

A ZONING BY-LAW

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Incorporating By-law Nos.:  
422 (June 19, 2014)  
422-A (16 October, 2014)

**BE IT ENACTED** by the Mayor and Councillors of the Town of Oromocto, under the authority vested in it by Section 34 of the Community Planning Act, as follows:

1. **DEFINITIONS**

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

- 1) “**abut**” means a lot line that has any point in common with another lot line;
- 2) “**accessory building**” means a subordinate building located on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building;
- 3) “**Act**” means the *Community Planning Act*, RSNB, c. C12 as amended;
- 4) “**Advisory Committee**” means a planning advisory committee established under Section 12 of the Act;
- 5) “**adult entertainment**” means any establishment or part thereof providing service in which nudity of any person is involved;
- 6) “**adult retail outlet**” means an establishment where 20% or more of the floor area offers any of the following:
  - a) books, magazines, periodicals, photographs, videos or other visual representations that are related to or portray as relating to any nudity or sexual activities; or
  - b) instruments, devices, or paraphernalia, that are designed for use in connection with sexual activities;
- 7) “**agricultural use**” means the use of any land, building or structure, other than a kennel or cattery for the production of farm products such as dairy products, livestock, field or forestry crops or the breeding and handling of animals and includes retail or market outlets for sale of perishable agricultural goods or for the handling of animals;
- 8) “**alter**” means any change structurally or otherwise in a building or structure, which is not for purposes of maintenance;
- 9) “**animal shelter**” means an establishment used for the care of lost, abandoned or neglected animals and operated by a public or semi-public authority or by a non-profit private organization;
- 10) “**assembly**” means a commercially manufactured collapsible product, which consists of a group of hollow bodied parts or fabricated components, fitted together and enclosed with various flexible material coverings, that provides form and stability to resist stresses and strains.

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- 11) **“auto-body establishment”** means an establishment for the repairing and/or painting of auto bodywork or motor vehicle bodies and frames, with the exclusion of plating of metals. This includes other customizing activities directly related to the repair or alteration of motor vehicles;
- 12) **“automotive repair outlet”** means a building or part of a building on a lot used for minor or major repair of light trucks and passenger vehicles, and includes muffler, brake, tire and glass replacement, transmission repair and replacement, wheel alignment, directly related to the repair of motor vehicles but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels;
- 13) **“bed & breakfast/tourist home”** means a portion of an owner occupied single detached dwelling in which overnight accommodation and meals are provided for the traveling public;
- 14) **“building”** means any roofed structure used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes;
- 15) **“bulk fuel station”** means an establishment for the storage and distribution of petroleum products in bulk quantities, but not including retail sales or processing. Accessory uses may include their vehicle storage and key-lock pumps;
- 16) **“carport”** means a garage of not more than one storey in height, having a roof supported by columns or piers and enclosures and open to the extent of 50% of the potential total wall area, not including any wall of a building to which a carport is attached, and is intended to be used for vehicle parking;
- 17) **“car wash”** means a building or part of a building containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed;
- 18) **“cemetery”** means land primarily used for interment of human remains and where chapels, churches, crematoria, maintenance and related facilities may be incorporated as accessory uses;
- 19) **“child day care home”** means a home in which care and supervision of children is provided for a period of less than twenty-four hours in a day, for a maximum of five children (including those of the owner/operator) of whom not more than three children may be less than age two years;
- 20) **“clinic”** means a public or private building used for medical, surgical, dental, physio-therapeutic, chiropractic or other human health treatment by two or more licensed practitioners, but does not include a hospital;
- 21) **“club”** means a building or portion thereof owned or operated by an organization for a social, literary, political, educational or recreational purpose for the use of members and their invited guests. A club shall also include fraternal and service organizations;
- 22) **“commercial recreation”** means a recreation or entertainment establishment open to the public;
- 23) **“commercial vehicle”** means a vehicle that is a truck, tractor, trailer or any combination of them that has a gross vehicle weight in excess of 4500 kg or a bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver;
- 24) **“community service outlet”** means: a building that provides services by individual volunteers or an organization to benefit the community or its institutions;

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- 25) **“convenience store”** means a retail store not exceeding 300 square metres in gross floor area, which serves the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines and newspapers;
- 26) **“crown land”** means land vested in the Crown in the Right of Canada;
- 27) **“daycare centre”** means an establishment for the provision of care and supervision to children, as regulated under the *Family Services Act*, RSNB, c. C12 as amended;
- 28) **“development”** means as defined in the “Act”;
- 29) **“development officer”** means the municipal planning officer appointed under Section 16(1) of the Act;
- 30) **“distribution centre”** means a building used for the storage, wholesaling and distribution of goods and materials;
- 31) **“drive-thru”** means an establishment which is designed to provide either wholly or in part, services or products to customers while in their automobiles;
- 32) **“dwelling”** means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel;
- a) “dwelling unit” means two or more rooms intended for use by one individual or one family in which cooking, sleeping and sanitary facilities are provided for the exclusive use of such persons;
  - b) “dwelling, single unit”, means a dwelling containing only one dwelling unit;
  - c) “dwelling, mini home” means a dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. The mini home is a minimum 4.88 meters and a maximum 5 meters wide (excluding eaves), a maximum of 21 meters in length and maximum 4.4 meters in height including the pitched roof;
  - d) “dwelling, mobile home” means as defined in the Municipalities Act;
  - e) “dwelling, low density multiple unit” means a building containing two, three or four dwelling units;
  - f) “dwelling, high density multiple unit” means a building containing five or more dwelling units;
  - g) “dwelling, semi-detached” means a single unit dwelling attached to another single unit dwelling by a common wall, with each dwelling having individual entrances from the outdoors and independent parking facilities; and
  - h) “dwelling, row” means a building that is divided vertically into at least three and not more than six dwelling units, each having individual entrances from the outdoors;
- 33) **“easement”** means a right to use, most commonly for access to other property or as an access for municipal or utility services;
- 34) **“educational”** means an establishment providing academic or technical instruction;

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- 35) **“electronic message board display”** means a sign in or on which information that is displayed can be changed automatically by means of the electronic switching of lamps or illuminated tubes, and includes digital sign, HDTV or video wall sign, LED sign, and any other type of electronic media sign.
- 36) **“establishment”** means a building, structure, lot or part of any of the foregoing where an activity or use is occurring;
- 37) **“façade”** means the exterior wall of a building exposed to the public view or that wall viewed by persons not within the building, usually the face of a building fronting on the street;
- 38) **“family”** means
- a) one person occupying a dwelling unit;
  - b) two or more persons related by heredity, marriage or adoption occupy in a dwelling unit;
  - c) not more than three unrelated persons occupying a dwelling unit; and
  - d) two or more persons related by heredity, marriage or adoption and any other two persons occupying a dwelling unit.
- 39) **“fence”** means an above ground barrier used as a boundary or a means of protection or confinement;
- 40) **“floor area”** means the space on a floor in a building or structure measured between the exterior faces of the exterior walls or firewalls. The gross floor area is the aggregate of all the floor areas;
- 41) **“garden suite”** means a portable detached dwelling unit designed to be placed in the rear yard of an existing single unit dwelling lot;
- 42) **“gas bar”** means an establishment, other than an automotive repair outlet, where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items;
- 43) **“grade”** means the average elevation of the finished ground surface adjacent to a building or structure, excluding localized depressions;
- 44) **“height”** means the vertical distance measured from the grade to the highest point on a building or structure, including the highest point of any roof or surface;
- 45) **“home occupation”** means a secondary use which is clearly incidental to the main dwelling and conducted in a portion of the main dwelling;
- 46) **“hotel/motel”** means a commercial building providing on a year round basis temporary accommodations for travelers or transients and may include auxiliary uses;
- 47) **“household pet”** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility and includes dogs, cats, rabbits, birds, Vietnamese potbellied pigs and rodents but excludes cattle, sheep, horses, pigs, poultry, bees and animals customarily kept as farm animals;
- 48) **“in-law suite”** means a self-contained living unit within the main single detached dwelling used for the accommodation of a family member of the

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- owner of the main dwelling;
- 49) “**kennel**” means a building or structure used for the enclosure of more than four (4) household pets which are kept for the purposes of breeding, boarding or sale;
- 50) “**light manufacturing**” means an establishment that manufactures a finished product predominantly from previously prepared materials and accessory uses, including but not limited to incidental storage, packaging and sales.
- 51) “**loading space**” means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicle;
- 52) “**local convenience centre**” means a combination of two or three retail uses such as, but without limiting the generality of the forgoing, a bank or financial institution, an office, a convenience store, a personal service shop, a restaurant, excluding drive-thru, a video rental shop, or similar uses contained within one building;
- 53) “**lot**” means one parcel of land described in a deed or subdivision plan, used or proposed to be used as the site of a building or structure or appurtenance thereto;
- a) “lot area” means the total horizontal area within the lot lines of a lot;
  - b) “lot, corner” means a lot situated at the intersection of, and abutting on, two or more streets;
  - c) “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;
  - d) “lot depth” means the horizontal distance between the front and rear lot lines;
  - e) “lot frontage” means the horizontal distance between the side lot lines as measured along the front lot line and in the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;
  - f) “lot, interior” means a lot other than a corner or through lot;
  - g) “lot line” means a common line between a lot and an abutting lot, lane, street, parcel of land or body of water;
  - h) “lot line, flankage” means a side lot line which abuts the street on a corner lot;
  - i) “lot line, front” means the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting the street shall be deemed to be the front lot line.
  - j) “lot line, rear” means the lot line farthest from or opposite to the front line;
  - k) “lot line, side” means a lot line other than a front, flankage or rear lot

