



# **TOWN OF SUSSEX ZONING BY-LAW BY-LAW #1350-24**

December 2021

**CONSOLIDATED VERSION**

**INCLUDES AMENDMENT TO AUGUST, 2024**

## TABLE OF CONTENTS

1.	TITLE, SCOPE, INTERPRETATION, AND REPEAL .....	1
1.1	TITLE .....	1
1.2	PURPOSE .....	1
1.3	SCOPE .....	1
1.4	SEVERABILITY .....	1
1.5	REPEAL .....	2
2.	ZONES AND ADMINISTRATION .....	3
2.1	ADMINISTRATION .....	3
2.2	ZONING MAP .....	3
2.3	ZONES .....	3
2.4	ZONE BOUNDARIES .....	4
2.5	PROPERTIES AFFECTED BY MORE THAN ONE ZONE .....	4
2.6	BY-LAW APPLICABILITY AND ENFORCEMENT .....	4
2.7	USES .....	5
2.8	MEASUREMENTS AND CALCULATIONS .....	5
2.9	POWERS / ROLE OF COUNCIL .....	5
2.9.1	NON-CONFORMING USE .....	5
2.9.2	SATISFACTORY SERVICING .....	6
2.10	POWERS/ROLE OF THE PLANNING ADVISORY COMMITTEE .....	6
2.10.1	CONDITIONAL USES .....	6
2.10.2	NON-CONFORMING USE .....	6
2.10.3	SIMILAR OR COMPATIBLE USES .....	6
2.10.4	TEMPORARY APPROVALS .....	7
2.10.5	VARIANCES .....	7
2.10.6	DELEGATED AUTHORITY .....	7
2.11	POWERS OF THE DEVELOPMENT OFFICER .....	7
2.11.1	ENCROACHMENT OCCURRING IN GOOD FAITH .....	7
2.11.2	DEVELOPMENT OFFICER VARIANCES .....	8
2.12	APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS .....	8
2.12.1	COUNCIL AND PLANNING ADVISORY COMMITTEE APPLICATIONS .....	8
2.12.2	DEVELOPMENT PERMIT APPROVALS .....	9



2.13	BY-LAW AND SECTION 59 AMENDMENTS .....	9
2.14	PROTECTION OF GROUND WATER CAPACITY .....	10
2.15	DISCLAIMER OF LIABILITY REGARDING FLOODING .....	10
3.	DEFINITIONS.....	11
4.	GENERAL PROVISIONS .....	30
4.1	USES PERMITTED IN ALL ZONES.....	30
4.2	USES PROHIBITED IN ALL ZONES.....	30
4.3	COMMERCIAL VEHICLE PARKING.....	30
4.4	CONVERTED DWELLINGS .....	31
4.5	MULTIPLE USES .....	31
4.6	FENCES .....	31
4.7	GARBAGE ENCLOSURES AND STORAGE.....	32
4.8	GASOLINE BARS, SERVICE STATIONS, AND COMMERCIAL GARAGES .....	33
4.8.1	PUMP ISLANDS.....	33
4.8.2	LONG TERM PARKING .....	33
4.8.3	DISPENSING OF GASOLINE AND DIESEL FUEL .....	33
4.9	HEIGHT EXCEPTIONS .....	33
4.10	INFILL BUILDING LINE.....	33
4.11	LANDSCAPING .....	33
4.11.1	GENERAL LANDSCAPING PROVISIONS .....	33
4.11.2	LANDSCAPING STANDARDS .....	34
4.12	LIGHTING.....	35
4.13	LINE OF VISION AT AN INTERSECTION .....	35
4.14	LOTS TO ABUT STREETS.....	35
4.15	LOTS WITH 15% GRADE .....	35
4.16	MINIMUM FLOOR ELEVATION ABOVE FLOOD LEVEL .....	35
4.17	NUMBER OF MAIN BUILDINGS OR STRUCTURES ON A LOT .....	36
4.18	PARKING, LOADING, AND ACCESS .....	36
4.18.1	GENERAL PARKING PROVISIONS.....	36
4.18.2	PARKING SPACE REQUIREMENTS BY USE .....	38
4.18.3	BARRIER FREE PARKING .....	40
4.18.4	LOADING / UNLOADING STANDARDS.....	41
4.18.5	QUEUING SPACES.....	41

4.19	PERMITTED ENCROACHMENTS AND PROJECTIONS .....	42
4.20	PETROLEUM STORAGE SITES .....	42
4.21	REDUCTION OF YARDS .....	42
4.22	SETBACKS FROM WATERCOURSES .....	42
4.23	STRIPPING OF TOPSOIL & EXCAVATION OF MATERIALS.....	43
4.23.1	STRIPPING OF TOPSOIL .....	43
4.23.2	EXCAVATION OF MATERIALS .....	43
4.24	TEMPORARY CONSTRUCTION TRAILERS.....	45
4.25	TEMPORARY OR PORTABLE GARAGES.....	45
4.26	UNDERSIZED LOTS.....	45
4.27	UTILITIES AND INFRASTRUCTURE .....	46
4.28	VEHICLE BODIES.....	46
4.29	DEVELOPMENT IN PROTECTED WELLFIELD AREA.....	46
4.30	YARDS.....	47
5.	STANDARDS FOR USES PERMITTED IN MULTIPLE ZONES .....	48
5.1	ACCESSORY BUILDINGS AND STRUCTURES.....	48
5.1.1	GENERAL PROVISIONS ACCESSORY BUILDINGS AND STRUCTURES.....	48
5.1.2	ACCESSORY BUILDINGS OR STRUCTURES ERECTED PRIOR TO MAIN BUILDING .....	49
5.1.3	SHIPPING CONTAINERS AS ACCESSORY BUILDINGS .....	50
5.1.4	SWIMMING POOLS .....	50
5.1.5	SWIMMING POOL ENCLOSURES .....	50
5.1.6	SWIMMING POOL ACCESS .....	50
5.2	BED AND BREAKFASTS AND TOURIST HOMES, INCLUDING INNS.....	51
5.3	BOARDING AND ROOMING HOUSES .....	51
5.4	DAY CARES.....	52
5.4.1	NEIGHBOURHOOD DAY CARES .....	52
5.4.2	DAY CARE CENTRE.....	52
5.5	GARDEN SUITES.....	52
5.6	HOME OCCUPATIONS .....	53
5.6.1	HOME OCCUPATION GENERAL REQUIREMENTS .....	53
5.6.2	HOME OCCUPATIONS PERMITTED BY DEVELOPMENT PERMIT .....	53
5.6.3	HOME OCCUPATIONS PERMITTED BY COMMITTEE APPROVAL .....	53
5.6.4	ADDITIONAL REQUIREMENTS FOR PET GROOMING HOME OCCUPATIONS .....	54

5.7	KEEPING OF CHICKENS AND FOWL .....	54
5.8	OUTDOOR STORAGE .....	54
5.9	SECONDARY SUITES .....	55
5.10	SUPPORTIVE FACILITY .....	55
6.	RESIDENTIAL ZONES.....	56
6.1	ONE UNIT RESIDENTIAL (R1) .....	56
6.1.1	PERMITTED USES:.....	56
6.1.2	SECONDARY USES .....	56
6.1.3	CONDITIONAL USES.....	56
6.1.4	ZONE STANDARDS.....	56
6.2	SMALL LOT ONE UNIT RESIDENTIAL (R1S) .....	58
6.2.1	PERMITTED USES.....	58
6.2.2	SECONDARY USES .....	58
6.2.3	CONDITIONAL USES.....	58
6.2.4	ZONE STANDARDS.....	58
6.3	ONE AND TWO-UNIT RESIDENTIAL (R2).....	60
6.3.1	PERMITTED USES:.....	60
6.3.2	SECONDARY USES .....	60
6.3.3	CONDITIONAL USES.....	60
6.3.4	CONDITIONS OF USE .....	60
6.3.5	ZONE STANDARDS.....	61
6.4	MEDIUM DENSITY RESIDENTIAL (R3).....	63
6.4.1	PERMITTED USES:.....	63
6.4.2	SECONDARY USES .....	63
6.4.3	CONDITIONAL USES.....	63
6.4.4	CONDITIONS OF USE .....	64
6.4.5	ZONE STANDARDS.....	64
6.5	HIGH DENSITY RESIDENTIAL (R4) .....	66
6.5.1	SECONDARY USES .....	66
6.5.2	CONDITIONAL USES.....	66
6.5.3	CONDITIONS OF USE .....	66
6.5.4	ZONE STANDARDS.....	66
6.6	MINI HOME PARK (MHP) ZONE .....	68

6.6.1	PERMITTED USES.....	68
6.6.2	SECONDARY USES .....	68
6.6.3	CONDITIONAL USES.....	68
6.6.4	ZONE STANDARDS.....	68
7.	COMMERCIAL ZONES.....	70
7.1	DOWNTOWN COMMERCIAL (DC).....	70
7.1.1	PERMITTED USES.....	70
7.1.2	SECONDARY USES .....	71
7.1.3	CONDITIONAL USES.....	71
7.1.4	CONDITIONS OF USE .....	71
7.1.5	ZONE STANDARDS.....	72
7.2	MIXED USE (MU) ZONE .....	74
7.2.1	PERMITTED USES.....	74
7.2.2	SECONDARY USES .....	74
7.2.3	CONDITIONAL USES.....	75
7.2.4	CONDITIONS OF USE .....	75
7.2.5	ZONE STANDARDS.....	75
7.3	GENERAL COMMERCIAL (GC).....	77
7.3.1	PERMITTED USES.....	77
7.3.2	CONDITIONAL USES.....	78
7.3.3	CONDITIONS OF USE .....	78
7.3.4	ZONE STANDARDS.....	78
7.4	HIGHWAY COMMERCIAL (HC).....	80
7.4.1	PERMITTED USES.....	80
7.4.2	CONDITIONAL USES.....	80
7.4.3	CONDITIONS OF USE .....	80
7.4.4	ZONE STANDARDS.....	81
8.	INSTITUTIONAL (INST).....	82
8.1	PERMITTED USES.....	82
8.2	CONDITIONAL USES .....	82
8.3	CONDITIONS OF USE .....	82
8.4	ZONE STANDARDS.....	83
9.	INDUSTRIAL ZONES .....	84

9.1	LIGHT INDUSTRIAL (LI) .....	84
9.1.1	PERMITTED USES.....	84
9.1.2	CONDITIONAL USES.....	84
9.1.3	CONDITIONS OF USE .....	85
9.1.4	ZONE STANDARDS.....	85
9.2	MEDIUM INDUSTRIAL (IM).....	86
9.2.1	PERMITTED USES.....	86
9.2.2	CONDITIONAL USES.....	86
9.2.3	CONDITIONS OF USE .....	86
9.2.4	ZONE STANDARDS.....	86
10.	PARKS AND RECREATION (P).....	88
10.1	PERMITTED USES.....	88
10.2	CONDITIONAL USES .....	88
10.3	ZONE STANDARDS.....	88
11.	ENVIRONMENTAL CONSERVATION (EC) .....	89
11.1.1	PERMITTED USES.....	89
11.1.2	CONDITIONS OF USE .....	89
11.1.3	ZONE STANDARDS.....	89
12.	AGRICULTURAL AND RURAL LANDS (AR) .....	90
12.1	PERMITTED USES.....	90
12.2	SECONDARY USES .....	90
12.3	CONDITIONAL USES .....	90
12.4	CONDITIONS OF USE .....	90
12.5	ZONE STANDARDS.....	90
13.	FLOOD OVERLAY .....	91
13.1	FLOOD OVERLAY PROVISIONS.....	91
13.2	EXISTING MAIN BUILDINGS AND STRUCTURES WITHIN THE FLOOD OVERLAY .....	92
13.3	EXISTING ACCESSORY BUILDINGS AND STRUCTURES .....	92
14.	FEDERAL CROWN LANDS .....	93
15.	EXEMPTIONS .....	94
	SCHEDULES.....	95



**SUSSEX**  
**ZONING BY-LAW AMENDMENT**  
**BY-LAW # 1350-24**

The Council of the town of Sussex, under authority vested in it by the Community Planning Act, amends the Town of Sussex Zoning By-law #1350-21 enacted on December 20, 2021 and enacts the amendments shown on the pages attached hereto and forming part of this By-law.

READ A FIRST TIME BY TITLE

JULY 15, 2024

READ A SECOND TIME BY TITLE

JULY 15, 2024

READ IN ENTIRETY

AUGUST 19, 2024

THIRD READING BY TITLE  
AND ENACTED

AUGUST 19, 2024

*Gara Ouse*

TOWN CLERK

*[Signature]*

MAYOR





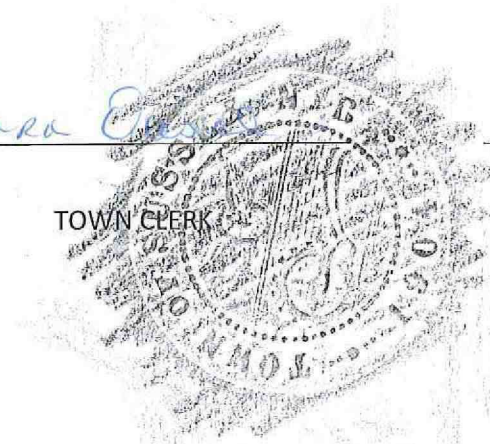
## Town of Sussex Zoning By-Law By-Law #1350-21

The Council of the Town of Sussex under authority vested in it by the *Community Planning Act*, enacts as follows:

1. A Zoning By-law for the physical development of the municipality is hereby adopted.
2. The document entitled "Town of Sussex Zoning By-Law #1350-21" dated December 20, 2021 constitutes the Zoning By-law mentioned herein in section 1.
3. The invalidity of any section, clause, sentence or provision of this By-law shall not affect the validity of any other part of this By-law which can be given effect without such invalid part or parts.
4. Repeal
  - a. A By-law entitled "Zoning By-Law #1350-10", enacted on March 21, 2011, and amendments thereto is hereby repealed.
  - b. A repeal of the By-law designed in subsection (i) thereof shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same, completed or pending, at the time of repeal, nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter of thing whatsoever completed, existing or pending, at the time of repeal.

READ FIRST TIME BY TITLE:	November 22, 2021
	_____
	November 22, 2021
READ SECOND TIME BY TITLE:	_____
	December 20, 2021
READ IN ENTIRETY:	_____
READ THIRD TIME BY TITLE	December 20, 2021
AND ENACTED:	_____

 _____ TOWN CLERK	 _____ MAYOR
--	--







# 1. TITLE, SCOPE, INTERPRETATION, AND REPEAL

The Town Council of Sussex, under the authority of the *Community Planning Act*, enacts, as By-Law Number 1350-21, the Zoning By-Law of the Town of Sussex, as follows:

## 1.1 TITLE

This By-Law may be cited as the “Zoning By-law”.

## 1.2 PURPOSE

This By-law:

- a) Divides the Town of Sussex into zones;
- b) Prescribes, subject to the powers vested in the Council, the Planning Advisory Committee, and the Development Officer, the purposes for which land, buildings, and structures in any zone may be used and regulates the standards to which land use and the placement, erection, alteration, and use of buildings and structures shall conform; and
- c) Prohibits the use, placement, erection or alteration of land buildings or structures other than in conformity with the purposes and regulated standards mentioned in paragraph (b);

## 1.3 SCOPE

- a) No building or structure shall be erected, altered or demolished, nor the use of any building, structure or lot be changed unless a Development/Building permit has been issued and no Development/Building Permit shall be issued unless all of the provisions of this By-law are satisfied.
- b) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law, Subdivision By-law or any other by-law in force within the Town of Sussex or to obtain any license, permission, permit authority or approval required by this or any other By-law of the Town or other lawful authority.
- c) Where the provisions of this By-law conflict with those of any other municipal, provincial or federal regulations, by-laws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

## 1.4 SEVERABILITY

If any provision of this By-law is declared by a court or tribunal of competent jurisdiction to be invalid, that ruling shall not affect the validity of any other provision herein nor of the By-law as a whole.

## 1.5 REPEAL

- a) By-Law 1350-10 the Town Sussex Zoning By-Law and amendments thereto, is hereby repealed.
- b) Notwithstanding the repeal of the By-law detailed in paragraph (a):
  - i. Section 59 Conditions, pursuant to the *Community Planning Act*, which have been registered prior to the coming into force of this By-law shall remain in force;
  - ii. Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.
- c) By-law No 125-14 , the Village of Sussex Corner Rural Plan and amendments thereto, is hereby repealed. Amendment #2, August 2024

## 2. ZONES AND ADMINISTRATION

### 2.1 ADMINISTRATION

The Development Officer administers this By-law and makes any necessary determinations with regards to the provisions herein.

### 2.2 ZONING MAP

The geographical area within the boundaries of the Town of Sussex is divided into zones as shown on the Zoning Map in Schedule A.

### 2.3 ZONES

The following zones appear on the Zoning Map in Schedule A. The table below provides the zone and the corresponding symbol.

One-Unit Residential	R1
Small-Lot One-Unit Residential	R1S
One- and Two-Unit Residential	R2
Medium Density Residential	R3
High Density Residential	R4
Downtown Commercial	DCC
General Commercial	GC
Highway Commercial	HC
Mixed Use	MU
Industrial	I
Institutional	INST
Parks and Recreation	P
Rural and Agricultural	RU
Environmental Protection	EP
Federal Lands	F

A Flood Overlay zone also forms part of this Zoning By-law. The Flood Overlay zone is identified by a crosshatched overlay. Amendment #3, August 2024

## 2.4 ZONE BOUNDARIES

Zone boundaries are subject to the following:

- a) Where a zone boundary follows a lot line, that lot line is the zone boundary;
- b) Where a zone boundary follows the sideline of a highway, road, lane or street, such sideline is the zone boundary;
- c) Where a zone boundary follows a transmission right-of-way, rail right-of-way or watercourse, the centre of that feature is the zone boundary;
- d) Where a zone boundary follows the Town boundary, the Town boundary is the zone boundary;
- e) Should any feature described in this section cease to exist, the centre of the former feature is the zone boundary;
- f) Where a watercourse has been altered by the adding of fill for the purposes of creating land, the water edge of the fill is the zone boundary of the lot immediately adjacent to the filled land, provided the filled area does not exceed 150 square metres; and
- g) Where none of the above applies, the zone boundary is determined by measuring the Zoning Map directly.

## 2.5 PROPERTIES AFFECTED BY MORE THAN ONE ZONE

Where a lot is situated within more than one zone, the provisions of each zone shall be applied to the corresponding areas of the lot.

## 2.6 BY-LAW APPLICABILITY AND ENFORCEMENT

- a) No person shall within any zone use any land or place, erect, alter, or use any building or structure except in accordance with the provisions of this By-law.
- b) Pursuant to subsection 92(1) of the *Community Planning Act*, the Development Officer or a person authorized by Council has the right to enter at all reasonable times upon any property within the Town of Sussex for the purpose of making any inspection that is necessary for the administration of this By-law.
- c) Pursuant to subsection 93(1) of the *Community Planning Act*, if a development is undertaken in contravention of the *Community Planning Act* or this By-law or terms and conditions imposed on the development, Council, or if authorized by Council, the Development Officer, Building Inspector or other person, may order cessation of the development, alteration of such development so as to remove the contravention, or the doing of anything required to restore

the land, building, or structure to its conditions immediately prior to the undertaking of such development.

- d) Further By-law Enforcement is pursuant to the provisions of the *Community Planning Act* and other application provincial legislation.

## 2.7 USES

- a) If a use is not listed as a permitted, conditional, accessory or secondary use in a particular zone, it is hereby deemed to be a prohibited use in that zone unless determined to be a similar use by the Planning Advisory Committee in accordance with Section 2.10 of this By-law.
- b) Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.
- c) When two or more permitted uses are located or are to be located in one building or on one lot, and when the regulations applicable to these uses are different, and unless otherwise specified, the most restrictive regulations shall be deemed to be in force for that lot or building.

## 2.8 MEASUREMENTS AND CALCULATIONS

- a) Numerical requirements in this By-law are provided in metric units of measurement.
- b) A numerical requirement shall be determined by measuring the closest distance in a straight line drawn along a horizontal plane and not by following the topography or slope of the land except as otherwise provided by this By-law.
- c) Where the calculation of a numerical requirement results in a fraction:
  - i. A fraction of less than one-half shall not be taken into consideration; and
  - ii. A fraction of one-half or more shall require rounding to the next higher full number.

