Town of Saint Andrews

Zoning By-law No. Z22-01

Unofficial w/ Amendments incorporated

Town of Saint Andrews Zoning By-law Z22-01 (draft 3)

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TOWN OF SAINT ANDREWS

BY-LAW NO. Z22-01

ZONING BY-LAW

The Council of the Town of Saint Andrews under the authority invested in it under Section 53 of the *Community Planning Act* enacts the following Zoning By-law:

1.0 TITLE AND SCOPE

(1) By-law Z22-01, the Town of Saint Andrews Zoning By-law, is hereby adopted.

(2) This By-law may be cited as "The Town of Saint Andrews Zoning By-law".

(3) This By-law applies to the Town of Saint Andrews municipal boundaries as outlined in Regulation 85-6 under the *Local Governance Act*.

(4) This Zoning By-law:

(a) divides the Municipality into zones as described on the Town of Saint Andrews Zoning Map;

(b) prescribes, subject to powers reserved in the Planning Advisory Committee:

(i) the purpose for that land, buildings and structures in any zone may be used;

(ii) standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and

(c) prohibits the use, placement, erection or alteration of land, buildings, or structures otherthan in conformity with the purposes and standards mentioned in clause (b).

(5) For the purposes of this By-law, the Town is divided into zones as shown on the Town of Saint Andrews Zoning Map attached as Schedule "A".

(6) For the purposes of this By-law, culturally and historically significant portions of the downtown are delineated into the Town plat & environs and Historic Business District as shown on the Map of the Town plat & environs and Historic Business District attached as Schedule "B".

(7) For the purposes of this By-law, properties at risk are delineated on the Sea Level Rise Overlay Zone Map attached as Schedule "C".

(8) The Town of Saint Andrews Zoning Map, Map of the Town plat & environs and Historic Business District, Sea Level Rise Overlay Zone Map and any amendments thereto form part of this By-law.

(9) In the event of an inconsistency between provisions of the Municipal Plan and Secondary Municipal Plan and the provisions of this By-law, the provisions of the Municipal Plan and Secondary Municipal Plan will prevail.

1.1 Definitions

"ABATTOIR"
A *building* or *structure* specifically designed to accommodate the penning and slaughtering of live animals, the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

"ACCESSORY BUILDING OR STRUCTURE"
Means a detached *building* or *structure* that:

(a) is not used for human habitation, except in the case of an *accessory dwelling unit*;
(b) contains a *use* that is incidental and subordinate to the *main use*, *main building* or *structure*;
(c) is located on the same *lot* as the *main use*, *main building* or *structure*;
(d) includes a detached private *garage* or detached *carport* and above or below ground storage tanks; and
(e) does not include children's play *structures* or patios and decks associated with a *dwelling*.

"ACCESSORY DWELLING UNIT"
Means a *dwelling unit* with no more than two bedrooms which:

(a) is secondary to the principal *dwelling unit*;
(b) When contained within a *main dwelling unit* does not exceed the lesser of 84 m^2 (904.2 ft^2) or 75% of the *floor area* of one floor of the main building.
(c) When contained within a *single-family dwelling* is synonymous with a *rental suite.*
(d) When contained within an *accessory structure* is synonymous with a *garden suite.*

"ACCESSORY USE"
Means a *use* of land or a *building* or *structure* that:

(a) is naturally or customarily incidental and subordinate to the *main use* or *secondary use* of the land, *building* or *structure*;
(b) is not used for human habitation except in the case of an *accessory dwelling unit*; and
(c) is located on the same *lot* as the *main use*.

"ACT, THE"
Means the *Community Planning Act*, Chapter C-19, R.S.N.B. 2017 and amendments thereto.

"ADULT ENTERTAINMENT USE OR ESTABLISHMENT"
Means premises used for entertainment including activities, facilities, performances, exhibitions, viewings or encounters that are erotic or sexual in nature or inclinations which a principal feature or characteristic is the nudity or partial nudity of any person; and/or escort services.

"ADVISORY COMMITTEE"
Means the Planning Advisory Committee as established by Council or the Regional Service Commission (RSC).

"AGGREGATE"
Means gravel, sand, clay, shale, earth, stone, limestone, granite, marble, rocks, and stones other thanmetallic ore.

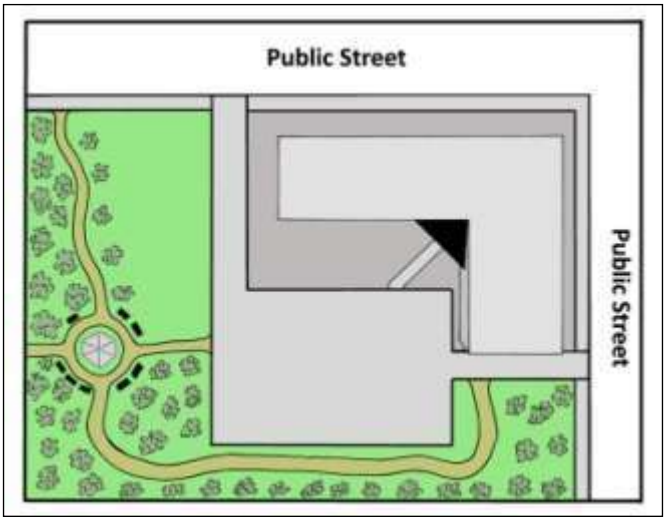
"AGRICULTURAL USE"
Means the *use* of any land, *building*, or *structure* for the production of food, fibre, or flora, or the breeding and handling of animals, and may include a *single-family dwelling* and *accessory buildings*, a fish hatchery, and retail, or market outlets for the sale of perishable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

"ALTER OR ALTERATION"
Means, as applied to a *building* or *structure* or part thereof:

(a) a change or rearrangement in the structural parts or means of egress;
(b) an enlargement, whether by extending the side, front or rear of a *building* or *structure*;
(c) increasing the *height*; or
(d) moving from one location or position to another.

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

Figure 1.1: Example of Amenity Space (shown in green)

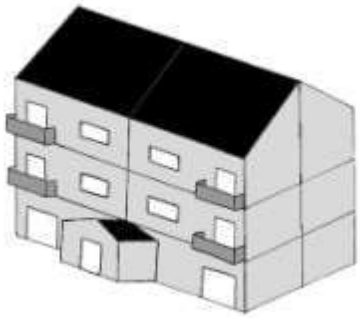


"AMPHITHEATRE"
Means a cultural performance stage with outdoor seating for an audience and may include accessory facilities, such as restrooms, change rooms, audio visual equipment, and storage.

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

"APARTMENT DWELLING"
Means a building comprising four or more *dwelling units* which generally has shared outside access; or *dwellings* attached to a *building* which is principally commercial. An *apartment dwelling* does not include a *rowhouse dwelling*.

Figure 1.2: Example of an Apartment Dwelling



"ARTIST'S RESIDENCE"
Means any *main* or *secondary use* prescribed in 4.3.1 serving as temporary accommodations for artists, musicians, writers, or other similar cultural professionals, but does not include an apartment, *rental suite*, *garden suite*, *hotel*, inn, hostel, *group home*, or *bed and breakfast*.

"AUTOMOBILE REPAIR SHOP"
Means an establishment:

(a) for the repair of automobiles, trucks not exceeding one-half ton capacity, motorcycles, snowmobiles and other *vehicles*;
(b) for the retail sale, installation, servicing or machining of automotive parts and accessories;
(c) where drive through *vehicle* repair, servicing and cleaning facilities are provided;
(d) that includes *uses* such as alignment, muffler, automotive glass, transmission repair, *vehicle* upholstery shops, tire stores and car washes that does not include any establishment where gasoline, diesel fuel, oil, anti-freeze, tires and accessories for motor *vehicles* are sold.

"AUTOMOBILE SALES AND RENTAL ESTABLISHMENT"
Means a *building* or *structure* where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light *recreational vehicles* are sold or rented, together with incidental maintenance services and sale of parts. *Automobile sales and rental establishments* include automobile dealerships, car rental agencies and motorcycle dealerships.

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

"BACHELOR APARTMENT OR UNIT"
Means a *dwelling unit* in an *apartment dwelling*, consisting of not more than one *habitable room* together with kitchen or kitchenette and sanitary facilities contained within the same *dwelling unit*.

"BED AND BREAKFAST"
Means an establishment in a *single-family dwelling* offering short-term food and lodging to travellers for compensation but does not include a *boarding house*, *short-term rental,* or a *hotel* or *motel*.

"BICYCLE PARKING SPACE"
Means bicycle parking rack, stand, post-and-ring, locker, or indoor facility.

"BOARDER"
Means a person to whom lodging is provided for compensation.