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line; and

- l) “lot, through” means a lot bounded on two opposite sides by streets or roads;
- 54) “**massage parlor**” means an establishment where, for any form of consideration, massage is administered to the human body for sexual pleasure; and which is characterized by an emphasis on sexual activities;
- 55) “**medical and health office**” means an establishment used by qualified medical practitioners and staff, for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counseling services, chiropractic services and ancillary clinic counseling services, but does not include veterinary services;
- 56) “**nursing home**” means an establishment operated for the purpose of providing supervisory, personal or nursing care for four or more persons who by reason of age or disability are not fully able to care for themselves;
- 57) “**office**” means an establishment where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods;
- 58) “**outdoor display court**” means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same lot and without limiting the generality of the foregoing, outdoor display court includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes;
- 59) “**outdoor storage**” means the storage of merchandise goods, inventory, materials or equipment or other items other than an outdoor display court, by locating them on a lot exterior to a building;
- 60) “**parking lot**” means an open area of land other than a street or an area within a structure for the parking of vehicles;
- 61) “**parking garage**” means a multi-level covered or enclosed establishment containing communal parking spaces for the parking of vehicles;
- 62) “**parking space**” means an area reserved for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or highway by means of driveways, aisles or manouevring areas;
- 63) “**person**” includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;
- 64) “**personal service**” means an establishment providing services for personal care and appearance or for the cleaning, servicing, altering and maintenance of personal articles and accessories;
- 65) “**professional office or professional office building**” means: an office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, insurance agent, real estate broker, landscape architect, licenced practitioner of medicine, or other professional business similar in type, scale and character;
- 66) “**recreational use**” means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating

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- rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals;
- 67) “**recycling depot**” means a building which is used for the deposit, collection and handlings of waste paper, rags, bottles or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage;
- 68) “**research and development facility**” means an establishment for scientific research, investigation, testing or experimentation.
- 69) “**residential care facility**” means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed under the Family Services Act, or any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel;
- 70) “**restaurant**” means a building or any portion thereof designed or used primarily for the service of, and consumption of food by customers within such building or portion thereof, and includes a cafeteria;
- 71) “**retail store**” means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value and shall include minor food processing and packaging in connection with the sale of food products;
- 72) “**screening**” means the use of landscaping, fences or beams to visually and/or audibly separate areas or uses;
- 73) “**senior citizen facility**” means a multiple unit residential building designed for occupation by senior citizens with or without care. Auxiliary uses may be included for the residents;
- 74) “**service shop**” means a building or part of a building used for the sale and repair of household articles and shall include glass replacement shops, radio, television and appliance repair shops but shall not include industrial uses or manufacturing or motor vehicle repair shops, and shall not include vehicles designed and intended to serve as industrial vehicles, heavy equipment or tractor trailers;
- 75) “**service station**” means a building or part of a building used for the retail sale of lubricating oils and gasoline, may include the sale of automobile accessories and the minor servicing and general repairing of motorized vehicles and may include vehicle washing establishments;
- 76) “**shopping centre**” means a commercial development exceeding 1500 square meters in building area consisting of more than one business establishment, which is operated and controlled as a unit and characterized by common parking, driveways and landscaped areas;
- 77) “**sign**” means any display of advertisement, placard, billboard or other form or means or device whatsoever of public notice or announcement whether erected, placed or painted on the exterior of a building or on a property;
- a) “sign, fascia” means a flat sign, other than a roof sign or projecting sign, which is attached to and supported by a building wall face;
  - b) “sign, freestanding” means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground with a

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foundation; and

- c) “sign, sandwich board” means a two-side A-frame style self-supporting sign which is not permanently affixed to the ground and is designed to be moveable;

78) “**sign, portable on premise**” means a sign that is not permanently affixed to a building, other unmovable structure, or the ground. The sign is relating to a business, commodity, service or entertainment offered on the premises for where such sign is located.

79) “**sign, subdivision**” means a temporary sign, which displays the design layout of a proposed or developing subdivision project, indicating the name of the subdivision, the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the project.

80) “**storey**” means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it;

81) “**storey, first**” means the uppermost storey having its floor level not more than 2m above grade excluding from such floor area the area of garages, porches, patios and breezeways;

82) “**street or road**” means the whole and entire right-of-way of every highway, street, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of Oromocto;

83) “**street line**” means the boundary line of a street;

84) “**structure**” means any assembly constructed or erected and is fixed to or supported by the soil or by any other building or structure;

85) “**swimming pool**” means any accessory structure, construction, basin or tank above or below grade which is designed to hold water and intended for swimming and having the capacity to contain water to a depth of 610 mm (24”) or more at any point;

86) “**temporary**” means a permitted or approved discretionary use intended for limited duration which shall be specified;

87) “**temporary storage shelter**” means a commercially manufactured collapsible assembly, covered with vinyl, plastic or other flexible material coverings used for the purpose of temporarily storing an automobile, recreation vehicle or chattels designed for outdoor use;

88) “**use**” means the purpose for which land, a building or a structure, or any combination thereof, is designed, arranged, erected, occupied or maintained;

a) “use, main” means the primary purpose for which any land, building or structure is intended to be used;

b) “use, accessory” means a use which is naturally or customarily incidental and complementary to the main use of the land, building or structure on the same lot and is not a secondary use; and

c) “use, secondary” means a use other than the main or accessory use permitted.

89) “**utility**” means a public or private system, works, plant, equipment or services which furnishes services to or for the use of the general public;



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- 90) **“vehicle sales/rental”** means an establishment for the sale/rental of automobiles, passenger vehicles, light trucks, motorcycles, snowmobiles, camping trailers, boats or other recreational vehicles and includes supplementary maintenance and sale of parts and accessories.
- 91) **“veterinary clinic/hospital”** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures;
- 92) **“warehouse”** means a building used primarily for the storage of goods and materials;
- 93) **“watercourse”** means any lake, river, stream, ocean or other body of water;
- 94) **“wholesale store”** means a building in which commodities in quantity are offered for sale mainly to industrial, institutional, and commercial users or to retailers or other merchants usually for resale or business use;
- 95) **“yard”** means an open, uncovered space on a lot between a building or structure and a lot line:
- a) “yard, front” means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or main structure on the lot;
  - b) “yard, rear” means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or main structure on the lot;
  - c) “yard, side” means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and
  - d) “yard flankage” means side yard of a corner lot, which side yard abuts a street;

2. **SCOPE**

This By-Law:

- (1) divides the municipality into zones as shown on the “Town of Oromocto Zoning Map” forming part of this By-Law as “Schedule A”;
- (2) prescribes, subject to powers reserved with the Planning Advisory Committee:
  - (a) the purposes for which land, buildings and structures within any zone may be used, and
  - (b) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
- (3) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in Subsection 2(2).

3. **POWERS OF THE COUNCIL**

- (1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, potable water, sanitary sewerage, storm water

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control, streets and other services or facilities.

- (2) When, in its 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) at its discretion acquire the parcel of land on which such building or structure is located.
- (3) Subject to Subsection 3(4), within any zone mentioned, the Council may:
  - (a) designate land to be used for the location or erection of any installation for the supply of electricity, telecommunications, natural gas, water, sanitary or storm sewers or for the treatment or disposal of sewerage wastes; and
  - (b) use land designated under Subsection 3(3)(a) for a purpose therein mentioned.
- (4) No land may be designated or used for the purposes of Subsection 3(3) 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 R zone is adequately screened from public view or such development is of compatible design with adjacent structures.
- (5) Notwithstanding any other provision of this By-Law, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of twenty-five hundred dollars (\$2500.00) per space in lieu of providing the off-street parking required hereunder.

4. **SPECIAL POWERS OF THE PLANNING ADVISORY COMMITTEE**

- (1) No building or structure may be erected on any site where it would otherwise be permitted under this By-Law when, in the opinion of the Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The Advisory Committee may, subject to such terms and conditions as it considers fit:
  - (a) permit a development otherwise prohibited by this By-Law for a temporary period not exceeding one year;
  - (b) permit the development in Subsection 4(2)(a) for an additional one year period falling within Section 34(3)(h)(i.1) of the Act;
  - (c) require the termination or removal of a development authorized under Subsection 4(2)(a) & (b) at the end of the authorized period;
  - (d) permit 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
  - (e) grant such reasonable variance from the requirements of this by-law falling within Section 34(3)(a) of the 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

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any plan or statement hereunder affecting such development.

- (3) The Advisory Committee delegates its authority in Subsection 4(2)(a) to the Development Officer.
- (4) The Advisory Committee delegates its authority to the Development Officer to permit a reasonable variance under Section 35(2) of the Act.
- (5) If the Advisory Committee has made a determination with respect to a request for a variance, a request with respect to the same variance shall not be made to the Development Officer.

### 5. SPECIAL POWERS OF THE DEVELOPMENT OFFICER

- (1) The Development Officer may, subject to the terms and conditions that he or she considers fit, permit a reasonable variance from the requirements of this By-law falling within Section 34(3)(a)(i), (iii), (iv), (v), (vii), (ix) or (xiii) of the Act, if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and accords with the general intent of the By-law and any plan or statement hereunder affecting such development.
- (2) If the Development Officer has made a determination with respect to a request for a variance, a request with respect to the same variance shall not be made to the Advisory Committee.
- (3) The Development Officer may delegate the power to permit a variance under Subsection 5(1).