## 2.9 POWERS / ROLE OF COUNCIL

### 2.9.1 NON-CONFORMING USE

- a) Pursuant to subsection 61(1) of the *Community Planning Act*, Council may require that any land, building or structure containing a non-conforming use shall be maintained and kept in a condition appropriate to the area in which it is located, in accordance with the standards prescribed by the Council.
- b) Pursuant to subsection 61(3) of the *Community Planning Act*, if the standards prescribed under paragraph (a) are not complied with, Council may perform, at the expense of the owner or occupier, the work required to meet the standards or require the termination of the use.

### 2.9.2 SATISFACTORY SERVICING

No building may be erected within the Town if, in the opinion of Council, satisfactory arrangements have not or cannot be made for the supply of electrical power, water, sewerage, streets, and other services and facilities.

## 2.10 POWERS/ROLE OF THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee is an appointed body under Sections 3 to 8 of the *Community Planning Act*. The Planning Advisory Committee's role is to advise and make recommendations to Council on matters relating to community planning; to give its views on any by-law proposed to be made under the *Community Planning Act*; and, to exercise the powers and perform the duties given to it by the *Community Planning Act* or Council.

### 2.10.1 CONDITIONAL USES

- a) Conditional uses are approved subject to terms and conditions imposed by the Planning Advisory Committee.
- b) Conditional uses may be prohibited by the Planning Advisory Committee where compliance with terms and conditions imposed under clause (a) cannot be reasonably expected.
- c) Conditional uses are listed under each zone as "Conditional Uses".
- d) Council may enter into an agreement to assure the performance of the terms and conditions set out in subsection 2.10.1(a).

### 2.10.2 NON-CONFORMING USE

Pursuant to Section 60 of the *Community Planning Act*, the Planning Advisory Committee may authorize:

- a) The recommencement of a non-conforming use that has been discontinued for a period of ten consecutive months;
- b) The repair, restoration or use of a building or structure containing a non-conforming use which, in the opinion of the Planning Advisory Committee, has been damaged to the extent of at least half of the whole building or structure, exclusive of the foundation;
- c) The extension of a non-conforming use into a part of a building that was constructed subsequent to the date the use become non-conforming; or
- d) The change of a non-conforming use to a similar non-conforming use.

### 2.10.3 SIMILAR OR COMPATIBLE USES

Pursuant to Section 55(1) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated.



#### 2.10.4 TEMPORARY APPROVALS

Pursuant to Section 53(2) of the *Community Planning Act*, the Planning Advisory Committee may, subject to the terms and conditions it considers fit:

- a) Authorize for a temporary period not exceeding one year a development otherwise prohibited by this by-law;
- b) Authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this by-law if:
  - i. The applicant holds an authorization under subparagraph (a) that is to expire or has expired,
  - ii. An application with respect to the land has been made to amend this by-law, and
  - iii. The Planning Advisory Committee has received a resolution from Council confirming that Council will consider the application referred to in (ii)
- c) Require the termination or removal of a development authorized under subparagraph (a) or (b) at the end of the authorized period.

#### 2.10.5 VARIANCES

Pursuant to Section 55(1)(b) of the *Community Planning Act*, the Planning Advisory Committee may permit, subject to the terms and conditions it considers fit, a reasonable variance from the requirements of this By-law authorized by section 53(2)(a) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the by-law and the Town's Municipal Plan.

#### 2.10.6 DELEGATED AUTHORITY

Pursuant to Section 53(2)(j) of the *Community Planning Act*, the Planning Advisory Committee may delegate its authority to the Development Officer.

### 2.11 POWERS OF THE DEVELOPMENT OFFICER

#### 2.11.1 ENCROACHMENT OCCURRING IN GOOD FAITH

Pursuant to subsection 53(7) and 53(8) of the *Community Planning Act*, if the location of a building or structure encroaches up to 60 cm on a setback requirement under subsection 53(2)(a)(v) of the *Community Planning Act* or encroaches up to 30 cm on a yard requirement under subsection 53(2)(a)(iv) of the *Community Planning Act*, the encroachment does not constitute a violation of the requirements of this By-law, if the Development Officer determines the encroachment to have occurred in good faith.



### 2.11.2 DEVELOPMENT OFFICER VARIANCES

Pursuant to Section 55(2) of the *Community Planning Act* and subject to the terms and conditions they consider fit, the Development Officer may permit a reasonable variance from the requirements referred to in subsections 53(2)(a)(i), (iii), (iv), (v), (vii), (ix), and (xiii) of the *Community Planning Act* and referenced in the list below, 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 is in keeping with the general intent of this By-law and the Town's Municipal Plan.

- a) 53(2)(a)(i) the minimum size and dimensions of lots and other parcels into which land may be subdivided, and the minimum and dimensions of land required for a particular class of use or size of building or structure;
- b) 53(2)(a)(iii) the height, number of storeys, ground area, floor area and bulk of buildings and structures;
- c) 53(2)(a)(iv) the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces;
- d) 53(2)(a)(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water;
- e) 53(2)(a)(vii) the placement, height, and maintenance of fences, walls, hedges, shrubs, trees, and other objects;
- f) 53(2)(a)(ix) the facilities to be provided and maintained for off-street parking and loading of vehicles;
- g) 53(2)(a)(xiii) the location, dimensions, standards of construction and purposes of advertising signs and billboards

## 2.12 APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS

### 2.12.1 COUNCIL AND PLANNING ADVISORY COMMITTEE APPLICATIONS

- a) Council applications include:
  - i. Amendment to the Town's Municipal Plan
  - ii. Amendment to this By-law
  - iii. A resolution pursuant to Section 59 of the *Community Planning Act*
- b) Planning Advisory Committee Applications include:
  - i. Similar or Compatible Use
  - ii. Temporary Approval
  - iii. Non-Conforming Use
  - iv. Variance
- c) Development Officer Applications include:
  - i. Variances
  - ii. Development Permits

- d) Applications submitted under (a), (b), and (c) shall be submitted in the form prescribed by the Council and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.

## 2.12.2 DEVELOPMENT PERMIT APPROVALS

### 2.12.2.1 DEVELOPMENT PERMIT REQUIRED

Pursuant to subsection 53(2)(b) of the *Community Planning Act*, a permit must be obtained when:

- a) a change in the purpose for which land or a building or structure is used;
- b) the use of land buildings and structures for the purpose of displaying advertising signs or billboards;
- c) or an excavation of sand, gravel, clay, shale, limestone or other deposits for purposes of the sale or other commercial use of the material excavated is proposed.

### 2.12.2.2 DEVELOPMENT PERMIT NOT REQUIRED

Notwithstanding 2.12.2.1 the following developments do not require a development permit, but may require a building permit under the Town's Building By-Law:

- a) Alterations to the interior of a building that do not change the use;
- b) Alterations to the exterior of a building that does not increase the exterior dimensions or size;
- c) Changes to the copy of a sign where the sign copy area does not increase;

## 2.13 BY-LAW AND SECTION 59 AMENDMENTS

- a) A person who seeks to have this By-law amended shall address a written and signed application to Council in a form satisfactory to Council along with the applicable fee;
- b) Council may, if it deems fit, return all or any part of the fee mentioned in subsection (a).
- c) An application under this section shall include such information as may be required by Council for the purpose of adequately assessing the desirability of the proposal.
- d) Council may refuse to consider an application under this section if such application:
  - i. Seeks to change an area of land from one type of zoning to another contrary to the designation of the land in the Municipal Plan; or
  - ii. Has not been signed by all registered owners of each property proposed for rezoning or an agent or agents for all of the owners.

- e) Where a property abuts a line separating designations in the Municipal Plan, it may be considered to be within either designation for the purposes of considering an amendment to this By-law.

## **2.14 PROTECTION OF GROUND WATER CAPACITY**

In setting out terms and conditions for any rezoning or Conditional Use that involves permanent or temporary accommodation of large numbers of people (commercial/institutional or residential uses) or a business/industry that uses a large quantity of water, the Planning Advisory Committee and/or Council will require sufficient evidence (engineering report, hydrogeological study, etc.) to be reviewed by the Town Engineers, to consider that there is adequate capacity not to adversely affect existing water supply.

## **2.15 DISCLAIMER OF LIABILITY REGARDING FLOODING**

The degree of flood protection required by this By-law is considered the minimum necessary and reasonable for regulatory purposes. Large floods may occur at any time, and excessive flood waters may be experienced. This By-law does not imply that areas outside of the Flood Overlay, or uses permitted within such areas, shall remain free from flooding or flood damages. This By-law shall not create a liability on the part of the Town or any officer or employee thereof for any flood damage that results from compliance with or reliance upon this B or any administrative decision lawfully made thereunder.

Amendment #4, August 2024

### 3. DEFINITIONS

In this By-law, words have their ordinary meaning except when indicated or defined otherwise:

**“abut”** means adjoining and having access thereto directly.

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

**“accessory building / structure”** means a building that is incidental, subordinate, and exclusively devoted to the main use, main building, or structure located on the same lot.

**“accessory or incidental use”** means a permitted use in a zone that is incidental to and exclusively devoted to a main use of any land, building, or structure located on the same lot.

**“accommodation”** means an establishment that provides lodging for travelers, and includes, but is not limited to, a bed and breakfast, hotel, or motel but does not include a hostel or rooming house.

**“Act, the”** means the *Community Planning Act* of New Brunswick.

**“active transportation”** means modes of transportation that rely on human power including, but not limited to, walking, jogging, cycling, in-line and roller skating, skateboarding, wheelchair use, snowshoeing, and skiing.

**“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.

**“agricultural use”** means the cultivation of the soil to produce a crop or the raising of a domestic animal including, but not limited to, the growing of a crop, an agro-forestry operation, garden, greenhouse, maple syrup production, nursery, orchard, or vineyard, or the keeping and raising of bees, fish, fowl, livestock, or fur or wool bearing animals.

**“agri-tourism use”** means a tourist activity, service or facility that is secondary to an active “agricultural use, as defined by this section, which may include, but is not limited to farm tours and demonstrations, horse riding, picnicking, farm related educational activities including cooking classes using farm products from the farm, seasonal promotional events (e.g. harvest and Christmas fairs, etc), special promotional events for the promotion of farm products, but not a service requiring the use of a permanent commercial kitchen. Amendment #5, August 2024

**“alter”** means to make any change, structural or otherwise, in a building or structure, which is not for the purpose of maintenance only;

**“amenity space”** means that part of a lot or building intended to be used privately or commonly for recreation or relaxation, such as, but not limited to, a balcony, courtyard, deck, garden, garden room, gym or fitness room, landscaped area, lounge area, gaming or computer room, movie room, pergola,

play area, porch, rooftop deck, swimming pool, or veranda, but does not include a driveway or a parking lot.

**"amusement place"** means an amusement park or an establishment, other than a private club or an establishment authorized to serve beer or spirit, which for profit provides facilities for dancing, games, the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a restaurant or other commercial establishment.

**"architect"** means a person who is a registered member or licensee of the Architects' Association of New Brunswick authorized to practise architecture in New Brunswick.

**"artist or craftsperson studio"** means an establishment used for creating, finishing, refinishing, or similar production of custom or handmade commodities together with the retailing of such commodities.

**"assembly use"** means the occupancy or use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational, or like purposes, and may include the consumption of food or drink.

**"auto service drive-thru"** means a drive-thru facility designed for express servicing of vehicles and includes, but is not limited to, a quick-lube or quick-oil change business.

**"banquet hall"** means a room or building used for hosting a party, banquet, function, reception or other social event such as a dinner theatre, and may include an area for food preparation. The use may be licensed with a Dining Room or Special Facility Licence under the Liquor Control Act.

**"bachelor or studio apartment/unit"** means a dwelling in which the sleeping and living areas are combined into one habitable room with kitchen, and sanitary facilities.

**"balcony"** means a horizontal platform attached to a building above the first storey floor level that is intended for use as an outdoor amenity space.

**"bar, lounge, or nightclub bar"** means an establishment licensed as a Lounge under the Liquor Control Act where liquor is served to the public, which may include live entertainment as a secondary use.

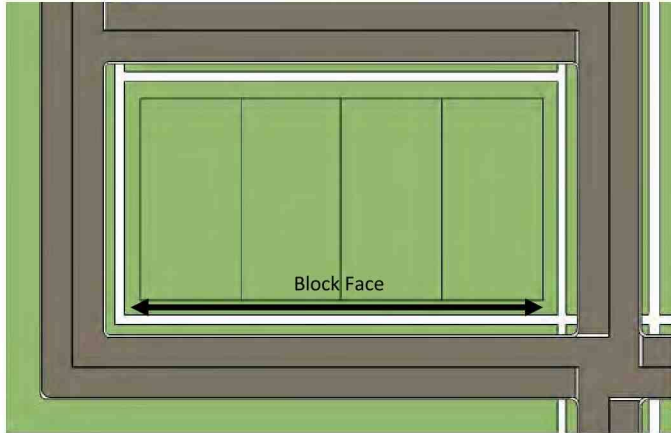
**"barrier free parking space"** means a parking space designed for the exclusive use of a person with a disability who displays on or in a vehicle a disabled persons identification plate, permit or placard issued under the authority of the Motor Vehicle Act.

**"basement"** means that portion of a building which is partly underground but which has an average of at least one-half of its height on three sides above the grade of the lot at such walls. May also be defined as a cellar.

**"bed and breakfast"** means a part of a dwelling where the resident owner or resident provides accommodations with or without meals to the travelling public.

**"bedroom"** means an area or room in a dwelling primarily used for the sleeping activities of a person or persons.

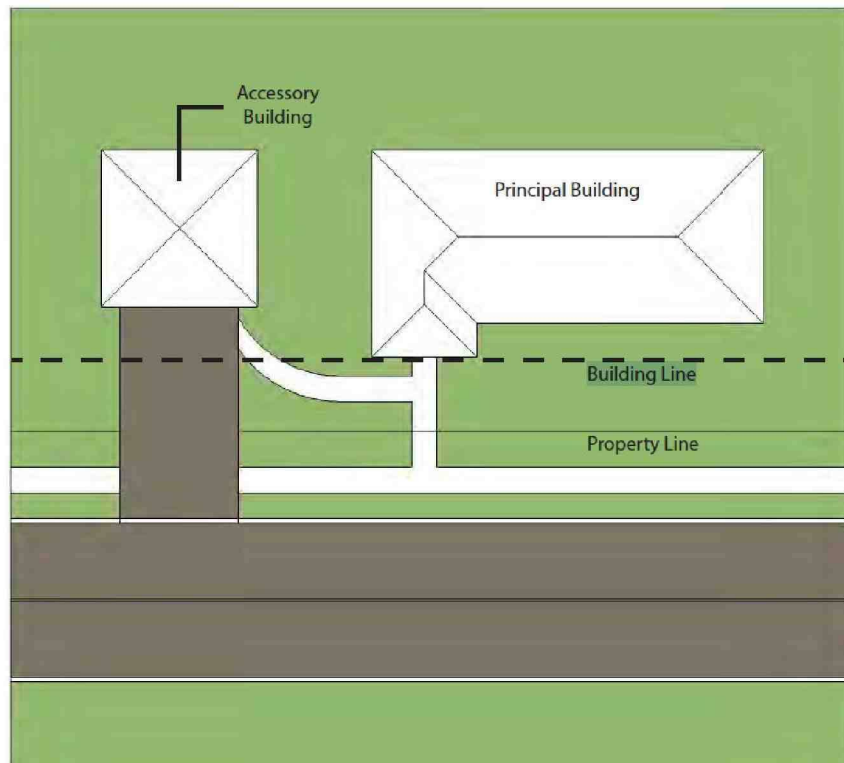
**"block face"** means the main buildings within 60 metres of a lot on the same street.



**“building”** means any roofed structure with solid exterior walls, whether temporary or permanent, designed or used for the accommodation, enclosure, or shelter of an animal, chattel, person, or material, but does not include a trailer or mini or mobile home.

**“building inspector”** means the person appointed by Council as the Building Inspector for the Town, or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law.

**“building line”** means any line defining the positions of a building or structure on a lot.



**“building permit”** means a permit issued under the Town’s Building By-Law.

**“building supply yard”** means a building or land on which building or construction and home improvement materials are kept for sale. Amendment #5, August 2024

**“business office”** means any building or part of a building in which one or more persons are employed in the management, directing or conducting of an agency, business, brokerage, labour or fraternal organization but does not include such uses as retail sales, manufacture, assembly or storage of goods or places of assembly or amusement.

**“bulk storage”** means a storage tank or a number of storage tanks for fuel or petroleum installed at a site. Amendment #5, August 2024

**“cannabis”** means cannabis as defined by the Government of Canada, pursuant to the Federal Cannabis Act, and the Provincial Cannabis Control Act.

**“cannabis production facility”** means a facility and premises authorized by a license issued pursuant to the Federal Cannabis Act for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sales of cannabis or cannabis related products.

**“cannabis retail sales”** means the sale of cannabis or cannabis related products to the general public.

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

**“car wash”** means an establishment for the public where a vehicle is washed within a building or within a permanent structure, but does not include a mobile car wash

**“cemetery”** means any land, building, or structure used for burying or interring the dead, and may include associated building for grounds keeping, equipment storage, or administrative office space but does not include facilities associated with cremation.

**“chicken”** means the female of the *gallus gallus domesticus* species and does not include roosters, toms, drakes, guineas or geese.

**“Clean Water Act”** means the Clean Water Act, SNB 1989, c C-61, of the Province of New Brunswick.

**“clerk”** means a clerk of a local government appointed under the Local Government Act.

**“commercial entertainment”** means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to, an arcade, auditorium for the performing arts, bingo hall, bowling alley, cinema or movie theatre, or other such amusement place, but does not include an adult entertainment facility or a casino.

**“commercial group”** means two or more commercial buildings located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

**“commercial recreation facility”** means a recreational facility operated as a business for gain or reward.

**“commercial use”** means any permitted use where the primary purpose is to sell, lease, or rent a product or service directly to the public, including, but not limited to, retail sales, commercial entertainment, or personal or professional services, but does not include any residential use.



**"commercial vehicle"** means any vehicle that is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles

**"community centre"** means an establishment that provides for non-commercial purposes cultural, educational, recreational, or social activity or event.

**"community garden"** means an area of land cultivated by the public.

**"conditional use"** means those uses of land, buildings and structures which are permitted, subject to terms and conditions imposed by the Planning Advisory Committee and which use may be prohibited by the Planning Advisory Committee, where compliance with terms and conditions imposed by it cannot be reasonably expected.

**"conservation use"** means a use of land that serves to protect, maintain, or improve an environmental resource or feature. Amendment #5, August 2024

**"construction yard"** means an area used for the storage of construction materials, supplies, equipment, tools, stock pile of useable construction materials, and other items as permitted including temporary storage containers, construction trailers, and temporary office trailers. Amendment #5, August 2024

**"convenience store"** means a retail store not exceeding 300 square metres in gross floor area, which serves the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines and newspapers.

**"Council"** means the mayor and councillors of the Town of Sussex.

**"crematorium"** means a building which houses a furnace where a corpse can be burned and reduced to ashes. Amendment #5, August 2024

**"cultural establishment"** means any use that provides display, storage, restoration, or an event related to art, literature, music, history, performance or science, and includes, but is not limited to, an art gallery, archive, auditorium, library, museum, performing arts or interpretive centre or theatre.

**"day care centre"** means an establishment that provides care and supervision for children as regulated by the Family Services Act or the Early Childhood Services Act. Amendment #6, August 2024

**"developer"** means a person or corporation who is responsible for any undertaking that requires a building or development permit. Amendment #5, August 2024

**"development"** means:

- a) The erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices and pipelines defined in the *Pipeline Act, 2005* except for buildings and structures remote from a pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
- b) Any change in the purpose for which any land, building, or structure is used;



- c) Any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development mentioned in (a) or for purposes of the sale or other commercial use of the material excavated; or
- d) The making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the *Pipeline Act, 2005*.

**“Development Officer”** means the person appointed by Council as the planning officer, or any person delegated authority by the municipal planning officer with respect to this By-Law.

**“development permit”** means a permit issued under this By-law which pertains to:

- a) Any change in the purpose for which land or a building or structure is used with respect to a main use or a secondary use;
- b) The use of land, buildings, and structures for a sign pursuant to the Town’s Sign By-law; or
- c) An excavation of sand, gravel, clay, shale, limestone, or other deposit for purposes of the sale or other commercial use of the material excavated pursuant to section 4.24 of this By-law.

