <b>Corner lot:</b> 7.5 metres Setbacks are subject to 7.10 and 7.22 when abutting a Residential Zone.
<b>Maximum height</b>	11 metres
<b>Maximum lot coverage</b>	60%
<b>Minimum landscaped open space</b> [04-01-2023]	No lot shall have less than 50% of all yards abutting a street as landscaped open space and subject to the provisions in Sections 7.10, 7.22 (4), and 7.35 of this by-law.
<b>Lighting</b> [04-01-2023]	In accordance with the provisions of Section 7.24 of this by-law.
<b>Off-street loading</b> [04-01-2023]	In accordance with the provisions of Section 7.23 of this by-law.
<b>Off-street parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.
<b>Signs</b> [04-01-2023]	In accordance with the provisions of Section 7.25 of this by-law.

## 11.0 INSTITUTIONAL ZONE (I)

### 11.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Commercial daycare centre,  
Community building,  
Cultural establishment,  
Educational establishment,  
Federal, provincial, or municipal building,  
Group home and care facility,  
Hospital or rehabilitation centre,  
Municipal servicing facility,  
Nursing home,  
Office of non-profit organization,  
Park or open space,  
Public establishment,  
Public health clinic, and/or  
Religious institution and associated cemetery.
- 2) Any necessary secondary building, structure or use, is permitted, if it is incidental to any such main use and only if approved by the Planning Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Committee.

### 11.2 Standards

- 1) For the Institutional Zone the following regulations shall apply:

	Institutional Zone
<b>Minimum lot area</b>	900 square metres
<b>Minimum lot frontage</b>	30 metres
<b>Minimum lot depth</b>	30 metres
<b>Minimum front yard</b>	11 metres
<b>Minimum rear yard</b>	9 metres
<b>Minimum side yard</b> [04-01-2023]	<b>Interior lot:</b> 3 metres on one side and 6.0 metres on the other <b>Corner lot:</b> 7.5 metres Setbacks are subject to Sections 7.10 and 7.19 when abutting a Residential Zone.
<b>Maximum height</b>	11 metres
<b>Maximum lot coverage</b>	60%
<b>Minimum landscaped open space</b> [04-01-2023]	No lot shall have less than 50% of all yards abutting a street as landscaped open space and subject to the provisions in Sections 7.10, 7.22 (4), and 7.35 of this by-law.
<b>Lighting</b> [04-01-2023]	In accordance with the provisions of Section 7.24 of this by-law.
<b>Off-street loading</b> [04-01-2023]	In accordance with the provisions of Section 7.23 of this by-law.
<b>Off-street parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.
<b>Signs</b> [04-01-2023]	In accordance with the provisions of Section 7.25 of this by-law.

**12.0 RECREATIONAL ZONE (REC)** [04-01-2023]

**12.1 Permitted Uses**

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Public park, including playground and sports or recreation establishment,  
Public and private golf course,  
Pathway, and  
Ancillary use.

**12.2 Standards**

- 1) No main building may be placed erected or altered so that it is not in adherence with the Recreational Zone standards as follows: [04-01-2023]

	<b>Recreational Zone</b> [04-01-2023]
<b>Minimum front yard</b>	9 metres
<b>Minimum rear yard</b>	9 metres
<b>Minimum side yard</b>	9 metres
<b>Maximum height</b>	11 metres
<b>Parking</b> [04-01-2023]	In accordance with the provisions of Section 7.22 of this by-law.

### **13.0 OPEN SPACE ZONE (OS)**

#### **13.1 Permitted Uses**

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Areas of natural or scientific interest,  
Protection of environmentally sensitive area,  
Buffer area along watercourses,  
Cemetery,  
Park, and/or  
Pathway or trail;
  - (b) Any accessory buildings, structures or use incidental to the main use.

