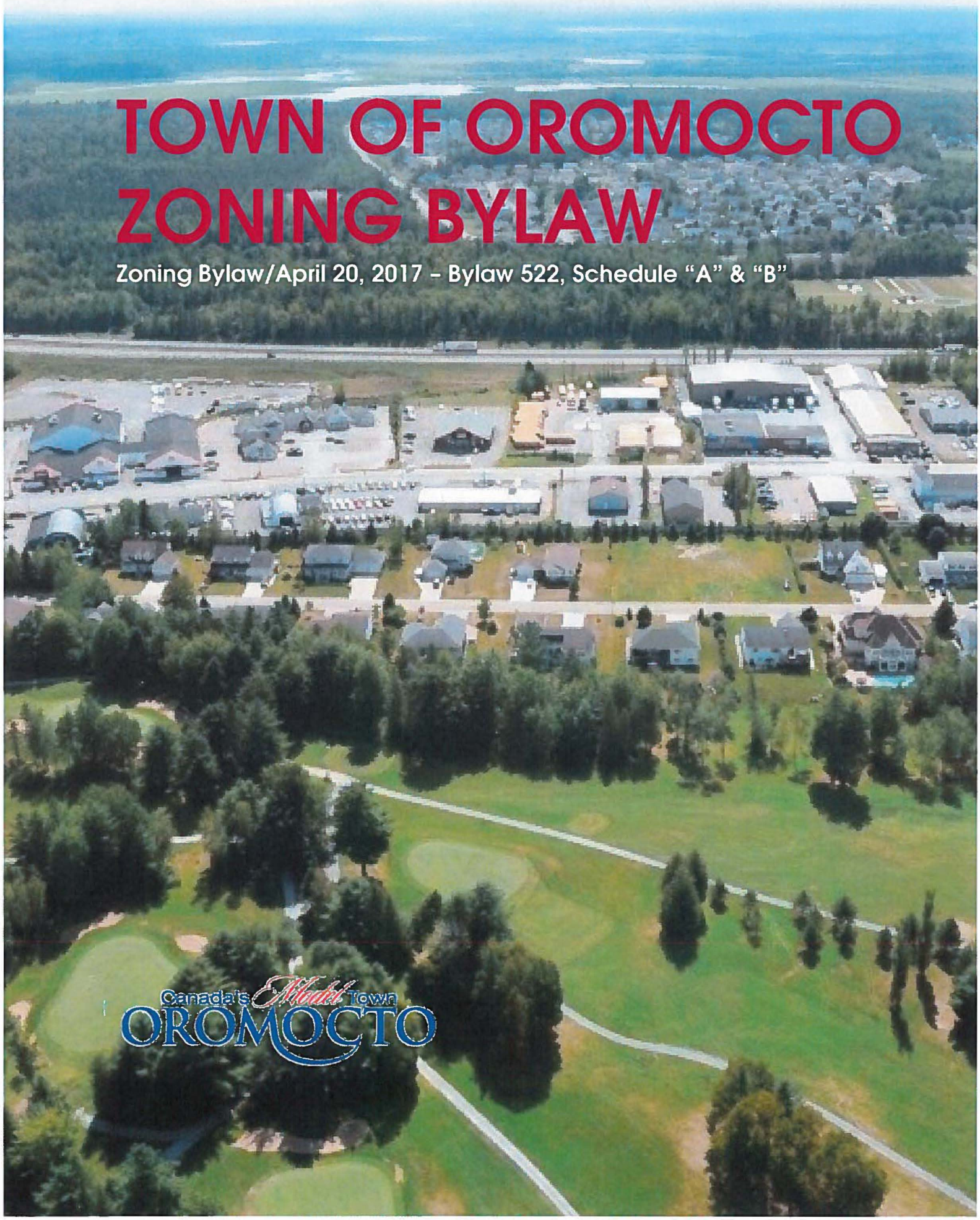
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TOWN OF OROMOCTO ZONING BYLAW

Zoning Bylaw/April 20, 2017 - Bylaw 522, Schedule "A" & "B"



Town of Oromocto Zoning Bylaw 522

Created by the Planning & Compliance Branch with help from Stantec Consulting Ltd.

I certify that this instrument is registered or filed in the Sunbury County Registry Office, New Brunswick

J'atteste que cet instrument est enregistré ou déposé au bureau de l'enregistrement du comté de Nouveau-Brunswick

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Evelyn Keddy
Registrar-Conservateur

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1.0 SCOPE

This Bylaw may be cited as "The Town of Oromocto Zoning Bylaw". This Bylaw:

(1) divides the town municipality into zones as shown on the "Town of Oromocto Zoning Map" forming part of this Bylaw 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;

(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 of this section.

1.1 POWERS OF THE COUNCIL

(1) No *building* may be erected in the town for 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 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 4 of this section, 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 preceding subsection (a) for a purpose therein mentioned.

(4) No land may be designated or used for the purposes of subsection 3 of this section unless, in the opinion of the Council:

(a) such land is essential to the operation of the services concerned; and

(b) any *development* thereon in a residential zone is adequately screened from public view or such *development* is of compatible design with adjacent *structures*.

(5) Notwithstanding any other provision of this Bylaw, the Council may, in its discretion, allow a developer of a *building* or *structure* to pay to the Town a prescribed fee as set by council identified in Schedule "B" in lieu of providing the off-*street* parking required hereunder.

1.2 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 Bylaw when, in the opinion of the *Planning Advisory Committee*, the site is marshy, a wetland, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

(2) The *Planning Advisory Committee* may, subject to such terms and conditions as it considers fit:

(a) permit a *development* otherwise prohibited by this Bylaw for a temporary period not exceeding one year;

(b) permit the *development* in preceding subsection (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 preceding subsections a and 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 Bylaw if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the Bylaw for the zone in which the land or *building* is situated; or

(e) grant such reasonable variance from the requirements of this Bylaw 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 Bylaw and any plan or statement hereunder affecting such *development*.

(3) The *Planning Advisory Committee* delegates its authority in subsection 2(a) of this section to the *Development Officer*.

(4) The *Planning Advisory Committee* delegates its authority to the *Development Officer* to permit a reasonable variance under Section 35(2) of the *Act*.

(5) If the *Planning 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*.

1.3 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 Bylaw 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 Bylaw 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 *Planning Advisory Committee*.

(3) The *Development Officer* may delegate the power to permit a variance under section 1 of this section.

1.4 FEES

Council shall adopt, and may from time to time amend by resolution, a fee schedule to be appended to the By-Law as Schedule "B".

1.5 AMENDMENTS

(1) A *person* who seeks to have this Bylaw amended shall:

(a) address a written and signed application in duplicate therefore to the Council or the *Planning Advisory Committee*; and

(b) pay a prescribed fee identified in Schedule "B", which may include additional fees also prescribed in Schedule "B" should the application require 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 1(b) of this section.

(3) An application under this section shall include such information as may be required by the Council or the *Planning Advisory Committee* for the purpose of adequately assessing the desirability of the proposal.

(4) The Council may refuse to consider an application under this section if such application:

(a) seeks to re-zone an area of land from one type of zoning to another; or

(b) has not been signed by one or more owners of each property in the area mentioned in preceding subsection (a).

(5) Before giving its views to the Council with respect to an application under this section, the *Planning Advisory Committee* may carry out such investigation as it deems necessary.

(6) Unless, on the advice of the *Planning 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 rezoning is similar to the original application.

2.0 INTERPRETATION

(1) System of Division

(a) This system of division of the provisions of the bylaw is as follows:

2.0 Section (Arabic numeral)
(1) Subsection (bracketed Arabic numeral)
(a) clause (bracketed lower-case letter)
(i) subclause (bracketed lower-case Roman numeral)
1. paragraph (Arabic numeral)

(b) Despite clause (a), a reference to or citation of any of the above divisions as a "section" or "subsection" does not invalidate that reference or citation, if the reference or citation is otherwise correct.

(2) Clarification of Words

(a) 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.

(3) Other Bylaws, Permits & Licenses

(a) Nothing in this bylaw shall relieve any *person* from the obligation to comply with the requirements of any bylaw of the Town of Oromocto from time to time, or the obligation to obtain any license, permit, authority or approval required under any bylaw of the Town of Oromocto. In the event of conflict between this bylaw and any other bylaw (except the Town of Oromocto Municipal Plan), the most restrictive bylaw shall prevail.

(4) Calculation of Numerical Requirements

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

(5) Measurements

In this bylaw, unless otherwise stated:

(a) metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number; but

(b) any fraction must be rounded down to the nearest whole number for the purposes of calculating the maximum number of units allowed on a *lot*;

(c) regulations in this bylaw provided to one decimal place must not be rounded to whole numbers;

(d) when measuring a required distance between a *property line* and a *building* or *structure* or between 2 *buildings* or *structures*, the measurement is made at the least distance between the two;

(e) all measurements and distances must be made along horizontal planes and not by following the topography or slope of the land;

(f) the *parking* section identifies additional rules for off-*street parking* and off-*street* loading regulations, which prevail in that context.