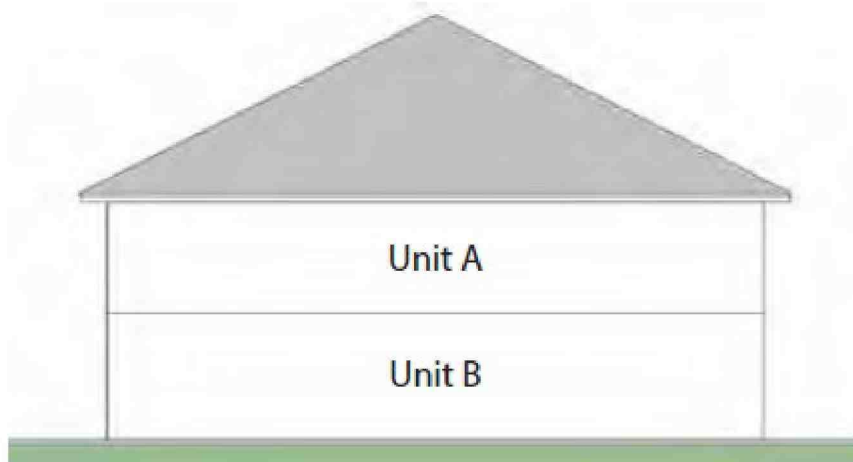
**“distribution facility”** means a building or part of building used for the storage and distribution of goods and materials. Amendment #5, August 2024

**“driveway”** means the portion of any lot or parking lot designed or intended to provide vehicular access from a street to a parking space or parking aisle.

**“dwelling”** means a building or part of a building designed, occupied, or intended as a home, living quarters, or residence by one or more persons and containing one or more separate dwelling units, but does not include a hostel, hotel, motel, rooming house, mobile or mini home, supportive facility or supportive housing.

**“dwelling, converted”** means a building which was originally constructed as a one-unit dwelling or two-unit dwelling that has been lawfully converted into a two-unit dwelling or a multiple dwelling.

**“dwelling, duplex”** means a residential building divided horizontally into an upper and a lower separate dwelling unit each of which has an independent entrance, either directly or through a common vestibule.



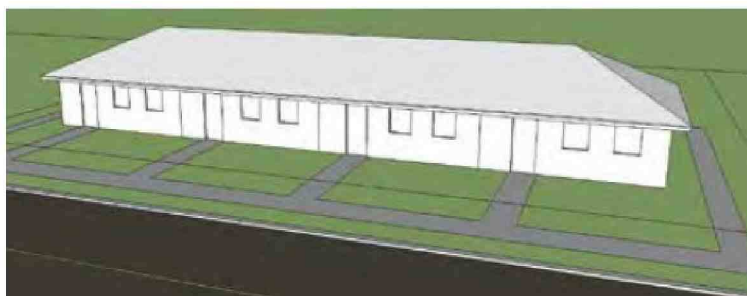
**"dwelling, mini home"** means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini home is a minimum of 4.88 metres wide and a maximum of 5.0 metres wide (excluding eaves), a maximum of 21 metres in length and a maximum of 4.4 metres in height. Amendment #6, August 2024

**"dwelling, multiple"** means a dwelling containing more than two dwelling units.

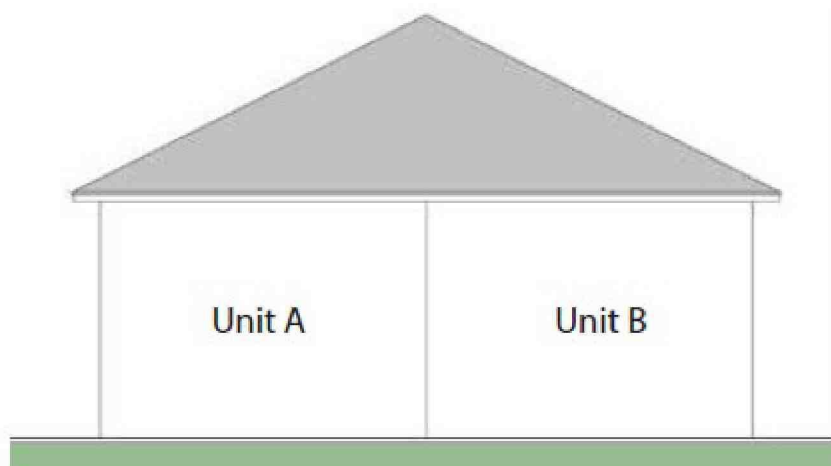
**"dwelling, one unit"** means a detached building having independent exterior walls, designed or used exclusively for residential purposes and containing only one main or primarily dwelling unit.



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



**"dwelling, semi-detached"** means a dwelling unit attached to one other dwelling unit by a common above grade wall with each dwelling unit located on a separate lot;



**"dwelling two-unit"** means a duplex or semi-detached dwelling.

**"dwelling unit"** means a room or suite of two or more rooms designed or intended for use by a person or persons in which culinary facilities, kitchen, and sanitary conveniences are provided for the exclusive use of such person or persons;

**"educational establishment"** means an establishment providing academic and/or technical instruction and may include supplementary school cafeterias, book stores, amusement activities from the outside, recreation facilities, instruction function, and community assembly use. This term refers to uses such as public and private schools, colleges and universities. Amendment #5, August 2024

**"erect"** means to construct, build, assemble or relocate a building or structure, and includes any physical operations preparatory thereto;

**"excavation of land"** means any act, operation, or process by which earth, sand, gravel, stone, rock, clay, or similar material is cut into, dug, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom, provided the excavation extends to a depth of 1 metre below the undisturbed surface which existed before the excavation began.

**"farmers market"** means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a building.

**"financial service"** means an establishment where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.

**"flankage"** yard means, the yard on a corner lot which is not the front yard.

**"flood plain"** means an area of low-lying land that is subject to flooding from adjacent or nearby waterbodies.

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

**“forestry use”** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products as well as the portable milling and sawing of wood. Amendment #5, August 2024

**“frontage”** refers to lot frontage.

**“funeral home”** means an establishment that provides the preparation of the dead for interment or cremation and the holding of a memorial service, and may include the accessory sale and storage of caskets, urns, and other related funeral items. An associated chapel or crematorium are permitted as secondary uses

**“garage, public”** means a building used for making repairs to motor vehicles, whether for the public, for business purposes, or for hire; and in which auto wrecking, and a used parts salvage operation are not permitted except as an incidental part of such repairs;

**“garage, portable or temporary”** means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways;

**“garden centre”** means any use of land, building, or structure for the display and sale of plants, gardening or landscaping equipment or supplies.

**“garden suite”** means a detached secondary dwelling unit on the same lot as a main building and serviced from the main building.

**“gasoline bar”** means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items. “Service Station” is a separate use.

**“grade”** means the finished level of the ground at the exterior walls of a building or structure;

**“greenhouse”** means a primary or accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**“gross floor area”** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls. Amendment #5, August 2024

**“ground floor area”** means the floor area of the first storey of a building located at or above grade.

**“group home”** means a residence for the accommodation of five or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing. A Group Home

does not include a daycare facility, a facility for the temporary care of transient and homeless persons or foster care. Amendment #42, August 2024

**“habitable space”** means the space within a dwelling unit in which living functions are carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens, recreation rooms, storage rooms, and workshops, including those located in a basement or cellar.

**“health, fitness, and wellness facility”** means an establishment providing health, fitness, and recreational activities, such as, but not limited to, boxing, dancing, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise.

**“heavy equipment sales”** means a building or part of a building or structures in which heavy machinery and equipment are offered for sale, rent, lease or hire under agreement for compensation. Amendment #5, August 2024

**“height”** means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;

**“heritage building”** means a home or building that has been designated by the Province of New Brunswick or the Government of Canada as a property possessing cultural or historical significance;

**“home occupation”** means, subject to Section 5.6 of this By-law, an occupation or business which is conducted in a portion of a dwelling unit or accessory building by a person who uses the dwelling unit and subsequent lot as their primary place of residence and which is clearly secondary and incidental to the residential use of the dwelling unit.

**“hospital”** means an institution, building or other premises or place established for the maintenance, observation, medical and dental care, and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons. Amendment #5, August 2024

**“hostel”** means an establishment where temporary lodging is provided for individual travellers or transients in a shared or dormitory style room, but does not include a hotel, motel, or rooming house.

**“hotel or motel”** means a building providing temporary accommodations for travelers or transients on a year-round basis, and may have a public dining room and convention meeting room.

**“household pet”** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure, rather than for utility, and includes not more than 3 dogs, 3 cats, 3 rabbits, or small birds or rodents in cages, but excludes cattle, sheep, horses, pigs, poultry, bees and other animals kept as farm animals or livestock customarily found in an agricultural use.

**“industrial use, hazardous”** means the industrial use of land, buildings, or structures involving highly combustible and/or hazardous substances and processes such as chemical plants, paint and rubber factories, and bulk storage of hazardous liquids. Amendment #5, August 2024



**“industrial use, light”** means the use of buildings, land, or structures for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, preparing, breaking up, demolishing, or treating any article, commodity or substance, that can be undertaken without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of scale, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance, and does not use process waters, nor produce process waste waters. Amendment #5, August 2024

**“inn”** see bed and breakfast / tourist home.

**“institution”** means land, building, structures, or part of a structure used by any organization, group, or association for the promotion of charitable, educational or benevolent purposes.

**“interpretive use”** means the use of land and buildings for the understanding and appreciation of the site through the use of guided tours, outings, illustrated talks, period settings and displays, audio-visual programs, self-interpreting trails, exhibits, and publications. Amendment #5, August 2024

**“kennel”** means 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, including a “doggie daycare” but shall not include a veterinary clinic.

**“laboratory”** means a facility for scientific research, investigation, testing or experimentation. Amendment #5, August 2024

**“laundry facility”** means a building or structure where laundry machines, using only water, detergents, and additives, are made available to the public for the purpose of laundry cleaning. Amendment #5, August 2024

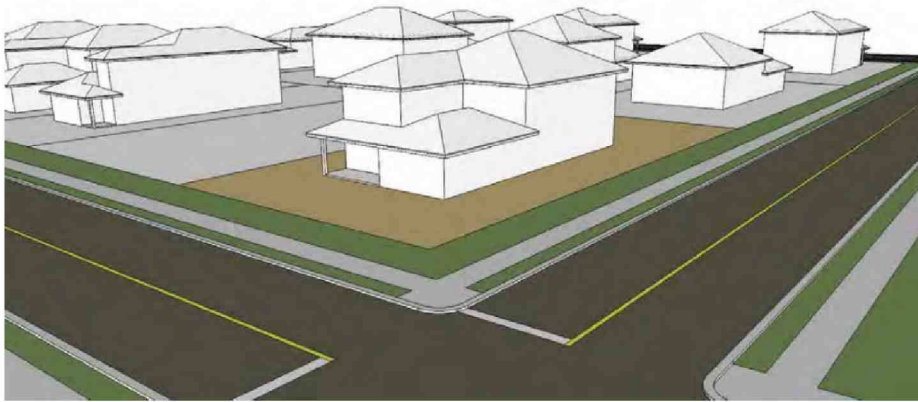
**“livestock facility”** means a building used or intended to be used to confine or house livestock or a confined livestock area and includes a structure or area used or intended to be used to store manure. Amendment #5, August 2024

**“loading space”** means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles. Amendment #5, August 2024

**“lot”** means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto.

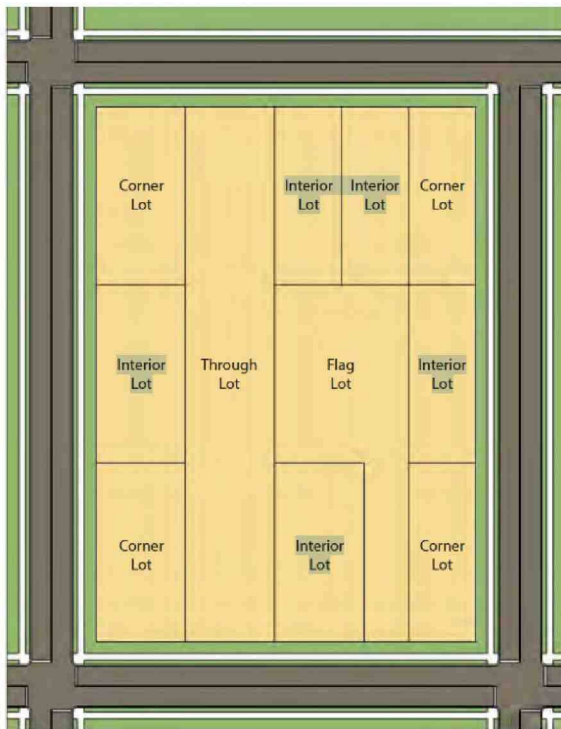
**“lot area”** means the total area within the lot lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh or beyond the rim of a river bank or watercourse, or between the top and toe of cliffs or embankment having slope of thirty degrees or more from the horizontal;

**“lot, corner”** shall mean any lot situated at the intersection of and abutting on, two or more streets;



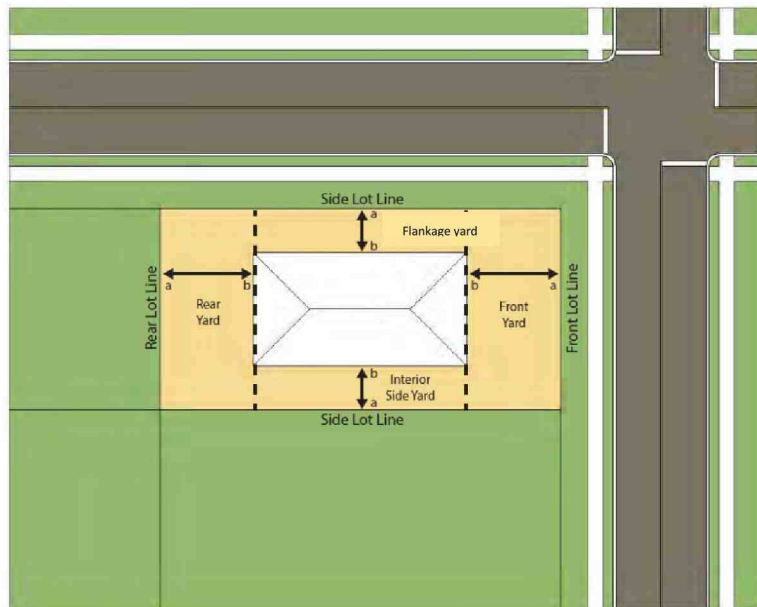
**"lot coverage"** means that percentage of the lot area that is permitted to be covered by all buildings and structures, other than swimming pools, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone;

**"lot, interior"** means a lot other than a corner or through lot;



**"lot frontage"** means the distance between side lot lines measured along a line perpendicular to the established centerline at the required setback from the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. In the case of a curved corner or where side lot boundaries are not parallel,

lot frontage means the distance between the side boundaries of the lot at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street;



**"lot line"** means the common line between a lot and an abutting lot, land, or street.

**"lot line, flankage"** means a side lot line, which abuts the street on a corner lot;

**"lot line, front"** means the line dividing the lot from the street or other means of access; and

- a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front lot line;
- b) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line;

**"lot line, rear"** means the lot line farthest from or opposite to the front lot line;

**"lot line, side"** means a lot line extending from the street line to the rear of the lot.

**"lot, through"** means a lot bounded on two opposite sides by streets or highways.

**"lot width"** mean where the side lot lines are parallel, the distance measured at right angles from such lot lines across each lot and where such lot lines are not parallel, the distance between them at the required front yard depth;

**"main building"** means a building in which is conducted the main or principal use of the lot on which the building is located;



**“medical clinic”** means an establishment where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment, but does not include any overnight accommodation of a patient. A medical clinic includes, but is not limited to, an acupuncturist, athletic therapist, chiropodist or podiatrist, chiropractor, dental provider, massage therapist, naturopath, osteopath, physician, physiotherapist, psychologist, social worker, speech therapist or vision care provider.

**“microbrewery”** means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits. This use may include incidental retail sales including a licensed tasting room. This definition is also used for Distillery.

**“mobile car wash”** means an establishment or business that offers vehicle cleaning services that does not involve a building or permanent structure.

**“mobile or mini home park”** means a lot under single ownership for the placement of two or more mobile homes.

**“mobile vendor”** means an establishment or business that offer goods and services in a mobile vehicle, such as a trailer, van, or truck (e.g. food truck), and may include a farmers stand.

**“neighbourhood day care”** means an establishment for the provision of care and supervision of 6 to 15 children operating in a residential area in accordance with the Family Services Act or the Early Childhood Services Act.

**“non-conforming use”** shall have the same meaning as contained in the *Community Planning Act* as may be amended from time to time;

**“nursery”** means a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold from such building or lot. Amendment #5, August 2024

**“office”** means a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacturing of any product or the selling of goods. Amendment #5, August 2024

**“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;

**“outdoor storage”** means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an outdoor display court, by locating them on a lot exterior to a building, and includes material covered by canvas or other opaque or non-opaque material;

**“passive recreation use”** means recreational activities that generally do not require a developed site, and includes such activities as hiking, walking, and cross country ski trails, as well as interpretation centres.

Amendment #5, August 2024

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

**"playground"** means an area of landscaped open space equipped with children's equipment such as slides, swings, or wading pools. Amendment #5, August 2024

**"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.

**"pit"** means a place where unconsolidated metallic mineral or mineral bearing substance, rock, earth, clay, sand, or gravel has been or is being removed by means of an open excavation in order to supply it for construction, industrial, and/ or manufacturing purpose.

**"Planning Advisory Committee"** means the Planning Advisory Committee established under Sections 3 to 8 of the *Community Planning Act*.

**"principal use"** means the primary purpose for which a parcel, building or dwelling unit is used.

**"public street"** means a highway, road or street owned or maintained by the Town of Sussex.

**"quarry"** means a place where consolidated rock has been or is being removed by means of an open excavation in order to supply material for construction, industrial, and or manufacturing purpose and includes an open pit mine.

**"recreation establishment"** means:

- a) premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf and all other similar places of amusement excluding adult entertainment.
- b) A recreation facility operated as a business and open to the public for a fee.
- c) Establishments primarily engaged in the operation of sports, active amusement or recreation services for use by the general public on a fee or non-fee basis

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

**“required yard”** means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law.

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

**“restaurant, drive through”** means any land or building or any portion thereof

- i) designed or used primarily for the service of food for consumption outside of the building or portion thereof, in automobiles or off the premises, or;
- ii) designed or used primarily for the service of food at a counter within the building or portion thereof, the food being served in a manner which allows the consumption thereof either at a table or counter on the premises, in automobiles, or off the premises;

**“retail store”** means an establishment for the retail sale or rental of goods, wares, merchandise, substances, articles or things and may include supplementary postal services, film processing, repair of articles sold or rented by the store and food consumption areas not exceeding 20% of the gross leasable area.

**“riding school or boarding stable/arena”** means an area of land which is used as an educational centre for rider training or horse training, handling, care, or the lodging of horses, mules or ponies. Amendment #5, August 2024

**“rooming house”** means a dwelling or part thereof in which rooms are provided to lodgers for compensation;

**“sawmill”** means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediate step. Amendment #5, August 2024

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

**“secondary suite”** means a dwelling unit attached to or contained within a main building.

**“self-storage facility”** means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway.

**"service station"** means a building or structure where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, light-bulbs, spark plugs, batteries or other accessories for motor vehicles are stored or kept for sale or where vehicles may be oiled, greased, washed or have their ignition adjusted, tires inflated, batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, and may include a car wash or mobile car wash.

**“setback”** means the minimum horizontal distance between the site boundary and the nearest point of the foundation or exterior wall of the building, whichever is the lesser. Amendment #5, August 2024

**"sign"** means any structure, device, light, painting or other representation or natural object which is used to identify, advertise, attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off the premises or from a parking lot except any "sign" which is affixed to the inside of a window or glass door;

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

**"sign, mobile"** means a structure which is located on the ground but not permanently attached, which is capable of being easily relocated which holds a sign, that may have more than one face and may include copy that can be changed manually or electronically by means of adjustable characters, message panels or by other means.