"BOARDING HOUSE"
Means a *dwelling* in which lodging and meals are regularly provided for compensation to three or more persons other than the owner or tenant thereof and members of his or her *family* and where bathrooms, kitchens and other areas of the *dwelling* are common to all *boarders*. *Boarding house* does not include a:

(a) bed and breakfast;
(b) *short-term rental*;
(c) hospital;
(d) residential care facility;
(e) rental suite;
(f) senior citizens housing;
(g) *hotel* or *motel*;
(h) an apartment dwelling;
(i) a *group home*; or
(j) any other establishment otherwise classified or defined in this By-law.

"BUILDING"
Means any roofed *structure*, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment and includes any vessel orcontainer used for any of the foregoing purposes.

"BUILDING BY-LAW"
Means the *Building By-law* of the Town of Saint Andrews.

"BUILDING INSPECTOR"
Means the *Building Inspector* appointed by Council.

"BUILDING PERMIT"
Means a permit that is issued and monitored until the completion of a *building* or *structure* by the *Town*'s *Building Inspector*. In order to receive and retain a *Building Permit*, a *building* or *structure* must meet all applicable requirements of all *Town* By-laws to receive approval from the *Development Officer*.

"BUILDING SUPPLY OUTLET"
Means a *building* or *structure* where the *main use* involves the retail sale of *building* or construction materials and home improvement materials.

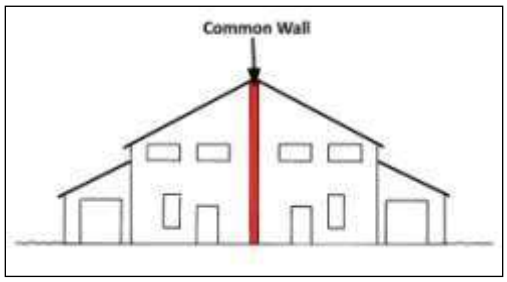
"CEMETERY"
Means land primarily used for internment of human remains and where *places of worship*, *funeral homes*, crematoria and related facilities may be incorporated as *accessory uses*.

"CHICKEN"
Refers to the female of the Gallus gallus domesticus species and does not include roosters, toms,drakes, guineas, or geese.

"COMMERCIAL VEHICLE"
Means any *vehicle* that is licenced as a commercial carrier as determined by the Registrar of Motor Vehicles.

"COMMON WALL"
Synonymous with *party wall* and means a vertical wall separating *semi-detached dwelling units* or *rowhouse dwelling units* above and below *grade*, mutually common to both *dwelling units* and where the *common wall* constitutes at least 50% of the vertical and adjacent plane between two adjacent *dwelling units*.

Figure 1.3: Example of a Common Wall



"CONDITIONAL USE"
Synonymous with "discretionary use" or a "use subject to terms and conditions" and means a *use* of a property, which is permitted within a *zone* so long as it can be implemented subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to section 53(3)(c) of the *Community Planning Act* of New Brunswick. Where compliance with such terms and conditions is not possible, the Planning Advisory Committee may prohibit the *use*.

"CONDOMINIUM"
Means any *dwelling* regulated under the *Condominium Property Act* (Chapter C-16.05 SNB and any amendments thereto).

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

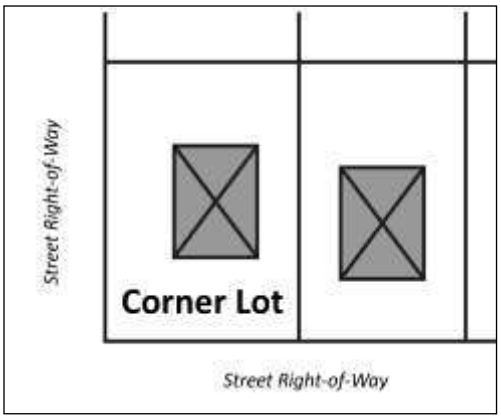
"CONTRACTOR'S YARD"
Means a premises in which the shop or assembly work of a contractor or tradesperson is performed and includes the storage of any related equipment and/or materials.

"CONVENIENCE STORE"
Means a *retail store* that provides a variety of household necessities, groceries, and other convenienceitems.

"CONVERTED DWELLING"
Means a *building* originally built and designed as a *single-family dwelling* that has been *altered* to contain two or more *dwelling units* each of which any upstairs units have an independent entrance accessed through a common vestibule or exterior staircase.

"CORNER LOT"
Means a *lot* situated at the corner or intersection of two *streets*, of which two adjacent sides abut the intersecting *streets*.

Figure 1.4: Example of a Corner Lot



"CULTURAL USE"
Means a *theatre*, museum, art gallery or similar *uses* that assist in the promotion of a cultural community but does not include an *adult entertainment use* or establishment.

"DAY CARE CENTRE OR FACILITY"
Means a *building* or *structure* where day care services are the *main use* and which is regulated under the Day Care Regulation of the *Family Services Act*.

"DEVELOPMENT"
Means *development* as defined in the *Community Planning Act*.

"DEVELOPMENT OFFICER"
Means a *Development Officer* appointed by Council under Section 10 of the *Community Planning Act*.

"DEVELOPMENT PERMIT"
Means a permit for development.

"DOMESTIC ANIMAL"
Means an animal including dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, fish, and rabbits kept for pleasure or companionship but does not include *livestock*.

"DRIVE-THROUGH RESTAURANT"
Means an establishment where ready-to-eat food is served to the public through a service window, and where the consumption of the food in motor *vehicles* on the premises is not encouraged.

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

"DWELLING"
Means a *building* or portion thereof designed or used for residential occupancy and includes a *single-family dwelling*, *semi-detached dwelling*, *two-family dwelling*, *triplex dwelling*, *rowhouse dwelling* and *apartment dwellings*, but does not include a *hotel*, motel, or similar establishments.

"DWELLING UNIT"
Means a room or suite of two or more rooms for *use*, or intended for *use*, by one or more individuals in which culinary and sanitary conveniences are provided for the exclusive *use* of such individual(s), and with a private entrance from outside the *building* or from a common hallway or stairway inside, but does not include *hotel*, motel, *boarding* or *rooming house*, *recreational vehicle* or *mobile home*.

"ENVIRONMENTALLY SENSITIVE AREAS"
Means areas of land and/or water that contain natural features or ecological functions of such significance that protection is warranted.

"ERECT"
Means to build, construct, reconstruct, locate, or relocate, and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally *altering* any existing *building* or *structure* by an addition, deletion, enlargement, or extension. This includes any physical operations preparatory thereto.

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

"FAMILY"
Means one (1) or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit in a *dwelling*, as distinguished from a group occupying a *hotel*, *boarding house* or other similar *use*. A *family* does not include a group of children or adults living together under the direct supervision or care of a government or private agency in a *group home* or nursing home.

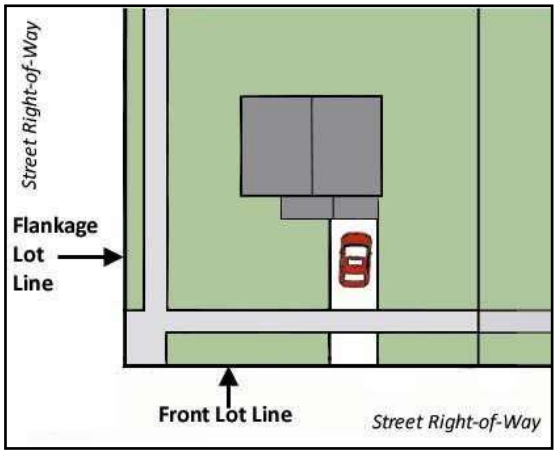
"FENCE"
Means a structural barrier erected for the purpose of providing a boundary to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

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

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

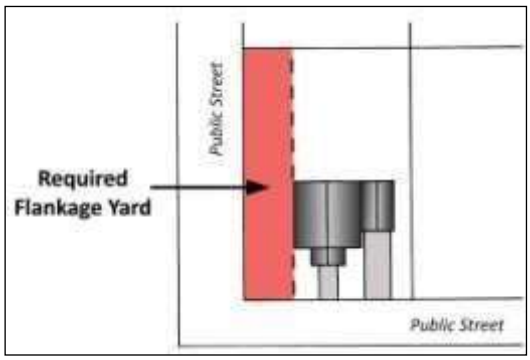
"FLANKAGE LOT LINE"
Means a *side lot line* that abuts a *street* on a *corner lot*.

Figure 1.5: Example of a Flankage Lot Line



"FLANKAGE YARD"
Means the *side yard* of a *corner lot*, which abuts a *street*, and "required *flankage yard*" or "minimum *flankage yard*," means the minimum *side yard* required by this By-law where the *yard* abuts a *street*.