2.1 DEFINITIONS

In this Bylaw, any word that is italicized is defined and shall be interpreted as follows:

"**abut**" means to be located next to and, pursuant to the *Act*, having access thereto directly.

"**access**" means an *access*, exit, or driveway from a *street* to a *lot*.

"**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.

"**Act**" means the *Community Planning Act*, RSNB, c. C12 as amended.

"**adult entertainment facility**" means an *establishment* where service or entertainment appealing to, or designed to appeal to, an erotic or sexual appetite or inclination is provided.

"**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 designed for use in connection with sexual activities.

"**agricultural use**" means the use of any land, *building*, or *structure*, other than a *kennel*, 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.

"**alteration**" means any change structurally or otherwise in a building or *structure* that is not for purposes of maintenance.

"**animal shelter**" means an *establishment* that provides care and veterinary service to lost, abandoned, or neglected animals.

"**bed and 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.

"**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.

"**bulk fuel station**" means an *establishment* for the storage and distribution of petroleum products in bulk quantities, which may include vehicle storage and key-lock pumps, but does not include retail sales or processing.

"**carport**" means a *building* or *structure* without walls on at least two sides used for the parking or storage of a motor vehicle.

"**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.

"**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.

"**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 six children (including those of the owner/operator) of whom not more than three children may be less than age two years.

"**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.

"**commercial vehicle**" means a vehicle that is licensed as a commercial vehicle under the *Motor Vehicle Act*. This would include such non-private passenger vehicles such as, but not limited to, an authorized emergency vehicle, bus, farm tractor, non-repairable vehicle, road tractor, semi-tractor, or taxicab.

"**community service outlet**" means a *building* that provides services by government, volunteers or a not for profit organization intended to benefit the community or its institutions.

"**Crown land**" means land vested in the Crown in the Right of Canada.

"**day care 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.

"**development**" means "development" as defined in the *Act*.

"**development officer**" means the municipal planning officer appointed under Section 16(1) of the *Act*.

"**distribution centre**" means an *establishment* or use designed to receive and store large quantities of products and ship smaller quantities to individual retailers, wholesalers, or directly to consumers.

"**drive-thru**" means an *establishment* or accessory use designed to provide either wholly or in part, services or products to customers while in their automobiles.

"dwelling" means a *building or part of a building* containing *dwelling unit(s)*.

"dwelling unit" means a room or a suite of two or more rooms for the *use*, or intended for the *use*, by one or more individuals that contains a kitchen, living, sleeping and sanitary facilities.

"**educational establishment**" means an *establishment* providing academic or technical instruction.

"**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.

"**establishment**" means a *building, structure, lot* or part of any of the foregoing where an activity or use is occurring.

"**fence**" means an above ground barrier used as a boundary or a means of protection or enclosure.

"**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 area*s above or below *grade*.

"food service" means a *use* where prepared food is sold for consumption off the premises and may include a delivery service.

"**garage**" means an *accessory building* or part of a main *building* or *structure* capable of being used for the storage of a motor vehicle.

"**garden suite**" means any secondary use to a one-unit *dwelling* where another *dwelling* unit is established in a separate *building* on the same lot. Except as otherwise provided by this Bylaw, a garden suite is considered the same as an *accessory building*.

"**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.

"**grade**" means the average elevation of the finished ground surface adjacent to a *building* or *structure*, excluding localized depressions such as a pedestrian or vehicle entrance.

"**greenhouse**" means a *structure*, which is clad in glass, sheets of clear plastic or a transparent material, in which temperature and humidity can be controlled for the cultivation or protection of plants.

"**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.

"**home occupation**" means a secondary use in a portion of a *dwelling* unit in which a business is conducted by the occupant of the *dwelling* unit.

"**hospital**" means a facility that provides short or long term medical and health care, and includes overnight stays, surgery, laboratory, or diagnostic services for treating human illness, disease, and injury.

"**hotel/motel**" means a commercial *establishment* providing temporary lodging for travellers or transients in independent living quarters, and may include a public dining room and convention room, but does not include a hostel or rooming house.

"**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 owner of the main *dwelling*.

"**kennel**" means a *building* or *structure* used for the enclosure of animals kept for a commercial purpose, and may include premises used for the breeding, raising, training, sheltering, or boarding, or the overnight accommodation of dogs, cats, or other household pets, but shall not include a *veterinary clinic/hospital*.

"**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.

"**loading space**" means an area of land provided and maintained on the same *lot* or lots on which the main use is located that has adequate *access* to permit ingress and egress by means of driveways, aisles, or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicle.

"**local convenience centre**" means a combination of two or three retail uses such as, but without limiting the generality of the foregoing, a bank or financial institution, an *office*, a *convenience store*, a *personal* service shop, a *restaurant*, excluding *drive-thru*, or similar uses contained within one *building*.

"**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 in relation to which the following definitions shall apply:

(a) "lot area" means the total horizontal area within the *lot* lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached *dwelling* or townhouse *dwelling*;

(b) "lot, corner" means a *lot* situated at the intersection abutting 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 of a *lot* when these lines are parallel, or the length of a straight line joining the middle of the front *lot* line with the middle of the rear *lot* line when the front and rear *lot* lines are not parallel;

(e) "lot frontage" means the horizontal distance between the side *lot* lines of an interior *lot* as measured along the front *lot* line, or the horizontal distance

between the side *lot* line and a hypothetical point of intersection of the front and flankage *lot* lines of a *corner lot* determined by extension of a straight line;

(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 that 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* line; and

(l) "lot, through" means a *lot* bounded on two opposite sides by *streets* or roads.

*See **Section 3.17** for further information on lot requirements.*

"**marina**" – means a public or private docking facility for watercraft and may include services and supplies for small pleasure craft and may include the dispensing of fuel.

"**massage parlour**" means an *establishment* where, for any form of consideration, massage is administered to the human body for sexual pleasure.

"**medical marihuana production facility**" means a federally-licenced facility used for the cultivation, processing, testing, destruction, packaging of marihuana used for medical purposes as permitted under the federal government's Marihuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution thereof.

"mini-home" means a prefabricated or "factory-built" moveable *dwelling other than a mobile home* containing 1 *dwelling unit* designed to be transported on its own frame and is connected to *utilities* and designed for year-round living.

"mobile home" means a trailer having a total floor space of not less than 45 square metres and containing a water closet and a bath or shower, or as defined in the Municipalities Act.

"municipal service centre" means a client service centre operated by the Town and may include such services as tourist centres, public works, police and fire services.

"**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.

"**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.

"**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*.

"**parking lot**" means an open area of land other than a *street* or an area within a *structure* for the parking of vehicles and includes any adjoining *access* or driveway.

"**parking space**" means an area reserved for the parking of an individual vehicle often referred to as a stall, but does not include any part of a parking aisle or driveway.

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

"**personal service**" means an *establishment* providing clothes cleaning or personal grooming service such as, but not limited to, an aesthetician, barbershop, beauty salon, clothes *alteration*, repair, or manufacture for individuals, dry cleaning depot or shop, hairdresser, laundry service, shoeshine, or shoe repair, but excludes the fabrication or manufacturing of goods for retail or wholesale distribution. A *personal service* may also include an *establishment* providing *pet grooming*.

"pet grooming" means an *establishment* where animals are groomed and washed and may include the ancillary sale of products related to this service, but does not include any associated outdoor *kennel* or overnight accommodation.

"**Planning Advisory Committee**" means the Town of Oromocto *Planning Advisory Committee* established under Section 12 of the *Act*.

"**recycling depot**" means a *building* used for the deposit, collection, and handlings of waste paper, rags, bottles, or other materials that are to be delivered wholesale to other operations for reclamation, processing, or salvage.

"**research and development facility**" means an *establishment* for scientific research, investigation, testing, or experimentation.

"**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.

"**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.

"**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;

"**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, and 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.

"**service station**" means a *building* or part of a *building* used for the retail sale of lubricating oils and gasoline, and may include the sale of automobile accessories, the minor servicing and general repairing of motorized vehicles, and vehicle washing establishments.

"**shopping centre**" means a commercial development exceeding 1,500 square metres 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.

"**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, billboard" means a ground sign that displays third party advertising;

(b) "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;

(c) "sign, freestanding" means a sign, other than a portable sign, supported independently of a *building* and permanently fixed to the ground with a foundation;

(d) "sign, sandwich board" means a two-sided A-frame style self-supporting sign that is not permanently affixed to the ground and is designed to be moveable;

(e) "sign, portable on premises" 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;

(f) "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.

"**storey**" means that portion of a *building* 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.

"**storey, first**" means the uppermost *storey* having its floor level not more than 2 metres above *grade* as defined in the National Building Code of Canada.

"**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.

"**street line**" means the boundary line of a *street*.