## 14.0 RURAL ZONE (R)

### 14.1 Permitted Uses

- 1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
  - (a) Farming, including soil cultivation, livestock rearing & ancillary uses, and excluding intensive livestock operations,  
Farm produce stall for the sale of farm produce grown on the premises,  
Forestry and ancillary uses,  
Garden centre,  
Greenhouse,  
Kennel,  
Lodge, subject to the condition that outdoor entertainment will not be permitted,  
Park or open space use,  
Recreation use such as hay rides, sleigh rides, fishing, cross-country skiing, snowshoeing, skating and similar activities,  
Riding stable,  
Veterinary service, and/or  
Single detached dwelling, including a dwelling for use by farm help, in conjunction with an agricultural use, subject to the provisions of Section 14.2;
  - (b) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

### 14.2 Standards

- 1) For the Rural Zone the following regulations shall apply:

	Agricultural Uses	Non-Agricultural Uses
<b>Minimum lot area</b>	1.6 hectares	1.6 hectares
<b>Minimum lot frontage</b>	46 metres	46 metres
<b>Minimum front yard</b>	15 metres	7.5 metres
<b>Minimum rear yard</b>	15 metres	7.5 metres
<b>Minimum side yard</b>	7.5 metres	<b>Interior lot:</b> 4.5 metres <b>Corner lot:</b> 7.5 metres
<b>Maximum height</b>	<b>Single detached dwelling:</b> 11 metres [04-01-2023] <b>Farm building:</b> 20 metres	11 metres
<b>Maximum lot coverage</b>	50%	50%
<b>Off-street parking</b>	In accordance with the provisions of Section 7.22 of this by-law.	

### 14.3 Conditional Uses

- 1) Council shall consider the excavation of sand, gravel, rock or other deposits in the Rural Zone through amendment under Section 59 of the *Community Planning Act*. Any excavation activities must adhere to the policies of Section 7.26 of this by-law. [04-01-2023]
- 2) Council shall consider the extraction of minerals and petroleum in the Rural Zone through amendment under Section 59 of the *Community Planning Act*. Any extraction or excavation activities must adhere to the policies of Section 7.26 of this by-law. [04-01-2023]

**15.0 FEES**

- 1) Council may adopt and, from time to time, amend by resolution the Schedule of Fees as shown in Schedule "B" attached hereto. [04-01-2021]

**16.0 ENFORCEMENT** [04-01-2023]

- 1) Any person who violates any provision of this by-law is subject to the enforcement provisions of the *Community Planning Act*, and amendments thereto.

**17.0 REPEAL AND TRANSITION**

- 1) By-law No. 04-2016, Village of New Maryland Zoning By-law, enacted on June 15, 2016, and all amendments, is hereby repealed.
- 2) The repeal of By-law No. 04-2016, Village of New Maryland Zoning By-law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

Read First Time: \_\_\_\_\_ 20 March 2019  
(By Title Only)

Read Second Time: \_\_\_\_\_ 20 March 2019  
(By Title Only)

Read Third Time: \_\_\_\_\_ 17 April 2019  
(By Summary Only)

Read Final Time: \_\_\_\_\_ 17 April 2019  
(By Title Only) and ENACTED:

Original Signed  
MAYOR  
Judy Wilson-Shee

Original Signed  
CLERK  
Cynthia Geldart

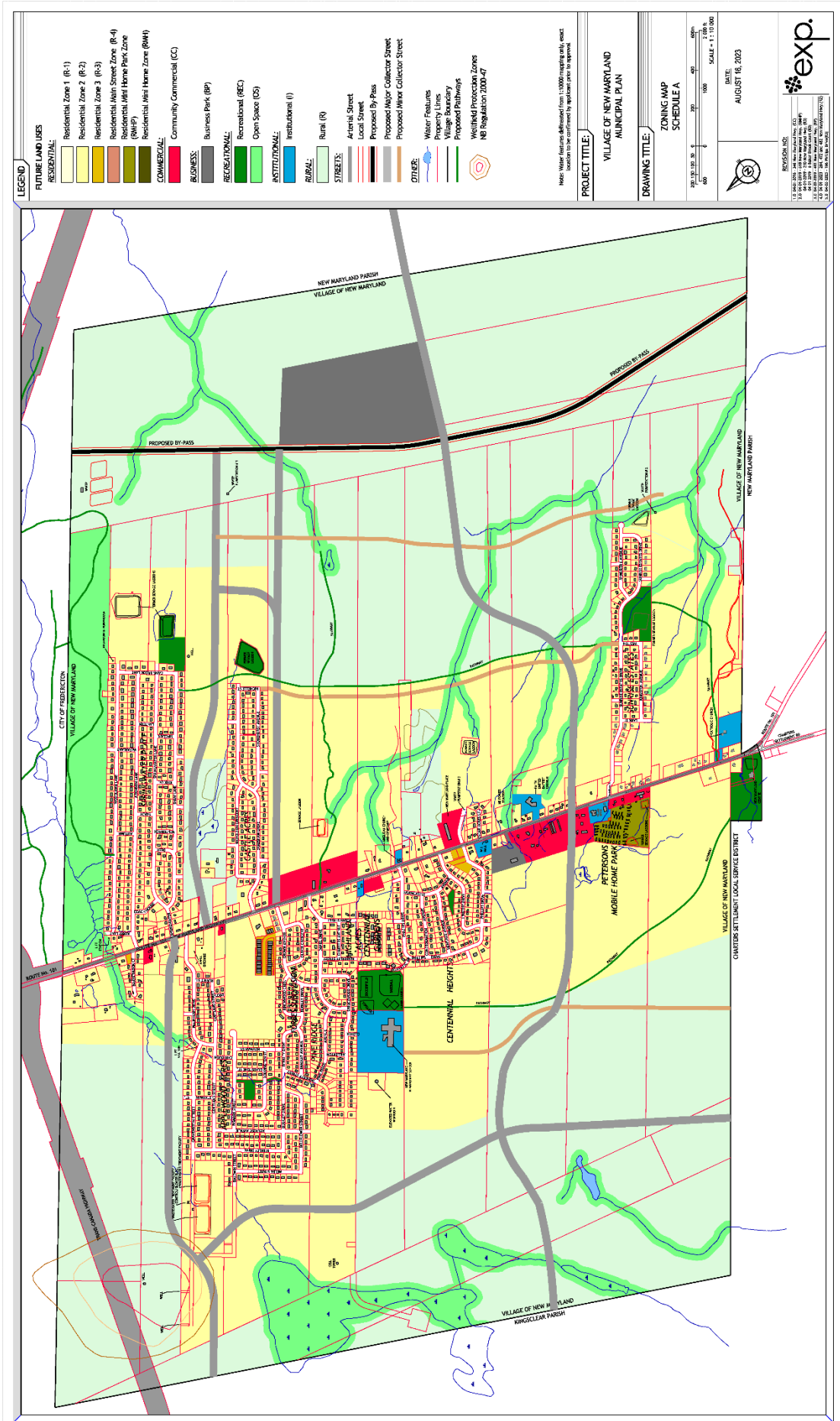
SEAL:



## **Schedule "A"**

### **Village of New Maryland Zoning Map** [04-01-2023 and 04-02-2023]

Village of New Maryland  
Zoning By-law  
By-law No. 04-2019 (Consolidated January 2024)



## **Schedule "B"**

### **Schedule of Fees**

[04-01-2023]

## SCHEDULE "B"

### Schedule of Fees

Pursuant to Section 5 of the Village of New Maryland Zoning By-law No. 04-2019, each applicant shall, at the time of application for a by-law amendment, PAC approval, or other service listed, pay the non-refundable fee as set out below.