Figure 1.6: Example of a Minimum or Required Flankage Yard



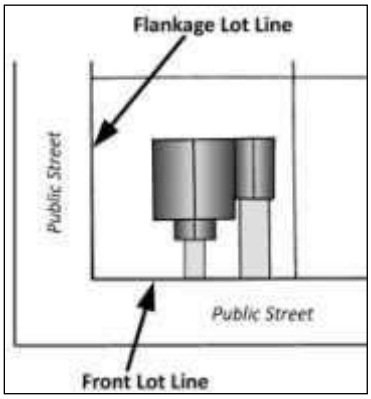
"FLOOR AREA"
Means the total area of all floors of a *building* above *grade* within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the *floor area* of basements, garages, sheds, open porches or breezeways, except that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

"FORESTRY USE"
Means commercial silviculture and the production of timber or pulp, and any *uses* associated with a silvicultural *use*, including sawmills, related *vehicle* and equipment storage and maintenance *buildings*, *structures* and *yards*.

"FRONT LOT LINE"
Means the line dividing the *lot* from a *street* or other means of access, and:

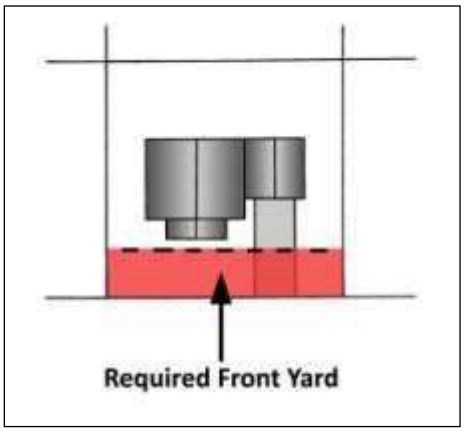
(a) in the case of a *corner lot*, the shorter *lot line* abutting the *street* shall be deemed the *front lot line* as shown in Figure 1.7;
(b) or in the case of a *corner lot* that has the same dimensions along the two *streets* it abuts, the *lot line* abutting the *street* where the *building* or *structure* has its principal entrance shall be the *front lot line*, as shown in Figure 1.7.

Figure 1.7: Example of a Front Lot Line on a Corner Lot



"FRONT YARD"
Means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of any *main building* or *structure* on the *lot*. The required *front yard* or minimum *front yard* means the minimum distance required by this By-law between the *front lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*.

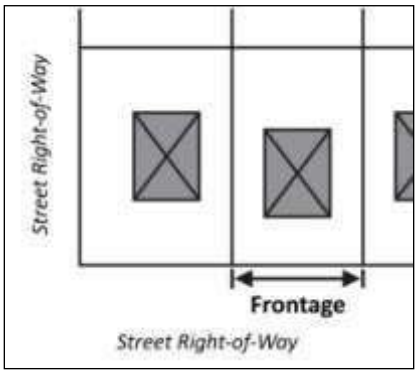
Figure 1.8: Example of Minimum or Required Front Yard



"FRONTAGE"
Means in the case of:

(a) an *interior lot*, the measurement of the *front lot line* between the *side lot lines*; or
(b) a *corner lot*, the measurement of the *front lot line* between the *side lot line* and *flankage lot line*.

Figure 1.9: Example of Frontage



"FUNERAL HOME"
Means a *building* or *structure* designed for the purposes of furnishing funeral supplies and service to the public and includes equipment or facilities intended for the preparation of corpses for interment or cremation.

"GARAGE"
Means a *building* or part of a *building* that is incidental to a *dwelling* and that is used to store private motor *vehicles* and may contain an *accessory dwelling unit*, where permitted, but does not include an *automobile service station* or an *automobile repair shop*.

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

"GARDEN SUITE"
Synonymous with *accessory dwelling unit.* Means an additional detached *dwelling unit* that is one *storey*, free standing, containing bathroom and cooking facilities and is equipped for year-round occupancy. A *garden suite* shall not include a *mobile home dwelling*, *mini-home dwelling*, *recreational vehicle,* or any other trailer.

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

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

"GRADE"
Means, with reference to a *building* or *structure*, the average elevation of the finished surface of the ground where it meets or will meet the exterior of such *building* or *structure*, excluding localized depressions such as *vehicle* or pedestrian entrances.

"GREEN INFRASTRUCTURE"
Means a natural or landscaped area that has infrastructural purposes (e.g. retaining ponds, swales, forests, etc.). These areas may also contain *recreational uses.*

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

"GROSS FLOOR AREA"
Means the aggregate of the floor areas of a building above and below *grade*, measured between the exterior faces of the exterior walls of the *building* at each floor level. *Gross floor area* does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators, and car parking areas.

"GROSS LEASABLE AREA"
Means the total floor area designed for tenant occupancy and exclusive *use*, measured from the centre lines of *common walls* or joint partitions and the exterior of outside walls.

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

"GROUP HOME"
Means a residence for the accommodation of four or more persons, exclusive of staff, living under supervision as 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 well-being. A *group home* does not include a *day care centre*, an *apartment dwelling*, *senior citizen housing*, a *boarding* or *rooming house*, a halfway house, or a facility for the temporary care of transient and homeless persons.

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

"HEDGE"
Means a row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

"HEIGHT"
Means, in relation to a *building* or *structure*, the vertical distance as measured from the *grade* level to the highest point of such *building* or *structure*.
Height does not include:

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

"HIGHER HIGH-WATER LARGE TIDE (HHWLT)"
The average of the highest high tide water level that is reported daily by the Department of Fisheries and Oceans and based upon a 19-year tidal cycle.

"HIGHWAY, ARTERIAL"
Means a highway classified by the Provincial Minister responsible for transportation as an arterial highway under the Provincial Highway Act, RSNB 1973, c H-5.

"HIGHWAY, COLLECTOR"
Means a highway classified by the Provincial Minister responsible for transportation as a collector highway under the Provincial Highway Act, RSNB 1973, c H-5.

"HIGHWAY, LOCAL"
Means a highway classified by the Provincial Minister responsible for transportation as a local highway under the Provincial Highway Act, RSNB 1973, c H-5.

"HISTORIC BUSINESS DISTRICT"
Means properties on Water Street bounded by Princess Royal Street and Elizabeth Street as is shown in Schedule 'B' of this By-law.

"HOME BASED BUSINESS"
Synonymous with "home occupation" and means an occupation, trade, profession or craft carried on by the occupant of a residential *building* as a *secondary use* that is clearly subordinate and incidental to the main residential *use* of the property, which conforms with the provisions of Section 4.1.9, and which does not change the character, thereof or have any exterior evidence of such *secondary use* other than a small *sign* not exceeding a size prescribed by the Zoning By-law.

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

"HOTEL"
Synonymous with "motel", "hostel" and "inn" and means a commercial *building* or *buildings* providing temporary accommodations for travelers or transients for compensation for up to 30 days with on-site guest services and a minimum of five (5) guest rooms, but does not include a *short-term rental* or *bed and breakfast*.

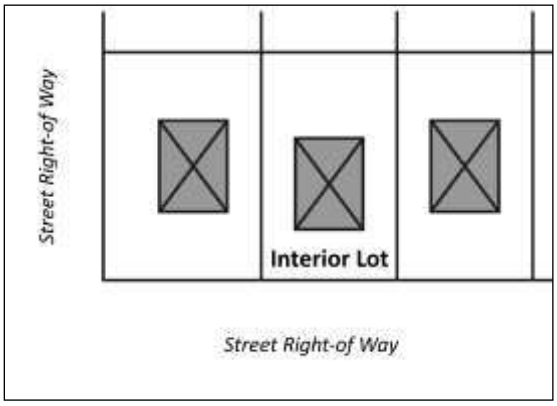
"INDUSTRIAL USE"
Means the *use* of land, *buildings* or *structures* for the processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related *accessory uses* and shall include the *use* of land, *building(s)*, or *structure(s)* for one or more of the following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

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

"INSTITUTIONAL USE"
Means the *use* of land, *buildings,* or *structures* for religious, educational, health, government, *recreational uses*, community centre, hospital, *senior citizen housing*, *residential care facility*, museums, and *group homes*.

"INTERIOR LOT"
Means a *lot* other than a *corner lot* or *through lot*.

Figure 1.10: Example of an Interior lot



"KENNEL"
Means a *building* or *structure* where dogs, cats and other *domestic animals* (excluding *livestock*) are bred, raised, sold, kept for sale and/or boarded with or without veterinary care.