**"shopping centre"** means a commercial development of at least 5575 m<sup>2</sup> of land, consisting of more than one business establishment, which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such retail stores, service shops and other establishments as permitted by this By-Law, in a unitary type building or buildings at least 1486 m<sup>2</sup> in size and characterized by the sharing of common parking areas and driveways.

**"similar or compatible use"** means a use of land or building that is otherwise not permitted in a zone but has been authorized by the Planning Advisory Committee, subject to any imposed term or condition, as being sufficiently similar to or compatible with a permitted use in that zone.

**"storey"** means

- iii) that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it, or
- iv) a basement or cellar, if the average vertical distance from grade to the ceiling is over 1.5 m or such basement or cellar is used for business purposes, or for dwelling purposes by other than a janitor (whether including his family or not);

**"street line"** means the common line between a street and a lot;

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

**"supportive facility" means:**

- (a) an establishment licensed or approved by a government agency that provides care and or supervision to residents on a 24-hour basis by professional staff; or
- (b) an establishment devoted to retired residents where common amenities and services, including communal dining, are provided exclusively to such residents.

**"swimming pool"** means any structure intended for swimming, wading or recreational bathing that is designed to contain a capacity of 0.6 m or greater of water in depth and/or is not required to be drained (being serviced by a filtration/pump system) to address health and safety;

**"Town Building Inspector"** means the person appointed by Town Council as the Building Inspector for the Town of Sussex or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law.

**"transportation depot"** means any building or land where buses, trucks or tractor trailers are rented, leased, kept for hire, stored or parked for commercial purposes. Amendment #5, August 2024

**"trucking or heavy equipment operation"** means a building or land on which a business or industry involving the maintenance, servicing, storage or repair of trucks, heavy equipment, and similar commercial vehicles is conducted, including the sale of parts and accessories, but excluding the dispensing of bulk fuel or bulk petroleum products. Amendment #5, August 2024

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

**"use, accessory"** means a use that is naturally and normally incidental and subordinate and exclusively devoted to the main use, or to the main building or structure, and located on the same lot with such main use or building or structure.

**"use, secondary"** means a use, other than the main use, permitted in a building or a structure.

**"vehicle body and paint shop"** means an establishment where motor vehicle bodies and frames are repaired and/or painted.

**"vehicle repair garage"** means an establishment involved in the repair of automobiles, trucks, motorcycles, snowmobiles, or other vehicles, and may include the sale, installation, servicing, or machining of automotive parts and accessories, or a drive thru vehicle inspection, repair, servicing, or cleaning facility such as, but not limited to, automotive glass replacement, exterior vehicle cleaning, muffler replacement, safety inspection, tire alignment, tire replacement, transmission repair, or vehicle upholstery cleaning, but does not include a vehicle body and paint shop.

**"vehicle sales and service"** means an establishment where new and or used vehicles are sold or leased, and may include an associated vehicle repair garage that provides on-site servicing, repair, cleaning, or polishing of such vehicles and the sale of auto accessories or related products.

**"veterinary clinic"** means an establishment within a building where domestic animals or household pets are treated by a licensed veterinarian, and includes temporary indoor accommodation related to such treatment and/or recovery of animals after a surgical procedure, but does not include any outdoor facilities such as a kennel, dog run, or other similar enclosure.

**"warehouse facility"** means an establishment other than a self-storage facility where goods are stored and packaged inside a building, and may include administration, but does not include the manufacturing, display, or sale of goods or a distribution facility.

**“watercourse”** means the full width and length, including the bed, banks, side, and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, wetland, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow is continuous or not, but excludes artificial ponds created for recreational, aesthetic or irrigation purposes. Amendment #5, August 2024

**“wetland”** means land that either periodically or permanently, has a water table at, near or above the land’s surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions.

Amendment #5, August 2024

**“wood storage yard”** means a lot or portion of a lot where harvested wood is stored in association with an approved forest management plan. Amendment #5, August 2024

**“yard”** means that part of a lot required to be unoccupied by buildings or structures;

**“yard, flankage”** means the side yard of a corner lot, which abuts a street;

**“yard, front”** means the yard extending across the full width of the lot between the street line and the nearest wall of the main building on the lot.

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

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

## 4. GENERAL PROVISIONS

### 4.1 USES PERMITTED IN ALL ZONES

Nothing in this By-law shall prevent the use of any land for:

- a) Community Garden;
- b) Land for Public Purpose;
- c) Lane, Street, or Highway;
- d) Town Recreation Use;
- e) Park or Playground;
- f) Pipeline;
- g) Public Display;
- h) Stormwater Management System;
- i) Telecommunications Tower;
- j) Temporary Parking Lot to Facilitate Snow Clearing;
- k) Town Utility Service Building or Structure; and
- l) Walking Trail.

### 4.2 USES PROHIBITED IN ALL ZONES

- a) Notwithstanding any provision of this By-law, the use of a vehicle or recreational vehicle as a place of residence shall not be permitted within any zone in the Town;
- b) A semi-trailer or what was a semi-trailer or what is or was a vehicle within the meaning of the *Motor Vehicle Act*, or a part thereof, shall not be used for storage in any zone. Such a semi-trailer or part of a vehicle shall be deemed to be used for storage when it has not been used for hauling goods to or off the premises at least once every 30 days.

Delete Commercial and Industrial Development Abutting a Residential Zone. Amendment #7, August 2024

### 4.3 COMMERCIAL VEHICLE PARKING

- a) For the purposes of this Section, “commercial vehicle” shall be deemed to be a vehicle used for a business or employment purpose.
- b) The parking of a licensed commercial vehicle is permitted, provided that:
  - i. the vehicle is parked in the driveway and where space is available, parked adjacent to or to the rear of the dwelling unit and not in the front yard thereof;

- ii. the engine of the vehicle shall not be left running, other than for a short warm-up or cool down period and such period shall not exceed one-half (1/2) hour in duration;
- iii. the vehicle is not loaded with any dangerous or hazardous goods;
- iv. the licensed commercial vehicle is not more than 9000 kilograms in vehicle mass;
- v. the vehicle is operated by the resident of the dwelling unit;
- vi. the tractor of a tractor trailer unit is permitted but no trailers are permitted;
- vii. Overnight parking of commercial vehicles on public streets is prohibited; and
- viii. On any lot in a residential zone only one commercial vehicle may be parked overnight, provided, however, that the one commercial vehicle permitted is operated by the resident of the dwelling unit and is not more than five tons capacity or a commercial trailer.

Amendment #8, August 2024

#### 4.4 CONVERTED DWELLINGS

Where permitted by this By-law, a one-unit or two-unit dwelling may be converted into a two-unit dwelling or a multiple dwelling subject to the following requirements:

- a) The building shall be service by municipal sanitary sewer and municipal water;
- b) There shall be no changes to the exterior appearance of the building that would indicated the building is a converted dwelling; and
- c) In accordance with Section 26, there shall be one on-site parking space for each dwelling unit.

#### 4.5 MULTIPLE USES

In any zone, where any land or building is used from more than one use, all provisions of this By-law relating to each use shall be satisfied, except as otherwise approved by the Development Officer.

Amendment #9, August 2024

#### 4.6 FENCES

- a) Notwithstanding any other provision of this By-law, subject to this section, a fence may be placed or located in a yard;



- b) Notwithstanding any other provision of this By-law, no fence along a street line may exceed 1.2 metres in height;
- c) No fence may exceed the height of:
  - (i) 2 metres in a Residential zone; or
  - (ii) 2.5 metres in a zone other than a Residential zone.
- d) No fence shall be located within 1.5 metres of a street line in all zones;
- e) No fence shall be located:
  - (i) within 150 mm of a property line in the case of chain link construction; or
  - (ii) within 600 mm of a property line for all other types of construction.
  - (iii) Notwithstanding subsection (i) and (ii), if both property owners have an agreement, a fence may be located on the property line.
- f) Notwithstanding subsection (e) of this Section where both owners of adjacent properties have applied for and signed the Building Permit, a fence may be placed exactly on the property line;
- g) Except in the Agriculture and Rural Lands zone, no fence in a residential zone shall be electrified or incorporate barbed wire or other dangerous materials; and Amendment #10, August 2024
- h) Notwithstanding (g) of this Section fences other than a chain link fence, shall be installed with the finished side facing the adjoining property.

#### 4.7 GARBAGE ENCLOSURES AND STORAGE

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

- a) be fully screened by a surrounding fence at least 2 m in height designed so as to be opaque;
- b) no garbage storage area shall be located in any required yard, nor shall it be located within 6 m of a public street or within 2 m of a residential use;
- c) no garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence;
- d) materials used to screen and surround the garbage storage unit or dumpster must be made of materials similar to that of the building; and
- e) garbage must be stored within the specified setback and yard requirements for the applicable zone.

## **4.8 GASOLINE BARS, SERVICE STATIONS, AND COMMERCIAL GARAGES**

### **4.8.1 PUMP ISLANDS**

- a) All Pump Islands shall be located at least 9 metres from any boundary of the site, parking area on the site or laneways intended to control traffic circulation on the site.
- b) A canopy over a pump island may extend to within 6 metres of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section.

### **4.8.2 LONG TERM PARKING**

No part of a lot used for the purpose of a gasoline bar or automobile service station shall be used for parking a vehicle for a period exceeding one week.

### **4.8.3 DISPENSING OF GASOLINE AND DIESEL FUEL**

- a) The use of land for the dispensing of gasoline or diesel fuel other than at a service station or public garage is permitted only if approved by the Planning Advisory Committee and in compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.
- b) Gasoline or diesel tanks and pumps intended for the private use of the occupant of the lot or other person, as distinguished from sale to the general public, shall
  - i) be placed in the rear of the lot; and
  - ii) wherever possible, not be visible from the public street.

## **4.9 HEIGHT EXCEPTIONS**

The height restrictions of this By-law shall not apply to church spires, chimneys, water storage tanks, telecommunication towers, or to structures housing mechanical equipment.

## **4.10 INFILL BUILDING LINE**

In an in-filling situation, where a front yard line has been established by existing residential unit(s) that have front yard setback distances less than required under the zoning By-Law, the existing setback line can apply for new construction and/or expansions.

## **4.11 LANDSCAPING**

### **4.11.1 GENERAL LANDSCAPING PROVISIONS**

- a) Landscaping shall be provided and maintained according to Section 4.11 whenever a development involving a main building is undertaken on a lot.
- b) Landscaping shall be completed within one year of the issuance of a development or building permit.

- c) Nothing in this By-law shall prevent the installation of a driveway or walkway from being in any required yard.
- d) Yards shall be landscaped:
  - i) In a Residential Zone
    - i. All required front and flankage yards; and
    - ii. All areas not occupied by a building, structure, driveway or parking area, walkway, or amenity space.
  - ii) In a Commercial Zone
    - i. All required front and flankage yards;
    - ii. All yards that abut a Residential or Institutional zone; and
    - iii. All areas not occupied by a building, structure, driveway or parking area, walkway, or amenity space.
  - iii) In all other zones
    - i. At the discretion of the Development Officer

#### 4.11.2 LANDSCAPING STANDARDS

- a) All landscaping shall be comprised of species of trees, grass, ground cover, shrubs, bushes, or other living plant material that is capable of healthy growth in New Brunswick.
- b) Landscaped areas shall be graded to divert surface water from the building or dwelling and insofar as it is reasonably possible and direct the surface water to an existing stormwater management system.
- c) Any landscaping involving a lawn shall consist of topsoil spread over the ground to a minimum depth of 80mm after compaction and the seeding or sodding thereof.
- d) Development that is considered infill may remove only such trees that directly impede the construction of buildings and services. Where trees must be destroyed, the developer may be required to replace them to the satisfaction of the Town.
- e) Any landscaping for buffering purposes shall include either a coniferous hedge or the planting of, at minimum, two offset rows of coniferous trees planted in a manner that obscures visibility.
- f) In a Residential Zone, the owner of a lot being developed shall plant a minimum of two deciduous street trees along street frontage as follows:
  - i) trees must be free of branches up to 1.5 metres from ground and have a single straight trunk with a minimum diameter of 60mm,
  - ii) trees to be planted 10 metres on center,
  - iii) plant trees away from overhead wires, locating them back from the street right of way line if necessary,

- iv) trees to be planted in a hole 2.0 metres in diameter by 0.5 metres deep, backfilled with planting soil,
  - v) minimum two stakes per tree.
- g) Subject to this section, the owner of a lot developed for non-residential purposes shall landscape the total area of the lot, except for that part devoted to buildings and structures or is paved, in the case of driveways and off-street parking areas; except in the case of lots having significant surplus area.

#### 4.12 LIGHTING

No lighting facility or illuminating device for any purpose may be arranged in such a manner that directs rays of light therefrom to fall upon adjoining premises, public streets or right-of-way.

#### 4.13 LINE OF VISION AT AN INTERSECTION

- a) A line of vision for corner lots is defined as the triangular area formed by the intersecting street right of way lines and a line joining the points 5 metres from the intersection of said lines;

Amendment #11, August 2024

- b) No building, structure, fence, shrub or tree foliage over the height of 0.95 metres may obstruct the line of vision at a street intersection.

#### 4.14 LOTS TO ABUT STREETS

Every lot used for a purpose permitted by this By-Law shall abut a street unless other arrangements have been made through approvals of Council and / or the Planning Advisory Committee.

#### 4.15 LOTS WITH 15% GRADE

Any part of a lot that has a grade of 15% or greater may not be considered as part of the lot for purposes of calculating minimum lot area required hereunder, subject to alleviation only by variance granted by the Planning Advisory Committee and by such terms and conditions as determined by the Planning Advisory Committee.

#### 4.16 MINIMUM FLOOR ELEVATION ABOVE FLOOD LEVEL

- a) 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 .36 metres above the elevation of the 1 in 100 year flood plain as determined by the New Brunswick Department of Environment's flood mapping as depicted in Schedule B.

- b) Development of habitable space within the 1 in 100 year flood plain is subject to the approval of the Planning Advisory Committee and is subject to the requirements set forth in this section.
- c) Notwithstanding subsection (a), in the case of the new habitable space, a minimum floor elevation greater than that described in subsection (a), may be required depending upon the unique vulnerabilities of the development site.
- d) A development or building permit request in an area described by Schedule B shall include:
  - i. A site plan and elevation drawings demonstrating the elevation of the part or parts of the building intended to contain habitable space;
  - ii. A plan and drawings that demonstrate the proofing of all electrical, mechanical, and plumbing systems, by design, for the area below the required elevation;
  - iii. A drainage plan, if the flood adaptation measures result in more than one metre of fill (in elevation) for properties less than one acre; and
  - iv. A site plan demonstrating that access to the property and dwelling unit(s) is at an elevation that does not impact access to the property or dwelling unit(s) during a flooding event.
- e) A developer may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.
- f) In the case of an existing building within the area described in Schedule B, the building may be expanded or modified if:
  - i. It does not reduce the elevation of the existing building;
  - ii. It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2 square metres;
  - iii. A non-adapted expansion or modification is limited to one per main building on a lot;
  - iv. The Development Officer or Planning Advisory Committee may impose additional terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
  - v. The applicant may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.

#### **4.17 NUMBER OF MAIN BUILDINGS OR STRUCTURES ON A LOT**

Except as otherwise provided in the By-law, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure, on a lot.

#### **4.18 PARKING, LOADING, AND ACCESS**

##### **4.18.1 GENERAL PARKING PROVISIONS**

- a) Parking shall be provided upon the same lot as, or within 150 m of, the use for which the parking is required.

- b) Parking shall be readily accessible from the nearest street.
- c) Except for parking spaces for accommodation uses (hotel or motel), no parking space is permitted nearer than 1.8m from a wall containing windows to habitable rooms.
- d) A change of use in the Downtown Commercial zone does not require additional parking spaces than those already provided.
- e) Notwithstanding any other provision in this section, where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use;
- f) Notwithstanding provisions for Barrier Free parking spaces, individual parking spaces shall have minimum dimensions of 2.7 m by 6 m;
- g) Barrier Free parking spaces are subject to the requirements of section 4.18.3 and all applicable Provincial requirements;
- h) Where a parking lot for more than six (6) vehicles is required or proposed the following provisions apply:
  - i. except in the case of a home business or home occupation, the parking lot shall be maintained with a stable surface that is paved;
  - ii. lights used for illumination of the lot shall be arranged in order to divert the light away from streets, adjacent lots and buildings;
  - iii. no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
  - iv. approaches or driveways to the lot shall have a curbing radius of 10 m where they meet a public street; shall be defined by a curb of concrete, or Portland Cement concrete; and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
  - v. the location of approaches or driveways shall not be closer than 15 m from the limits of the right-of-way at a street intersection;
  - vi. entrance and exit driveways to the parking lot shall not exceed two (2) in number at the street line and edge of pavement;
  - vii. notwithstanding (vi), the Planning Advisory Committee may consider the creation of more than two driveways, subject to terms and conditions;
  - viii. a driveway leading to or from a parking lot or loading space shall:
    - a. in the case of a one-way driveway for traffic entering the lot, have a width of at least 3.5 m;

- b. in the case of a one-way driveway for traffic exiting the lot, have a width of at least 3.5 m when the number of parking spaces on the lot exceeds 12;
  - c. in the case of a two-way driveway for traffic entering and exiting the lot, have a width of at least 6.7 m ; and
  - d. not exceed a maximum width of 8 m except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 m;
- ix. a parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public street.
- i) Notwithstanding the provisions of subsection (h), driveways shall be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.
- j) Within a residential zone, no parking shall be permitted nor parking spaces required within the required front yard except for single and two unit dwellings and row house dwellings.

#### 4.18.2 PARKING SPACE REQUIREMENTS BY USE

	Use	Spaces Required
a)	for one- and two-unit dwellings, town and row houses	One space per dwelling unit
b)	for multiple dwellings	1 space per dwelling unit, except in the R4 zone where .8 parking spaces per dwelling unit is required. Amendment #12, August 2024
c)	for Supportive Facility, Group Home, Boarding / Rooming Houses	0.5 spaces per bed
d)	for assembly buildings including arenas, auditoriums, churches, funeral parlours, public halls, theatres, rinks, or any building (such as schools) containing a like usage	One space for each 10 m <sup>2</sup> of gross floor area
e)	for day care centres	One space for every five children

f)	for home occupations, including neighbourhood day cares	One space for every staff person who does not reside on the lot
g)	for hospitals, medical clinics, special care facilities	Two spaces per bed
h)	for hotels, motels, and accommodations	1.25 spaces per guest room
i)	for licensed bars, taverns, or restaurants, including microbreweries with licenced tasting rooms.	One space per 10 m <sup>2</sup> of gross floor area
j)	for social clubs or commercial recreation facilities	one space per 23 m <sup>2</sup> of gross floor area, or fraction thereof
k)	for business offices, financial institutions, public libraries, art galleries or museums	three spaces per 93 m <sup>2</sup> of gross floor area
l)	for schools, public or private	not less than one space for every classroom or clubroom and where an auditorium or place of assembly is included therein, an additional space for every 19 square metres of auditorium or assembly area
m)	for sports or recreation fields	one space for each 6 persons for whom seating arrangements may be provided
n)	for retail, wholesale or service establishments with a gross floor area exceeding 465.4 square meters	four spaces per 93 m <sup>2</sup> of gross floor area;
o)	for retail, wholesale or service establishments with a gross floor area of less than 465.4 square meters.	three spaces per 93 m <sup>2</sup> of gross floor area;
p)	for warehousing, wholesale, industrial or manufacturing buildings, including microbreweries without tasting rooms or retail sales	the greater of 2 spaces per 93 m <sup>2</sup> of gross floor area, or 1 space per 4 employees;
q)	for other uses	three spaces per 93 m <sup>2</sup> of gross floor area;
r)	bed and breakfast	one per main dwelling unit plus one per each guest room
s)	customer contact centre	one space per 5 employees



t)	theatre / cinema	one space per 5 fixed seats
u)	Veterinary clinic	One space for every 38 m <sup>2</sup> of gross floor area

#### 4.18.3 BARRIER FREE PARKING

- a) The number of barrier free parking spaces for developments 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
5 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of the total
Over 1000	20 spaces plus 1 space for each 100 spaces over that.

- b) Barrier Free parking spaces shall be:

- (i) provided and considered as part of the number of stalls required for a project;
- (ii) located closer to the entrance of the building for which they are intended;
- (iii) identified by a sign and, if the surface is paved, by pavement markings to the satisfaction of the Development Officer;
- (iv) a minimum of 3.8 metres in width and 7.3 metres in length.