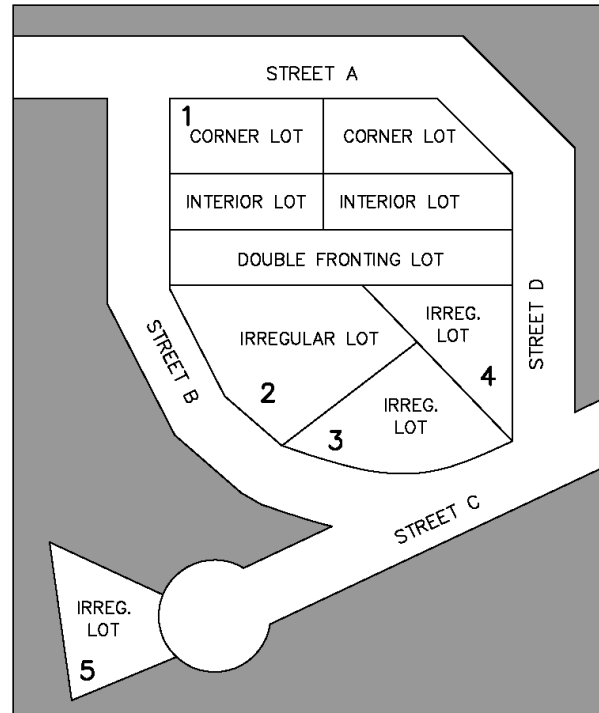
Service Description	Applicable Fee
Zoning By-law Amendment	\$1,000
Municipal Plan Amendment	\$1,500
Municipal Plan and Zoning By-law Amendment	\$1,500
Zoning Confirmation Letter	\$100
Zoning Compliance Letter	\$100 plus \$50 per additional hour
Variance Application [04-01-2021]	\$150
Temporary/Conditional/Similar Use Application [04-01-2021]	\$150
Amendment to an agreement under Section 59 or 131 of the <i>Community Planning Act</i> [04-01-2023]	\$500
Document Approvals by Development Officer or Commissioner of Oaths (Deeds, leases, exemptions, easements, mortgages)	\$50
Sign Permit	\$50
Commercial Excavation Permit/Renewal	\$500
Cash in lieu of providing the required off-street parking (per space) [04-01-2023]	\$5,000
Development Permit [04-01-2023]	\$50
Special Meeting of PAC [04-01-2021]	\$200

## **Schedule "C"**

### **Lot Types and Characteristics**

[04-01-2023]

# Village of New Maryland Zoning By-law No. 04-2023 SCHEDULE "C" – LOT FRONTAGE or WIDTH



LOT FRONTAGE or WIDTH means the horizontal distance measured along a public street.

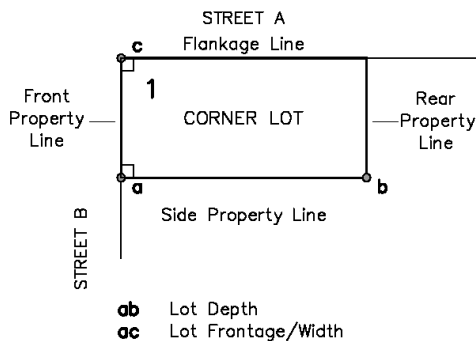
Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage.

Width, in relation to a lot other than a standard rectangular lot, means:

- where the side lot lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines; or
- where the side lot lines are not parallel, the distance between the side lot lines as measured across the lot along a line drawn:
  - parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, and
  - through the point at which the line of minimum setback intersects a line drawn perpendicular to and through the midpoint of the line referred to in the subparagraph above.

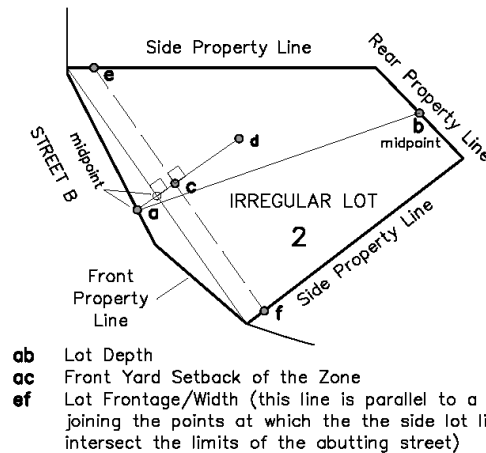
## 1. Lots with side property lines that are parallel to each other.

LOT FRONTAGE/WIDTH for a corner lot is the lesser dimension of the lines that separate the lot from the street.