"**structure**" means anything erected or constructed upon, under, or above the ground, or anything attached to something located upon, under, or above the ground other than a *building*.

"**swimming pool**" means an artificial body of water used for swimming and related activities that is capable of containing a depth of water greater than 0.6 metres, but does not include a hot tub or spa, storm water management pond, a *watercourse*, or a natural body of water.

"**temporary use**" means a permitted or approved discretionary use intended for a limited duration, which shall be specified.

" **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.

"**towing service**" means an establishment where trucks are dispatched to transport disabled vehicles and includes the secure outdoor storage of towed vehicles.

"**use**" means the purpose for which land, a *building* or a *structure*, or any combination thereof is designed, arranged, erected, occupied, or maintained in relation to which the following definitions shall apply:

(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 naturally or customarily incidental and complementary to the main use of the land, *building*, or *structure* on the same *lot* that is not a secondary use; and

(c) "use, secondary" means a use other than the main or accessory use permitted.

"**utility**" means a public or private system, works, plant, equipment, or services that furnishes services to or for the use of the general public.

"**vehicle 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.

"**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 or sale of parts and accessories.

"**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.

"**warehouse**" means a *building* used primarily for the storage of goods and materials.

"**watercourse**" means any lake, river, stream, ocean, or other naturally occurring body of water.

"**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.

"**yard**" means an open, uncovered space on a *lot* between a *building* or *structure* and a *lot* line in relation to which the following definitions shall apply:

(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*.

*See **Section 3.17** for further information on lot requirements.*

3.0 ZONING CLASSIFICATIONS

(1) Zoning Map

For the purpose of this Bylaw, the Town is divided into zones delineated on the map attached as Schedule "A", entitled "Town of Oromocto Zoning Map."

(2) Boundaries of Zones

Where the boundary of any zone shown on the zoning maps:

(a) follows a *street*, lane, *utility* right-of-way, railway right-of-way or *watercourse*, it is considered to follow the centreline of such *street*, lane, *utility* right-of-way, railway right-of-way, or *watercourse*;

(b) substantially follows *lot* lines shown on the zoning maps or the electronic consolidation of the zoning map, it is considered to follow such *lot* lines;

(c) follows a *street* and the *street* is closed, the land in the said closed *street* is considered to be included in the zone of the adjoining land and if such *street* forms a boundary between two or more different zones, it is considered to follow the centreline of that closed *street*; and

(d) passes through a *lot* and the distance is not indicated, it is considered to be located as measured using the scale of the zoning map.

(3) Purpose Statements

(a) The purpose statement in each zone indicates the general intent of the zone and all aspects of the purpose statement do not need to be satisfied to meet the intent of the zone.

(4) General Prohibitions

(a) No land, *building* or *structure* may be used or occupied, and no *building* or *structure* may be placed, constructed, erected, moved, sited, altered or enlarged, and no subdivision may be approved, except in conformity with this By-law.

(b) No *building* or *structure* may be placed, constructed, erected, moved, sited, altered or enlarged, and no subdivision may be approved, so as to cause any existing *building* or *structure* on the same *lot* to violate the provisions of this By-law.

(5) Permitted and Prohibited Uses

(a) No land, *building* or *structure* may be used for a use that is not specifically listed as a permitted use in the zone that the land, *building* or *structure* is located.

(b) No *building* or *structure* may be placed, constructed, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that zone.

(6) Zones

The zones mentioned in subsection 1 are classified and referred to as follows:

- **Residential Zones**
  - Residential One (R-1)
  - Residential Two (R-2)
  - Residential Three (R-3)
  - Limited Use Residential (LUR)
- **Mixed Use Zones**
  - Town Centre (TC)
  - Integrated Development (ID)
- **Commercial Zones**
  - Highway Commercial (HC)
  - Local Commercial (LC)
- **Park Zone**
  - Park (P)
- **Institutional Zone**
  - Institutional (INST)
- **Industrial Zones**
  - Industrial (IND)
  - Transportation and Light Industrial (TPIND)
- **Other Zones**
  - *Crown Land* (CL)
  - Oromocto Reserve (OR)
  - Adult Entertainment (AE)
  - Mini Home Park (MHP)

(a) The R-1, R-2, and R-3 Zones are referred to collectively as Residential Zones.

(b) 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 Bylaw pertaining to such zone.

(7) Comparative Uses

A comparative use chart for all Commercial and Industrial zones has been developed for quick comparative reference for appropriate land uses. It is as follows:

Type of Use	LC	TC	HC	TPIND	IND
RESIDENTIAL GROUP					
Hotel/Motel		X	X	X	
Incorporated Residential Dwelling Units	X	X			
R-3 Uses			X		
Residential Care Facility	X	X			
OFFICE GROUP					
Office or Office Building	X	X	X	X	X
SERVICES GROUP					
Bank or Financial Institution	X	X	X[3]	X[3]	
Building Intended for Public Assembly or Social, Cultural or Recreational Activities		X	X	X	X
Commercial Day Care Centre	X	X	X	X	
Community Service Outlet			X	X	
Municipal Service Centre		X	X	X	X
Parking Lot		X	X	X	X
Personal Service Establishment	X	X	X	X	X
Service Shop	X	X	X	X	X
SALES GROUP					
Equipment Sales/Rental Establishment				X	X
Local Convenience Centre	X	X			
Retail Store	X	X	X	X	
Shopping Centre		X	X	X	
Wholesale Store			X		X

Type of Use	LC	TC	HC	TPIND	IND
PRODUCTION GROUP					
Concrete Plant					X
Medical Marijuana Production Facility					X
Light Manufacturing Use				X	X
Research & Development Facility			X	X	X
FOOD SERVICES GROUP					
Food Service	X		X	X	
Liquor Licenced Establishment (with conditions)		X[1]	X[1]	X[1]	
Restaurant (Liquor Licenced)	X[2]	X	X[3]	X	
Restaurant	X	X	X[3]	X[3]	
ANIMAL GROUP					
Animal Shelter			X	X	X
Veterinary Clinic/Hospital		X	X	X	
STORAGE GROUP					
Bulk Fuel Station					X
Distribution Centre			X	X	X
Recycling Depot					X
Warehouse			X	X	X
VEHICLE SERVICES GROUP					
Auto Body Establishment					X
Car Wash			X	X	X
Gas Bar	X		X	X	X
Vehicle Repair Outlet			X	X	X
Vehicle Sales/Rental Establishment			X	X	X
Service Station	X		X	X	X
Towing Service				X	X

1 May not *abut* a residential zone
2 May not have a *drive-thru & no liquor served prior to 5pm and no later than 11pm*
3 May include a *drive-thru*

3.1 RESIDENTIAL ZONE ONE (R-1)

(1) Purpose Statement

The R-1 Zone accommodates traditional residential *development* in the form of single detached dwellings which may contain a basement apartment and permit ancillary uses to the principal residential use to allow residents to work at home.

(2) 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) a secondary suite incorporated in the same *structure* as a *single unit dwelling* but clearly subordinate to it and providing completely separate areas for food preparation and eating, and for sleeping meeting the requirements of a secondary suite under the National Building Code of Canada and parking requirements subject to **Section 5.6**

(c) a *garden suite* or an *in-law suite* in conjunction with a permitted *single unit dwelling*, subject to the relevant provisions of **Section 4.0**

(d) a *home occupation*, as a secondary use in conjunction with a permitted *single unit dwelling*, subject to **Section 5.7**

(e) an *accessory building*, subject to **Section 5.1**

(f) a *greenhouse*, subject to **Section 5.1**

(g) a park or playground

(3) Planning Advisory Committee Review

(a) *Planning Advisory Committee* may approve the construction of R-2 residential *buildings* meeting all applicable standards of the R-2 Zone provided the proportion of such units existing at the time of application does not exceed 10% of all *dwelling* units in R-1 Zones in the area in which the proposed *building* is located, such areas being:

(i) Oromocto North (i.e., all lands north and east of the Trans-Canada Highway

(ii) Oromocto West (i.e., all lands south and west of the Trans-Canada Highway.

3.2 RESIDENTIAL ZONE TWO (R-2)

(1) Purpose Statement

The R-2 Zone accommodates medium density residential *development* up to 4 *dwelling* units, including semi-detached, townhouses, rowhouses and small

apartment *buildings* and permit ancillary uses to the principal residential use to allow residents to work at home.

The R-2 zone allows the opportunity for some mixed uses that are limited in size and type that would generally integrate into the area as similar and compatible type uses and will allow for more than 1 main *building* per *lot* provided all applicable standards of the R-2 Zone are met.

(2) Permitted Uses

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

(a) a R-1 use meeting all applicable standards of the R-1 Zone

(b) a residential *building* with a maximum of four *dwelling* units

(c) a *garden suite* or an *in-law suite* in conjunction with a permitted *single unit dwelling*, subject to the relevant provisions of **Section 4.0**

(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 5.7**

(e) an *accessory building*, subject to **Section 5.1**

(f) a *greenhouse*, subject to **Section 5.1**

(g) a park or playground

(h) a *local convenience store* use at the ground level in combination with R-2 residential uses within a R-2 Zone.