#### 4.18.4 LOADING / UNLOADING STANDARDS

- a) Off-street spaces not less than 9 meters long, 3.5 meters wide, and 4.25 meters high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in the following numbers:

Floor Area of Building	Number of Loading Spaces
Up to and including 1858 m <sup>2</sup>	1
Over 1858 m <sup>2</sup> and up to and including 4645 m <sup>2</sup>	2
For each 4645 m <sup>2</sup> additional or portion thereof	1 additional space

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

#### 4.18.5 QUEUING SPACES

Queuing spaces shall be provided for drive-thru businesses (including drive-thru restaurants and car washes, gasoline bars, and automotive service stations), as follows:

- a) for drive-thru businesses, including drive-thru restaurants, banks and car washes:
- i) 6 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window;
  - ii) 1 outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- b) for drive-in businesses, automotive, gas bar and automotive repair outlets:
- i) 5 in-bound spaces shall be provided; and
  - ii) 1 out-bound space shall be provided.
- c) All queuing spaces shall be a minimum of 6.5 m long and 3 m wide.
- d) Queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

#### 4.19 PERMITTED ENCROACHMENTS AND PROJECTIONS

Nothing in this By-law shall prevent the following:

- a) An air conditioning or heat pump unit, or solar collector in any required yard;
- b) A balcony, deck, or veranda with a maximum projection of 2 metres into a required front, rear, or flankage yard;
- c) A canopy, chimney, cornice, eave, flue, gutter, pilaster, roof overhand, sill, smoke stack, or other architectural feature with a maximum projection of 1 metre into any required yard;
- d) A door or window awning with a maximum projection of 1.5 metres into any required yard;
- e) the ordinary projection of skylights;
- f) A cantilevered floor in a main building above the first floor, which projects not more than 2 m into a required front, flankage, or rear yard or not more than 1.5 m into a required side yard.
- g) A personal mobility lift or wheelchair ramps may be located in any required yard;
- h) A fire escape or exterior staircase that projects into any required yard;
- i) Steps providing access at the first storey level may be located in any required yard; and
- j) An ornamental planting, retaining wall, or other similar landscaping installation may be located in any required yard.

#### 4.20 PETROLEUM STORAGE SITES

- a) A petroleum storage site shall be permitted only in the Sussex Industrial Park, in accordance with environmental regulations.
- b) Petroleum storage tanks associated with gasoline dispensing pumps shall be permitted.

#### 4.21 REDUCTION OF YARDS

No part of landscaped open space required around any building or structure for the purpose of complying with the provisions of this By-law shall be included as part of landscaped open space similarly required for another building or structure.

#### 4.22 SETBACKS FROM WATERCOURSES

Subject to the provisions of the relevant provincial regulations and, notwithstanding any provision of this By-law, no person shall erect a building or structure within 30 metres of the high water mark of a stream or water course, as determined by the Development Officer, without approval from the Planning Advisory Committee and such terms and conditions as may be imposed by the Committee and the provincial Department of Environment.

## 4.23 STRIPPING OF TOPSOIL & EXCAVATION OF MATERIALS

### 4.23.1 STRIPPING OF TOPSOIL

- a) Subject to subsection (b), no person may strip, excavate or otherwise remove topsoil for sale or for 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 topsoil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.
- c) Notwithstanding subsection (a), the farming of sod may be carried out where the owner of the land has entered into an agreement with Council making arrangements satisfactory to the Council for rehabilitation of the land.

### 4.23.2 EXCAVATION OF MATERIALS

#### 4.23.2.1 EXCAVATION PERMIT APPLICATION

An application for an Excavation Permit shall:

- a) state the name and address of the applicant and the location of the proposed excavation;
- b) be accompanied by a plan drawn to a scale not less than 1:1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
- c) indicate the proposed base or lowest level of the proposed excavation;
- d) set out the means to be employed by that person named in the proposed permit to maintain accesses to the excavation, and public streets over which excavated materials are transported, in a dust-free condition by paving, sweeping, or the use of calcium chloride;
- e) mention the anticipated date of commencement of work involved in the excavation;
- f) include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed time limit therefore;
- g) Indicate the size and location of signs erected or proposed to be erected within the lands involved in the proposal;
- h) The amount of security to be deposited in the sum of money or surety bond in lieu thereof, issued by an insurance company licensed to carry on business in New Brunswick, in amount adequate to cover the cost of rehabilitation required under this section.

#### 4.23.2.2 EXCAVATION GENERAL PROVISIONS

- a) No person may undertake or continue the excavation of land unless an Excavation Permit has been issued by the Development Officer;
- b) An Excavation Permit is valid until December 31<sup>st</sup> of the year of issue and may be renewed for the fee prescribed by Council;

- c) No Excavation Permit shall be issued if the proposed work would be apt to:
  - i) Create a hazard to human life;
  - ii) Cause injury to a person;
  - iii) Damage adjoining property;
  - iv) Adversely affect a public water main or sewer, or watercourse or street; or
  - v) Cause geological instability or flood hazard to the extent that no reasonable amount of work could be undertaken to correct or eliminate or sufficiently reduce the hazard
- d) No excavation shall take place below the base agreed upon pursuant to Section 4.23;
- e) Access to the excavation site and public streets over which excavated material is transported are maintained by the person named in the permit in a dust-free condition, as by paving, sweeping or the use of calcium chloride;
- f) Excavation, and any work related thereto, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays;
- g) Adequate measures shall be taken to prevent surface water from damaging the face of the excavation;
- h) Neither the top or toe of the slope of the excavation, or any building or structure or storage or repair in connection therewith, is within 15m of an abutting property line;
- i) Annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 Horizontal to 1 Vertical for the full depth thereof;
- j) The land of the site of the excavation is rehabilitated as described in the approved rehabilitation plan; and
- k) Where a person violates any of the terms and conditions mentioned in 4.23.2, or any provision of this section, the Development Officer or Council may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.

#### ***4.23.2.3 EXCAVATION SITE REHABILITATION***

- a) The land of the site of the excavation for which a permit has been issued hereunder shall be rehabilitated by the owner thereof within the time limit mentioned in the permit, upon
  - i) depletion of excavation material from the site to the extent that further operation would be no longer viable;
  - ii) failure to seek renewal of an elapsed or cancelled permit; or
  - iii) cessation of operation for a period of at least one year.
- b) Rehabilitation mentioned in subsection (a) shall include the following:
  - i) where an excavation is over 6 m deep, a terrace shall be provided not less than 6m in width at each 6 metre interval of the depth;
  - ii) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;

- iii) all plants, equipment, buildings or structures, placed or erected on the site for purposes of the excavation shall be removed;
  - iv) all stock piles, earth, sand, gravel or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common grade with the rest of the land; and
  - v) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 152 mm (6 in.) and seeded with grass or other ground cover to prevent erosion.
- c) Where an owner fails to meet the requirements of this section, Council may cause the required rehabilitation to be carried out and may recover all cost connected therewith from the owner.

#### 4.24 TEMPORARY CONSTRUCTION TRAILERS

- a) Temporary construction trailers are permitted in any zone except a Residential Zone for a period not exceeding one year.
- b) An office trailer, tool shed or scaffolding associated with the undertaking of a development in any zone are permitted on the same lot as the development provided they are removed within 14 days of the completion of the work.

#### 4.25 TEMPORARY OR PORTABLE GARAGES

Portable garages are permitted on all lots where accessory structures are permitted and must comply with the zone provisions of the zone where they are located and are subject to the followings standards:

- a) a Development Permit is required for portable garages of 56 square metres or less for the first installation. An additional Development Permit is required only if subsequent installations occur in a different location.
- b) portable garages larger than 56 square metres require a building permit and must comply with the National Building Code, require a foundation and an engineer's stamp on the design structure.

Amendment #13, August 2024

#### 4.26 UNDERSIZED LOTS

This By-law does not prevent the use of an existing lot that does not conform to minimum size requirements provided:

- a) that the use of such lot is permitted in the zone in which said lot is located; and
- b) that the setbacks, height, coverage and all other relevant requirements of the zone are maintained.

#### 4.27 UTILITIES AND INFRASTRUCTURE

- a) This By-law prohibits the erection of any building in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, street or other services or facilities.
- b) No lot may be developed or used for residential purposes unless such lot is serviced by municipal water and sanitary sewer facilities.
- c) Notwithstanding section (b), in an area where municipal water and sewer services cannot be reasonably arranged or extended at the discretion of Council, the installation of on-site services may be considered in alignment with the appropriate Provincial regulations and permits.

Amendment #14, August 2024

#### 4.28 VEHICLE BODIES

- a) A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels having been removed, shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure in any zone.
- b) Notwithstanding section (a), a shipping container may be used as an accessory building or structure in the General Commercial or Corridor Commercial Zones subject to the following:
  - (i) the shipping container shall be in the rear yard; and
  - (ii) the shipping container shall be set back from the side and rear lot line by a minimum of 3 metres.
- c) Subject to subsection (d) below, any recreational equipment or unoccupied non-commercial trailer shall be stored in the rear yard of a main building or an accessory building.
- d) Where an unoccupied trailer is stored in a rear yard, it shall be at least
  - (i) 1.5 metres from a side or rear lot line; and
  - (ii) 3 metres from any building or structure.
- e) Shipping containers proposed for seasonal, temporary use will be considered through Temporary Use Applications as described in section 2.10.

#### 4.29 DEVELOPMENT IN PROTECTED WELLFIELD AREA

In addition to the standards and conditions presented by the By-law, a developer proposing a development within a Wellfield Protected Area shall provide confirmation from the appropriate Provincial Department that the development is in compliance with the Wellfield Protected Area Designation Order under the Clean Water Act. Amendment #15, August 2024



#### 4.30 YARDS

Notwithstanding any other provision of this By-Law,

- a) with respect to a corner or through lot, no building or structure may be placed, erected or altered thereon so that it is closer to a side or rear lot line which is also a street line than the minimum front yard depth for the lot to the rear of the corner lot, or the lot abutting the rear portion of the through lot;
- b) with respect to a corner or through lot in a Commercial or Industrial zone abutting a Residential zone, no building or structure may be placed, erected or altered thereon so that it has a front yard on the street along which the Residential zone is located;
- c) the use of a side or rear yard of a lot mentioned in clause (b) which forms part of a frontage, the balance of which is in an Residential zone for the purposes of an access from the street, is permitted only if approved by the Planning Advisory Committee and only on compliance with such terms and conditions as may be imposed by the Planning Advisory Committee;
- d) where a side yard of a lot in a Commercial or Industrial zone abuts a Residential zone
  - i) no building or structure may be placed, erected or altered on such lot so that it is closer to the Residential zone than a distance equal to the greater of
    - (A) one-half the structure or the height of the building or
    - (B) 3 m, and
  - ii) such yard shall
    - (A) be landscaped with, ornamental shrubs, and at least, lawn; and
    - (B) not be used as a driveway or for purposes of storage;
- e) no yard is required along a railway right-of-way in an Industrial zone.

## 5. STANDARDS FOR USES PERMITTED IN MULTIPLE ZONES

### 5.1 ACCESSORY BUILDINGS AND STRUCTURES

#### 5.1.1 GENERAL PROVISIONS ACCESSORY BUILDINGS AND STRUCTURES

- a) Except as otherwise provided by this By-law, any lot containing a main building or use may also contain one or more accessory buildings, structures, or storage tanks subject to the requirements of this section.
- b) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered so as to be in the required front or flankage yard of a main building or structure.
- c) Except as otherwise provided by this By-law, an accessory building or structure shall be erected, placed, or altered in accordance with the following:

- i) **Minimum Cumulative Ground Floor Area**

- The total lot coverage of all accessory structures, including a detached private garage, shall not exceed:

- a. Within the R1S zone, a maximum of 30 m<sup>2</sup>, not exceeding lot occupancy requirements;
    - b. In all other Residential Zones: 75m<sup>2</sup> or 5% of the lot area up to a maximum of 150m<sup>2</sup>, not exceeding the lot occupancy requirements;
    - c. All other zones: 75m<sup>2</sup> or 5% of the lot area up to a maximum of 250m<sup>2</sup>, not exceeding the lot occupancy requirements.

Amendment #16, August 2024

- ii) **Side and Rear Yard Setback Requirements:**

- a. **Residential**

- In residential zones any accessory structure, heat pump or storage tank may be built or located in a side yard or rear yard provided that any structure so erected shall be a distance of at least 1.5 metres from the side lot line or rear lot line.

- b. **All other zones**

- In all other zones, any accessory structure or storage tank shall be at least 3 metres from the side lot line or rear lot line.

- iii) **Front Yard Setback Requirements:**

- No accessory building or structure may be placed within the required front yard setback area of the zone.

- iv) **Height**

**a. Residential**

No accessory structure, excluding a satellite dish and communication tower, shall exceed the height of the main building on a lot in a residential zone and in no case shall it exceed 9 metres in height measured from average grade to the highest point of any portion of the roof.

**b. All other zones**

No accessory structure, excluding a satellite dish and communication tower, shall exceed a maximum height of 11 metres. Where abutting a residential zone; accessory buildings over 9 metres will require an additional 1metre side and year yard setback for each additional metre in height to a maximum of 5 metres.

**v) Corner Lots**

In zones which permit accessory structures, no accessory structure, including storage tanks, satellite dishes and communication towers, shall be erected on a corner lot at a distance from the street line less than the front yard and corner lot side requirements for the main building.

**vi) Garages for Semi-Detached Dwellings**

Garages for semi-detached dwellings may be centered on the mutual lot line if erected simultaneously on both lots as one structure.

**vii) Separation of Structures**

No part of an accessory building or structure should be located within 1.5 metres of the main building on the lot.

**viii) Permitted Uses**

No accessory building shall be used for agricultural purpose or keeping of animals other than household pets, unless in the Rural and Agricultural (RU) Zone

**ix) Multiple Accessory Buildings Per Lot**

The maximum number of accessory buildings on any lot is three, not exceeding total lot occupancy requirements.

**5.1.2 ACCESSORY BUILDINGS OR STRUCTURES ERECTED PRIOR TO MAIN BUILDING**

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

- a) a building permit for the main building or structure is obtained first;
- b) the main building or structure will be completed within one year from the date of the issuing of the permit therefore; and
- c) the accessory building or structure is located
  - i) as indicated on the plot plan
  - ii) on the rear half of the lot, and

- iii) so as to not interfere with the practical usefulness of the main building or structure.

### 5.1.3 SHIPPING CONTAINERS AS ACCESSORY BUILDINGS

Notwithstanding section 4.2 of this By-law: Amendment #17, August 2024

- a) Shipping containers shall not be permitted as accessory buildings in a Residential Zone or Mixed Use Zone.
- b) Shipping containers are permitted to be used as an accessory building in a Commercial Zone provided they are located in the rear yard and not visible from the street line.
- c) Shipping containers shall be permitted to be used as an accessory building in an Industrial Zone, Institutional Zone, and Agricultural and Rural Lands Zone provided they are not placed in the front yard of any lot, or between the main building and any street.

### 5.1.4 SWIMMING POOLS

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool is permitted in any zone subject to the following requirements:

- a) The swimming pool use must be accessory to the main use of the lot;
- b) The swimming pool shall not be located in the front, side, or flankage yard in any zone;
- c) The swimming pool shall not be closer than two metres from any lot line;
- d) No overhead electrical power line shall be placed over that area of a swimming pool enclosed by a fence or structure as provided in section 5.1.5. Similarly, no swimming pool shall be placed or erected underneath an existing overhead electrical power line.

### 5.1.5 SWIMMING POOL ENCLOSURES

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool shall be completely enclosed by a fence or a combination of a permanent structure and a fence that prevents access to the pool from the street or abutting lot.

- a) The swimming pool enclosure shall completely enclose the swimming pool;
- b) The swimming pool enclosure shall create a barrier that is no less than 1.5 metres in height when measured from the ground to the top of the fence, gate, or structure, enclosing the pool.
- c) The swimming pool enclosure shall have no opening greater than 10 centimetres in the barrier(s) required in subparagraph (b).

### 5.1.6 SWIMMING POOL ACCESS

Notwithstanding other provisions presented in this By-law, an outdoor swimming pool shall be accessed by:

- a) A self-closing and self-latching gate that is a minimum height of 1.5 metres;
- b) A main building of structure, subject to 5.1.5; or
- c) An accessory building or structure, subject to 5.1.5.

## 5.2 BED AND BREAKFASTS AND TOURIST HOMES, INCLUDING INNS

Where permitted, Bed and Breakfasts and Tourist Homes shall:

- a) Be limited to one unit dwellings;
- b) Limit Bed and Breakfast operations to no more than five (5) sleeping units in the building or as regulated by the appropriate provincial department; Amendment #18, August 2024
- c) Limit Inn operation to no more than ten (10) sleeping units in the building;
- d) Not permit any sign visible from the outside of the house, advertising the existence of the Bed and Breakfast, Tourist Home, or Inn or the availability of a room except:
  - (i) in a Residential Zone, one non-illuminated sign attached to the building not exceeding 0.4 square metres in area is permitted;
  - (ii) in all other zones, one non-illuminated fascia sign not exceeding the provisions in the Sign By-law for a fascia sign.
- e) Not permit a Group Home, Residential Care Facility, Support Facility, Home Occupation or Daycare Facility on the same lot;
- f) Bed and Breakfast, Tourist Home, or Inn shall be licensed by the agency/agencies having jurisdiction or authority.

## 5.3 BOARDING AND ROOMING HOUSES

A boarding or rooming house is subject to the requirements that:

- a) accommodations for compensation are provided for no more than ten persons;
- b) the use shall not be within 60 metres of another lot that also contains a boarding or rooming house;
- c) no Group Home, Residential Care Facility, Supportive Care Facility, Home Occupation, or Day Care Facility be permitted on the same lot;
- d) cooking equipment is not permitted in a room used for sleeping accommodation;
- e) the exterior of the building is not altered;
- f) required parking is provided at the rear or the side of the building; and
- g) no sign advertising the existence of the boarding or rooming house shall be displayed except as permitted in the Sign By-law.

## 5.4 DAY CARES

### 5.4.1 NEIGHBOURHOOD DAY CARES

Where permitted by this By-law, a Neighbourhood Day Care may be permitted as a secondary use in a one unit, two unit, semi-detached dwelling, or townhouse dwelling subject to the following requirements:

- a) A Neighbourhood Day Care complies with the daycare regulations of the *Early Childhood Services Act* of the Province of New Brunswick;
- b) A Neighbourhood Day Care shall have no more than 15 children in care;
- c) Any fenced, outdoor play area must be in the rear yard;
- d) A Neighbourhood Day Care shall be located on a street with unrestricted on-street parking or the provision of an off-street drop-off area must be provided which limits the obstruction of passing traffic;
- e) The Fire Marshall certifies the area in which the business is to be conducted meets the appropriate requirements; and
- f) No Bed and Breakfast, Garden Suite, Secondary Suite, or Supportive Facility is permitted in any building on the lot.

### 5.4.2 DAY CARE CENTRE

Where permitted by this By-law, a Day Care Centre shall be subject to the following requirements:

- a) A Day Care Centre complies with the daycare regulations of the Early Childhood Services Act of the Province of New Brunswick;
- b) Any fenced or outdoor play area shall be in the rear yard;
- c) One on-site parking space shall be provided for every five children; and
- d) Pick-up and drop-off of children must occur on-site and have limited impact on neighbourhood traffic patterns.

## 5.5 GARDEN SUITES

Where permitted by this By-law, a one or two-unit dwelling may also contain a Garden Suite subject to the following:

- a) The Garden Suite shall not exceed a maximum gross floor area of 75 square metres;
- b) The Garden Suite must be serviced from and in the same manner as the main building via one set of laterals to the building or by the same on site services as the main building;
- c) The height of the Garden Suite shall not exceed the height prescribed for an accessory building in Section 5.1 of this Bylaw;
- d) The Garden Suite shall be in the rear yard of the main building;
- e) The Garden Suite shall be of a similar appearance and design as the main building; and
- f) There shall be at least one on-site parking space provided for the Garden Suite.