"LAND FOR PUBLIC PURPOSE"
Means land deeded to a municipality from a developer during the subdivision process, other than *streets*, that is used for the recreational or other *use* or enjoyment of the general public, such as:

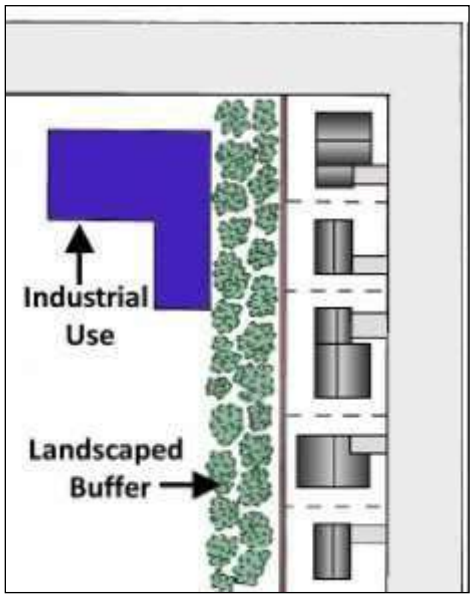
(a) an access to a lake, river, stream, sea or other body of water;
(b) a beach or scenic area along the shore of a lake, river, stream, sea or other body of water;
(c) a conservation area;
(d) land adjoining a school, for joint recreational purposes;
(e) land for a community hall, public library, *recreational use* or other similar community facility;
(f) open space, to provide air and light, to afford a view to or from a *development* or to a lake, river, stream, sea or other body of water, or for other purposes;
(g) a *park*, green belt or buffer area dividing *developments*, parts of a highway or a *development* and a highway;
(h) a pedestrian way to a school, shopping centre, recreational area or other facility;
(i) a protection area for a water course, stream, marsh, water supply lake or other body of water;
(j) a public *park*, playground or other *recreational use*;
(k) a visual feature; or
(l) a wooded area, slope area or a site giving view to a scenic area.

"LANDSCAPED AREA"
Means an area of land within a *lot* that is dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features such as stones.

"LANDSCAPED BUFFER"
Means the area of a *lot* that serves to provide separation and partially obstruct the visibility and/or noise of adjacent land *uses* by means of:

(a) a dense *landscaping* screen consisting of predominantly evergreen trees;
(b) a combination of an opaque fence with evergreen and/or deciduous trees, shrubs or berms; or
(c) a dense screen of a naturally wooded area

Figure 1.11: Example of a Landscaped Buffer



"LANDSCAPING OR LANDSCAPED"
Means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, *screening* or other architectural elements designed to enhance the visual appearance of a property or to provide a screen to soften the linear appearance of a *building*, *structure* or *use*.

"LICENCED PREMISES"
Means any business premises licenced to serve alcoholic beverages as a regular part of its business operation pursuant to the *Liquor Control Act* of New Brunswick.

"LIVESTOCK"
Means large animals such as cattle, horses, sheep, pigs, goats, mules, donkeys, game animals, llamas and alpacas. This definition also includes live fish, shellfish, and poultry such as chickens, geese and turkeys and large quantities of rabbits. The definition of *livestock* does not include *domestic animal*s such as cats, dogs, parrots, budgies, parakeets, rabbits, fish, birds, mice, rats, gerbils, hamsters, guinea pigs or other similar *domestic animals*.

"LOADING SPACE"
Means an off-street area, on the same *lot* as the *main use*, that is used for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public *street* by an appropriate access.

"LOT"
Means one parcel of land described in a deed, transfer, or subdivision plan, used or proposed to beused as the site of a *building*, *structure* or *use*.

"LOT AREA"
Means the total horizontal area within the *lot lines* of a *lot*, excluding the horizontal area of a *lot*:

(a) usually covered by water or marsh;
(b) beyond the rim of a riverbank or *watercourse*; or
(c) between the top and toe of the cliffs or embankment having a slope of thirty degrees or more from the horizontal.

"LOT COVERAGE"
Means the percentage of *lot area* covered by *buildings* and *structures* above *grade*. This does not include uncovered *swimming pools*, unenclosed *porches*, patios, *sundecks* and above ground pool decks.

"LOT DEPTH"
Means the distance between the *front* and *rear lot lines*.

"LOT LINE"
Means a common line between a *lot* and:

(a) an abutting *lot*;
(b) a lane;
(c) a *street* or *road*;
(d) a parcel of land; and
(e) a body of water.

"MAIN BUILDING"
Means the *building* in which the main or principal *use* of a *lot* is conducted.

"MAIN USE"
Means the primary purpose for which a *lot*, *building(s)* and/or *structure(s)* are used.

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

"MANUFACTURING USE"
Means the *use* of land, *building* or *structures* for the purpose of fabricating, assembling, preparing, finishing, treating, repairing, warehousing or adapting for sale of any goods, substance, article or service.

"MEDICAL CLINIC"
Synonymous with 'wellness centre' and means a premises containing *offices* and common administration and/or reception areas used by members of the medical or health care professions to provide medical, dental, and/or therapeutic diagnosis and treatment to the general public without overnight accommodation and may include accessory dispensary facilities.

"MINI-HOME DWELLING"
Means a *dwelling*, other than a *mobile home* or *modular dwelling*, fabricated in an off-site manufacturing facility for installation or assembly at the *building* site, and provided with a CSA approved stamp and number and/or meeting the requirements of the *National Building Code of Canada*.

"MOBILE HOME DWELLING"
Means a manufactured, movable, or portable *dwelling unit* constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed, or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The *mobile home* must contain sleeping accommodation, a flush toilet, a tub or shower, bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

"MODULAR DWELLING"
Means a complete *dwelling unit*, built in a factory, that is designed in more than one unit to be made mobile on a temporary basis, for transport to a site, which provides a permanent residence for one or more persons, but does not include a *mini-home dwelling*, *mobile home dwelling*, or a *recreational vehicle*.

"NANOBREWERY"
Means the small-scale manufacturing of beer, wine, spirits or other alcoholic beverages. The maximum total floorspace allowed for this Use is 3,500 square feet or less. This Use may include the sale of alcoholic beverages to the public for consumption within the premises. Accessory activities may include the preparation and sale of food, and storage, packaging, bottling, canning and shipping of products manufactured within the premises. This Use does not include outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business. This Use does not generate odour, sound, dust, waste or delivery traffic in excess of that which is characteristic of the Zone in which it is located.

"NON-ADAPTED"
Means a *building* or *structure* where the main habitable space is below *Projected Sea Level Rise,* or electrical, mechanical, and plumbing by design or by elevation within the habitable part of the building has not been flood proofed.

"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*, *structure,* or piece of land where young plants or trees are grown for subsequenttransplanting and may include the associated retail sale of such plants.

"OFFICE"
Means an establishment to accommodate professional services, managerial services, clerical services, consulting services, the administrative needs of businesses and other organizations, government and non-profit *offices*, or the sale of services such as travel agents and insurance brokers.

"ORDINARY HIGH-WATER MARK"
As used by the Province of New Brunswick. Means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the shoreline. This is often indicated by destruction of terrestrial vegetation, the presence of marks on trees or debris deposits. It is usually the point at which natural vegetation shifts from predominately hydrophytic species to terrestrial species.

"OUTDOOR DISPLAY"

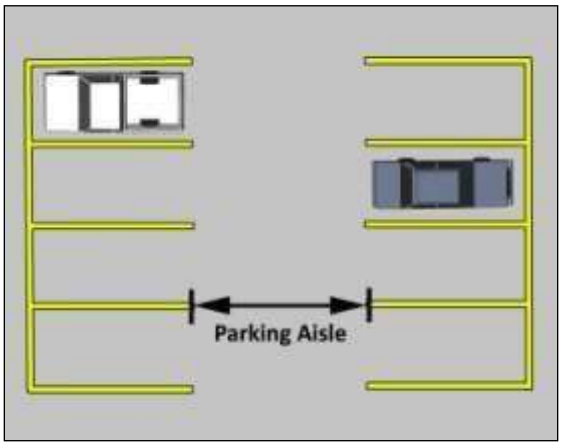
Means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an *outdoor display court*, by locating them on a *lot* exterior to a *building*, and includes material covered by canvas or other opaque or non-opaque material.

"OUTDOOR DISPLAY COURT"
Means an area of land where goods are displayed, which are available for sale to the general public from a *use* located on the same *lot*.

"PARK"
Means a piece of land with few or no *buildings* within the *Town* that has been set aside for public recreational purposes and may include playgrounds, open spaces, trails, tennis courts, lawn bowling areas, athletic fields, *swimming pool*s, community centres, areas designed for passive enjoyment, similar *uses* and includes the *buildings* and *structures* in connection therewith.