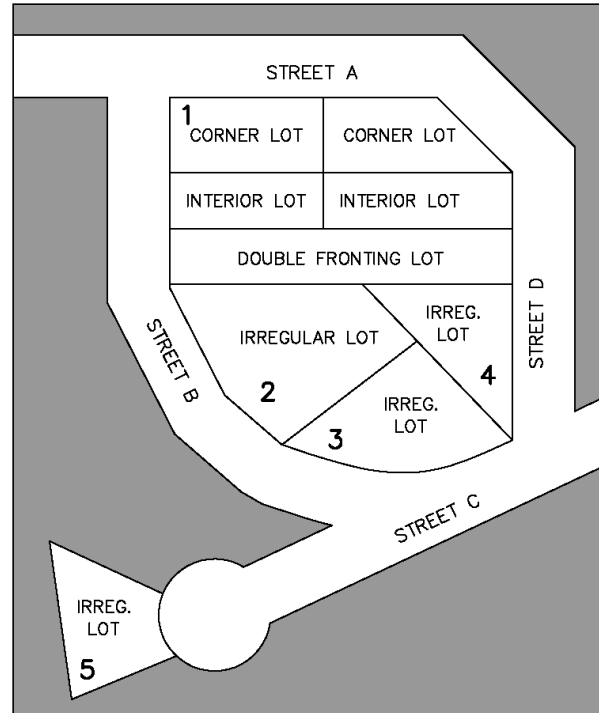


## 2. Lots with side property lines that are not parallel to each other.

LOT FRONTAGE/WIDTH is measured as a line perpendicular to Line "ad" at a distance equal to the front yard setback of the zone.

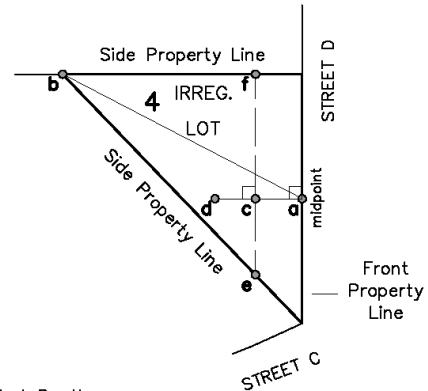


# Village of New Maryland Zoning By-law No. 04-2023 SCHEDULE "C" – LOT FRONTAGE or WIDTH



## 4. Lots with no rear property line.

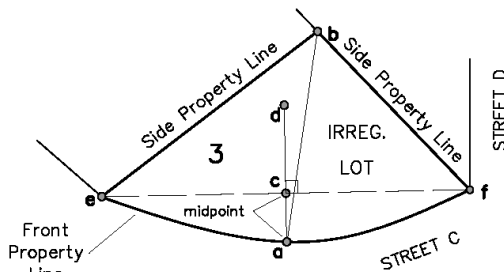
LOT FRONTAGE/WIDTH is measured as a line perpendicular to Line "ad" at a distance equal to the front yard setback of the zone.



- ab** Lot Depth
- ac** Front Yard Setback of the Zone
- ef** Lot Frontage/Width (this line is parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street)

## 3. Irregular lots with curved front property line and no rear property line.

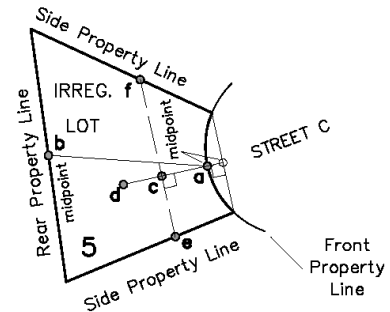
LOT FRONTAGE/WIDTH is measured as a line perpendicular to Line "ad" at a distance equal to the front yard setback of the zone.



- ab** Lot Depth
- ac** Front Yard Setback of the Zone
- ef** Lot Frontage/Width (this line is parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street)

## 5. Interior lots on a court with side property lines that are not parallel to each other.

LOT FRONTAGE/WIDTH is measured as a line perpendicular to Line "ad" at a distance equal to the front yard setback of the zone.



- ab** Lot Depth
- ac** Front Yard Setback of the Zone
- ef** Lot Frontage/Width (this line is parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street)

## **Schedule "D"**

### **Central Corridor Overlay Zone** [04-01-2023]



Schedule "D" - Central Corridor Overlay Zone [04-01-2023]