### 6. FEES

- (1) The following non-refundable fees shall apply for community planning and development services:
  - (a) \$100.00 (plus tax) for zoning and land use confirmation;
  - (b) \$250.00 for the consideration of a land use variance or a similar or compatible use or a temporary use; and
  - (c) \$50.00 per hour (plus tax) for research to support other inquiries.

### 7. AMENDMENTS

- (1) A person who seeks to have this By-Law amended shall:
  - (a) address a written and signed application in duplicate therefore to the Council or the Advisory Committee;
  - (b) pay a fee of \$1,000.00 to the Town; and
  - (c) pay an additional fee of \$500.00 to the Town if the request requires an amendment to the Municipal Plan.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in Subsection 7(1)(b) and (c).
- (3) An application under this section shall include such information as may be required by the Council or the Advisory Committee for the purpose of adequately assessing the desirability of the proposal.
- (4) The Council may refuse to consider an application under this section if

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such application:

- (a) seeks to re-zone an area of land from one type of zoning to another; or
  - (b) has not been signed by one or more owners of each property in the area mentioned in Subsection 7(4)(a).
- (5) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out such investigation as it deems necessary.
- (6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year if such application:
- (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
  - (b) not being in relation to re-zoning is similar to the original application.

8.

**CLASSIFICATION**

- (1) For the purpose of this By-Law, the Town is divided into zones delineated on the map attached as Schedule "A", entitled "Town of Oromocto Zoning Map".
- (2) The zones mentioned in Subsection 8(1) are classified and referred to as follows:
- |                                                   |             |
|---------------------------------------------------|-------------|
| a) Residential One (single unit dwelling)         | R-1 Zones   |
| b) Residential Two (two to four unit dwelling)    | R-2 Zones   |
| c) Residential Three (five or more unit dwelling) | R-3 Zones   |
| d) Residential Four (R1, R2 + R3 Mixed)           | R-4 Zones   |
| e) Residential Sustainable Development            | RSD Zones   |
| f) Residential Five (Mini-home dwelling)          | R-5 Zones   |
| g) Residential Six (Mobile-home dwelling)         | R-6 Zones   |
| h) Limited Use Residential                        | LUR Zones   |
| i) Central Commercial,                            | CC Zones    |
| j) Highway Commercial                             | HC Zones    |
| k) Local Commercial                               | LC Zones    |
| l) Neighbourhood Commercial                       | NC Zones    |
| m) Park                                           | P Zones     |
| n) Institutional                                  | INST Zones  |
| o) Industrial                                     | IND Zones   |
| p) Transportation and Light Industrial            | TPIND Zones |

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|---------------------------|----------|
| q) Crown Land,            | CL Zones |
| r) Indian Reserve         | IR Zones |
| s) Future Development     | FD Zones |
| t) Integrated Development | ID Zones |
| u) Adult Entertainment    | AE Zones |
- (3) Collectively, R-1, R-2, R-3, R-4, R-5, R-6 and LUR Zones, are referred to as R Zones.
- (4) Except as otherwise provided in any zone, all land shall be used and all buildings or structures or parts thereof shall be placed, erected, altered or used only in conformity with the requirements of the provisions of this By-Law pertaining to such zone.

9.

**RESIDENTIAL ZONE ONE (R-1)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-1 Zone for any purpose other than:

- (a) a single unit dwelling as a main use;
- (b) 5% to 10% of two, three and/or four family unit dwellings;
- (c) one of the following secondary uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Section 30:
  - i) a garden suite, or
  - ii) an in-law suite;
- (d) a home occupation, as a secondary use in conjunction with a permitted single unit dwelling, subject to Section 37;
- (e) an accessory building, subject to Section 31; or
- (f) a park or playground

(2) R-1 Zone Requirements

Within any R1 zone, no development shall be permitted and no main building or structure may be used on a lot unless:

- (a) the lot has an area of at least 600 square metres, in the case of an interior lot, and, in the case of a corner lot, an area of at least 720 square metres;
- (b) the lot has a frontage of at least 20 metres, in the case of an interior lot, and, in the case of a corner lot, a frontage of at least 24 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres and in the case of a corner lot, a flankage yard of at least 6 metres;
- (e) the lot has a rear yard of at least 6 metres;
- (f) the lot has a side yard of at least 2.5 metres on one side and 2.0

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metres on the opposite side;

- (g) the lot coverage is not greater than 45% of the area of the lot;
- (h) the height of the main building is not greater than 10 metres;
- (i) off-street parking is subject to Section 36, and
- (j) in the case of two, three and four family unit dwellings, the dwellings are subject to Section 10(2) (b) & (c)".

10.

**RESIDENTIAL ZONE TWO (R-2)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-2 Zone for any purpose other than:

- (a) a low density multiple unit dwelling;
- (b) 5% to 10% of single unit dwellings;
- (c) one of the following secondary uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Section 30:
  - i) a garden suite, or
  - ii) an in-law suite;
- (d) a home occupation, as a secondary use in conjunction with a permitted single unit dwelling or a permitted two unit dwelling, subject to Section 37;
- (e) an accessory building, subject to Section 31; or
- (f) a park or playground.

(2) **R-2 Zone Requirements**

Within any R-2 Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- a) single unit dwelling is subject to Section 9,
- b) two unit semi-detached dwelling is subject to the following:
  - i) the lot has an area of at least 750 square metres, in the case of an interior lot, and in the case of a corner lot, an area of at least 840 square metres;
  - ii) the lot has a frontage of at least 25 metres, in the case of an interior lot, and in the case of a corner lot, a frontage of at least 28 metres;
  - iii) the lot has a depth of at least 30 metres;
  - iv) the lot has a front yard of at least 6.0 metres and in the case of a corner lot, a flankage yard of at least 6 metres;
  - v) the lot has a rear yard of at least 6 metres;
  - vi) the lot has a side yard of at least 2.5 metres, and, in the

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case of a corner lot, a side yard of at least 6.0 metres butting a street line. The common wall side has a 0 metre side yard;

- vii) the lot coverage is not greater than 35% of the area of the lot;
- viii) the height of the main building is not greater than 10 metres; and
- ix) off-street parking is subject to Section 36.

In the case of semi-detached dwellings with each unit under separate and distinct ownership, the lot area and frontage are permitted to be divided in half.

- c) three or four unit row dwelling (one or individual ownership) is subject to the following:
  - ii) the lot has a frontage of at least 6.7 metres for each dwelling unit;
  - ii) the lot has a depth of at least 30 metres;
  - iii) the lot has a front yard of at least 6 metres and in the case of a corner lot, a flankage yard of at least 6 metres;
  - iv) the lot has a rear yard of at least 7.5 metres;
  - v) the lot has a side yard of at least 2.5 metres, and in the case of the common wall side a 0 metre side yard;
  - vi) the lot coverage is not greater than 45% of the area of the lot;
  - vii) the height of the main building is not greater than 10 metres; and
  - viii) off-street parking is subject to Section 36.

11.

**RESIDENTIAL ZONE THREE (R-3)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-3 Zone for any purpose other than:

- (a) a high density multiple unit dwelling;
- (b) an accessory building, subject to Section 31;
- (d) a park or playground, or
- (e) a residential care facility.

(2) R-3 Zone Requirements

Within any R-3 Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) an apartment dwelling lot has a frontage of at least 36 metres for five dwelling units and 3 metres for each additional unit, and, a row dwelling lot has a frontage of at least 6.7 metres for each dwelling unit; and a residential care facility lot has a frontage of at least 30 metres,

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- (b) the lot has a depth of at least 30 metres;
- (c) the lot has a front yard of at least 6 metres and in the case of a corner lot, a flankage yard of at least 6 metres;
- (d) the lot has a rear yard of at least ½ the height of the building or 10 metres, whichever is greater for apartment dwellings and residential care facilities and, a rear yard of at least 7.5 metres for row dwellings;
- (e) an interior lot has a side yard of at least 6 metres or ½ the height of the building, whichever is greater;
- (f) the lot coverage is not greater than 35% of the area of the lot;
- (g) the height of the main building is not greater than 15 metres for apartment dwellings and residential care facilities, and 10 metres for row dwellings; and
- (h) off-street parking is subject to Section 36.

12.

**RESIDENTIAL ZONE FOUR (R-4)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-4 Zone for any purpose other than:

- (a) a combination of single unit dwellings, low density multiple unit dwellings and high density multiple unit dwellings;
- (b) one of the following secondary uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Section 30:
  - i) a garden suite, or
  - ii) an in-law suite;
- (c) a home occupation, as a secondary use in conjunction with a single or two unit dwelling, subject to Section 37;
- (d) a park or playground; or
- (e) an accessory building, subject to Section 31.

(2) R-4 Zone Requirements

Within any R-4 Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) single unit dwelling is subject to Section 9;
- (b) low density multiple unit dwelling is subject to Section 10; or
- (c) high density multiple unit dwelling is subject to Section 11.

(3) Planning Advisory Committee Review

A development plan for the permitted use listed in Subsection 12(1) (a) shall be submitted to the Planning Advisory Committee for their review prior to Council's approval.