## 5.6 HOME OCCUPATIONS

### 5.6.1 HOME OCCUPATION GENERAL REQUIREMENTS

In addition to all other requirements of this By-law, the following shall apply to all Home Occupations:

- a) A Home Occupation may be permitted as an secondary use within a dwelling unit or an accessory building, or both for the same home occupation, and must be clearly secondary to the residential use;
- b) A Home Occupation shall be the principle residence of the operator;
- c) The maximum area of the Home Occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit;
- d) When the Home Occupation operates from an accessory building, the accessory building shall meet the regulations for maximum gross floor area permitted on the property;
- e) A Home Occupation may be housed in a combination of the main dwelling unit and an accessory building provided that the area utilized does not exceed 25% of the dwelling unit;
- f) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- g) The Home Occupation will meet the parking requirements set out in Section 4.18;
- h) The Home Occupation will meet the signage requirements as set out in the Signage By-law;
- i) The following environmental standards shall apply:
  - i. No emissions of odorous gas or particulates that can be discerned at the lot line;
  - ii. No production of noise in excess of a normal street traffic experience;
  - iii. No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
  - iv. No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
  - v. Outdoor storage must be located in the rear yard containing the Home Occupation and must be screened.

### 5.6.2 HOME OCCUPATIONS PERMITTED BY DEVELOPMENT PERMIT

- a) Art or Craft Person Studio
- b) Bed & Breakfast
- c) Home Business Office – no additional staff
- d) Neighbourhood Day Care

### 5.6.3 HOME OCCUPATIONS PERMITTED BY COMMITTEE APPROVAL

- a) Art Studio with Gallery
- b) Carpentry and Repair Shops, including incidental retail sales
- c) Catering Establishments, including incidental retail sales
- d) Doggie Daycares
- e) Home Office with Staff, including instructional services
- f) Personal Service



- g) Pet Grooming
- h) Or other similar uses. Amendment #19, August 2024

#### 5.6.4 ADDITIONAL REQUIREMENTS FOR PET GROOMING HOME OCCUPATIONS

- a) Outdoor kennels for animals associated with the business are not permitted;
- b) No overnight accommodation for animals associated with the business is permitted; and
- c) The number of animals associated with the business shall not exceed 5 on the lot at any given time.

#### 5.7 KEEPING OF CHICKENS AND FOWL

Subject to the terms and conditions of the Planning Advisory Committee, the keeping of chickens and fowl shall comply with the following:

- a) A maximum of 6 hens shall be kept;
- b) Roosters are prohibited;
- c) The owner of the hens shall reside on the lot where the chickens are kept;
- d) The sale of eggs or meat and the slaughter of animals on the lot is prohibited;
- e) Manure is not to be stored on-site unless in a sealed container;
- f) Hens are not permitted to roam at large; and
- g) A roofed enclosure consisting of a chicken coop connected to a chicken run shall be provided in the rear yard of the main building and shall:
  - i) Be fully enclosed by wire fencing and impermeable to predators;
  - ii) Be visually screened from a public street and neighbouring properties; and
  - iii) Be no closer than two metres to any side lot line or rear lot line, and shall have a minimum separation distance of 7.5 metres from a main building on an adjoining lot and 30 metres from any existing well on an adjoining lot.
  - iv) Any combination of the above.
- h) Section 5.7 and the provisions therein, do not apply in the Rural zone.

Amendment #20, #21, & 43 August 2024

#### 5.8 OUTDOOR STORAGE

Where permitted by this By-law, Outdoor Storage shall be in accordance with the following:

- a) The storage area shall be enclosed by a fence, either wooden or chain-link covered with filler strips woven into the mesh, or a walled structure or berm, or any combination thereof. These structures may also include a gate;
- b) The enclosure described in subsection (a) shall have a height of a 2.5 metres when abutting a Residential zone, and 2 metres when abutting any other zone; and
- c) In no case shall the materials being stored be higher than the enclosure.

## 5.9 SECONDARY SUITES

Where permitted by this By-law, a one-unit, two-unit, rowhouse, and townhouse dwelling may also contain a Secondary Suite subject to the following:

- a) It shall not exceed 40% of the gross floor area of the main dwelling unit or 75 square metres, whichever is less;
- b) Shall have an entrance to the side or rear of the building;
- c) The suite must be serviced from and in the same manner as the main building via one set of laterals to the building or by the same on site services as the main building;
- d) The presence of the Secondary Suite shall not change the exterior appearance of the main building; and
- e) One on-site parking space shall be provided for the Secondary Suite.

## 5.10 SUPPORTIVE FACILITY

Where permitted by this By-law, the Supportive Facility shall comply with the following:

- a) Maintain a minimum radius of 183 metres from another lot also containing a supportive facility if both are in a residential zone;
- b) Within the Two –Unit Residential Zone, Supportive Facility uses shall be limited to 5 residents;
- c) Within the Multiple Unit Residential Zone, Supportive Facility uses shall be limited to 12 residents;
- d) A Bed and Breakfast, Home Occupation, Day Care Facility, or Secondary Suite are not permitted on the same lot;
- e) When considering the conditional use of the Supportive Facility, the Committee may consider the following:
  - i) The location of the facility relative to a main or arterial street;
  - ii) The impacts to adjacent properties; and
  - iii) The local need for the facility in the Town.

## 6. RESIDENTIAL ZONES

### 6.1 ONE UNIT RESIDENTIAL (R1)

The intention of this zone is to permit the traditional single-unit dwelling format found in subdivision-style development patterns throughout the Town. This zone accommodates more uniform land use patterns through consistent setbacks and limited variety of uses. The R1 zone allows for the gradual evolution of neighbourhoods through the conditional permitting of a range of home occupations, secondary units, and garden suites.

#### 6.1.1 PERMITTED USES:

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Dwelling, One-unit

#### 6.1.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.1.1:

- a) Bed and Breakfast, subject to section 5.2
- b) Day Care, Neighbourhood, subject to Section 5.4
- c) Garden Suite, subject to section 5.5
- d) Home Occupation, subject to Section 5.6
- e) Secondary Suite, subject to section 5.9

Amendment #22, August 2024

#### 6.1.3 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Keeping of Chickens and Fowl, subject to section 5.7
- b) Supportive Facility

Amendment #23, August 2024

#### 6.1.4 ZONE STANDARDS

- |                                       |                   |
|---------------------------------------|-------------------|
| a) Minimum Lot Area, Interior Lot     | 690 square metres |
| b) Minimum Lot Area, Corner Lot       | 780 square metres |
| c) Minimum Lot Frontage, Interior Lot | 23 metres         |
| d) Minimum Lot Frontage, Corner Lot   | 26 metres         |

e)	Minimum Lot Depth	30 metres
f)	Minimum Front Yard	9 metres
g)	Minimum Rear Yard	7 metres
h)	Minimum Side Yard	2 metres
i)	Minimum Flankage Yard	3.5 metres
j)	Minimum Ground Floor Area:	
	i. 1 Storey	89 square metres
	ii. Split-Level	71 square metres
	iii. 1 ½, 2, or 3 Storeys	62 square metres
k)	Maximum Building Height	11 metres
l)	Maximum Lot Occupancy	50 percent
m)	Other Requirements in accordance with Sections 4-5	

6.2 SMALL LOT ONE UNIT RESIDENTIAL (R1S)

The intention of the R1S zone is to accommodate more compact subdivision-style development such as garden homes, townhouses, and other innovative residential subdivision layouts. These areas primarily consist of smaller, one-unit or semi-detached dwellings but townhouse-style development may be accommodated as a conditional use.

6.2.1 PERMITTED USES

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Dwelling, One-unit
- b) Dwelling, Semi-Detached

6.2.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.2.1:

- a) Home Occupation, subject to section 5.6

6.2.3 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Dwelling, Townhouse
- b) Garden Suite, subject to section 5.5
- c) Deleted Amendment #24, August 2024
- d) Secondary Suite, subject to section 5.9

6.2.4 ZONE STANDARDS

a) Minimum Lot Area, Interior Lot	320 square metres
b) Minimum Lot Area, Corner Lot	420 square metres
c) Minimum Lot Frontage, Interior Lot	11 metres
d) Minimum Lot Frontage, Corner Lot	14 metres
e) Minimum Lot Depth	30 metres
f) Minimum Front Yard	6 metres
g) Minimum Rear Yard	6 metres

h)	Minimum Side Yard	1.5 metres
i)	Minimum Flankage Yard	3.5 metres
j)	Minimum Ground Floor Area:	
	i.    1 Storey	89 square metres
	ii.   Split-Level	71 square metres
	iii.  1 ½, 2, or 3 Storeys	62 square metres
k)	Maximum Building Height	9 metres
l)	Minimum Building Width	7 metres
m)	Maximum Lot Occupancy	50 percent
n)	Other Requirements in accordance with Sections 4-5	

## 6.3 ONE AND TWO-UNIT RESIDENTIAL (R2)

The intention of the R2 zone is to permit gentle increases in density between areas of uniform, one-unit neighbourhoods and more dense residential or commercial development. The R2 zone permits up to 6 dwelling units in a variety of housing typologies to allow for a transition between low density and moderate density development. This zone also allows for the sensitive integration of home occupations, secondary suites and garden suites, and day care uses.

### 6.3.1 PERMITTED USES:

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Dwelling, One-unit
- b) Dwelling, Two-unit or Semi-detached
- c) Dwelling, Row or Townhouse dwelling up to and including 6 units
- d) Dwelling, Multiple up to and including 6 units

### 6.3.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.3.1:

- a) Day Care, Neighbourhood, subject to subsection 5.4
- b) Garden Suite, subject to Section 5.5
- c) Home Occupation, subject to Section 5.6
- d) Secondary Suite, subject to section 5.9

### 6.3.3 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Bed and Breakfast, subject to section 5.2
- b) Group Home
- c) Keeping of Chickens and Fowl, subject to Section 5.7
- d) Supportive Facility Amendment #25, August 2024

### 6.3.4 CONDITIONS OF USE

- a) Dwellings with two dwelling units permitted in subsection 6.3.1 shall have:
  - i) Minimum frontage of 7.5 metres per unit;
  - ii) Minimum lot depth of at least 30 metres per unit; and
  - iii) Minimum lot area of 225 square metres per unit.



## b) Standards for Row and Townhouses

Rowhouses and Townhouses are subject to the further requirements:

- a. no series or group shall contain more than
  - i. 6 dwelling units with the same or approximately the same front building line,
  - ii. 85 m in continuous length;
  - iii. 40 m of continuous building line which means either the same front building line of two or more adjacent units, or the front building lines of two or more adjacent units that are not offset by more than one metre from each other.
- b. no front wall of row or town house is placed, erected or altered so that any part of such wall is closer to
  - i. the front wall of another row or town house than 21m, or
  - ii. the side wall of another row or town house than 7 m
- c. no side wall of a row or town house is placed, erected or altered so that any part of such wall is closer to a side wall of another row or town house than 7.5 m;
- d. no rear wall of a row or town house is placed, erected or altered so that any part of such wall is closer to
  - i. the rear wall of another row or town house than 15 m
  - ii. the side wall of another row or town house than 7.5 m

## 6.3.5 ZONE STANDARDS

- |  |                   |
|--|-------------------|
| n) Minimum Lot Area, Interior Lot          | 690 square metres |
| o) Minimum Lot Area, Corner Lot            | 780 square metres |
| p) Minimum Lot Area, Multiple              | 690 square metres |
|  |                   |
| or For each unit having 3 or more bedrooms | 80 square metres  |
| For each unit having 2 bedrooms            | 60 square metres  |
| For each one bedroom or studio unit        | 50 square metres  |
| q) Minimum Lot Frontage, Interior Lot      | 23 metres         |
| r) Minimum Lot Frontage, Corner Lot        | 26 metres         |

- s) Minimum Lot Depth 30 metres
- t) Minimum Front Yard 9 metres
- u) Minimum Rear Yard 7 metres
- v) Minimum Side Yard 2 metres
- w) Minimum Flankage Yard 3.5 metres
- x) Minimum Ground Floor Area:
  - i. One-Unit Dwelling or Two-Unit Dwelling
    - 1. 1 Storey 89 square metres
    - 2. Split-Level 71 square metres
    - 3. 1 ½, 2, or 3 Storeys 62 square metres
  - ii. Semi-Detached Dwelling
    - 1. 1 Storey 70 square metres
    - 2. Split-Level 65 square metres
    - 3. 1 ½, 2, or 3 Storeys 55 square metres
- y) Maximum Building Height 11 metres
- z) Minimum Building Width 7 metres
- aa) Maximum Lot Occupancy 50 percent
- bb) Other Requirements in accordance with Sections 4-5

## 6.4 MEDIUM DENSITY RESIDENTIAL (R3)

(Formerly Single and Two-Family Residential and Up to and Including Six-Family Residential (R3))

The R3 zone accommodates medium density development including townhouses, apartments, semi-detached, two-unit, and one unit dwellings. It is intended to be applied in the medium to high density residential designation found in the Municipal Plan. Land use in the R3 zone are typically evolving towards or are adjacent to mixed use areas and are generally close to amenities like sidewalks, trails, and commercial areas.

### 6.4.1 PERMITTED USES:

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Dwelling, Multiple, up to 28 units, subject to section 6.4.4 Amendment #26, August 2024
- b) Dwelling, Two-unit or Semi-detached
- c) Dwelling, Row or Townhouse, up to 12 units
- d) Day Care Centre, subject to section 5.4
- e) Group Home
- f) Supportive Facility, subject to section 5.10

### 6.4.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.4.1:

- a) Day Care, Neighbourhood, Subject to section 5.4
- b) Garden Suite, subject to section 5.5
- c) Home Occupation, subject to section 5.6
- d) Secondary Suite, subject to section 5.9

### 6.4.3 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Bed and Breakfast, subject to section 5.2
- b) Boarding /Rooming House, subject to section 5.3
- c) Convenience Store
- d) Dwelling, One-Unit

#### 6.4.4 CONDITIONS OF USE

Multiple Dwellings permitted in section 6.4.1 are subject to the following requirements:

- a) Parking, as required by section 4.18, shall not be located in any required front yard; and
- b) An amenity area separate and apart from any required landscaped or parking area shall be provided and contain an area of at least 20 square metres, with no dimension less than 5 metres, plus one additional metre for each dwelling unit.

#### 6.4.5 ZONE STANDARDS

a) Minimum Lot Area:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

Interior Lot	690 square metres
Minimum Lot Area, Corner Lot	780 square metres

Multiple Dwelling, or Townhouse Dwelling

Interior Lot	900 square metres
Corner Lot	990 square metres

b) Minimum Lot Frontage:

One-Unit Dwelling, Two-Unit Dwelling, or Semi-Detached Dwelling

Interior Lot	23 metres
Corner Lot	26 metres

Multiple Dwelling

Interior Lot	30 metres
Corner Lot	33 metres

Townhouse Dwelling, Each Unit

11.5 metres

c) Minimum Lot Depth

30 metres

d) Minimum Front Yard

One-Unit Dwelling, Two-Unit Dwelling,  
or Semi-Detached Dwelling

6 metres

e)	Maximum Front Yard for Multiple Dwelling or Townhouse Dwelling	9 metres
f)	Minimum Rear Yard	7 metres
g)	Minimum Side Yard	2 metres
h)	Minimum Flankage Yard	3.5 metres
i)	Minimum Ground Floor Area:	
	One-Unit Dwelling or Two-Unit Dwelling	
	1 Storey	89 square metres
	Split-Level	71 square metres
	1 ½, 2, or 3 Storeys	62 square metres
	Semi-Detached Dwelling	
	1 Storey	70 square metres
	Split-Level	65 square metres
	1 ½, 2, or 3 Storeys	55 square metres
j)	Minimum Gross Floor Area for a Dwelling in a Multiple Dwelling:	
	For a Dwelling Unit having 3 or more bedrooms	63 square metres
	For a Dwelling Unit having 2 bedrooms	53 square metres
	For a Dwelling Unit having 1 bedroom	35 square metres
	For a bachelor or studio dwelling unit	28 square metres
k)	Maximum Building Height	15 metres
l)	Minimum Building Width	7 metres
m)	Maximum Lot Occupancy	50 percent

cc) Other Requirements in accordance with Sections 4-5

6.5 HIGH DENSITY RESIDENTIAL (R4)

The R4 zone accommodates multi-unit residential developments. This zone is intended for lands within the Medium to High Density Residential land use designation in the Municipal Plan. These increasingly dense residential uses are typically positioned near mixed use and commercial areas with easy access to arterial roads, sidewalks, and other public amenities.

6.5.1 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.4.1:

- a) Home Occupation, subject to section 5.6
- b) Convenience Store
- c) Day Care, subject to section 5.4
- d) Office, subject to section 6.5.3

Amendment #27, August 2024

6.5.2 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Dwelling, Multiple, subject to section 6.5.3

6.5.3 CONDITIONS OF USE

- a) New Multiple Dwellings proposed in the R4 zone will require the developer to enter into a Developer Agreement with the Town upon the approval of their development proposal by Council.
- b) Multiple Dwellings, where permitted, are subject to the following requirements:
  - i. Parking, as required by section 4.18, shall not be located in any required front yard; and
  - ii. An amenity area separate and apart from any required landscaped or parking area shall be provided and contain an area of at least 20 square metres, with no dimension less than 5 metres, plus one additional metre for each dwelling unit.
- c) An office use shall be permitted only when related to the management or maintenance of the Multiple Dwelling.

Proposed Amendment #28, June 2024

6.5.4 ZONE STANDARDS

- a) Minimum Lot Area:

Interior Lot	900 square metres
Corner Lot	990 square metres

- |    |  |            |
|----|--|------------|
| b) | Minimum Lot Frontage:                              | 22 metres  |
| c) | Minimum Lot Depth                                  | 30 metres  |
| d) | Minimum Front Yard                                 | 3 metres   |
| e) | Maximum Front Yard                                 | 9 metres   |
| f) | Minimum Rear Yard                                  | 7 metres   |
| g) | Minimum Side Yard                                  | 2 metres   |
| h) | Minimum Flankage Yard                              | 3 metres   |
| i) | Maximum Building Height                            | 15 metres  |
| j) | Maximum Lot Occupancy                              | 50 percent |
| k) | Other Requirements in accordance with Sections 4-5 |            |



## 6.6 MINI HOME PARK (MHP) ZONE

The Mini Home Park zone accommodates the needs and site characteristics required for the clustered development of mini homes. The zone is applied to existing mini home parks with newly proposed parks required to go through the rezoning process.

### 6.6.1 PERMITTED USES

Any land, building or structure may be used for the purposes of and for no other purpose, than:

- a) Mini Home Dwelling

### 6.6.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 6.6.1:

- a) Home Occupation subject to section 5.6

### 6.6.3 CONDITIONAL USES

Any land, building or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Day Care, Neighbourhood subject to section 5.4
- b) Convenience Store
- c) Office

### 6.6.4 ZONE STANDARDS

a) Minimum Lot Area	465 square metres
b) Minimum Lot Frontage	15 metres
c) Minimum Lot Depth	30 metres
d) Minimum Front or Flankage Yard	6 metres
e) Minimum Rear Yard	6 metres
f) Minimum Side Yard	2 metres
g) Minimum Distance of any Building, Structure, or Mini Home from a Public Street	12m
h) Minimum Distance of a Lot from a Public Street	7.5
i) Minimum Distance between Mini Homes	7.5

- j) Maximum Building Height 11 metres
- h) Other Requirements in accordance with Sections 4-5

Amendment #29, August 2024

## 7. COMMERCIAL ZONES

### 7.1 DOWNTOWN COMMERCIAL (DC)

The DC zone is associated with the Town's Downtown Core as designated in the Municipal Plan. The Downtown is the cultural hub of the Town and therefore a broad mixture of uses are considered in the zone. These uses capture the traditional mixed use development pattern common in historic downtowns and allow the strong small business presence of the Downtown to continue.