(3) Planning Advisory Committee Review

Planning Advisory Committee may consider the approval of R-3 *structures* meeting all applicable standards of the R-3 Zone and such additional separation and buffering requirements as the Committee may deem necessary to ensure their compatibility with adjacent residential land uses.

3.3 RESIDENTIAL ZONE THREE (R-3)

(1) Purpose Statement

The R-3 Zone accommodates high density multi-residential development over 4 *dwelling* units, including apartment *buildings*, townhouses and rowhouses.

The R-3 zone allows the opportunity for some mixed uses that accommodate small scale commercial *uses* that are limited in size and type and that primarily serve the residents of the surrounding neighbourhood(s) and will allow for more than 1 main *building* per *lot* provided all applicable standards of the R-3 Zone are met.

(2) Permitted Uses

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

(a) a residential *building* with five or more *dwelling* units

(b) residential care facility

(c) an *accessory building*, subject to **Section 5.1**

(d) a park or playground

(e) a *local convenience store* or *personal service* use at the ground level in combination with R-3 residential uses within a R-3 Zone.

3.4 RESIDENTIAL MINI-HOME ZONE (RMH)

(1) Purpose Statement

The RMH Zone accommodates residential *development* in the form of single mini-homes on individual lots fronting on public *streets*. Mobile homes are not allowed in this zone.

(2) Permitted Uses

No *development* shall be permitted nor shall any land, *building*, or *structure* be used on a *lot* within a Residential Mini Home Zone (RMH) for any purpose other than:

(a) a mini-home

(b) a modular home or

(c) an *accessory building*, subject to **Section 5.1**.

3.5 LIMITED USE RESIDENTIAL (LUR)

(1) Purpose Statement

The LUR Zone accommodates *development* in the form of *accessory buildings* which are ancillary to the principal residential use only.

(2) Permitted Uses

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

(a) an *accessory building* or *greenhouse*, subject to **Section 5.1** provided:

(i) the *lot* is consolidated with the *lot* directly in front thereof, that fronts on a public *street*;

(ii) the *building* has a minimum top of wall elevation of 8.23 metres which is one

metre above the maximum recorded flood water elevation.

3.6 LOCAL COMMERCIAL ZONE (LC)

(1) Purpose Statement

The LC Zone accommodates small scale commercial uses that are limited in size and type and that primarily serve the residents of the surrounding neighbourhood(s).

The LC Zone allows *dwelling units* above ground floor commercial uses in the *building* and is generally located in close proximity to residential *development*.

(2) 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 *gas bar*

(b) a *service station*

(c) a bank or financial institution

(d) a commercial *day care centre*

(e) a *local convenience centre*

(f) a *personal service establishment*

(g) a *restaurant*

(h) a (liquor licensed) *restaurant*, excluding *drive-thru*

(i) a *food service*

(j) a *retail store*

(k) a service shop

(l) an *office* or office *building*

(m) a *residential care facility*

(n) residential *dwelling units* incorporated with any of the foregoing uses

(o) an accessory building, subject to **Section 5.1**.

(3) Storage Areas

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

3.7 TOWN CENTRE ZONE (TC)

(1) Purpose Statement

The TC Zone accommodates a wide variety of commercial, cultural and recreational uses serving areas beyond the surrounding neighbourhood(s) and is generally characterized by larger scaled *buildings* combined with storefront commercial buildings that are close to each other and oriented to the *street*.

The TC Zone allows *dwelling units* above ground floor commercial uses in the *building*. This mixed use concept is to encourage residential, commercial and recreational activities in this zone in order to redevelop the Hazen Park District and will allow for more than 1 main *building* per *lot* provided all applicable standards of the TC Zone are met.

(2) Permitted Uses

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

(a) a commercial *day care centre*

(b) a *building* intended for public assembly or for social, cultural, or recreational activities

(c) a bank or financial institution

(d) a *municipal service centre*

(e) a *hotel/motel*

(f) an *office* or office *building*

(g) a *personal service establishment*

(h) a *restaurant*

(i) a liquor licensed *establishment* (except that no liquor licensed *establishment* is permitted to *abut* a Residential Zone except a liquor licensed *restaurant*)

(j) a *retail store*

(k) a *service shop*

(l) a local convenience centre

(m) a *shopping centre*

(n) a *veterinary clinic/hospital*

(o) residential *dwelling units* incorporated with any of the foregoing uses

(p) a *residential care facility*

(q) a *parking lot*

(r) an *accessory building*, subject to **Section 5.1**.

(3) Mixed Use

Any use identified as permitted in subsection 2 of this section, excepting a *gas bar* or a *service station*, may be combined in the same *building* or *structure* with any other use or combination of uses listed in that section provided all applicable standards of the TC Zone are met.

(4) Storage Areas

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

3.8 HIGHWAY COMMERCIAL ZONE (HC)

(1) Purpose Statement

The HC Zone accommodates a wide variety of commercial *development* primarily serving the travelling public and outlying neighbourhoods and is generally located along major arterial roads or highways.

The HC Zone allows for a mix of high density multi-residential *development* at a *scale* that integrates sensitively with the surrounding development and allow for more than one main *building* per *lot* provided all applicable standards of the HC Zone are met.

(2) 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) a R-3 use meeting all applicable standards of the R-3 Zone

(b) a commercial *day care centre*

(c) a *building* intended for public assembly or for social, cultural, or recreational activities

(d) a *vehicle repair outlet*

(e) a bank or financial institution (which may include a drive-thru)

(f) a *car wash*

(g) *a parking lot*

(h) a *gas bar*

(i) an *office* or office *building*

(j) a *personal service establishment*

(k) a *food service*

(l) a *restaurant* (which may include a *drive-thru*)

(m) a liquor licensed *establishment* (except that no liquor licensed *establishment* is permitted to *abut* a Residential Zone except a liquor licensed *restaurant*)

(n) a retail or *wholesale store*

(o) a *service shop*

(p) a *service station*

(q) an *animal shelter*

(r) a *shopping centre*

(s) a *community service outlet*

(t) a *veterinary clinic/hospital*

(u) a municipal service centre

(v) a *vehicle sales/rental establishment*

(w) a *warehouse* or *distribution centre*

(x) a research and development facility

(y) an *accessory building*, subject to **Section 5.1**.

3.9 INSTITUTIONAL ZONE (INST)

(1) Purpose Statement

The INST Zone accommodates large scale education, healthcare, culture, recreation and worship facilities on large parcels of land.

The INST Zone allows for a mix of some commercial uses that are complimentary to the main permitted use within the *building*.

(2) 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 municipal service centre

(g) a *hospital*

(h) a funeral home

(i) a park, playground, or sports field

(j) a *residential care facility*

(k) an *accessory building*, subject to **Section 5.1**.

(3) Mixed Use

A *restaurant* (excluding a *drive-thru*), *personal service establishment* or *retail store* use at the ground level in combination with an INST use that is considered complimentary to the main use may be permitted provided all applicable standards of the INST Zone are met.

(4) Planning Advisory Committee Review

The *Planning Advisory Committee* may consider the approval of other commercial uses not specifically identified under subsection 3 as the Committee may deem necessary to ensure their compatibility with the permitted INST land uses.

3.10 INDUSTRIAL ZONE (IND)

(1) Purpose Statement

The IND Zone accommodates a mix of light industrial, service and commercial uses that would have minimal adverse impact on adjacent non-industrial land uses.

The IND Zone allows for uses where all production and service activities take place within the *building* and may require outdoor area for related display or storage activities and will allow for more than one main *building* per *lot* provided all applicable standards of the IND Zone are met.

(2) 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 *animal shelter*

(b) an auto body *establishment*

(c) a *vehicle repair outlet*

(d) a *bulk fuel* station

(e) a *car wash*

(f) a *gas bar*

(g) an equipment sales/rental *establishment*

(h) a *recycling depot*

(i) a *light manufacturing* use

(j) an *office* use

(k) a *research and development facility*

(l) a vehicle sales/rental establishment

(m) a *warehouse* or *distribution centre*

(n) *medical marihuana production facility*

(o) *a municipal service centre*

(p) a *service station*

(q) a *service shop*

(r) a *wholesale store*

(s) a *towing service*

(t) a *building* intended for public assembly or for social, cultural, or recreational activities

(u) a *parking lot*

(v) a *personal service establishment*

(w) a concrete plant

(x) an *accessory building*, subject to **Section 5.1**.

3.11 TRANSPORTATION AND LIGHT INDUSTRIAL ZONE (TPIND)

(1) Purpose Statement

The TPIND Zone accommodates a mix of light industrial, service and commercial uses and provides for uses where activities take place both inside *buildings* and outdoors.