"PARKING AISLE"
Is synonymous with 'drive aisle' or 'aisle' and means the area used by motor *vehicles* for access to and from all off-street *parking spaces* but does not include an access or egress *driveway*.

Figure 1.12: Example of a Parking Aisle



"PARKING LOT"
Means an open area of land, other than a *street*, or an area within a *structure* for the parking of vehicles.

"PARKING SPACE"
Is synonymous with 'parking stall' and means a rectangular area reserved for the temporary parking or storage of motor *vehicle*s, which does not include any part of any *parking aisle* or *driveway*.

"PARTY WALL"
See *common wall*.

"PERSONAL SERVICE SHOP"
Means a *building* or part of a *building* in which persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many

other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

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

"PORCH"
Means a roofed open *structure*, which may be screened or glazed, which is attached to and provides direct access to or from a *building*, which is not heated nor air conditioned, and, if glazed, the percentage of window to wall area is fifty percent (50%) or more.

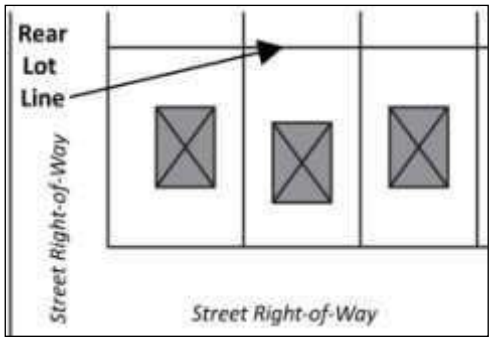
"PORTABLE OR TEMPORARY GARAGE"
Means a *structure* that is designed to be collapsible in nature and is covered in plastic or fabric, used for the purpose of temporarily storing *vehicles* and/or the covering of *driveways*.

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

"PRIVATE LANE"
Means a right-of-way which is not owned by the Town of Saint Andrews, and which provides access to and from a *lot* and/or *parking* or *loading space* to and from a public *street*.

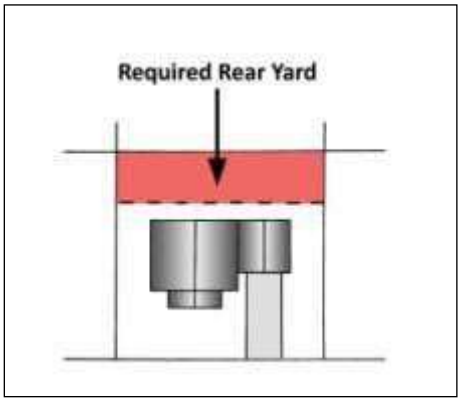
"REAR LOT LINE"
Means the *lot line* farthest from or opposite to the *front lot line*.

Figure 1.13: Example of a Rear Lot Line



"REAR YARD"
Means a *yard* extending across the full width of a *lot* between the *rear lot line* and nearest wall of any *main building* or *structure* on the *lot*; and 'required *rear yard*' or 'minimum *rear yard*' means the minimum distance required by this By-law between a *rear lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*.

Figure 1.14: Example of a Minimum or Required Rear Yard



"RECREATIONAL USE"
Means the *use* of land, *buildings* or *structures* for tennis courts, lawn bowling greens, indoor skating rinks, outdoor skating rinks, curling rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and *swimming pool*s, and similar *uses* to the foregoing, together with necessary and *accessory buildings* and *structures*, but does not include commercial camping grounds nor a track for the racing of any form of motorized *vehicle*s, or any animals.

"RECREATIONAL VEHICLE"
Means a *vehicle* or unit intended as a temporary accommodation for travel, recreational or vacation *use*. Such units include travel trailers, motorized homes, slide-in campers, chassis mounted campers and tent trailers.

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

"RENTAL SUITE"
See *accessory dwelling unit.* Means an additional *dwelling unit* contained within a *single-family dwelling* and is rented to someone who is not a principal resident of the main *dwelling unit*.

"RESIDENTIAL CARE FACILITY"
Means a residential *building* or part of a *building* in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three persons with social, health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licenced by the *Family Services Act*, or by other provincial legislation, and that may contain common facilities, such as but not limited to:

(a) the preparation and consumption of food;
(b) an accessory personal service shop;
(c) a *retail store*;
(d) *amenity space*; and/or
(e) recreational uses for the residents,

but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

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

"RESTAURANT"
Means an establishment where food is prepared and offered for sale to the public for consumption within the *building* or *structure* or to be taken off the premises. The aforementioned *use* does not include *licenced premises* or *beverage room* where alcohol, beer, wine, or spirits are served with or without meals. *Drive-through restaurant* is a separate *use*.

"RETAIL STORE"
Means a *building* or part of a *building* in which goods, wares, merchandise, substances, articles, or things are offered for sale directly to the public.

"ROOMING HOUSE"
Means a *dwelling* in which furnished *habitable rooms* are regularly provided for compensation to four or more persons other than the occupant and members of his or her *family*, but does not include a *hotel*, *apartment dwelling* or *boarding house*.

"ROWHOUSE DWELLING"
Synonymous with 'townhouse dwelling' and means a *building* that is divided by vertical *common walls* into three or more *dwelling units*, each of which is located on a separate *lot* and each of which has independent entrances to a *front* and *rear yard* immediately abutting the front and rear walls of the unit.

Figure 1.15: Example of a Rowhouse Dwelling



"SALVAGE YARD"
Means a *lot* or premises used for the storage, handling, or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, used bicycles, *vehicle*s, tires, metal, or other scrap material or salvage.

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

"SEA LEVEL RISE, PROJECTED"
Means an area that is at risk for encroachment by water at *Higher High-Water Large Tide* by the year 2100 as delineated on Schedule C of this bylaw, or below 4.4m per Canadian Geodetic Vertical Datum2013.

"SEASONAL DWELLING"
Means a *dwelling* with a period of non-occupancy over the course of any one-year period for the exclusive use of the principal residents.

"SECONDARY USE"
Means a *use* other than a *main* or *accessory use*:

(a) that is secondary to a *main use*; and

(b) that is conducted, unless otherwise provided (expressly or by definition), entirely within a *building* or *structure* containing the *main use* on the *lot*.

"SEMI-DETACHED DWELLING"
Means a *dwelling unit* attached to one other *dwelling unit* by a *common wall* that is above *grade* and has each *dwelling unit* located on a separate *lot.*

Figure 1.16: Example of a Semi-Detached Dwelling



"SENIOR CITIZEN HOUSING"
Means an *apartment dwelling* designed primarily for senior citizens in need of being in close proximity to urban amenities and essential services such as *retail stores*, hospitals, *medical clinics*, *places of worship* and other similar *uses*. *Senior citizen housing* includes common area(s) equal to at least ten percent (10%) of the total floor area of each *dwelling unit*, of which up to fifty percent (50%) may be exterior to the *building* where residents can socially interact. *Senior citizen housing* may also include such *secondary uses* within the *building* as:

(a) medical *offices* or clinics;

(b) personal service shops; and/or

(c) a *retail store* not exceeding 16 m^2 (172.2 ft^2).

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

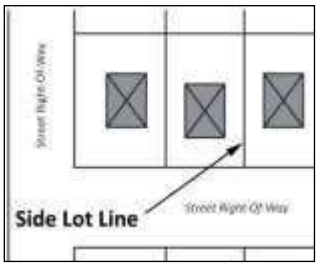
"SHOPPING CENTRE"
Means a commercial *development* of at least 5,575 m^2 (60,000 ft^2) of land, consisting of one or more business establishments, which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such *retail stores*, *service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

"SHORE PROTECTION WORKS"
Means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, and other structures along the shoreline, to retain or prevent sliding of the land and protect the inland area from wave action or surges, but does not include rigid structures built out from a shore.

"SHORT-TERM RENTAL"
Means a *dwelling unit*, or portion thereof, used as an accommodation for travelers for no more than 30 days at a time. The use does not include *hotels, motels*, or *bed and breakfasts*.

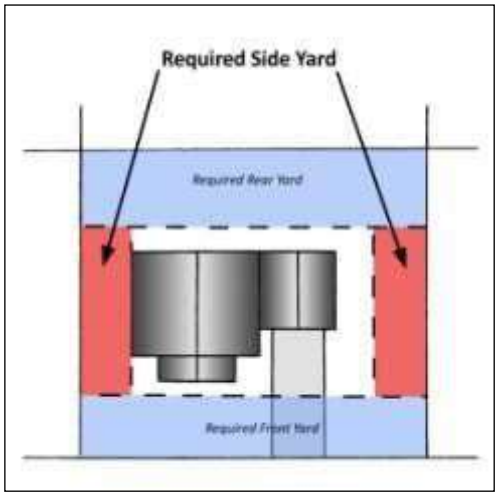
"SIDE LOT LINE"
Means a *lot line* extending from the *street line* to the rear of the *lot* or the line extending from the *front lot line* to the *rear lot line*.