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13. **RESIDENTIAL SUSTAINABLE DEVELOPMENT ZONE (RSD)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an RSD Zone for any purpose other than:

- a) combination of single unit dwellings, low density multiple unit dwellings and high density multiple unit dwellings of fewer than twenty-four (24) units;
- b) one of the following secondary uses in conjunction with a permitted single unit dwelling, subject to the relevant provisions of Section 30:
  - i) a garden suite, or
  - ii) an in-law suite;
- c) a home occupation, as a secondary use in conjunction with a permitted single unit dwelling or a permitted two unit dwelling, subject to Section 37 as approved by Council upon recommendation of the PAC;
- d) an accessory building , subject to Section 31;
- e) a park, playground or public open space; or
- f) a linear park or trail;

(2) **RSD Zone Requirements**

Within any RSD Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- a) the lot size, lot coverage and yard clearances, determined by the overall development proposal are approved by the Planning Advisory Committee;
- b) the height of single unit and row dwellings is not greater than 10 metres and apartment dwellings are not greater than 15 metres; and
- c) off-street parking is provided subject to Section 36.

(3) **RSD Development Plans**

Within any RSD Zone, a development plan shall:

- a) utilize a maximum of 50% of the developable land for residential use with the remaining lands reserved for public purposes;
- b) contain, as near as practicable, a balance of dwelling units, consisting of one third each of the permitted dwelling types in (1)(a) above; and
- c) be submitted to the Planning Advisory Committee for their review prior to the final approval of Council.

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(4) RSD Covenants

RSD Restrictive Covenants will minimally ensure that:

- a) no flora of any kind shall be disturbed, cut, trimmed or removed from lands bordering the residential properties to be developed;
- b) building designs reflect and incorporate the sustainable intent of dwelling units by including energy conservation elements such as six litre or less flush toilets, low flow shower heads, heat recovery ventilation systems and energy efficient windows and exterior doors;
- c) after construction of a completed dwelling unit, no disabled vehicles, construction vehicles/equipment, transport trucks, parts, machinery, rubbish, ashes or garbage will be permitted or stored upon the property;
- d) no animal other than customary household family pets may be kept on the property and no commercial kennel will be operated on the property;
- e) finished surface grades completed for any property shall not differ from, or be inconsistent with, the overall site plan, rear lot plan and drainage course elevations approved by the Town; and
- f) the administration of any restrictive covenants exceeding Town of Oromocto by-law requirements will not be enforced by the Town.

14.

**RESIDENTIAL ZONE FIVE (R-5)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-5 Zone for any purpose other than:

- (a) a mini home dwelling;
- (b) a home occupation, subject to Section 37;
- (c) a park or playground; or
- (d) an accessory building, subject to Section 31.

(2) R-5 Zone Requirements

Within any R-5 Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) an interior lot has an area of at least 560 square metres and a corner lot has an area of at least 630 square metres;
- (b) an interior lot has a frontage of at least 16 metres and a corner lot has a frontage of at least 18 metres;
- (c) the lot has a depth of at least 35 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 6 metres;

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- (f) the lot has a side yard of at least 4 metres on the driveway side and 2 metres on the opposite side, and, in the case of a corner lot, a side yard of at least 6 metres abutting a street line;
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 6 metres;
- (i) off-street parking is subject to Section 36; and
- (j) a mini-home shall be supported on a perimeter concrete foundation that extends below the minimum frost line depth.

15.

**RESIDENTIAL ZONE SIX (R-6)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within an R-6 Zone for any purpose other than:

- (a) a mobile home dwelling;
- (b) a home occupation, subject to Section 37;
- (c) a park or playground; or
- (d) an accessory building, subject to Section 31;

(2) R-6 Zone Requirements

Within any R-6 zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) an interior lot has an area of at least 560 square metres and a corner lot has an area of at least 630 square metres;
- (b) an interior lot has a frontage of at least 16 metres and a corner lot has a frontage of at least 18 metres;
- (c) the lot has a depth of at least 35 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 6 metres;
- (f) the lot has a side yard of at least 4 metres on the driveway side and 2 metres on the opposite side, and, in the case of a corner lot, a side yard of at least 6 metres abutting a street line;
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 6 metres;
- (i) off-street parking is subject to Section 36; and
- (i) a mobile home shall have vented, colour coordinated skirting.

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16. **LIMITED USE RESIDENTIAL ZONE (LUR)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an LUR Zone for any purpose other than an accessory building, subject to Section 31.

(2) **LUR Zone Requirements**

- a) Within any LUR Zone, no development shall be permitted nor any building be used on a lot unless:
  - i) the lot is consolidated with the lot directly in front thereof, that fronts on a public street;
  - ii) the building is accessory in nature and for personal use but cannot be a dwelling; and
  - iii) the building has a minimum top of wall elevation of 8.23 metres which is one metre above the maximum recorded flood water elevation.
- b) Fences are not permitted.

17. **CENTRAL COMMERCIAL ZONE (CC)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building, or structure be used on a lot within a Central Commercial Zone for any purpose other than:

- (a) a bank or financial institution;
- (b) a building intended for public assembly or for social, cultural or recreational activities;
- (c) a commercial daycare centre;
- (d) a funeral home;
- (e) a gas bar;
- (f) a government or municipal building;
- (g) a hotel/motel;
- (h) a medical or health office;
- (i) an office or office building;
- (j) a personal service establishment;
- (k) a (liquor licensed) restaurant or a liquor licensed establishment; with the exception of a liquor licensed restaurant, no other liquor licensed establishment is permitted to abut an R Zone;
- (l) a retail store;

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- (m) a service shop;
- (n) a service station;
- (o) a shopping centre;
- (p) a veterinary clinic/hospital; or
- (q) an accessory building, subject to Section 31.

(2) Storage Areas

In a Central Commercial Zone, any storage space shall be contained within the permitted use and not exceed 45% of the gross floor area.

(3) Central Commercial Zone Requirements

Within any Central Commercial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 900 square metres;
- (b) the lot has a frontage of at least 30 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, a rear yard clearance shall be equal to the height of building; whichever is greater;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line; except when abutting an R Zone, a side yard clearance shall be equal to the height of the building; whichever is greater.
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 12 metres; and
- (i) off-street parking is subject to Section 36.

18.

**HIGHWAY COMMERCIAL ZONE (HC)**

(1) Permitted Uses

No development shall be permitted nor shall any land, building or structure be used on a lot within a Highway Commercial Zone for any purpose other than:

- (a) an automotive repair;
- (b) a bank or financial institution;
- (c) a building intended for public assembly or for social, cultural or recreational activities;
- (d) a call centre;
- (e) a car wash;

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- (f) a parking garage;
- (g) a gas bar;
- (h) a hotel/motel;
- (i) a medical and health office;
- (j) a professional office or professional office building;
- (k) a park or playground;
- (l) a personal service establishment;
- (m) a printing establishment;
- (n) a (liquor licensed) restaurant or a liquor licensed establishment;  
With the exception of a liquor licensed restaurant, no other liquor licensed establishment is permitted to abut an R Zone.
- (o) a retail or wholesale store;
- (p) a service shop;
- (q) an animal shelter;
- (r) a shopping centre;
- (s) a tourism information centre;
- (t) a community service outlet; or
- (u) an accessory building, subject to Section 31.
- (v) a government /municipal building;
- (w) a high density multiple unit dwelling (R-3); or
- (x) a commercial day-care centre.

(2) Highway Commercial Zone Requirements

Within any Highway Commercial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 750 square metres;
- (b) the lot has a frontage of at least 25 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, a rear yard clearance shall be equal to the height of building, whichever is greater;
- (f) a lot has a side yard of at least 6 metres or half the height of the building, whichever is greater, and in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line;
- (g) the lot coverage is not greater than 22% of the area of the lot;

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- (h) the height of the main building is not greater than 15 metres and and 10 metres for row dwellings;
- (i) off-street parking is subject to Section 36; and
- (j) in the case of permitted use 18(1) (w) the lot shall conform with Section 11 requirements and shall not be adjacent to a Provincial Numbered Highway.

19.

**LOCAL COMMERCIAL ZONE (LC)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within a Local Commercial Zone for any purpose other than:

- (a) a convenience store with the retail goods occupying at least 60% of the floor area;
- (b) a gas bar;
- (c) a service station; or
- (d) an accessory building, subject to Section 31.

(2) **Storage Areas**

In a Local Commercial Zone, any storage space shall be contained within the permitted use and not exceed 40% of the gross floor area.

(3) **Local Commercial Zone Requirements**

Within any Local Commercial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 600 square metres;
- (b) the lot has a frontage of at least 20 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line;
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 6 metres; and
- (i) off-street parking is subject to Section 36.

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20.

**NEIGHBOURHOOD COMMERCIAL ZONE (NC)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within a Neighbourhood Commercial Zone for any purpose other than:

- (a) a bank or financial institution;
- (b) a commercial day-care centre;
- (c) a convenience store with the retail goods occupying at least 60% of the floor area;
- (d) a gas bar;
- (e) a local convenience centre;
- (f) a medical or health office;
- (g) a personal service establishment;
- (h) a (liquor licensed) restaurant, excluding drive-thru;
- (i) a retail store; or
- (j) an accessory building, subject to Section 31.

(2) **Storage Areas**

In a Neighbourhood Commercial Zone, any storage space shall be contained within the permitted use and not exceed 40% of the gross floor area.

(3) **Neighbourhood Commercial Zone Requirements**

Within any Neighbourhood Commercial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 750 square metres;
- (b) the lot has a frontage of at least 25 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line;
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 6 metres; and
- (i) off-street parking is subject to Section 36.



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21.