#### 7.1.1 PERMITTED USES

Any land, building, or structure may be used for one or more the following purposes of and for no other purpose than:

- a) Accommodation
- b) Amusement Place
- c) Artist or Craftsperson Studio
- d) Bakery
- e) Banquet Hall
- f) Bar, Club, or Lounge
- g) Bed and Breakfast
- h) Convenience Store
- i) Commercial Recreation
- j) Cultural Facility
- k) Day Care Centre, subject to Section 5.4
- l) Dwelling Unit, above the ground floor
- m) Dwelling Unit, Multiple up to 22 units
- n) Entertainment Use
- o) Farmers Market
- p) Financial Office
- q) Health, Fitness and Wellness Facility
- r) Grocery Store
- s) Medical Clinic
- t) Microbrewery
- u) Municipal or Provincial Building
- v) Office
- w) Personal Service
- x) Repair Service
- y) Retail Store
- z) Place of Worship
- aa) Restaurant, excluding drive-thru

### 7.1.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 7.1.1:

- a) Home Occupation, subject to section 5.8

### 7.1.3 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Auto Dealership
- b) Dwelling Unit, ground floor
- c) Dwelling, Townhouse up to 6 units, subject to 7.1.4
- d) Rooming or Boarding House, subject to section 5.3
- e) Service Station, including car wash
- f) Supportive Facility, subject to 5.10

### 7.1.4 CONDITIONS OF USE

#### 7.1.4.1 *TOWNHOUSE DWELLINGS IN A SERIES OR GROUP*

Townhouse dwellings permitted in subsection 7.1.3 are subject to the following requirements:

- a) Shall not have a continuous front building line greater than 42 metres;
- b) Shall be separated a minimum of 7 metres between two series of townhouses;
- c) No front wall shall be located so that any part of the front wall is closer than 21 metres to a front wall of another townhouse series;
- d) No rear wall shall be located so that any part of the rear wall is closer than 16 metres to a rear wall of another townhouse series;
- e) Each dwelling shall not occupy more than 35% of the area of the lot.

#### 7.1.4.2 *MULTIPLE DWELLING DEVELOPMENTS*

Multiple Dwelling Developments permitted in subsection 7.1.1 are subject to the following requirements:

- b) Parking, as required by section 4.18, shall not be located in any required front yard; and
- c) An amenity area separate and apart from any required landscaped or parking area shall be provided and contain an area of at least 20 square metres, with no dimension less than 5 metres, plus one additional metre for each dwelling unit.

#### 7.1.4.3 *Personal Service – Dry Cleaning Depot*

A dry cleaning depot, permitted as a Personal Service under subsection 7.1.1, shall be for the drop-off and pickup of fabrics, textiles, or other clothing articles to be cleaned off-site at a dry cleaning plant.

#### 7.1.5 ZONE STANDARDS

(a) Minimum Frontage for a Business is 6 metres.

(b) For Multiple or Townhouse Dwelling Units permitted in subsection 7.1.1, the following standards apply:

i. Minimum Lot Area

Multiple Dwelling	450 square metres
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Townhouse Dwelling, Each Unit	
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Interior Lot	345 square metres
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Corner Lot	515 square metres
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ii. Minimum Lot Frontage

Multiple Dwelling	
-------------------	--

Interior Lot	50 metres
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Corner Lot	52 metres
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Townhouse Dwelling, Each Unit	11.5 metres
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iii. Minimum Lot Depth

Multiple Dwelling	50 metres
-------------------	-----------

Townhouse Dwelling, Each Unit	30 metres
-------------------------------	-----------

iv. Minimum Front Yard

Multiple Dwelling	nil
-------------------	-----

Townhouse Dwelling, Each Unit	1.5 metres
-------------------------------	------------

v. Maximum Front Yard for Multiple Dwelling or Townhouse Dwelling

6 metres
----------

vi. Minimum Rear Yard

6 metres
----------

vii. Minimum Side Yard

1.5 metres
------------

viii. Minimum Flankage Yard

3.5 metres
------------

ix. Minimum Gross Floor Area for a Dwelling in a Multiple Dwelling:

	For a Dwelling Unit having 3 or more bedrooms	63 square metres
	For a Dwelling Unit having 2 bedrooms	53 square metres
	For a Dwelling Unit having 1 bedroom	35 square metres
	For a bachelor or studio dwelling unit	28 square metres
x.	Maximum Building Height	
	Multiple Dwelling	15 metres
	Townhouse Dwelling	11 metres
xi.	Maximum Lot Occupancy	80 percent
i)	Other Requirements in accordance with Sections 4-5	

## 7.2 MIXED USE (MU) ZONE

The MU zone is used to capture a mixture of commercial and residential uses within a single structure or lot located outside of the Town's Downtown. The commercial uses permitted in the MU zone are low impact uses that have minimal effects on traffic and the general character of the surrounding area. This zone allows for the use of existing building stock to be adapted in new and creative ways to meet the needs of the community while preserving the opportunity for residential units.

### 7.2.1 PERMITTED USES

Any land, building or structure may be used for one or more of the following purposes of and for no other purpose than:

- a) Accommodation
- b) Bed and Breakfast
- c) Convenience Store
- d) Cultural Centre
- e) Day Care Centre, subject to section 5.4
- f) Dwelling, Two-unit
- g) Dwelling, Townhouse up to 12 units
- h) Financial Office
- i) Funeral Home
- j) Group Home
- k) Health, Fitness, and Wellness Facility
- l) Medical Clinic
- m) Office
- n) Personal Service
- o) Pet Grooming
- p) Place of Worship
- q) Restaurant
- r) Retail Store
- s) Supportive Facility, subject to section 5.10

Amendment #30, August 2024

### 7.2.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 7.2.1:

- a) Day Care, Neighbourhood, subject to section 5.4
- b) Garden Suite, subject to 5.5
- c) Home Occupation, subject to 5.6
- d) Secondary Suite, subject to 5.9



### 7.2.3 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Dwelling, One-unit
- b) Dwelling, Multiple subject to 7.2.4
- c) Dwelling, Two Unit or Semi-Detached
- d) Microbrewery / Distillery
- e) Retail Store
- f) Veterinary Clinic

Amendment #44, August 2024

### 7.2.4 CONDITIONS OF USE

- a) Multiple Dwellings proposed in the MU zone will require the developer to enter into a Developer Agreement with the Town upon the approval of their development proposal by Council.
- b) Multiple Dwellings, where permitted, are subject to the following requirements:
  - i. Parking, as required by section 4.18, shall not be located in any required front yard; and
  - ii. An amenity area separate and apart from any required landscaped or parking area shall be provided and contain an area of at least 20 square metres, with no dimension less than 5 metres, plus one additional metre for each dwelling unit.

### 7.2.5 ZONE STANDARDS

- |                                       |                   |
|---------------------------------------|-------------------|
| a) Minimum Lot Area, Interior Lot     | 690 square metres |
| b) Minimum Lot Area, Corner Lot       | 780 square metres |
| c) Minimum Lot Frontage, Interior Lot | 23 metres         |
| d) Minimum Lot Frontage, Corner Lot   | 26 metres         |
| e) Minimum Lot Depth                  | 30 metres         |
| f) Minimum Front Yard                 | 9 metres          |

- |    |  |                  |
|----|--|------------------|
| g) | Minimum Rear Yard  | 7 metres         |
| h) | Minimum Side Yard  | 2 metres         |
| i) | Minimum Flankage Yard  | 3.5 metres       |
| j) | Minimum Ground Floor Area for a building containing dwelling units:      |                  |
|    | i. 1 Storey  | 89 square metres |
|    | ii. Split-Level  | 71 square metres |
|    | iii. 1 ½, 2, or 3 Storeys  | 62 square metres |
| k) | Minimum Ground Floor Area for a building not containing a dwelling unit: | 68 square metres |
| l) | Maximum Building Height  | 15 metres        |
| m) | Maximum Lot Occupancy  | 50 percent       |
| n) | Other Requirements in accordance with Sections 4-5                       |                  |

### 7.3 GENERAL COMMERCIAL (GC)

The General Commercial Zone is applied to those areas or lots that may be outside of the Downtown Commercial or Highway Commercial areas. This zone will generally be applied to existing commercial uses however the zone may be applied to new commercial uses through amendments to the Zoning Map in Schedule A.

#### 7.3.1 PERMITTED USES

Any land, building or structure may be used for the following purposes of and for no other purpose than:

- a) Accommodation
- b) Amusement Place
- c) Banquet Hall
- d) Bar, Club, or Lounge subject to 7.3.3
- e) Business Office
- f) Car Wash
- g) Commercial Retail
- h) Commercial Use
- i) Convenience Store
- j) Day Care Centre
- k) Dwelling unit above the ground floor up to 6 units, subject to section 7.3.3 (b)
- l) Dwelling, Multiple up to 6 units, subject to section 7.3.3 (b)
- m) Entertainment Use
- n) Farmers Market
- o) Financial Office
- p) Fitness and Wellness Centre
- q) Garden Centre
- r) Grocery Store
- s) Medical Clinic
- t) Microbrewery, subject to 7.3.3
- u) Personal Service
- v) Pet Grooming
- w) Repair Service
- x) Restaurant including drive-thru
- y) Retail Store
- z) Shopping Mall
- aa) Self Storage
- bb) Vehicle Sales and Service
- cc) Veterinary Clinic

### 7.3.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- a) Vehicle Repair Garage
- b) Service Station
- c) Bus terminal
- d) Laundry Facility

Amendment #32, August 2024

### 7.3.3 CONDITIONS OF USE

- a) Bar, Club, or Lounges as well as a Microbrewery permitted under section 7.3.1 are required to adhere to the following:
  - i. The use shall be setback from a residential zone by a minimum of 15 metres;
  - ii. When sharing a property line with a property that is within a residential zone, the Bar, Club, Lounge, or Microbrewery must be screened from the residential property by way of fence or landscaping at least 2 metres in height.
- b) Multiple Unit Dwellings, where permitted in this zone, are subject to the zone standards of the Medium Density Residential (R3) Zone.

### 7.3.4 ZONE STANDARDS

- |  |                   |
|--|-------------------|
| a) Minimum Lot Area, Interior Lot  | 450 square metres |
| b) Minimum Lot Frontage, Interior Lot  | 15 metres         |
| c) Minimum Lot Depth   | 30 metres         |
| d) Minimum Front Yard  | 5 metres          |
| e) Minimum Rear Yard   |                   |
| i. Abutting a Residential Zone   | 7 metres          |
| ii. All other zones  | 3 metres          |
| f) Minimum Side Yard   | 2 metres          |
| g) Maximum Building Height   | 10 metres         |
| h) Maximum Lot Occupancy   | 70 percent        |
| i) Buildings shall have a prominent entrance oriented towards a public street. |                   |

j) Other Requirements in accordance with Sections 4-5

## 7.4 HIGHWAY COMMERCIAL (HC)

This zone applies to areas off Route 121 where large format retail is established as well as services for the travelling public like service stations, drive-thru and take-out restaurants, and accommodation uses like hotels. In certain cases, medium density residential development may be permitted within the HC zone.

### 7.4.1 PERMITTED USES

Any land, building or structure may be used for the following purposes of one or more of the following main uses:

- a) Accommodation
- b) Amusement Place
- c) Bar, nightclub, or lounge, subject to 7.4.3
- d) Commercial Recreation Facility
- e) Financial Institution
- f) Government Building
- g) Grocery Store
- h) Health, Fitness, and Wellness Facility
- i) Medical Clinic
- j) Microbrewery
- k) Office
- l) Personal Service
- m) Restaurant
- n) Retail Store
- o) Service Station
- p) Vehicle Sales and Service

### 7.4.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Boarding / Rooming House
- b) Cannabis Retail Sales
- c) Dwelling, Multiple Unit up to 22 units
- d) Kennel
- e) Self-storage

### 7.4.3 CONDITIONS OF USE

- a) A Bar, nightclub, or lounge shall not be permitted within 20 metres of a residential zone.

#### 7.4.4 ZONE STANDARDS

- |                              |                                 |
|------------------------------|---------------------------------|
| a) Minimum Lot Area          | 690 square metres               |
| b) Minimum Lot Frontage      | 23 metres                       |
| c) Minimum Lot Depth         | 30 metres                       |
| d) Minimum Front Yard        | 9 metres                        |
| e) Minimum Rear Yard         | 3 metres                        |
| f) Minimum Side Yard         | 2 metres                        |
| g) Minimum Flankage Yard     | 2 metres                        |
| h) Minimum Ground Floor Area | 235 square metres               |
| i) Maximum Height            | 15 metres                       |
| j) Maximum Lot Occupancy     | 70 percent                      |
| k) Other Requirements        | in accordance with Sections 4-5 |

## 8. INSTITUTIONAL (INST)

The intention of the INST zone is to provide appropriate lands for schools, healthcare facilities, and places of worship and their associated uses. This zone may be used to reserve adjacent lands for recreational facilities or infrastructure associated with the primary facility such as school playgrounds and sports fields.

### 8.1 PERMITTED USES

Any land, building, or structure may be used for the purposes of and for no other purpose than:

- a) Cemetery Amendment #33, August 2024
- b) Community Centre
- c) Community Policing Office
- d) Day Care Centre, subject to section 5.4
- e) Educational Facility
- f) Hospital
- g) Library
- h) Medical Clinic
- i) Municipal Building or Facility
- j) Place of Worship
- k) Recreation Facility
- l) Supportive Facility, subject to 5.10
- m) Veterinarian Clinic

### 8.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Accommodation, subject to 8.3
- b) Boarding / Rooming House, subject to 5.3
- c) Kennel

### 8.3 CONDITIONS OF USE

- a) An Accommodation Use may be considered, subject to the terms and conditions as may be imposed by the Planning Advisory Committee, provided it is associated with a use permitted under section 8.1.



#### 8.4 ZONE STANDARDS

- |   |                   |
|---|-------------------|
| l) Lot Area   | 750 square metres |
| m) Lot Frontage   | 36 metres         |
| n) Lot Depth  | 38 metres         |
| o) Minimum Front Yard   | 3 metres          |
| p) Maximum Front Yard   | 20 metres         |
| q) Minimum Rear Yard  | 7 metres          |
| r) Minimum Side Yard  | 7 metres          |
| s) Minimum Flankage Yard  | 7 metres          |
| t) Minimum Ground Floor Area  | 235 square metres |
| u) Maximum Height   | 12 metres         |
| v) Maximum Lot Occupancy  | 50 percent        |
| w) Buildings shall have a prominent entrance orientated towards a street. |                   |
| x) Other Requirements in accordance with Sections 4-5                     |                   |

## 9. INDUSTRIAL ZONES

### 9.1 LIGHT INDUSTRIAL (LI)

The Light Industrial Zone is intended for uses that are limited in their impact on neighbouring properties and the environment. It is intended that any nuisance caused by a land use in this zone should be contained within a building.

#### 9.1.1 PERMITTED USES

Any land, building, or structure may be used for the purpose of the following:

- a) Agricultural Use, Greenhouse only
- b) Cafeteria
- c) Contractors Supply Yard
- d) Crematorium
- e) Kennel
- f) Landscaping Supply and Service
- g) Light Industrial Use
- h) Nursery including greenhouse
- i) Office
- j) Outdoor Storage
- k) Research Establishment / Laboratory
- l) Service Business
- m) Service Station or Public Garage
- n) Self-storage
- o) Transportation Depot
- p) Wholesaling
- q) Vehicle and Equipment Sales
- r) Vehicle Repair Garage
- s) Convenience Store
- t) Veterinary Services
- u) Warehouse

Amendment #34, August 2024

#### 9.1.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Advisory Committee:

- a) Any use involving manufacturing, storage, processing, transportation or related activities
- b) Cannabis Production Facility

9.1.3 **CONDITIONS OF USE**

- a) The restrictive covenant and general standards of the Sussex Industrial Park, where applicable, apply in addition to the requirements of this Zoning By-Law.

9.1.4 **ZONE STANDARDS**

- a) Maximum Height 15 metres
- b) Minimum Lot Frontage 37 metres
- c) Minimum Lot Depth 46 metres
- d) Minimum Lot Area 1602 square metres
- e) Minimum Front Yard 7.5 metres
- f) Minimum Side or  
Flankage Yard the greater of 3 metres or one half the height
- g) Minimum Rear Yard the greater of 3 metres or one half the height
- h) Minimum Ground Floor Area 68 square metres
- i) Other Requirements in accordance with Sections 4-5

## 9.2 MEDIUM INDUSTRIAL (IM)

The Medium Industrial Zone allows for a range of industrial uses and any nuisance generated is required to be contained within the lot.

### 9.2.1 PERMITTED USES

Any land, building, or structure may be used for the purpose of one or more of the following:

- a) Agricultural Use, Greenhouse only
- b) Construction Yard
- c) Crematorium
- d) Heavy Equipment Sales and Service
- e) Light Industrial Use
- f) Nursery, including Greenhouse
- g) Office
- h) Outdoor Storage
- i) Research Establishment / Laboratory
- j) Sawmill
- k) Self Storage
- l) Technical public service or utility or a civic or governmental building or installation
- m) Transportation Depot
- n) A wholesaling establishment

Amendment #35, August 2024

### 9.2.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following, subject to such terms and conditions as may be imposed by the Committee:

- a) Any use involving manufacturing, storage, processing, transportation or related activities
- b) Cannabis Production Facility

### 9.2.3 CONDITIONS OF USE

- a) The restrictive covenant and general standards of the Sussex Industrial Park, where applicable, apply in addition to the requirements of this Zoning By-Law.

### 9.2.4 ZONE STANDARDS

- |                         |                    |
|-------------------------|--------------------|
| a) Maximum Height       | 15 metres          |
| b) Minimum Lot Frontage | 37 metres          |
| c) Minimum Lot Depth    | 46 metres          |
| d) Minimum Lot Area     | 1602 square metres |
| e) Minimum Front Yard   | 7.5 metres         |

- f) Minimum Side and Flankage Yard                      the greater of 3 metres or one half the height
- g) Minimum Rear Yard                      the greater of 3 metres or one half the height
- h) Minimum Ground Floor Area      68 square metres
- i) Other Requirements in accordance with Sections 4-5

# 10. PARKS AND RECREATION (P)

Amendment #36, August 2024

The Parks Zone is applied to existing park space and recreation facilities throughout the Town.

## 10.1 PERMITTED USES

Any land, building, or structure may be used for the purpose of, and for no other purpose than the following:

- a) Cemetery
- b) Public Open Space
- c) Park
- d) Playground
- e) Municipal Installation or municipal use
- f) Recreation and Sports Fields

Amendment #37, August 2024

## 10.2 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- a) Commercial Recreation
- b) Community Centre
- c) Day Care Centre
- d) Exhibition or Fair Grounds
- e) Farmers Market
- f) Recreational Facility

## 10.3 ZONE STANDARDS

- |    |  |                   |
|----|--|-------------------|
| a) | Minimum Lot Area                                   | 600 square metres |
| b) | Minimum Lot Frontage                               | 36 metres         |
| c) | Minimum Front Yard                                 | 3 metres          |
| d) | Minimum Rear Yard                                  | 7 metres          |
| e) | Minimum Flankage Yard                              | 7 metres          |
| f) | Maximum Height                                     | 15 metres         |
| g) | Other Requirements in accordance with Sections 4-5 |                   |

Amendment #38, August 2024

## **11. ENVIRONMENTAL CONSERVATION (EC)**

The EC zone identifies areas throughout the Town which have environmental significance and provides protection to wetlands and watercourses. The zone includes a 30 metre buffer around wetlands and watercourses to limit risk to future development and allow for the natural recession of flood and storm waters.

### **11.1.1 PERMITTED USES**

Any land, building, or structure may be used for the purpose of, and for no other purpose than the following:

- a) Public Open Space
- b) Trails, unsurfaced
- c) Municipal installation limited to public art and signage

### **11.1.2 CONDITIONS OF USE**

- a) Private land zoned Environmental Protection does not require the provision of public access.

### **11.1.3 ZONE STANDARDS**

- a) All requirements in accordance with Sections 4-5

## 12. AGRICULTURAL AND RURAL LANDS (AR)

The AR Zone is intended to capture existing productive farm and resource lands as well as those lands intended to be used for resource related activity in the future.

### 12.1 PERMITTED USES

Any land, building, or structure may be used for the purpose of the following:

- a) Agricultural Use
- b) Cemetery
- c) Forestry Use
- d) Greenhouse
- e) Kennel
- f) Nursery
- g) Sawmill
- h) Municipal installation or use

### 12.2 SECONDARY USES

One of the following uses are permitted in association with uses permitted in subsection 12.1

- a) Home Occupation subject to section 5.6
- b) Day Care, Neighbourhood subject to section 5.4
- c) Garden Suite subject to section 5.5

### 12.3 CONDITIONAL USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- a) Agri-tourism use
- b) Manufacturing Use associated with an Agricultural Use
- c) One-Unit Dwelling, subject to 12.4(a)
- d) A riding school or boarding stable

### 12.4 CONDITIONS OF USE

- a) A one-unit dwelling permitted under subsection 112.2(d) shall meet the zone standards prescribed in the One-Unit Residential (R1) Zone in section 6.1 of this By-law.