Figure 1.17: Example of a Side Lot Line



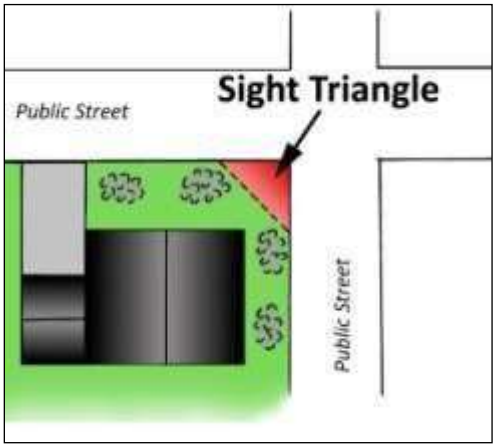
"SIDE YARD"
Means a *yard* extending between the *front yard* and the *rear yard* between a *side lot line* and the nearest *main wall* of any *building* on the *lot*; and 'required *side yard*' or 'minimum *side yard*' means the minimum distance required by this By-law between a *side lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*.

Figure 1.18: Example of Required Side Yard



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

Figure 1.19: Example of a Sight Triangle



"SINGLE-FAMILY DWELLING"
Synonymous with 'single-detached *dwelling*' and means a detached *dwelling* other than a *mobile home*, *mini-home*, *recreational vehicle*, travel trailer or motor home containing only one main *dwelling unit*, designed and used exclusively for residential purposes by one (1) *family* with only one main entrance that faces the *street*.

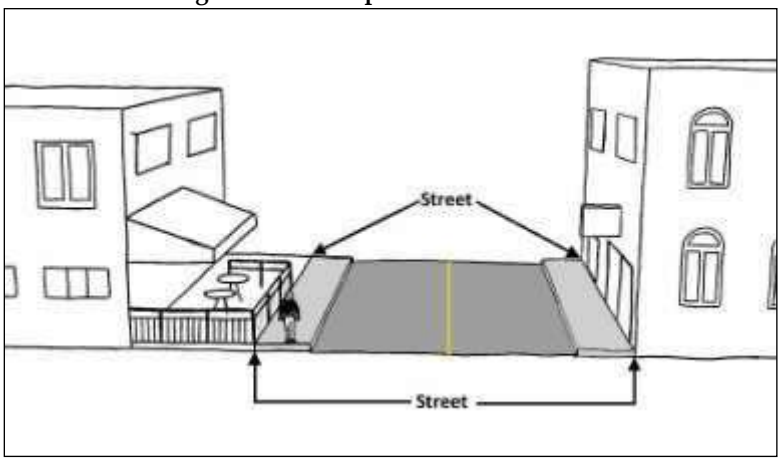
Figure 1.20: Example of a Single-Detached Dwelling



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

"STREET OR ROAD"
Synonymous with *street* right-of-way and means the whole and entire right-of-way of every highway, *road*, or *road* allowance vested in the Government of Canada, Province of New Brunswick, or the *Town*.

Figure 1.21: Example of a Street or Road



"STREET LINE"
Means the boundary line of a *street* or *road*.

"STRUCTURE"
Means anything constructed or *erected* on or below the ground, or attached to something on the ground, and may include all *buildings* but does not include a *sign.*

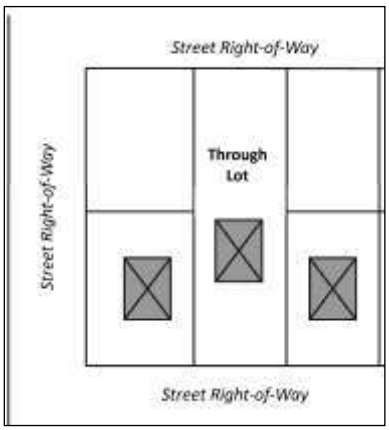
"SUNDECK"
Means a roofless, unenclosed *structure*, which may or may not have fencing.

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

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

"THROUGH LOT"
Means a *lot* bounded on two opposite sides by *streets* or highways with the exception of *lots* abutting Water St. and Church Ln. If any *lot* qualifies as being both a *corner lot* and a *through lot* as defined herein, such *lot* shall be deemed to be a *corner lot* for the purpose ofthis By-law.

Figure 1.22: Example of a Through Lot



"TOWN"
Means the Town of Saint Andrews.

"TOWN PLAT & ENVIRONS"
Means the area bounded by and including both sides of Harriet Street, Prince of Wales Street, Patrick Street and Water Street as in shown in Schedule 'B' of this By-law. The *Historic Business District* is included in the *Town plat & environs.*

"TRIPLEX DWELLING"
Means a detached *dwelling* divided primarily horizontally into three *dwelling units* each of which has an independent entrance accessed through a common vestibule.

Figure 1.23: Example of a Triplex Dwelling



"TWO-FAMILY DWELLING"
Synonymous with "duplex" or "two-unit dwelling" and means a *building* on one lot containing two dwelling units divided into separate dwelling units each of which has an independent entrance, either directly from the outside or through a common vestibule.

Figure 1.24: Example of a Two-family Dwelling



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

"UTILITY USE"
Means any component of a water, sewerage, storm water, or solid waste disposal, cable television, electric power, natural gas, or telecommunication system.

"UTILITY USE, PUBLIC"
Means a *utility use* provided by the Town of Saint Andrews or the Province of New Brunswick.

"UTILITY USE, PRIVATE"
Means a *utility use* provided by a private entity, that may or may not serve the public.

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

"VETERINARY CLINIC"
Means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities or *structures* such as *kennel*s, pet/pen runs and enclosures.

"WAREHOUSE"
Means a *building* used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

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

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

"YARD"
Means that part of a developed *lot* that is not covered by *buildings*, *structures*, *driveways* or parking areas.

"ZONE"
Means a designated area of land *use* shown on the Zoning Map (Schedule A) of this By-law.

2.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES

2.1 Zoning Classifications

(1) For the purposes of this By-law, the ***Town*** is divided into ***zones*** as delineated on the map attached hereto; entitled "Town of Saint Andrews Zoning Map" and attached as Schedule "A".

(2) The ***zones*** mentioned in subsection (1) are classified and referred to as described in the following table:

Table 2.1: Zone Classifications

Short Form	Zone Designation	Future Land Use Classification
SR Zone	Serviced Residential	Residential Zones
SRC Zone	Serviced Residential and Culture	
ER Zone	Estate Residential	
MR1 Zone	Multiple Residential	
MR2 Zone	High Density Multiple Residential	
CC Zone	Central Commercial	Commercial Zones
TC Zone	Tourist Commercial	
MU Zone	Mixed Use	
INST Zone	Institutional	Institutional Zone
GS Zone	Green Space	Environmental/Recreational Zones
ESA Zone	Environmentally Significant Area	
NI Zone	Navy Island	
SLR Overlay Zone	Sea Level Rise	

(3) SR, SRC, ER, MR1, and MR2 Zones, collectively, are referred to as Residential Zones.

(4) CC, TC and MU Zones, collectively, are referred to as Commercial Zones.

(5) INST is referred to as an Institutional Zone

(6) GS, ESA, NI, and SLR Zones are collectively referred to as Environmental/Recreational Zones.

2.2 Powers of the Town Council

(1) No ***building*** may be ***erected*** in the ***Town*** where in the opinion of the ***Council***, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, ***street***s and other services and facilities.

(2) Where, in its opinion, a ***building*** or ***structure*** is dilapidated, dangerous or unsightly, ***Council*** may acquire the parcel of land that such ***building*** or ***structure*** is located.

(3) If in the opinion of ***Council***, a particular parcel of land is essential to the operation of the service concerned, ***Council*** may designate and ***use*** land in any ***zone*** for the location or ***erection*** of any

installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, and the disposal of sanitary wastes provided that any such ***development*** in any residential ***zone*** is adequately screened from view.

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

2.3 Special Powers of the Planning Advisory Committee and Regional Service Commission

(1) No ***building*** or ***structure*** may be placed, ***erected*** or ***altered*** on any site where it would otherwise be permitted under this By-law when, in the opinion of the Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

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

(a) authorize, for a temporary period in accordance with the *Community Planning Act*, a ***development*** otherwise prohibited by this By-law; and

(b) require the termination or removal of a ***development*** authorized under clause (a) at the end of the authorized period.