The TPIND Zone is generally characterized by multitenant "strip"-type commercial buildings that primarily serve the community and that will allow for more than one main *building* per *lot* provided all applicable standards of the TPIND Zone are met.

(2) 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) a building intended for public assembly or for social, cultural, or recreational activities

(c) a community service outlet

(d) a *vehicle repair outlet*

(e) a bank or financial institution (which may include a drive-thru)

(f) a car wash

(g) a commercial *day care centre*

(h) an equipment sales/rental *establishment*

(i) a *gas bar*

(j) a municipal service centre

(k) a *hotel/motel*

(l) an *office* or office *building*

(m) a *personal service establishment*

(n) a *retail store*

(o) a *shopping centre*

(p) a *restaurant* (which may include a drive-thru)

(q) a liquor licensed *establishment* (except that no liquor licensed *establishment* is permitted to *abut* a Residential Zone except a liquor licensed *restaurant*

(r) a *food service*

(s) a *service shop*

(t) a *service station*

(u) a *vehicle sales/rental establishment*

(v) a *veterinary clinic/hospital*

(w) a *warehouse or distribution centre*

(x) *a light manufacturing use*

(y) a *parking lot*

(z) a *towing service*

(aa) a *research and development facility*

(bb) an *accessory building*, subject to **Section 5.1**.

3.12 PARK (P)

(1) Purpose Statement

The P Zone accommodates parks, open spaces and compatible recreational uses that meet the needs of the community.

The P Zone allows major, regional sports and recreational spaces to permit a broad range and intensity of leisure, recreational, cultural and related uses.

(2) 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 *marina*

(h) a golf course or driving range

(i) a linear park or trail

(j) a *parking lot*

(k) a *food service*

(3) Planning Advisory Committee Review

The *Planning Advisory Committee* may consider the approval of an *accessory building, structure,* or use incidental to a main permitted use not specifically identified under subsection 2 as the Committee may deem necessary to ensure their compatibility with the permitted Park land uses.

3.13 CROWN LAND (CL)

Lands zoned CL are exempt from the provisions of this Bylaw.

3.14 OROMOCTO RESERVE LAND (OR)

Lands zoned OR are exempt from the provisions of this Bylaw.

3.15 INTEGRATED DEVELOPMENT (ID)

(1) Purpose Statement

The ID Zone accommodates a wide variety of commercial, *office*, residential and institutional uses that can accommodate both the needs of the surrounding community and the travelling public due to the proximity to major arterial roads or highways.

The ID Zone has specific design requirements for all *buildings* constructed in this zone and will allow for more than one main *building* per *lot* provided all applicable standards of the ID Zone are met.

(2) Permitted Uses

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

(a) a commercial *day care centre*

(b) a *building* intended for public assembly or for social, cultural, or recreational activities

(c) a funeral home

(d) a municipal service centre

(e) a *hotel/motel*

(f) an *office* or office *building*

(g) a *personal service establishment*

(h) a *restaurant*

(i) a liquor licensed *establishment* (except that no liquor licensed *establishment* is permitted to *abut* a Residential Zone except a liquor licensed *restaurant*)

(j) a *retail store*

(k) a *service shop*

(l) a R-3 use meeting all applicable standards of the R-3 Zone

(m) a call centre

(n) a *residential care facility*

(o) an *accessory building*, subject to **Section 5.1**.

(3) Approval of New Structures

In an ID Zone, land may be used and *buildings* or *structures*, or parts thereof, may be erected or altered only in conformity with the design requirements identified under subsection 4.

(4) Design Requirements

All *buildings* or *structures* erected pursuant to a resolution or agreement pursuant to preceding subsection 2 shall conform to the following requirements:

(a) Exterior Finish – All *buildings* shall be faced with brick masonry and/or architecturally pleasing masonry block.

(b) 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 5.6**.

(c) Setback – To be determined by the overall proposal and final site plan.

(d) Underground Services – All services shall be installed underground.

(e) Landscaping – Landscaping plans and schedules shall be part of the site development plan. Landscaping shall be completed within 12 months of occupancy of the *building*.

(f) Design – All *development* proposals shall consider the continuity of design.

(g) Signs – *Sign* requests shall be included with the site plan and the architectural plans.

(h) Retail Commercial – Retail Commercial may be permitted on the lower floor of *office* accommodations.

(i) Benefit of Facilities – Section 45 of the *Act* shall be applied.

(j) 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.

(5) Planning Advisory Committee Review

The *Planning Advisory Committee* may consider the approval of a main permitted use not specifically identified under subsection 2 as the Committee may deem necessary to ensure their compatibility with the permitted ID land uses.

3.16 ADULT ENTERTAINMENT ZONE (AE)

(1) Purpose Statement

The AE Zone accommodates for *establishments* where service is designed to appeal to those persons looking for sexual content.

(2) 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 5.1**.

3.17 LOT AND BUILDING REQUIREMENTS

(1) No *development* shall be permitted and no main *building* or *structure* shall be used on a *lot* unless the *lot* complies with the minimum *lot* size for the zone in which such *lot* is created as listed in the table immediately following.

(2) Notwithstanding preceding subsection 1, no *development* shall be permitted and no main *building* shall be constructed on a *lot* unless the *structure* complies with the maximum coverage, frontage, depth, and front, rear, side, and *flankage yards* provided for the zone in which the *development* is to be undertaken as listed in the same table with such qualifications as are provided in the footnotes to the table.

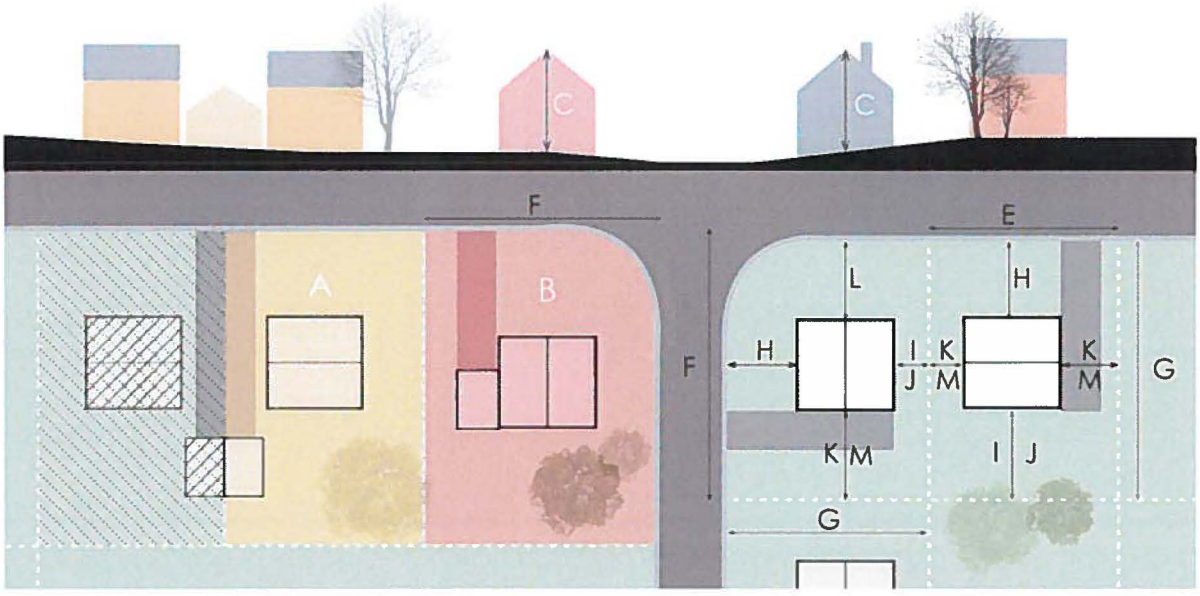
(3) The main *building* shall not exceed the maximum *height* for the applicable zone provided in the same table.

(4) Off-*street* parking shall be provided in accordance with the provisions of **Section 5.6**.