### 12.5 ZONE STANDARDS

- |                         |       |
|-------------------------|-------|
| a) Minimum Lot Area     | 2 Ha  |
| b) Minimum Lot Frontage | 54m   |
| c) Minimum Front Yard   | 6m    |
| d) Minimum Rear Yard    | 6m    |
| e) Minimum Side Yard    | 2.5 m |



## 13. FLOOD OVERLAY

Overlays provide guidelines and standards that are to be applied in conjunction with the zones found in Parts 6 through 12 of this By-law. Overlays are land use management tools that allow for a more holistic approach as they consider the common conditions of a broader area that may be subject to several different land use zones. The following section describes the administration of a Floodplain Overlay which is further defined in the Zoning Map in Schedule A.

This overlay is informed by the Province of New Brunswick's 1 in 100 year flood hazard area and the Town's Flood Mitigation Plan. It uses flood plain mapping to represent the furthest reaching limit of flood areas to ensure areas at risk are subject to an increased level of review. The intent of the overlay and the additional review is to ensure development is reviewed beyond localized impact, with a lens to surrounding property, municipal infrastructure, and public health and safety.

Lands within the Flood Overlay are subject to the rules of their zone and the Flood Overlay, including the terms and conditions applied by the Planning Advisory Committee.

### 13.1 FLOOD OVERLAY PROVISIONS

No main building may be erected, constructed or modified unless it meets the following minimum requirements:

- a) In the case of new main building:
  - a. The minimum floor elevation above flood level as described in Section 4.17
  - b. A development or building permit application shall include:
    - i. A site plan and elevation drawings demonstrating the elevation of habitable space in the proposed building;
    - ii. A plan and drawings that demonstrate the flood proofing of all electrical, mechanical, and plumbing systems, by design, for the area below the required elevation.
    - iii. A drainage plan, if the adaptation measures result in more than 1 metre of fill (in elevation) for properties less than 4000 square metres.
    - iv. A site plan demonstrating that access to the property and dwelling unit is at an elevation that does not impact access to the property or dwelling unit during a flood event.
  - c. Other terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Planning Advisory Committee
  - d. The applicant may be required to enter into development agreement with the Town to be registered with Service New Brunswick on the title of the property.

- b) In the case of an existing building, the building may be expanded or modified if:
  - a. It does not reduce the elevation of the existing building
  - b. It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2m<sup>2</sup> (250ft<sup>2</sup>)
  - c. A non adapted expansion or modification is limited to one per main building
  - d. The Development Officer or committee may impose additional terms and conditions to mitigate the impact of flooding to life and structures as deemed appropriate by the Development Officer and the Committee
  - e. The applicant may be required to enter into a Development Agreement with the Town to be registered with Service New Brunswick on the title of the property.
- c) This section does not apply to accessory buildings or structures, open space uses or temporary uses permitted by this bylaw. Accessory building and structures are subject to section 4.3.

### 13.2 EXISTING MAIN BUILDINGS AND STRUCTURES WITHIN THE FLOOD OVERLAY

Subject to compliance with the provincial Watercourse and Wetland Alteration Regulation, an existing main building or structure in the Flood Overlay may be altered, replaced, or repaired, as long as the alteration, replacement or repair does not:

- a) reduce side yards to less than 2.5 metres,
- b) reduce front yards to less than 6 metres,
- c) reduce rear yards to less than 6 metres,
- d) result in a final gross floor area of more than 185 m<sup>2</sup>
- e) include excavation for a basement.

### 13.3 EXISTING ACCESSORY BUILDINGS AND STRUCTURES

Subject to compliance with the provincial Watercourse and Wetland Alteration Regulation, an existing accessory building or structure in the Flood Overlay may be altered, replaced, or repaired, as long as the alteration, replacement or repair does not:

- a) reduce side yards to less than 1.2 metres,
- b) result in the accessory building or structure being located closer to the street than the rear of the main building or structure; nor reduce front yards to less than 6 metres,
- c) reduce rear yards to less than 1.2 metres,
- d) result in a final gross floor area of more than 84 m<sup>2</sup>
- e) result in the accessory building or structure being used for human habitation except where a dwelling is a permitted accessory use;
- f) consist of a vehicular body or travel trailer
- g) result in more than two accessory structures.

## **14. FEDERAL CROWN LANDS**

Context: Federal Crown Lands are exempt from the provisions of this By-law.

## 15. EXEMPTIONS

The following uses were permitted by the previous Zoning By-law for the Town of Sussex

<b>Zone</b>	<b>Civic</b>	<b>Permitted Use</b>
HC	109 Main Street	Subject to Terms and Conditions
GC	368 Main Street	Subject to Terms and Conditions
GC	828 Main Street	Residential Unit and Subject to Terms and Conditions
MU	281 Main Street	Subject to Terms and Conditions
MU	165 St. George Street	Subject to Terms and Conditions
MU	72 Leonard Drive	Subject to Terms and Conditions
R2	34 Sunnyside Drive	Funeral Home
R3	377 Main Street	Subject to Terms and Conditions
R3	10 Elm Street	Maximum 6 residential dwelling units

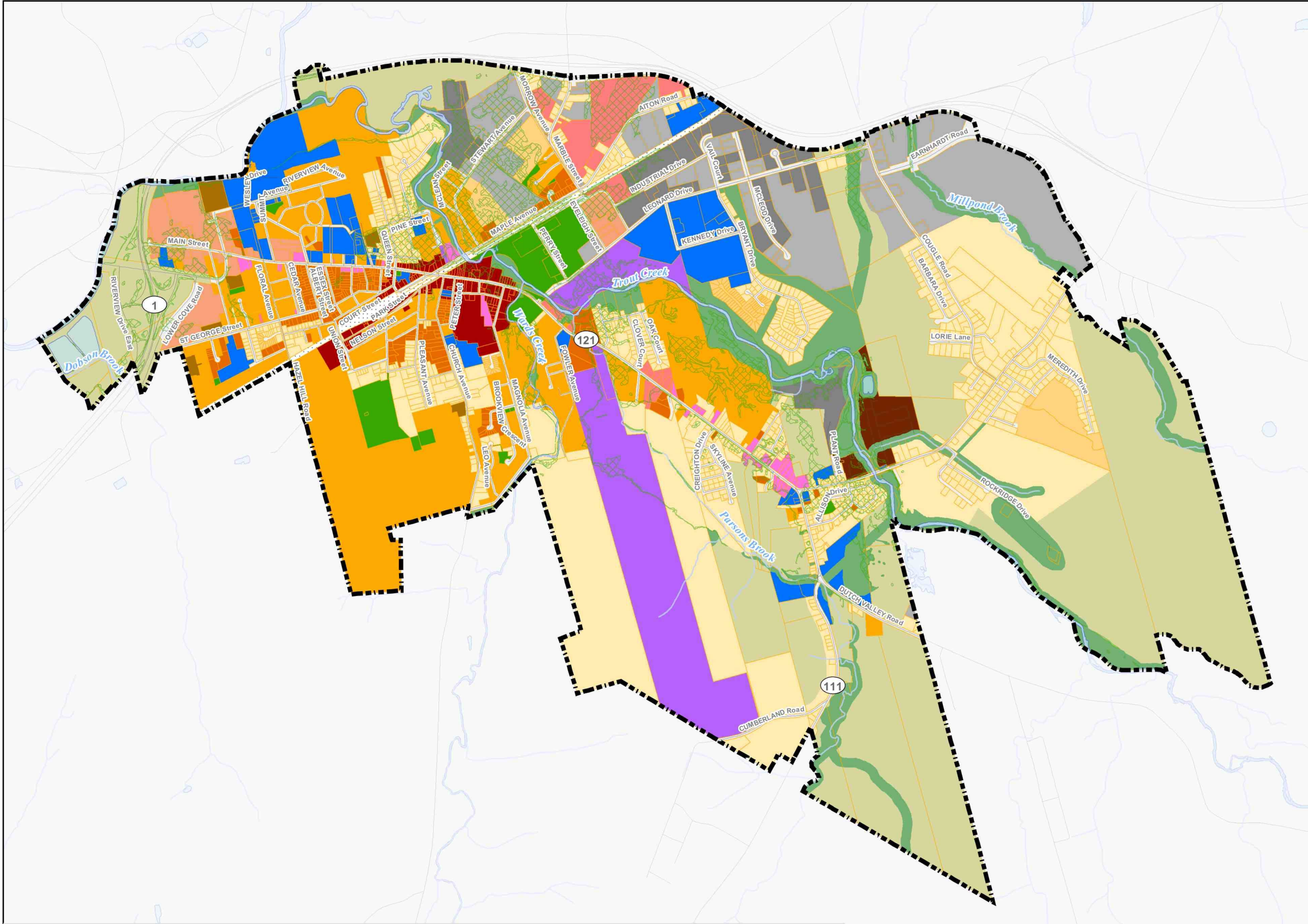
## **SCHEDULES**

**SCHEDULE A: Zoning Map**

**SCHEDULE B: Flood Plain Map**

**SCHEDULE C: Amendment Process Chart**





SUSSEX

ZONING MAP  
SCHEDULE A

- Street
- Highway
- Watercourse
- Waterbody
- 1 in 100 Year Flood Line
- Parcel
- Sussex

SCALE 1:25,000



MAP DRAWING INFORMATION:  
DATA PROVIDED BY GEONB

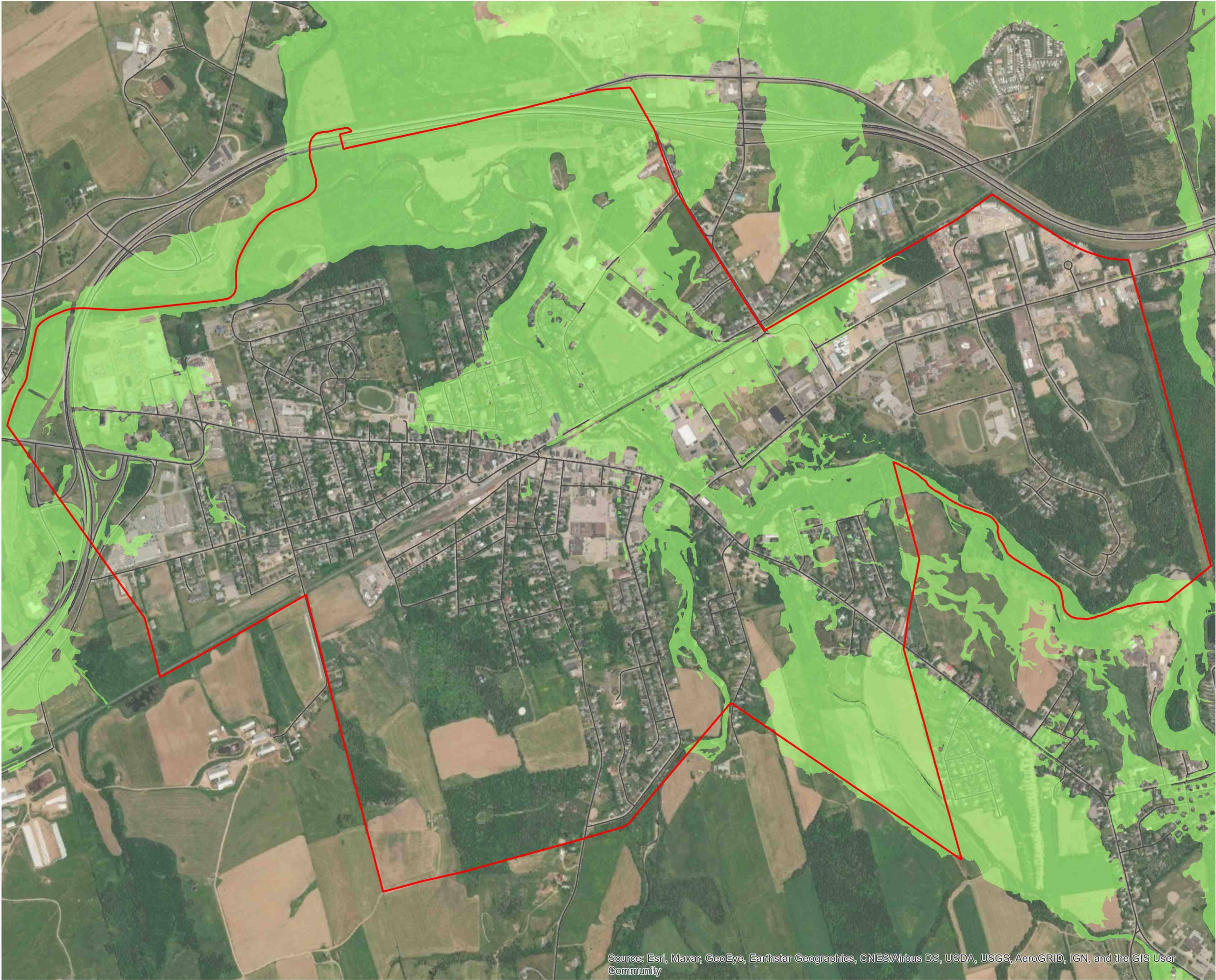
MAP CREATED BY: RR  
MAP CHECKED BY: JB  
MAP PROJECTION: NAD 1983 CSRS New Brunswick Stereographic

<b>Zoning</b>	One Unit Residential	Mini Home Park	Parks and Recreation
Downtown Commercial	Small Lot One Unit	Light Industrial	Rural and Agricultural
General Commercial	One and Two Unit Residential	Medium Industrial	Federal Lands
Highway Commercial	Medium Density Residential	Institutional	Railroad
Mixed Use	High Density Residential	Environmental Protection	



PROJECT: 23-5473  
STATUS: DRAFT  
DATE: 2024-07-19





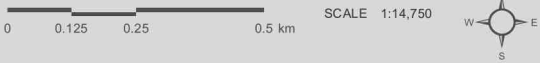
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FILE LOCATION: \\dillon.ca\DILLON\_DFS\Fredericton\Fredericton CAD\CAD\GIS\199541 - Sussex\Product\Cilent\SussexZoningMap\_Updated.mxd

**SUSSEX, NEW BRUNSWICK**  
ZONING BY-LAW

**SCHEDULE B: FLOOD PLAIN MAP**

- Road
- ▭ Sussex Municipal Boundary
- 1 in 100 Year Flood



MAP DRAWING INFORMATION:  
DATA PROVIDED BY TOWN OF SUSSEX, DILLON CONSULTING

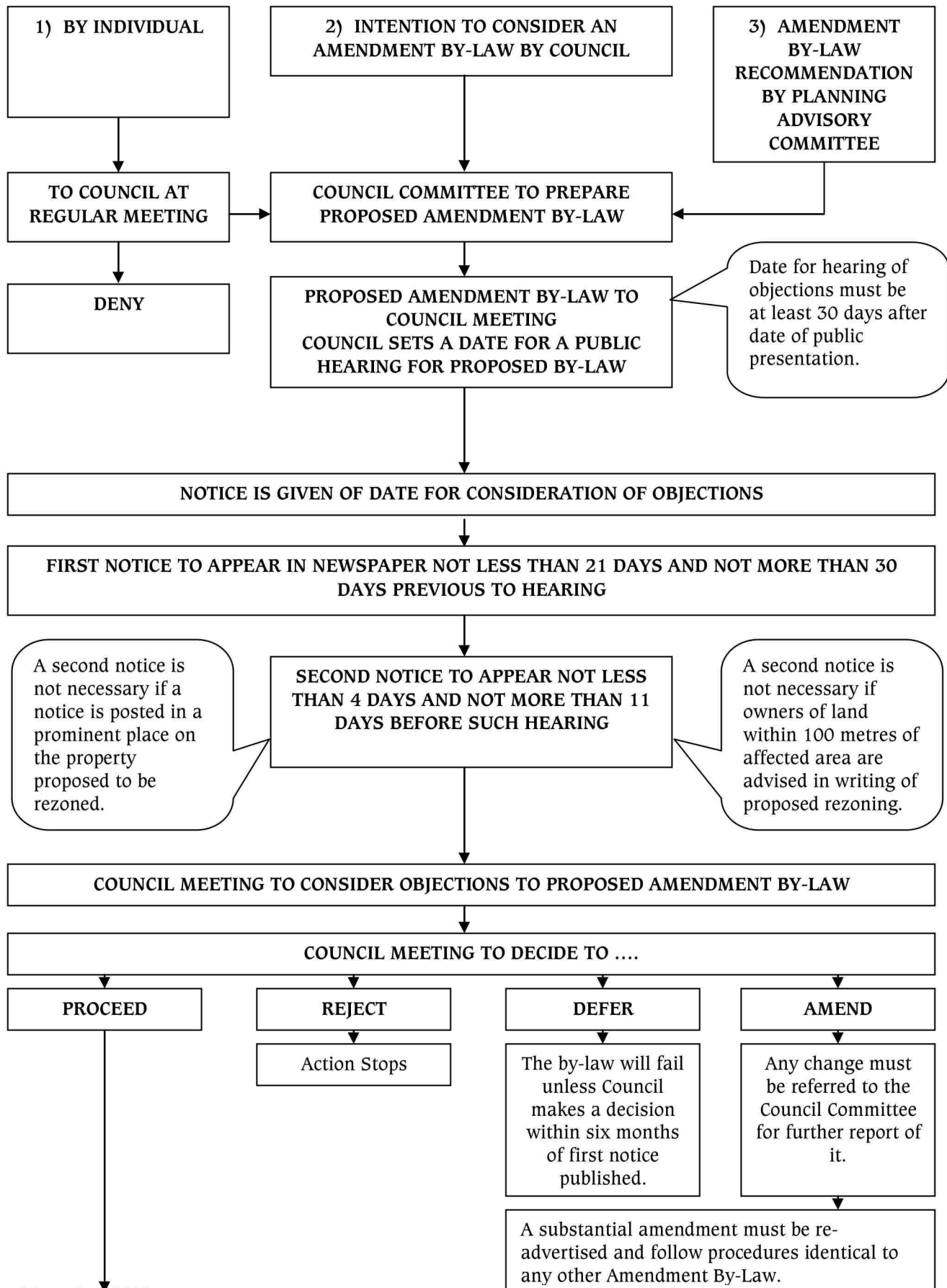
MAP CREATED BY: GAM  
MAP CHECKED BY: JB  
MAP PROJECTION: NAD 1983 CSRS NEW BRUNSWICK STEREOGRAPHIC



PROJECT: 19-9541  
STATUS: FINAL  
DATE: 2021-11-22



# ZONING BY-LAW AMENDMENT PROCEDURE





# ZONING BY-LAW AMENDMENT PROCEDURE

WHEN COUNCIL DECIDES TO PROCEED ....

1<sup>ST</sup> READING BY TITLE OF BY-LAW AMENDMENT

2<sup>ND</sup> READING BY TITLE OF BY-LAW AMENDMENT

MOTION TO REFER BY-LAW TO PLANNING ADVISORY  
COMMITTEE FOR COMMITTEE

READING OF BY-LAW IN IT'S ENTIRETY

THIRD READING BY TITLE AND ENACTMENT

FINAL APPROVAL PROCESS OF THE BY-LAW

By-law is certified as correct by Town Clerk and  
a statutory declaration is completed by Town  
Clerk that Section (2) (b) 66 & 68 of the  
Community Planning Act was complied with by  
the Council.

TOWN CLERK REGISTERS THE CERTIFIED COPY ALONG WITH  
THE STATUTORY DECLARATION IN THE REGISTRY OFFICE.

TOWN CLERK PUBLISHES A NOTICE IN THE NEWSPAPER THAT  
THE BY-LAW IS REGISTERED IN THE REGISTRY OFFICE.

FINISHED

(A) If by-law contradicts the Planning Advisory Committee's recommendation, a majority of the whole Council must vote in favor of the by-law.  
(B) Where 1/3 of the owners of the area of land affected or 1/3 of the owners within 100 metres thereof object in writing, the by-law will not become valid unless a majority of the whole Council vote in favor.  
(C) Notwithstanding any by-law unless otherwise ineligible, the Mayor or other presiding officer may vote once on any motion where a majority of the whole Council is required.

The Planning Advisory Committee shall be deemed to have approved a proposed by-law if it fails to give the views requested thereon within 30 days of such request or within longer period as the Council may decide.

AMENDMENT  
BY-LAW NOW IN  
EFFECT