**INSTITUTIONAL ZONE (INST)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an Institutional (INST) Zone for any purpose other than:

- (a) a building intended for public assembly or for social, cultural or recreational activities;
- (b) a church or religious institution including cemeteries;
- (c) a commercial day-care centre;
- (d) a communication tower;
- (e) an educational establishment;
- (f) a government or municipal building;
- (g) a hospital;
- (h) a medical or health office;
- (i) a nursing home;
- (j) a park, playground or sports field;
- (k) a residential care facility;
- (k) a senior citizens facility; or
- (l) an accessory building, subject to Section 31.

(2) **Institutional Zone Requirements**

Within any Institutional Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 900 square metres;
- (b) the lot has a frontage of at least 30 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, a rear yard clearance shall be equal to the height of building, whichever is greater;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line; except when abutting an R Zone, a side yard clearance shall be equal to the height of the building, whichever is greater.
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 15 metres; and

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- (i) off-street parking is subject to Section 36.

22.

**INDUSTRIAL ZONE (IND)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an Industrial Zone for any purpose other than:

- (a) an auto body establishment;
- (b) a bulk fuel station;
- (c) an equipment sales/rental establishment;
- (d) an indoor recycling depot;
- (e) an indoor commercial recreation establishment;
- (f) a light manufacturing use within a building;
- (g) an office use;
- (h) a research and development facility;
- (i) a storage building;
- (j) a vehicle sales/rental establishment;
- (k) a warehouse or distribution establishment; or
- (l) an accessory building, subject to Section 31.

(2) **Industrial Zone Requirements**

Within any Industrial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 750 square metres;
- (b) the lot has a frontage of at least 25 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, a rear yard clearance shall be equal to the height of building, whichever is greater;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line; except when abutting an R Zone, a side yard clearance shall be equal to the height of the building, whichever is greater.
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 12 metres; and
- (i) off-street parking is subject to Section 36.

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23. **TRANSPORTATION AND LIGHT INDUSTRIAL ZONE (TPIND)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building, or structure be used on a lot within a Transportation and Light Industrial Zone for any purpose other than:

- (a) an animal shelter;
- (b) an automobile repair;
- (c) a bank or financial institution;
- (d) a call centre;
- (e) a car wash;
- (f) a commercial day-care centre;
- (g) an equipment sales/rental establishment;
- (h) a gas bar;
- (i) a government or municipal building;
- (j) a hotel/motel;
- (k) a medical or health office;
- (l) an office or office building;
- (m) a personal service establishment;
- (n) a retail store;
- (o) a (liquor licensed) restaurant or a liquor licensed establishment; with the exception of a liquor licensed restaurant, no other liquor licensed establishment is permitted to abut an R Zone;
- (p) a service shop;
- (q) a service station;
- (r) a tourism information centre;
- (s) a vehicle sales/rental establishment;
- (t) a veterinary clinic;
- (u) a warehouse; or
- (v) an accessory building, subject to Section 31.

(2) **Transportation and Light Industrial Zone Requirements**

Within any Transportation and Light Industrial Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 750 square metres;

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- (b) the lot has a frontage of at least 25 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, a rear yard clearance shall be equal to the height of building, whichever is greater;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line; except when abutting an R Zone, a side yard clearance shall be equal to the height of the building, whichever is greater;
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (g) the height of the main building is not greater than 9 metres; and
- (i) off-street parking is subject to Section 36.

24.

**PARK**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within a Park Zone for any purpose other than:

- (a) public open space;
- (b) a park or playground;
- (c) a splash pad;
- (d) a public sports field;
- (e) a tennis or basketball court;
- (f) an outdoor pool;
- (g) a golf course or driving range;
- (h) a linear park or trail; or
- (i) an accessory building; structure or use incidental to the main permitted use and subject to the approval by the Planning Advisory Committee.

25.

**CROWN LAND (CL)**

These lands are exempt from the provisions of this By-Law.

26.

**INDIAN RESERVE LAND (IR)**

These lands are exempt from the provisions of this By-Law.

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27. **FUTURE DEVELOPMENT (FD)**

These lands are reserved for future development and are subject to a by-law amendment.

28. **INTEGRATED DEVELOPMENT (ID)**

In an ID Zone, land may be used and buildings or structures, or parts thereof, may be used, erected or altered only in conformity with specific proposals described in the resolution or agreement adopted and entered into under Section 39 of the Act, and for which particular purpose the land was re-zoned.

The Integrated Development Zone, bounded by Highway No. 2 to the North, Leger Street to the East, Black Watch Avenue to the South and Highway No. 2 exit ramp to the West, shall comply with the following standards:

- |      |                      |                                                                                                                                                                                             |
|------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | Exterior Finish      | All buildings shall be faced with brick masonry and/or architecturally pleasing masonry block.                                                                                              |
| (2)  | Height of Buildings  | All buildings shall have a maximum height of 15 metres.                                                                                                                                     |
| (3)  | Maximum Lot Coverage | The lot coverage of any structure shall not exceed 33% and will be subject to final site plan approval.                                                                                     |
| (4)  | Parking Requirements | At least two parking spaces shall be provided for all dwelling units. Commercial and institutional parking shall conform to off street parking in Section 36.                               |
| (5)  | Setback              | To be determined by the overall proposal and final site plan.                                                                                                                               |
| (6)  | Accessory Buildings  | To be approved in conjunction with the final site plan and design of the project.                                                                                                           |
| (7)  | Underground Services | All services shall be installed underground.                                                                                                                                                |
| (8)  | Landscaping          | Landscaping plans and schedule shall be part of the site development plan. Landscaping shall be completed within 12 months of occupancy of the building.                                    |
| (9)  | Design               | All development proposals shall consider the continuity of design.                                                                                                                          |
| (10) | Plans Review         | All plans shall be reviewed by the PAC. Final approval shall be given by Town Council. Council shall consider Inducon's recommendation to utilize an independent body for a second opinion. |
| (11) | Signs                | Sign requests shall be included with the site plan and the architectural plans.                                                                                                             |
| (12) | Retail Commercial    | Retail Commercial may be permitted on the lower floor of office accommodations.                                                                                                             |

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- |      |                       |                                                                                                                                            |
|------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| (13) | Benefit of Facilities | Section 45 of the Community Planning Act shall be applied.                                                                                 |
| (14) | Transfer of Land      | Land shall be transferred after the site plan; floor plans and exterior façade for each specific project have been finalized and approved. |
| (15) | Variances             | The PAC shall consider variances in accordance with Section 46 of the Community Planning Act.                                              |

29. **ADULT ENTERTAINMENT ZONE (AE)**

(1) **Permitted Uses**

No development shall be permitted nor shall any land, building or structure be used on a lot within an Adult Entertainment (AE) Zone for any purpose other than:

- (a) adult entertainment facility;
- (b) massage parlour;
- (c) adult retail outlet; or
- (d) an accessory building, subject to Section 31.

(2) **Adult Entertainment Zone Requirements**

Within any Adult Entertainment Zone, no development shall be permitted and no main building or structure be used on a lot unless:

- (a) the lot has an area of at least 900 square metres;
- (b) the lot has a frontage of at least 30 metres;
- (c) the lot has a depth of at least 30 metres;
- (d) the lot has a front yard of at least 6 metres;
- (e) the lot has a rear yard of at least 7.5 metres; except when abutting an R Zone, or shall be equal to the height of building; whichever is greater;
- (f) the lot has a side yard of at least 6 metres and, in the case of a corner lot, a side yard of at least 7.5 metres abutting a street line; except when abutting an R Zone, a side yard clearance shall be equal to the height of the building, whichever is greater.
- (g) the lot coverage is not greater than 35% of the area of the lot;
- (h) the height of the main building is not greater than 6 metres; and
- (i) off-street parking is subject to Section 36.

30. **GENERAL PROVISIONS**

(1) **Uses Permitted in All Zones**

- (a) Except as herein provided, any land may be used for:

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- (i) public streets;
- (ii) public parks and playgrounds; and
- (iii) utilities and municipal services.

(2) Number of Main Buildings or Structures on a Lot

- (a) Except as herein provided, no more than one main building or structure may be placed or erected and no building or structure may be altered to become a second main building or structure on a lot.
- (b) In order for a garage to be classified as an “attached garage” it must be structurally attached by way of the foundation and integrated into the main structure of the dwelling.

(3) Building and Structure Projections into Yards

- (a) The requirements of this By-law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of:
  - (i) fifteen (15) centimetres for sills, leaders, belt courses, or similar ornamental features;
  - (ii) forty six (46) centimetres for chimneys, smoke stacks or flues;
  - (iii) sixty one (61) centimetres for cornices or eaves;
  - (iv) one hundred two (102) centimetres for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or
  - (v) subject to Subsection 30(3)(b):
    - a) one decimal two (1.2) metres for steps or unenclosed porches; or
    - b) one decimal eight (1.8) metres for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.
- (b) Projections mentioned in (v) (a) & (b) above, may extend into a required side yard not greater than one-half ( $\frac{1}{2}$ ) the required width of the yard.

(4) Height Exceptions

- (a) The height restrictions of this by-law shall not apply to church towers, chimneys, water storage tanks, telecommunication towers or to roof-mounted structures housing mechanical equipment such as an elevator or HVAC.