Lot Area

Built Area

Built area/ Lot area x100% = D (lot coverage)



The diagram above is provided as a guide to the application of the yard dimensions provided for each zone in this Bylaw. The table following lists standards applicable to each lettered dimension. ***Note*** *that height(C) is measured from the mean grade of the lot on which a structure is erected to the highest point on that structure (excluding chimneys and church towers), and all yard standards (H, I, J, K, L, and M) are measured from the pertinent lot line to the nearest main wall of the building or structure.*

ZONE	Minimum Lot Area (Interior Lot) A	Minimum Lot Area (Corner Lot) B	Maximum Height C	Maximum Lot Coverage D	Minimum Lot Frontage (Interior Lot) E	Minimum Lot Frontage (Corner Lot) F	Minimum Lot Depth G	Minimum Front Yard H	Minimum Rear Yard I	Minimum Rear Yard abutting Residential J	Minimum Side Yard K	Minimum Flankage Yard (Corner Lot) L	Minimum Side Yard abutting Residential M
	Units of Measure												
	m^2	m^2	m	%	m	m	m	m	m	m	m	m	m
Residential Zones													
R-1	600	720	10	45	20	24	30	6	6	N/A	2.5/2[1]	6	N/A
R-2 - 2 units	750	840	10	35	25	28	30	6	6	N/A	2.5	6	N/A
R-2 – Row Dwellings 3-4 units	750	840	10	45	6.7 per unit	6.7 per unit	30	6	7.5	N/A	0/2.5[2]	6	N/A
R-3 - Apartment 5 units	N/A	N/A	15	35	36	36	30	6	10	Bldg. Height/2[4]	6	6	N/A
R-3 - Apartment 6+ units	N/A	N/A	15	35	+3 per unit[3]	+3 per unit[3]	30	6	10	Bldg. Height/2[4]	6	6	N/A
R-3 - Row Dwelling	N/A	N/A	10	35	6.7 per unit	6.7 per unit	30	6	7.5	N/A	6	6	N/A
R-3 - Residential Care Building	N/A	N/A	15	35	30	30	30	6	10	N/A	6	6	N/A
RMH – Residential Mini-Home	360	360	6	35	20	24	30	3	3	N/A	2	6	N/A
LUR – Limited Use Residential	N/A	N/A	4.6	10	N/A	N/A	N/A	6	6	N/A	1.5	N/A	N/A
Commercial Zones													
LC	600	600	6	35	20	20	30	6	7.5		6	7.5	
TC	900	900	12	35	30	30	30	6	7.5	Bldg. Height[4]	6	7.5	Bldg. Height[4]
HC	750	750	15	22	25	30	30	6	7.5	Bldg. Height[4]	6	7.5	Bldg. Height[4]
ID	N/A	N/A	15	33	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

cont.

ZONE	Minimum Lot Area (Interior Lot)	Minimum Lot Area (Corner Lot)	Maximum Height	Maximum Lot Coverage	Minimum Lot Frontage (Interior Lot)	Minimum Lot Frontage (Corner Lot)	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard	Minimum Rear Yard abutting Residential	Minimum Side Yard	Minimum Flankage Yard (Corner Lot)	Minimum Side Yard abutting Residential
	A	B	C	D	E	F	G	H	I	J	K	L	M
	Units of Measure												
	m^2	m^2	m	%	m	m	m	m	m	m	m	m	m
Institutional Zone													
INST	900	900	15	35	30	30	30	6	7.5	Bldg. Height[5]	6		Bldg. Height[5]
Industrial Zones													
IND	750	750	12	35	25	25	30	6	7.5	Bldg. Height[5]	6	7.5	Bldg. Height[5]
TPIND	750	750	9	35	25	25	30	6	7.5	Bldg. Height[5]	6	7.5	Bldg. Height[5]
Park Zone													
P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Other Zones													
CL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AE	900	900	6	35	30	30	30	6	7.5	Bldg. Height[5]	6	7.5	Bldg. Height[5]

1 R-1 uses on interior lots shall have one *side yard* of no less than 2.5 m and the other shall be no less than 2 m
2 For Row Dwellings, each end unit shall have a *side yard* of no less than 2.5 m
3 Apartment buildings with more than five units shall increase the 36 m frontage required for five units by 3 m for each additional unit
4 Apartment buildings that *abut* Residential Zones shall have a *rear yard* of no less than 10 m or equal to one-half the *height* of the *building*, whichever is greater
5 INST, IND, TPIND, and AE uses that *abut* Residential Zones shall have a *rear yard* of no less than that specified for *buildings* not abutting Residential Zones or equal to the *height* of the *building*, whichever is greater

4.0 GENERAL PROVISIONS

(1) Uses Permitted in All Zones

Except as herein provided, any land may be used for:

(a) public *streets*

(b) public parks, playgrounds, and trails

(c) 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 Bylaw 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 that do not protrude into required yards in excess of:

(i) 15 centimetres for sills, leaders, belt courses, or similar ornamental features;

(ii) 46 centimetres for chimneys, smoke stacks, flues or HVAC equipment;

(iii) 61 centimetres for cornices or eaves;

(iv) 102 centimetres for window or door awnings, or open or lattice enclosed fire balconies or fire escapes; or

(v) subject to clause (b) following:

- 1.5 metres for steps or unenclosed porches; or
- 1.8 metres for balconies of upper *storeys* of multiple *dwellings* that are not enclosed above a normal *height*.

(b) Projections mentioned in subclause (v), above, may extend into a required side *yard* not greater than one-half the required width of the *yard*.

(4) Height Exceptions

The *height* restrictions of this Bylaw 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* – 75 square metres
- one and a half-*storey* – 65 square metres
- two-*storey* – 55 square metres
- minimum *street* wall frontage – 7.0 metres
- minimum side wall depth – 7.9 metres

(ii) Semi-Detached

- one-*storey* – 55 square metres (each unit)

(iii) Two-unit and Row

- one and a half-*storey* – 50 square metres (each unit)
- two-*storey* – 45 square metres (each unit)
- minimum *street* wall frontage – 6.7 metres (each unit)
- minimum side wall depth - 6.7 metres (each unit)

(b) The minimum *floor areas* required for multiple (apartment) *dwelling units* are as follows:

- bachelor units – 28 square metres
- one-bedroom units – 36 square metres
- two-bedroom units – 52 square metres
- three-bedroom units – 64 square metres
- four-bedroom units – 82 square metre
- add 10 square metres for each bedroom in excess of four bedroom units

(c) The above square metre areas are exclusive of basements, *garages/carports*, porches, verandas, and breezeways.

(6) In-Law Suite

Where permitted under this Bylaw, 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 gross *floor area* of the main *dwelling*;

(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 Bylaw, 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, the *Planning Advisory Committee* may prohibit the use.

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

(a) Notwithstanding any other provision of this Bylaw, no *dwelling* may be located within100 metres of a sewage lagoon or sewage treatment plant.

(b) Notwithstanding any other provision of this Bylaw, no *dwelling* may be located within 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

Subject to the provisions of other relevant municipal bylaws and Provincial regulations, and, notwithstanding any provision of this Bylaw, no *person* shall erect a *building* or *structure*, or carry out any other *development* in any zone within 30 metres of a *watercourse* or wetland without approval from the New Brunswick Department of the Environment.

(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 Bylaw, 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 *height*s of one and three 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 24 metres from their intersection.

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

(a) The landscaping of *front yard*s shall be completed within 12 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 clause (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 shall consist of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover.

(e) In the event that this section is not complied with, the Town of Oromocto may proceed in accordance with Section 93 of the *Act*.

(13) 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.

(c) Notwithstanding clause (a), 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.

(14) 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 for purposes of advertising a product or service.

(15) Minimum Floor Elevation Above Flood Level

No *development* of any habitable space shall be permitted in any zone unless the minimum geodetic elevation of the top of any floor is at least 1 metre above recorded flood of record.

5.0 OTHER PROVISIONS

5.1 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*, including *greenhouses* and *temporary storage shelters* under subsection 5.2(4), shall be limited to two within the same lot.

(b) In Residential Zones, an attached *garage* is not considered as an *accessory building* or *structure* for the purposes of applying clause (a).

(4) Size and Lot Coverage

(a) An *accessory building*, or *structure* shall:

(i) be not more than 4.6 metres in *height* for all residential zones, and 8.0 metres for all other zones and

(ii) not exceed 65 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) Notwithstanding clause (a) or any other provision in this Bylaw, the *lot coverage* of the *accessory buildings* and *structures* shall not exceed 10% of the area of the *lot* for all residential zones, and 20% for all other zones.

(5) Yard Clearance Requirements

An *accessory building* or *structure* shall:

(a) not be forward of the main building;

(b) not be closer to a side line than:

(i) for residential less than 18 square metres in area – 1.0 metres;

(ii) for residential more than 18 square metres in area – 1.5 metres; and

(iii) for non-residential – 3.0 metres or one half the *building height*, whichever is greater;

(c) not be closer to a rear *lot* line than 3.0 metres; and

(d) not be placed on an easement unless otherwise approved by the *utility* authority.

5.2 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) Except as permitted under subsection (4), a *temporary storage shelter* is permitted from November 1 to April 30 annually;

(3) A *temporary storage shelter* 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 long x 3 metres high ;

(d) constructed from materials specifically designed for this use; and

(e) kept in a good state of repair at all times.

(4) If the *temporary storage shelter*, does not exceed 6 square metres and is located in the *rear yard*, it may remain for a period exceeding subsection (2) provided it meets with clause (d) and (e) above.

5.3 FENCES

(1) *Fences* are not permitted in the LUR zone.

(2) Notwithstanding any other provision of this Bylaw a *fence*, subject to this section, may be placed in a *yard* and not closer to a *street* than the *building* face.

(3) In the case of a *corner lot*, a *fence* may be located 4.5 metres from the side property line adjoining a *street*.