(3) Where ***uses*** are listed as being subject to terms and conditions that may be imposed by the Planning Advisory Committee, no ***building permit*** for such ***use*** shall be issued unless written application and supporting information for such ***use*** has been submitted to the Planning Advisory Committee and the Planning Advisory Committee has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the Planning Advisory Committee to protect:

(a) properties within the ***zone*** or in abutting ***zones***;

(b) the health, safety and welfare of the general public; and

(c) the integrity of the objectives and policies established in the Municipal Development Plan.

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

(a) a proposed ***use*** of land or a ***building*** that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed ***use*** is sufficiently similar to or compatible with a

use permitted in the By-law for the ***zone*** in which the land or building is situated as provided for by Subsection 55(a) of the *Community Planning Act*; or

(b) such reasonable variance from the requirements of the Zoning By-law as provided by Subsection 55(b) of the *Community Planning Act* as, in its opinion, is desirable for the ***development*** of a parcel of land or a ***building*** or ***structure*** and is in accord with the general intent of the By-law and the Municipal Plan and the Secondary Municipal Plan.

(5) Where requested to permit a proposed ***use*** or variance under subsections (2), (3) and (4) above, the Planning Advisory Committee shall give notice to owners of land in the immediate neighbourhood:

(a) describing the land;

(b) describing the ***use*** proposed or variance requested; and

(c) giving the right to make representation to the Planning Advisory Committee in connection therewith within the time limit set out in the notice.

(6) Where permitted under the *Community Planning Act*, powers of the Planning Advisory Committee may be delegated to the ***Development Officer*** or his/her delegate.

(7) The Planning Advisory Committee may authorize a ***development*** or ***use*** for a temporary period in accordance with Section 53(2)(h) of the *Community Planning Act***.**

2.4 Licences, Permits and Compliance with Other By-laws

Nothing in this By-law shall exempt any person from complying with the requirements of the ***Building By-law*** or any other By-law of the ***Town*** in force from time-to-time, or from the obligation to obtain any licence, permit, authority or approval required under any prevailing municipal, provincial or federal legislation in effect within the ***Town***. Where the provisions in this By-law conflict with those of any other municipal, provincial or federal regulation, By-law or code except the Municipal Plan By-law or Secondary Municipal Plan, the more stringent requirement shall prevail.

2.5 Metric Measurements

For the purposes of convenience, the measurements contained in this By-law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-law. If there is a discrepancy between the two measurements, the metric measurements shall prevail. Measurements may be abbreviated in the following manner:

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

2.6 Zone Boundaries

(1) A ***zone*** boundary shown approximately at a ***lot line*** shown on a registered plan of subdivision or provincial assessment map is deemed to be at the boundary of the ***lot line***.

(2) A ***zone*** boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the ***ordinary high-water mark*** and moves with any change in the bank.

(3) Where ***zone*** boundaries are indicated as following an existing or a proposed ***street line***, alley line, public utility right-of-way or an easement line, the ***zone*** boundary shall be considered as the centreline of such ***street***s, alleys, right-of-ways or easements.

(4) In the event that a dedicated ***street*** or ***road***, as delineated on the Zoning Map, hereby, is closed, the property formerly within such ***street*** or ***road*** must be included within the ***zone*** of the adjoining property on either side of such closed ***street*** or ***road***. Where a closed ***street*** or ***road*** is the boundary between two or more different ***zones***, the new boundary shall be the former centreline of the closed ***street***.

(5) Where the ***zone*** boundary, as delineated on the zoning map relating to this By-law, runs substantially parallel to a ***street line*** and the difference from the ***street line*** is not indicated, the boundary shall be deemed to be parallel to such ***street line*** and the distance from the ***street line*** shall be determined according to the scale shown on the Zoning Map;

(6) Where none of the above provisions apply, and where appropriate, the ***zone*** boundary shall be scaled from the Zoning Map.

2.7 Zoning By-law Amendments

(1) A person who seeks to have this By-law amended:

- (a) must address a written and signed application to ***Council***;
- (b) must, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
  - (i) a statement as to the ownership thereof;
  - (ii) the signature of at least one owner of each parcel of land therein; and
- (c) shall pay a fee of $1000, payable to the Town of Saint Andrews.

(2) ***Council*** may, if it deems fit, return all or any part of the fee mentioned in subsection (1).

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

(4) ***Council*** may refuse to consider an application, under this section, that seeks to rezone an area of land from one type of ***zone*** to another if it has not been signed by one or more owners of each property.

(5) Before giving its views to ***Council*** with respect to an application under this section, the Planning Advisory Committee may carry out such investigation as it deems necessary within 30 days, as specified by the *Community Planning Act.*

(6) Unless the ***Council*** is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been refused by ***Council***, no further application may be considered by ***Council*** for one year if such application:

(a) in the case of rezoning, is in respect of the same area of land and is in all significant particulars intended to seek the same ***zone*** originally sought or is to obtain the same zoning changes as originally sought; or

(b) not being in relation to rezoning, is substantially similar to the original application. Where an application for rezoning of a property has been refused within the previous twelve months, ***Council*** will not entertain an application to rezone the same property unless the proposed ***use*** is substantially different from the previous application.

(7) Notwithstanding section 2.7 (1), ***Council*** may initiate a Zoning By-law amendment without the signature of the owner(s) of the parcel(s) of land involved in the rezoning, provided that the amendment obtains the support of a majority of the whole ***Council***.

2.8 Uses Permitted

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

(a) If a ***use*** is not listed as a ***use*** permitted within a specific ***zone***, it shall be deemed to be prohibited in that ***zone***;

(b) If any ***use*** is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements; and

(c) If a proposed ***use*** is not specifically defined or listed, it must be reviewed by ***Town*** Staff and the Planning Advisory Committee to determine whether it is similar or compatible with other ***uses*** in that specific ***zone***.

2.9 Interpretation

In this By-law:

(a) the words "shall" and "must" are mandatory and not permissive;

(b) "may" is to be construed as permissive and empowering;

(c) "required" is to be construed as a compulsory obligation;

(d) words used in the present tense shall include the future;

(e) words in the present tense may include the past;

(f) words in the past tense may include the present and the future;

(g) words used in the singular number shall include the plural and words used in the plural number shall include the singular;

(h) words in either gender include corporations;

(i) words in bold italics are words with specific definitions and may be found in Section 1.1 of this By-law;

(j) words that are italicized and underlined may denote specific Provincial and/or Federal regulations or legislation.

2.10 Images

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

2.11 The Use of Italics and Underlining

(1) The use of italics in the Zoning By-law identifies words that have specific definitions under Section 1.1 and is intended to make the By-law easier to use and the use of italics shall not be considered to impact the use, intent, implication, application or definition of any word contained within this By-law.

(2) Should a word with a definition under Section 1.1 of this By-law not be italicized, or vice versa, it shall not impact the required compliance with any standard, provision or requirement of this By-law.

(3) Words that have been underlined and italicized indicate a specific piece of Federal or Provincial legislation.

2.12 Development Permits & Fees

(1) Except as otherwise provided in this section, no person shall undertake a ***development*** and no ***development permit*** shall be issued for the ***development*** unless the ***development officer*** having jurisdiction approves the ***development*** as conforming with, if it applies to the land on which the ***development*** is located:

(a) the *Community Planning Act*;
(b) the Municipal Plan By-law;
(c) a Secondary Municipal Plan By-law, if applicable;
(d) the Zoning By-law;
(e) a deferred widening or controlled access by-law, if applicable.

(2) A person shall be required to obtain a ***development permit*** or a development approval pursuant to Section 108 of the *Community Planning Act* prior to carrying out any ***development*** involving the following:

(a) the change of a ***main use*** to another ***main use*** of any land, ***building***, or ***structure***;
(b) the ***development*** of a new ***main use*** in or upon of any land, ***building***, or ***structure***;
(c) the change of a ***secondary use*** to another ***secondary use*** of any land, ***building***, or ***structure***;
(d) the ***development*** of a new ***secondary use*** in or upon of any land, ***building***, or ***structure***;
(e) the infill or cutting of any soil to a depth exceeding 1 m in any ***zone***, pursuant to section 3.23;

(f) the establishment of parking facilities where more than six (6) ***parking spaces*** is provided, pursuant to section 3.27;
(g) the ***development*** of ***accessory uses*** in ***buildings*** not designed for overnight accommodation with a total floor area greater than 9.3 sq. m. (100 sq. ft.)
(h) the ***development*** of a ***driveway***

(3) While it does not exempt a person from complying with all other provisions of this By-law or any other by-laws or regulations, a ***development permit*** or a development approval pursuant to Section 108 of the *Community Planning Act* is not required prior to carrying out the ***development*** of any of the following:

(a) the ***development*** of an ***accessory use*** of land, pursuant to section 3.1;
(b) the installation of ***landscaping*** that does not change elevations by more than 1 m;
(c) the ***development*** of parking facilities where less than six (6) ***parking spaces*** is provided;
(d) the installation of ***driveway accesses***, private accesses, ***streets*** or ***public utility uses***, subject to the approval from the ***Town***;
(e) ***accessory uses*** in ***buildings*** with a total floor area not greater than 9.3 sq. m. (100 sq. ft.)