(5) Size of Dwelling Units

- (a) The minimum ground floor areas and dimensions required are as follows:
  - i) Single Unit
    - one storey – 75sq m
    - one and a half storey – 65sq m
    - two storey - 55sq m
    - minimum street wall frontage – 7.0m
    - minimum side wall depth – 7.9m
  - ii) Semi-Detached
    - one storey – 55sq m (each unit)

**A ZONING BY-LAW**

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- (two unit & row) - one and a half storey – 50sq m (each unit)
- two storey – 45sq m (each unit)
- minimum street wall frontage – 6.7m (each unit)
- minimum side wall depth - 6.7m (each unit)

- (b) The minimum floor areas required for multiple (apartment) dwelling units are as follows:
  - bachelor units – 28sq m
  - one bedroom units – 36sq m
  - two bedroom units – 52sq m
  - three bedroom units – 64sq m
  - four bedroom units – 82sq m
  - Add 10sq m for each bedroom in excess of four bedroom units
- (c) The above (sq. m.) areas are exclusive of basements, garages/carports, porches, verandas and breezeways.

(6) In-Law Suite

Where permitted under this By-Law, an In-Law Suite shall:

- (a) be internally accessible from the main dwelling unit;
- (b) have a shared entrance with the main dwelling unit;
- (c) not exceed 45% of the main dwelling's gross floor area;
- (d) be provided with one parking space in addition to the parking requirements for the zone; and
- (e) share the driveway access point of the main dwelling.

(7) Garden Suite

Where permitted under this By-Law, the use is subject to such terms and conditions as imposed by the Planning Advisory Committee. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee.

(8) Residential Development near a Sewage Lagoon, Treatment Plant, or Pumping Station

- (a) Notwithstanding any other provision of this By-Law, no dwelling may be located within one hundred (100) metres of a sewage lagoon or sewage treatment plant.
- (b) Notwithstanding any other provision of this By-Law, no dwelling may be located within fifteen (15) metres of a sewage pumping station.
- (c) Under special circumstances, a lesser separation distance to a dwelling may be permitted provided provision for odour control equipment is made.

(9) Development Adjacent to a Watercourse or Wetland

- (a) Subject to the provisions of other relevant Municipal by-laws and Provincial regulations and, notwithstanding any provision of this By-Law, no person shall erect a building or structure or carry out any other development in any zone within thirty (30) metres of a watercourse or wetland without approval from the New Brunswick Department of the Environment.



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(10) Access to a Public Street

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 access to a public street satisfactory to the Planning Advisory Committee.

(11) Line of Vision at an Intersection

No building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of one (1) and three (3) metres above the grade of the street within an area bounded by the centre lines thereof and line joining a point on each centre line twenty four (24) metres from their intersection.

(12) Standards with Respect to the Appearance of Land in any Zone

- (a) The landscaping of front yards shall be completed within 18 (eighteen) months of the expiration of the building permit.
- (b) For the purposes of this section, landscaping shall include:
  - (i) all grading necessary to divert surface water away from the building and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum 7.5 centimetres of topsoil; and
  - (ii) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers.
- (c) The front yard mentioned in (12)(a) above may be used to a reasonable degree for the purpose of parking, walkways and driveways for the main building or other use on the lot.
- (d) All land not used for parking, driveways or walkways shall be landscaped and maintained in a well groomed manner.
- (e) In the event that this section is not complied with, the Town of Oromocto may proceed in accordance with Section 93 of the Community Planning Act.

(13) Architectural Standards

No building or structure may be placed, erected or altered if, in the opinion of the Planning Advisory Committee, any of the following applies:

- (a) The architectural design of the proposed building or structure is not related to the physical features and prospects of the site and its surroundings.
- (b) The external appearance of the proposed building or structure is below the general standard of the overall development in the zone.

(14) Stripping of the Top Soil

- (a) Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or use from a lot or other parcel of land.
- (b) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or use.

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- (c) Notwithstanding Subsection 30(14)(a) above, the farming of sod may be carried out where the owner of the land has entered into an agreement with the Council, making arrangements satisfactory to the Council for the rehabilitation of the land.

(15) Advertising Devices

No banners, flags, flagging, streamers or strings of lights shall be attached to any building, pole or standard, or otherwise displayed externally upon any property or premises.

31.

**ACCESSORY BUILDINGS AND STRUCTURES**

(1) Permitted Zones

Accessory buildings or structures are permitted in any zone where a main building is permitted and exists.

(2) Uses

An accessory building or structure shall not be used for purposes other than those clearly incidental to the use of the main building.

(3) Number of Buildings or Structures

- (a) In any zone the number of accessory buildings or structures shall be limited to one except in residential zones where two may be permitted.
- (b) In residential zones, one of the two buildings or structures is permitted to be used as a detached garage, or, two accessory buildings or structures other than being used as a detached garage are permitted.

(4) Size and Lot Coverage

- (a) An accessory building or structure to be used as a detached garage shall:
- (i) be not more than 4.57 metres in height for all residential zones, and 8.0 metres for all other zones; and
- (ii) not exceed 63 square metres in area or have a horizontal dimension greater than 10 metres for all residential zones, and not exceed 130 square metres in area or have a horizontal dimension greater than 15 metres for all other zones.
- (b) An accessory building or structure to be used other than a detached garage shall:
- (i) not exceed 3.66 metres in height for all residential zones, and 6.0 metres for all other zones; and
- (ii) not exceed 18 square metres in area or have a horizontal dimension greater than 5.9 metres for all residential zones, and not exceed 45 square metres in area or have a horizontal dimension greater than 7.3 metres for all other zones.
- (c) Notwithstanding Subsection 31(4)(a) and (b) above, or any other provision in this by-law, the lot coverage of the accessory buildings and structures shall not exceed 10.5% of the area of the lot for all residential zones, and 20% for all other zones.

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(5) Yard Clearance Requirements

- (a) An accessory building or structure shall:
  - (i) not be forward of the main building;
  - (ii) not be closer to a side line than:
    - a) for residential detached garage – 1.5 metres;
    - b) for residential other – 1.0 metres; and
    - c) for non-residential – 3.0 metres or one half the building height, whichever is greater;
  - (iii) not be closer to a rear lot line than 3.0 metres; and
  - (iv) not be placed on an easement unless otherwise approved by the utility authority.

32.

**TEMPORARY STORAGE SHELTER**

Where a main dwelling exists;

- (1) one temporary storage shelter is permitted on a residential lot for the purpose of accommodating an automobile, recreation vehicle or chattels designed for outdoor use;
- (2) the assembly is permitted from November 1 to April 30 annually; and
- (3) the assembly shall be:
  - (a) at least 0.6 metres from side lot lines;
  - (b) at least 1.5 metres from front and rear lot lines;
  - (c) not greater than 5.5 metres (wide) x 7 metres (length) x 3 metres (height) in size;
  - (d) constructed from materials specifically designed for this use; and
  - (e) kept in a good state of repair at all times.

33.

**FENCES**

- (1) Notwithstanding any other provision of this By-Law, subject to this section; a fence may be placed in a yard and not closer to a street than the building face.
- (2) In the case of a corner lot, a fence may be located 4.5 metres from the side property line adjoining a street.
- (3) No one fence may exceed in height:
  - (a) 1.8 metres in an R Zone; and
  - (b) 2 metres in a zone other than an R Zone.
- (4) Fences shall be architecturally pleasing and consist of a general standard prevailing or intended to prevail in the zone.
- (5) Fences shall not be barbed wire, or any other dangerous material. Exceptions: A low voltage electrified fence or a barbed wire fence is permitted for approved agricultural uses and in a Commercial or Industrial

**A ZONING BY-LAW**

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Zone for security purposes. Such fence must be clearly identified with signs placed not more than thirty-three (33) metres apart.

- (6) Fences shall be maintained in a condition of reasonable repair and appearance shall not be allowed to become and remain in a condition of disrepair, including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports and non-uniform height.

34.

**SWIMMING POOLS**

- (1) For R Zones, a swimming pool and its access structure or deck shall be:
- (a) not closer to a street than the building face and in the case of a corner lot, not closer than 4.5 meters from the side property line adjoining a street;
  - (b) at least 2 metres from the side-lot line;
  - (c) at least 3 metres from the rear-lot line;
  - (d) at least a 1.5 metre high enclosure when the pool is capable of containing a depth of 610 mm or more of water; and
  - (e) located in accordance with NB Power and the NB Electrical inspector's requirements.
- (2) The enclosure mentioned in Subsection 34(1) may be a fence, the wall of a building or structure or the wall of an above-ground pool or combination thereof, provided that the requirements of this section are met.
- (3) The enclosure mentioned in Subsections 34(1) and (2) above shall:
- (a) in the case of a stand-alone fence, not exceed 1.8 metres in height;
  - (b) in the case of an enclosure, not exceed 1.8 metres in height above the top of an above-ground pool;
  - (c) not facilitate climbing between the ground level and 900 mm above ground level from the outside;
  - (d) not permit the passage of a 100 mm diameter sphere through or under it;
  - (e) be located at least 1 metre away from an in ground pool;
  - (f) not be electrified or incorporate barbed wire or other dangerous material; and
  - (g) if provided with a gate, be self-closing and self-latching.
- (4) The design and construction of a fence shall be:
- (a) in the case of chain link construction:
    - (i) no greater than 38 mm diamond mesh;
    - (ii) steel wire not less than No. 12 gauge or No. 14 gauge covered with an approved coating equivalent to No. 12 gauge wire;
    - (iii) at least 38 mm diameter steel posts set below the frost line and spaced not more than 3 m apart; and
    - (iv) top horizontal rail at least 38 mm diameter steel;

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- (b) in the case of wooden construction:
  - (i) not less than 19 mm x 89 mm boards;
  - (ii) supporting posts at least 89 mm x 89 mm set below the frost line and spaced out not more than 2.44 metres apart. Portion below grade shall be protected from moisture;
  - (iii) supporting top horizontal rail at least 38 mm x 140 mm;
  - (iv) appearance and maintenance as defined in Section 33; and
- (c) in the case of other construction, shall provide strength and rigidity equal to (a) or (b) above.
- (5) Gates forming part of an enclosure shall:
  - (a) be equivalent to the fence in content, manner of construction and height; and
  - (b) be supported on appropriate hinges, self-close and self-latch with a latching device at least 1.2 metres above bottom of gate on the interior side.