(4) The *height* of a *fence* at any given point shall be measured from the grade at the base of the fence to the top of the fence where there is no grade difference between the two sides of the fence, or from the higher grade to the top of the fence where there is a grade difference between the two sides of the fence.

(5) No *fence* may exceed in *height*:

(a) 2 metres in a Residential Zone; and

(b) 2.5 metres in a zone other than a Residential Zone.

(6) *Fences* shall be architecturally pleasing and shall consist of a general standard prevailing or intended to prevail in the zone.

(7) *Fences* shall not be barbed wire, or any other dangerous material excepting that a low voltage electrified *fence* or a barbed wire *fence* is permitted for approved *agricultural uses* and in a Commercial or Industrial Zone for security purposes. Such fencing must be clearly identified with signs placed not more than thirty-three (33) metres apart.

(8) *Fences* shall be maintained in a condition of reasonable repair and appearance shall not be allowed to become or remain in a condition of disrepair, including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, and any other obvious signs of disrepair.

5.4 SWIMMING POOLS

(1) Swimming Pool Permit Required

No person shall construct, erect, locate, or relocate a *swimming pool* without a swimming pool permit first having been obtained in accordance with the provisions of this Bylaw.

(2) For Residential Zones, a *swimming pool* and any associated *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 metres 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 *swimming pool* is capable of containing a depth of 610 mm or more of water; and

(e) located in accordance with NB power and the provincial electrical inspector's requirements.

(3) Every *swimming pool* shall be enclosed by a *fence*, a deck, the wall of a *building* or *structure* or the wall of an above-ground pool or combination thereof capable of preventing unauthorized entry, provided that the requirements of this section are met.

(4) The enclosure mentioned in preceding subsections 2 and 3 shall:

(a) in the case of a stand-alone *fence*, not exceed 2 metres in *height*;

(b) in the case of an enclosure, not exceed 2 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 exterior side of the enclosure;

(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.

(5) A portion of the enclosure for an above-ground pool may be enclosed by an approved system that is mounted directly onto the pool provided that *access* into the *swimming pool* is restricted by a gate as specified under subsection (6).

(6) The design and construction of a *fence* acting as an enclosure 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.

(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 5.3**; and

(c) in the case of other construction or materials, shall provide an equivalent degree of strength and rigidity equal to (a) or (b) above as determined by the building inspector.

(7) Gates forming part of an enclosure shall:

(a) be equivalent to the *fence* in content, manner of construction and *height*;

(b) be supported on appropriate hinges, self-close and self-latch with a latching device at least 1.2 metres above bottom of the gate on the interior side;

(c) if a double gate access is provided, be equipped with a device permanently affixed to the ground or other non-movable object that prevents access through the second gate without lifting or removing this device; or

(d) be constructed in accordance with this section except where the building inspector grants approval for an alternative that provides an equivalent or greater degree of safety and protection against entry by unauthorized persons, subject to such conditions as the building inspector considers appropriate.

5.5 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 Bylaw.

(2) Signs Not Requiring a Permit

Notwithstanding the provisions of subsection 1 of this section, a sign permit is not required for:

(a) real estate, contractor, construction, and subdivision signs as mentioned in subsection 7 of this section;

(b) resident, no trespassing and *home occupation* signs as mentioned in subsection 3 of this section;

(c) parking, fire lane and other similar signs as mentioned in subsection 3 of this section;

(d) advertising specific community events at a location approved by the Town of Oromocto;

(e) traffic and directional signs authorized by the Town of Oromocto;

(f) election signs;

(g) signs posted or exhibited inside a *building;*

(h) portable on-premises signs as mentioned in subsection 6 of this section; and

(i) the maintenance and repair or change in display of an existing sign.

(3) Fascia Signs

(a) In an R1 Zone, fascia signs must be non-illuminated and are permitted to identify the residents, no trespassing, or a *home occupation* up to a maximum size of 0.2 square metres.

(b) In all other zones except the R1 Zone, non-illuminated fascia signs identifying parking, fire lanes, and similar other are permitted up to a maximum size of 0.2 square metres.

(c) In all zones except the R1 Zone, advertising fascia signs are permitted and may be illuminated, 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;

(iii) 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, Local Commercial, Integrated Development Zone and Transportation and Light Industrial Zone Zones, provided that the *sign* shall:

(i) not exceed a maximum *height* of 4.5 metres, except when located within 30 metres of the Trans-Canada Highway 2 where it shall not exceed 9 metres and

(ii) not exceed a maximum size of 6.0 square metres.

(iii) despite subclause (ii), in the case of a *lot* containing three or more businesses, it shall not exceed 12 square metres.

(b) Free-standing signs are permitted in Highway Commercial, Town Centre and Industrial Zones, provided that the *sign* shall:

(i) not exceed a maximum *height* of 10 metres, except when located within 30 metres of the Trans-Canada Highway 2 where it shall not exceed 15 metres and

(ii) not exceed a maximum size of 10 square metres.

(iii) despite subclause (ii), in the case of a *lot* containing three or more businesses, it shall not exceed 20 square metres.

(c) Free-standing signs are permitted in Park Zones and Residential Three 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) All permitted free-standing signs are subject to the following:

(i) have the bottom of the *sign* a minimum of 1.2 metres above finished ground level;

(ii) not exceed one free-standing sign per 30 metres of *lot frontage*;

(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 8 of this section; and

(vi) be constructed on a permanent foundation with the required frost protection.

(5) Electronic Message Boards

An *electronic message board display*:

(a) shall not be located in any Residential Zone;

(b) is permitted within the design of a free standing sign;

(c) shall meet all requirements identified under subsection 4(d) of this section;

(d) shall not exceed a maximum display area size of 4.0 square metres, which may be in addition to the permitted sizes in subsections 4 (a), (b), and (c) of this section;

(e) shall have no dynamic copy transitions in the digital electronic advertisement copy with a duration less than 10 seconds;

(f) shall not fade, cut, wipe, or swipe from message to message with a transition exceeding 1.0 second;

(g) shall use ambient light monitors that automatically adjusts the brightness level of the display area;

(h) shall not use flashing and pulsing lights;

(i) brightness level shall not exceed 750 lumens during operation; and

(j) in areas abutting or adjacent to a Residential Zone, shall be de-energized between 11:00 pm and 7:00 am.

(6) Portable On-Premises Signs

In all zones, except Residential Zones, portable on-premises signs are permitted provided that the *sign* shall:

(a) not exceed an area of 1.0 square metre on each of two sides;

(b) be located on the property;

(c) in the case of multiple occupancy *buildings*, one *sign* per tenant;

(d) not obstruct the view of vehicular traffic;

(e) be non-illuminated; and

(f) be erected only during the operating hours of the business.

(7) Miscellaneous Signs

In all zones, the following signs are permitted provided that the *sign* shall:

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) be non-illuminated and located on the subject property; and

(f) not exceed one of each type per lot.

(8) Sign Prohibitions

No *sign* shall be erected, operated, used or maintained that:

(a) 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;

(b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance, and other emergency vehicles;

(c) obstruct the sight line of vehicular traffic; and

(d) is located within a road right of way, including centre medians, traffic circles, or any islands or medians separating traffic unless approved under subsection 11 of this section.

(9) Non-Conforming Signs

The provisions of this Bylaw with respect to existing signs that do not conform to the Bylaw 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 Bylaw. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of such *sign*.

(10) 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 on the *sign* by design or intention.

(c) Shall not shine or reflect light directly onto neighbouring 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.

(11) 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*.

(12) Maintenance

Every person displaying a sign, shall maintain that sign, so that, at all times, it is structurally sound and free from all hazards caused or resulting from decay or failure of structural members, fixtures, lighting or accessories. All sign area, background, copy, lighting and embellishment shall be maintained in readable, clean and painted condition.

5.6 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) Parking Spaces

The number of off-*street parking spaces* shall be provided on the following basis:

	Use	Parking Requirement
a.	**Residential**	
	i. *Dwelling Units*	1.5 spaces per unit
	ii. Senior Citizen *Dwelling Units*	0.75 spaces per unit
	iii. *Home Occupation*	2 spaces plus the required *parking spaces* for the zone
b.	**Places of Assembly**	
	i. Theatre, church, funeral home	1 space per 4 seats

Use	Parking Requirement
ii. *Restaurant* and Liquor Licensed *establishments*	1 space per 4 seats
iii. Billiard, auditoriums, public libraries, *clubs*, dance hall and other public assembly *establishments*	1 space per 10 seats or 1 space per 10 square metres, whichever is greater
c. Schools and Medical Care	
i. Elementary or Middle	1 space per teaching staff plus auditorium requirements
ii. Senior High Schools	1 space per teaching staff plus 1 space for every 33 students plus auditorium requirements
iii. Post-Secondary Schools	1 space per 20 seats, plus auditorium requirements
iv. *Hospitals*, *Nursing Homes*, and Extended Care Facilities	1 space per 100 square metres of *floor area* or 1 space per 4 beds, whichever is the greater, plus 1 space for every 2 employees on a maximum shift
d. Commercial	
i. Medical or Health Office	5 spaces per practitioner
ii. Barbers, Hairdressers	2 spaces per chair, minimum 3 spaces
iii. Day Care Facilities	1 space per employee and 1 space for every 5 children
iv. Motel/Hotel	1 space per sleeping unit, 1 space per 2 employees, *(If equipped with restaurant* and conference room -1 space per 4 seats)
v. Office/Other Personal Service	1 space per 25 square metres gross *floor area*
vi. Retail Store/Mercantile	1 space per 18 square metres of sales *floor area*
e. Industrial	
i. *Warehouse*, transport terminals, and general use	1 space for each 90 square metres of gross *floor area* or 1 space for each 4 employees, whichever is greater

(3) Dimensions for Parking Spaces

All *Parking spaces* shall:

(a) be 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

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 – 1,300	9
1,301 – 1,700	10
Each increment of up to 400 stalls in excess of 1,700	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";

(v) be not less than 2.6 metres wide and provided on one side with an access aisle not less than 2 metres wide (if more than one parking space is provided for persons with physical disabilities, a single access aisle can serve two adjacent parking spaces); and

(vi) not less than 7.5 metres long.