35.

**SIGNS**

(1) **Sign Permit Required**

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

(2) **Signs Not Requiring a Permit**

Notwithstanding the provisions of Subsection 35(1) a sign permit is not required for:

- (a) real estate, contractor, construction and subdivision signs as mentioned in Subsection 35(6);
  - (b) resident, no trespassing and home occupation signs as mentioned in Subsection 35(3);
  - (c) parking, fire lane and other similar signs as mentioned in Subsection 35(3);
  - (d) advertising specific community events at a location approved by the Town of Oromocto;
  - (e) traffic and directional sign authorized by the Town of Oromocto;
  - (f) election signs;
  - (g) signs posted or exhibited inside a building; and
  - (h) portable on-premise sign as mentioned in subsection 35(5).
- (3) **Fascia Signs**
- (a) In R Zones, fascia signs must be non-illuminated and are permitted to identify the residents, no trespassing, or a home occupation, to a maximum size of 0.2 square metres.
  - (b) In all zones, except R Zones, non-illuminated fascia signs identifying

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parking, fire lanes and similar other are permitted up to a maximum size of 0.2 square metres.

- (c) In all zones, except R Zones, advertising fascia signs are permitted provided that the sign shall:
  - (i) be attached to, painted or erected upon, a wall or surface of a building with the face of the sign parallel to the wall. Fascia signs shall not be painted upon or cover a fence or roof;
  - (ii) not exceed 10% of the building face; and
  - (iii) not exceed one sign per building face or in the case of multiple occupancy buildings, a proportional allocation for each business (building) face.

(4) Free-Standing Signs

- (a) Free-standing signs are permitted in Institutional, Neighbourhood Commercial and TPIND Zones, provided that the sign shall:
  - (i) not exceed a maximum height of 4.5 metres; and
  - (ii) not exceed a maximum size of 6.0 square metres.
- (b) Free-standing signs are permitted in Highway Commercial, Central Commercial and Industrial Zones, provided that the sign shall:
  - (i) not exceed a maximum height of 9.14 metres; and
  - (ii) not exceed a maximum size of 9 square metres.
- (c) Free-standing signs are permitted in Local Commercial Zones, Park Zones and R-3 Zones, provided the sign shall:
  - (i) not exceed a maximum height of 3.0 metres; and
  - (ii) not exceed a sign face area of 4.0 square metres.
- (d) Free-standing signs in the Integrated Development Zone may only be permitted subject to the approval of the Planning Advisory Committee; and
- (e) All permitted free-standing signs are subject to the following:
  - (i) Have the bottom of sign a minimum of 1.2 metres above finished ground level.
  - (ii) Not exceed one free-standing sign per main building.
  - (iii) Maintain a minimum 1 metre setback for all front and side yards.
  - (iv) Have a base not more than 762 mm above finished ground level.
  - (v) Conform to Subsection 35(7).
  - (vi) Be constructed on a permanent foundation with the required frost protection.
- (f) An electronic message board display:
  - (i) shall not be located in any residential zone;

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- (ii) is permitted within the design of a free standing sign;
- (iii) shall meet all requirements identified under Section 35(4)(e);
- (iv) shall not exceed a maximum display area size of 4.0 square meters which may be in addition to the permitted sizes in Section 35(4)(a)(b)(c);
- (v) shall have no exciting or dynamic copy transitions in the digital electronic advertisement copy with a duration less than 10 seconds;
- (vi) shall not fade, cut, wipe or swipe from message to message with a transition exceeding 1.0 second;
- (vii) shall use ambient light monitors that automatically adjusts the brightness level of the display area;
- (viii) shall not use flashing and pulsing lights;
- (ix) brightness level shall not exceed 750 lumens during operation; and
- (x) in areas abutting or adjacent to a Residential Zone, electronic message boards displays shall be de-energized between 11:00 pm and 7:00 am.

(5) Portable On-Premise Signs

- (a) In all zones, except R Zones, portable on-premise signs are permitted provided that the sign shall:
  - (i) not exceed an area of 1.0 square metre on each of two sides;
  - (ii) be located on the business and not exceed one sign per lot;
  - (iii) not obstruct the view of vehicular traffic;
  - (iv) be non-illuminated; and
  - (v) be erected only during the operating hours of the business.

(6) Miscellaneous Signs

- (a) In all zones, the following signs are permitted provided that the sign shall:
  - (i) in the case of a real estate sign, advertise the sale, rental or lease of such land, building or structure and not exceed a single faced area of 0.56 square metres;
  - (ii) in the case of a construction sign, advertise the on-site contractor during the period of construction and not exceed a single-faced are of 0.56 square metres;
  - (iii) in the case of a construction sign, identify a new project and the owner/consultant and not exceed a single-faced area of 6 square metres;
  - (iv) in the case of a subdivision sign, identify a new subdivision and owner/developer and not exceed a single faced area of 6 square metres;

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- (v) be non-illuminated and located on the subject property; and
- (vi) not exceed one of each type per lot.

(7) Sign Prohibitions

- (a) No sign shall be erected, operated, used or maintained which:
  - (i) due to its position, shape, colour, format, or illumination, obstructs the view of, or may be confused with, an official traffic sign, signal or device;
  - (ii) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - (iii) obstruct the sight line of vehicular traffic; and
  - (iv) is located within a road right of way, including centre medians, traffic circles, or any islands or medians separating traffic unless approved under subsection 35(10).

(8) Non-Conforming Signs

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

(9) Illumination

Unless otherwise expressly prohibited by this section, all signs may be illuminated subject to the following requirements:

- (a) Lighted from within the sign.
- (b) Light shining externally upon the sign by design or intention.
- (c) Shall not shine or reflect light directly onto neighboring properties or in the direction of oncoming traffic.
- (d) The illumination shall not exceed 500 lux measured from the property line, during the period between sunset and sunrise.

(10) Signs located in a Right-of -Way

Any sign that is proposed to be erected within a right-of-way owned by the Town of Oromocto must be approved by the Town Engineer. The provisions of this section shall not exempt the owner of a sign from the obligation for proper maintenance of such sign.

36.

**PARKING AND DRIVEWAY REQUIREMENTS**

- (1) No building or structure may be placed, erected, altered or used, unless vehicular off-street parking spaces are provided and maintained in conformity with this section.
- (2) The number of off-street parking spaces shall be provided on the following basis:



**BY-LAW NO. 422 (CONSOLIDATED WITH AMENDMENTS)**

**A ZONING BY-LAW**

	<u>Use</u>	<u>Parking Requirement</u>
(a)	<u>Residential</u>	
	(i) Dwelling Units	1.5 spaces/unit
	(ii) Senior Citizen Dwelling Units	.75 spaces/unit
	(iii) Home Occupation	2 spaces, plus the required parking space for the zone
(b)	<u>Places of Assembly</u>	
	(i) Theatre, church, funeral home	1 space / 4 seats
	(ii) Restaurant and Liquor Licensed establishments	1 space / 4 seats
	(iii) Billiard, auditoriums, public libraries clubs, dance hall and other public assembly establishments	1 space/10 seats or 1 space/10sqm, whichever is greater
(c)	<u>Schools and Medical Care</u>	
	(i) Elementary or Junior High Schools	1 space/teaching staff plus auditorium requirements
	(ii) Senior High Schools	1 space/teaching staff plus 1 space for every 33 students plus auditorium requirements
	(iii) Post Secondary Schools	1 space/20 seats, plus auditorium requirements
	(iv) Hospitals, Nursing Homes and Extended Care Facilities	1 space/100 sq.m. of floor area or 1 space/4 beds; whichever is the greater, plus 1 space for every 2 employees on a max. shift
(d)	<u>Commercial</u>	
	(i) Medical or Health Office	5 spaces /practitioner
	(ii) Barbers, Hairdressers	2 spaces/chair, minimum 3 spaces
	(iii) Day Care Facilities	1 space/employee and 1 space for every 5 children
	(iv) Motel/Hotel	1 space/sleeping unit, 1 space/2 employees, restaurant and conference room requirements
	(v) Office	1 space/23sq.m. gross floor area
	(vi) Retail Store	1 space/18sq.m. of sales floor area

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(e) Industrial

- (i) Warehouse, transport terminals and general use 1 space for each 90sq.m. of gross floor area or 1 space for each 4 employees, whichever is greater

(3) Parking spaces shall:

- (a) have an area not less than 6 metres in length and not less than 3 metres in width;
- (b) be readily accessible from the nearest street and located on the property for which the spaces are intended; and
- (c) be surfaced with an asphalt or concrete material.