(5) Parking Lot Standards

All *parking lots*, except for residential *development* comprising 4 *dwelling units* or less and *development* within the Industrial Zone (IND) shall be designed to the satisfaction of the *Development Officer* and shall comply with the following:

(a) Be surfaced with hot-mix asphalt, portland cement, concrete, asphalt stone chip seal coat or suitable similar material approved by the development officer.
(b) Be graded or drained in such a manner as to ensure that surface water will not escape to neighbouring land and *streets*.

(c) Storm water management shall include surface run-off from paved *parking lots* directed to soft landscaped areas through curb inlets where feasible.

(d) Lighted such that the illumination of the property is not a nuisance to adjacent properties and *streets*.

(e) The *parking lot* shall be located on the same *lot* as the main use.

(f) A *parking lot* requiring five or more *parking spaces* shall be delineated by painted lines on the finished surface.

(g) Driveways shall not be closer than 11 metres from the limits of the right-of-way at a *street* intersection, except that no driveway shall be located within 30 metres of:

(i) an intersection of two or more *streets* 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.

(h) 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.

(i) Where two driveways are permitted, the minimum distance between driveways shall be 9.0 metres.

(j) 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.

(6) Residential Driveways

Driveways are subject to the following requirements:

(a) The number of driveways shall be limited to one except for lots fronting on two *streets* where one driveway is permitted along each frontage.

(b) Driveway widths shall be at least 3.0 metres and not more than 9.0 metres measured within the road right-of-way.

(c) The surface shall be durable and dust free; and

(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 and

(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.

(8) Off-Street Loading and Unloading

(a) The owner of every *building*, *structure*, or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain on lands belonging 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:

(i) One space for every 2,000 square metres of *building floor area* up to 4,000 square metres, and one additional space for each additional 4,000 square metres.

(ii) Every space shall not be not less than 9 metres in length and 4 metres in width with a 4.5-metre overhead clearance.

(iii) Every *loading space* shall be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles, and be designed so that all vehicles using those spaces can be parked and manoeuvred entirely within the bounds of the site and do not require vehicles to back into public streets.

(iv) Every *loading space* shall be surfaced with a durable and dust proof material.

(9) Drive-Thru Facilities

(a) Subject to this Section, on-site queuing spaces shall be provided and maintained in numbers no less than indicated by this Section on the same *lot* whenever land is used or a *building* or portion of a *building* is erected, placed, altered, or used with a *drive-thru* facility.

(b) The following on-site queue spaces shall be provided in the amounts indicated and such amounts are based upon the type of use involved.

Type of Use	Minimum Number of Queue Spaces Required
Auto Service	2 inbound for each service bay
Automatic *Car Wash*	4 inbound
Self-Serve *Car Wash*	1 for each *car wash* stall
Restaurant	9 inbound for each service window and 1 outbound for each service window
Financial Institution	4 inbound for each service window
Other	Same as a listed use that has a sufficiently similar queuing expectation

(c) All queuing spaces shall be dedicated to queued vehicles and shall not interfere with any pedestrian and other vehicular movement on the *lot* including an

access, *building* entrance, driveway, fire lane, *loading space*, pedestrian lane, parking aisle, or *parking space*.

(d) Each queuing space shall have a minimum width of 3 metres, a minimum depth of 6 metres and a minimum *height* clearance of 4.2 metres.

(e) No queuing space shall be constructed, installed or used closer to a *lot* line than:

(i) 3 metres of a side and rear *lot* line if the abutting *lot* is located in a Residential Zone

(ii) 1.0 metre of a side and rear *lot* line in all other cases.

(f) No queuing space shall be located between an *access* and *building* on a *lot* or between a *parking lot* and *building* entrance that would interfere with pedestrian movement.

(g) Every queuing space shall be located within a *parking lot* developed in accordance with subsection (5) or developed and maintained in the same manner if located outside of such a *parking lot*.

5.7 HOME OCCUPATION

(1) Subject to subsections 3 and 4 of this section any one of the following occupations is permitted in a single family detached *dwelling*:

(a) A home *professional office* that includes a doctor, dentist, architect, accountant, or similar other.

(b) A home *personal service* business that includes a barber shop, beauty shop, tailor shop, shoe repair, or similar other home professional service business

(c) A home instructional service that includes the teaching of music, arts and crafts, dance, education, or similar other home instructional business.

(d) A home trades business that includes a contractor, plumber, electrician, painter, or similar other home trades business.

(e) A home repair business that includes: television/radio, small appliances, locksmith shop, or similar other home repair business but excludes vehicle repair, metal fabrication, and auto body shops.

(f) A home domestic business that includes woodworking, arts and crafts, catering, or similar other home domestic business.

(g) A *child day care home*.

(h) A *bed and breakfast/tourist home*.

(2) Subject to subsection 3 of this section one of the following occupations are permitted in a two-unit *dwelling*:

(a) A home professional office that includes a doctor, dentist, architect, accountant, or similar other home professional office.

(b) A home *personal service* business that includes a barber shop, beauty shop, tailor shop, shoe repair, or similar other home *personal service* business.

(c) A home instructional service that includes the teaching of music, arts and crafts, dance, education, or similar other home instructional service business.

(d) A home trades business that includes a contractor, plumber, electrician, painter, or similar other home trades business.

(e) A home repair business that includes: television/radio, small appliances, locksmith shop, or similar other home repair business but excludes vehicle repair, metal fabrication, and auto body shops.

(f) A home domestic business that includes woodworking, arts and crafts, catering, or similar other home domestic business.

(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% of the total *dwelling unit floor area*.

(d) No change shall be made to the exterior appearance, except for a *sign* as specified under **Section 5.5**.

(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 connected with the *home occupation* shall be stored only inside the *dwelling unit*.

(g) Two off-*street parking spaces* are provided as required under **Section 5.6**.

(h) A *child day care home* shall include an outdoor activity area at least 50 square metres in area 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 applicable Provincial regulations.

6.0 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 bylaw must be enacted and filed in the Registry Office.

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

(1) 106/108 Winnebago Street (PID 60005287) - To permit the carrying out of a specific proposal for the utilization of the existing 108 Winnebago Street for the purpose of a funeral 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 16th day of January 1995.

7.0 ENFORCEMENT

(1) The *Development Officer* is authorized to enforce the provisions of this Bylaw.

(2) If a *development* is undertaken in contravention of this Bylaw, the *Development Officer* may order:

(a) *alteration* of such *development* so as to remove the contravention;

(b) cessation of the *development*; or

(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) Any person who violates any provision of this By-law is subject to the enforcement provisions of the *Community Planning Act*, Chapter C-12 and amendments thereto.

8.0 BYLAW REPEALED

Bylaw No. 422 and all amendments thereto are hereby repealed.

READ THE FIRST TIME BY TITLE ONLY: **19 January 2017**

READ THE SECOND TIME IN ITS ENTIRETY: **16 February 2017**

READ THE THIRD TIME BY TITLE ONLY FOR ENACTMENT: **20 April 2017**

Richard E. Isabelle
Chief Administrative Officer/Clerk

Robert E. Powell
Mayor

SCHEDULE "B"

FEES

The following non-refundable fees shall apply for community planning and development services:

(1) $100.00 (plus tax) for zoning and land use confirmation.

(2) $250.00 (exclusive of taxes) for the consideration of a land use variance or a similar or compatible use or a *temporary use*.

(3) $50.00 per hour (plus tax) for research to support other inquiries.

(4) $2,500 per space (exclusive of taxes) in lieu of providing the required off-street parking required hereunder.

(5) $1,000.00 (exclusive of taxes) for any by-law amendments;

(6) an additional fee of $500.00 (exclusive of taxes) to the Town if a by-law amendment requires an amendment to the Municipal Plan.