(4) Barrier-Free Parking spaces:

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

Total Number of Required Spaces in a Lot	Total Number of Barrier Free Parking Spaces Required
2-15	1
16-45	2
46-100	3
101-200	4
201-300	5
301-400	6
401-500	7
501-900	8
901-1300	9
1301-1700	10

Each increment of up to 400 stalls in excess of 1700 one additional space

- (b) Barrier-Free parking spaces shall be:
  - (i) provided and considered as part of the number of spaces required for a project;
  - (ii) located as close as possible but not more than 50 metres to the barrier free entrance of the building for which they are intended;
  - (iii) clearly marked as being for the use of persons with physical disabilities;
  - (iv) be identified by horizontal and vertical signs that conform to CSA B651 "Accessible Design for the Built Environment"; and
  - (iv) a minimum of 3.9 metres in width and 7.5 metres in length.

(5) Parking Lot Standards

Parking lots are subject to the following requirements:

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- (a) Be surfaced with an asphalt or concrete material.
- (b) Lighted such that the illumination of the property is not a nuisance to adjacent properties and streets.
- (c) The parking lot shall be located on the same lot as the main use.
- (d) Driveways shall be not closer than 11 metres from the limits of the right-of-way at a street intersection; except that no driveway be located within 30 metres of.
  - (i) an intersection of two or more streets if traffic is controlled by traffic lights; or
  - (ii) an at-grade intersection in the form of several lanes or a traffic circle or with island channelization or other similar traffic control devices.
- (e) The number of driveways to the parking lot shall be limited to one driveway, except for frontage of 30 metres or more, two driveways are permitted.
- (f) Where two driveways are permitted the minimum distance between driveways shall be 9.0 metres.
- (g) A driveway leading to or within a parking lot or loading space shall:
  - (i) in the case of one-way traffic, have a width of at least three metres, and not more than 5 metres; and
  - (ii) in the case of two-way traffic, have a width of at least 6 metres; and not more than 9 metres.
- (h) The parking lot shall be graded and drained to the satisfaction of the Town in such a manner as to limit the surface water escaping onto neighbouring lands and streets.

5) Residential Driveways

Driveways are subject to the following requirements:

- (a) The number of driveways shall be limited to 1 except for lots fronting on two streets where 1 driveway is permitted along each frontage.
- (b) Driveway widths shall be at least 3.0 metres and not more than 9.0 metres.
- (c) The surface shall be durable and dust free.
- (d) In the case of a corner lot, the driveway be located at least 9 metres from the intersecting lot lines of the two streets.

(7) Commercial Vehicles and Construction Equipment in Residential Zones

- (a) Commercial vehicles, as defined herein, shall not park on residential property other than for the purpose of immediate loading or unloading of the vehicle.
- (b) Construction equipment such as dump trucks, bulldozers, excavators, loaders and other such equipment shall not be parked on residential property unless that equipment is being used for construction on that property.

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(8) Off-Street Loading and Unloading

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

- (a) One space for every 2000 square metres of building floor area up to 4000 square metres, and one additional space for each additional 4000 square metres.
- (b) Every space shall not be not less than 9 metres in length and 4 metres in width with a 4.5 metre overhead clearance.
- (c) Every loading space shall be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles, and located on the premises such that materials are loaded or unloaded on the premises.
- (d) Every loading space shall be surfaced with a durable and dust proof material.

37.

**HOME OCCUPATION**

(1) Subject to Subsection (3) and (4) below, one of the following occupations are permitted in a single family detached dwelling:

- (a) A home professional office which includes a doctor, dentist, architect, accountant or similar other.
- (b) A home personal-service business which includes a barber shop, beauty shop, tailor shop, shoe repair or similar other.
- (c) A home instructional service which includes the teaching of music, arts and crafts, dance, education or similar other.
- (d) A home trades business which includes a contractor, plumber, electrician, painter or similar other.
- (e) A home repair business which includes: television/radio, small appliances, locksmith shop or similar other but excludes vehicle repair, metal fabrication and auto body shops.
- (f) A home domestic business which includes woodworking, arts and crafts, catering or similar other.
- (g) A child day-care home.
- (h) A bed and breakfast / tourist home.

(2) Subject to Subsection (3) below, one of the following occupations are permitted in a two-unit dwelling:

- (a) A home professional office which includes a doctor, dentist, architect, accountant or similar other.
- (b) A home personal service business which includes a barber shop, beauty shop, tailor shop, shoe repair or similar other.
- (c) A home instructional service which includes the teaching of music, arts and crafts, dance, education or similar other.

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- (d) A home trades business which includes a contractor, plumber, electrician, painter or similar other.
  - (e) A home repair business which includes: television/radio, small appliances, locksmith shop or similar other but excludes vehicle repair, metal fabrication and auto body shops.
  - (f) A home domestic business which includes woodworking, arts and crafts, catering or similar other.
- (3) A home occupation is subject to the following requirements:
- (a) Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located.
  - (b) It shall be secondary to the main residential use and confined to the dwelling unit with no part of it located in an accessory building or structure.
  - (c) Home occupation shall not exceed 25 percent of the total dwelling unit floor area.
  - (d) No change shall be made to the exterior appearance, except for a sign mentioned under Section 35.
  - (e) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom.
  - (f) Any equipment or materials in connection with the home occupation shall be stored only inside the dwelling unit.
  - (g) Two off-street parking spaces are provided, as required under Section 36.
  - (h) A child day care home shall include an outdoor activity area at least 50 square metres in size and be enclosed by a minimum 1.2 metre high fence or enclosure.
  - (i) The home occupation shall not generate off-site electrical interference, dust, noise, light or smoke.
- (4) In addition to the above requirements, the operation of a bed and breakfast/tourist home and a child day-care home are subject to any Provincial regulation(s).

38. **ZONES UNDER SECTION 39 OF THE COMMUNITY PLANNING ACT**

Land zoned under Section 39 of the Act may be used and buildings or structures, or parts thereof, may be used, erected or altered only in conformity with the specific proposal described in the resolution or agreement adopted and entered into under Section 39 of the Act and for which particular purpose the land was rezoned.

An agreement entered under Section 39 of the Act shall only be altered upon Council's approval and, subject to Council's approval, a new agreement and by-law must be enacted and filed in the Registry Office.

Lands which have been zoned under Section 39 of the Community Planning Act include the following:

- (1) 106/108 Winnebago Street - To permit the carrying out of a specific proposal for the utilization of the existing 108 Winnebago Street for the purpose of a funeral

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home and 106 Winnebago Street for an associated residence as per the agreement registered in the Sunbury County Registry Office as number 604 on the 16<sup>th</sup> day of January 1995.

- (2) 104 Winnebago Street - To permit the carrying out of a specific proposal for the utilization of the existing 104 Winnebago Street for the purpose of a medical practice by one doctor as per the agreement registered in the Sunbury County Registry Office as number 733 on the 3<sup>rd</sup> day of July 1997.
- (3) 566 Waasis Road - To permit the carrying out of a specific proposal for the utilization of the existing 566 Waasis Road for the purpose of an optometrist's practice by one doctor and a residential rental property as per the agreement registered as number 743 on the 28<sup>th</sup> day of August 1997.
- (4) To permit the carrying out of a specific proposal for the utilization of the existing 138 Winnebago Street for the purpose of a law office.
- (5) 68 Miramichi Road - To permit the carrying out of a specific proposal for the utilization of the existing 68 Miramichi Road for the purpose of:
  - a) a liquor-licensed restaurant, with no liquor served prior to 5 p.m. and no later than 11 p.m.; and
  - b) a local convenience centre limited to no more than five (5) commercial vehicles associated with the provision of services.
- (6) 1100 Waasis Road - A portion of PID 60005584 to permit the use of the area identified on the "Town of Oromocto Zoning Map" forming part of this By-Law as "Schedule A" as a fire department training site.
- (7) PID 60003134 (225 Mitchell Street) – To permit the carrying out of a specific proposal for the use of a portion of the ground floor building area for the purpose of a local convenience centre and medical and health offices with the following provisions for signage:
  - a) to allow advertising fascia signs not to exceed the requirements listed under subsection 35(3)(c); and
  - b) to allow an electronic message board sign subject to the requirements listed under subsection 35(4)(f).
- (8) PID 60152469 (60 Brayson Boulevard) – To permit the carrying out of a specific proposal for the use of a portion of the existing building area for the purpose of a call centre.
- (9) PID 60152469 (60 Brayson Boulevard) – To permit the carrying out of a specific proposal for the use of a portion of the existing building area for the purpose of a car rental agency. (By-law No. 422-A/Enacted October 16, 2014)

39.

### **ENFORCEMENT**

1. (1) The Development Officer is authorized to enforce the provisions of this By-law.
- (2) If a development is undertaken in contravention of this by-law, the Development Officer may order:
  - (a) alteration of such development so as to remove the contravention;
  - (b) cessation of the development; or

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(c) the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development.

(3) Where an owner of the property fails to comply with an order at his own expense, Council may cause the ordered action to be undertaken and may recover the costs thereof from such owner in an action in any court of competent jurisdiction.

40.

**BY-LAW REPEALED**

By-Law No. 402 and all amendments thereto are hereby repealed.

**READ THE FIRST TIME BY TITLE ONLY: 22 May 2014**

**READ THE SECOND TIME IN ITS ENTIRETY: 19 June 2014**

**READ THE THIRD TIME BY TITLE ONLY FOR ENACTMENT: 19 June 2014**

*(Sgd) Richard E. Isabelle*  
Richard E. Isabelle  
Chief Administrative Officer/Clerk

*(Sgd) R.E. Powell*  
Robert E. Powell  
Mayor