(4) An application for a ***development permit*** shall be made to the ***development officer*** in the form provided by the ***Regional Service Commission*** and be subject to a fee of $50.

(5) An application for a ***development permit*** shall contain information as the ***development officer*** may require for the purpose of determining compliance with this By-law.

(6) The work mentioned in the ***development permit*** shall be carried out, unless otherwise approved by the ***Development Officer***, in compliance with the specifications contained in the application for the ***development permit***.

(7) Where a ***development permit*** has been issued, the ***development officer*** may inspect the establishment, ***building***, locating, or relocating, demolishing, altering, or replacing of a ***use***,***building***, or ***structure***, to determine compliance with this By-law.

(8) The ***Development Officer*** may revoke, suspend or refuse to issue a ***development permit*** where, in opinion of the ***Development Officer***, the findings of the inspection referred to in section 2.12 (7) demonstrates that the ***development*** does not meet the requirements of this By-law or a ***development*** proceeds contrary to the provisions of this By-law.

(9) The ***Development Officer*** shall reinstate the ***development permit*** when the ***development*** meets the requirements of this By-law.

(10) The work mentioned in the ***development permit*** shall be commenced within six months from the date of issue of the ***development permit***;

(11) The work mentioned in the ***development permit*** shall not be discontinued or suspended for a period in excess of one year.

3.0 GENERAL PROVISIONS

3.1 Permitted Uses and Requirements

(1) The permitted ***uses***, minimum sizes and dimensions of ***lot***s, minimum setback distances, the maximum ***lot coverage***, the minimum ***landscaped*** open space, the maximum ***height*** of ***buildings*** and all other zoning requirements are set out for each ***zone***. Except as otherwise provided pursuant to the *Community Planning Act* or other legislation, land in each ***zone*** shall be used and all ***buildings*** or ***structures*** shall be placed, ***erected***, ***altered***, demolished or used only in conformity with such requirements.

(2) ***Buildings*** with ***common walls*** and occupying more than one ***lot*** shall be considered as one ***building*** occupying one ***lot*** for the purposes of calculating ***frontage***, ***side yard***, ***lot area*** and ***lot*** occupancy regulations.

3.2 Number of Buildings on a Lot

(1) Except for the MR1 (Multiple Residential), MR2 (High Density Multiple Residential), CC (Central Commercial), and INST (Institutional) Zones, no more than one ***main building*** may be placed or ***erected*** on a ***lot*** and no ***building*** or ***structure*** may be ***altered*** to become a second main ***building*** on a ***lot***.

(2) Notwithstanding 3.2(1), where a proposed ***use*** is to consist of more than one ***main building*** on the ***lot***, such ***use*** shall be subject to such terms and conditions as the Planning Advisory Committee may impose and the Planning Advisory Committee may prohibit the ***use*** where compliance with the terms and conditions imposed cannot reasonably be expected.

(3) Not more than two (2) ***accessory buildings*** or ***structures*** are permitted on a ***lot*** in any ***zone***.

3.3 Existing Undersized Lots

Except subject to 2.2 (1) and 2.3 (1), nothing in this By-law shall prevent the ***use*** of a ***lot*** or construction or ***alteration*** of a building on a ***lot*** in existence on the effective date of this By-law provided that the ***use*** of such ***lot*** is permitted in the ***zone*** in which said ***lot*** is located and that the setbacks, ***height***, ***lot coverage*** and all other relevant requirements are maintained.

3.4 Existing Buildings

Where a ***building*** has been ***erected*** on or before the effective date of this By-law, on a property having less than the minimum ***lot area***, ***frontage***, ***front*** or ***flankage yard***, ***side yard*** or ***rear yard*** required by this By-law, the ***building*** may be enlarged, reconstructed, repaired, or renovated provided that:

(a) the enlargement, reconstruction, repair, or renovation does not further reduce the ***front yard***, ***side yard***, ***flankage yard***, or ***rear yard*** so it does not conform to this By-law; and

(b) all other applicable provisions of this By-law are satisfied.

3.5 Non-conforming Uses

Non-conforming uses, unless otherwise provided, shall be subject to Sections 60 and 61 of the *Community Planning Act*.

3.6 Uses Permitted in All Zones

(1) Nothing in this By-law shall prevent the ***use*** of any land for public ***street***s, a ***conservation use***, public ***parks*** and playgrounds or ***public utility uses*** or services.

(2) ***Private utility uses*** or services which are considered by the ***Town*** to be necessary and appropriate to the Municipality shall be permitted in all ***zones***.

3.7 Uses Prohibited in All Zones

(1) Notwithstanding any provision of this By-law, the ***use*** of a motor ***vehicle***, ***recreational vehicle***, ***commercial vehicle***, tractor trailer, tractor engine, farm tractor, ***road*** building machine and any ***vehicle*** drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used, in any ***zone***, as a ***dwelling unit*** or main or ***accessory building*** or ***structure***.

(2) Notwithstanding any provision of this By-law, the ***use*** of a container designed for commercial transport, shall not be used, in any ***zone***, as a ***dwelling unit*** or main or ***accessory building*** or ***structure*** except on municipal property.

(3) A ***mobile home dwelling*** or ***mini-home dwelling*** shall not be allowed within any ***zone***. This restriction does not apply to manufactured modular homes with a finished width of more than 6 m (20 ft), to be ***erected*** on a permanent foundation and meeting all requirements of the ***National Building Code of Canada*** with respect to residential ***buildings***.

3.8 Utilities and Infrastructure

(1) No ***building*** may be ***erected*** on any ***lot*** unless arrangements, to the satisfaction of the ***Development Officer***, have been made for the supply of electric power, water, sewage, ***street***s, or other services or facilities.

(2) Any proposed subdivision of land in an area which does not have municipal water and sewer services shall have a minimum individual ***lot area*** of 0.4 hectares (1 acre), unless the proponent of the subdivision agrees to pay for the extension of municipal water and sewer services to the subdivision.

3.9 Access to Lots

(1) No person shall ***use*** a ***lot*** or ***erect*** or ***use*** a ***building*** or ***structure*** on a ***lot***, unless the ***lot*** abuts or fronts on a public ***street*** or otherwise has access to a public ***street*** satisfactory to the Planning Advisory Committee.

(2) In the case of Navy Island, a navigable body of water may be used for the purposes of an access in the absence of a public ***street***.

3.10 Mixed Uses

Where 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***.

3.11 Reduced Frontage on a Curve

Where the ***front lot line*** of any ***lot*** is a curved line or when the ***side lot line***s of a ***lot*** are not parallel, a minimum ***lot*** width that is equal to the minimum ***lot frontage*** required by this By- law shall be required in lieu of such minimum ***lot frontage***. For the purpose of this sub-section, such minimum ***lot*** width shall be measured along a horizontal line between the ***side lot lines***, whose end points are defined by the intersection of said ***side lot line***s with the minimum front or ***flankage yard*** as required by the applicable provision of this By-law.

3.12 Line of Vision at an Intersection

Except in the Central Commercial Zone, no ***building***, ***structure***, fence, sign, hedge, shrub, bush, or tree foliage may obstruct the line of vision at a ***street*** intersection between the ***height***s of 1.0 and 3.0 meters (3 and 10 feet) above the surface of the ***streets*** within the ***sight triangle*** which is the triangular area included within the right-of-way edges for a distance of 4.6 m (15.1 ft) from their point of intersection.

3.13 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 ***building permit***; and

(c) the ***accessory building*** or ***structure*** is located as indicated on the plot plan.

3.14 Height Exceptions

(1) The ***height*** regulations of this By-law do not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, telecommunications devices, air conditioning units, ventilators, skylights, , chimneys, clock towers, , monuments, lightning rods, or renewable energy ***structures*** attached to the principal ***structures*** except where height is specifically limited by ***Council*** or the Advisory Committee, as the case may be, provided that such ***buildings*** or ***structures*** conform to all restrictions of other Government authorities having jurisdiction.

(2) Any water tanks, elevator enclosures, air conditioning units, and ventilators exempted from height regulations under 3.14 (1) shall:

(a) be setback from the perimeter of the roofline a minimum of 3 m (9.8 ft.);

(b) be incorporated as an integral part of the building design; and,

(c) be screened from view from street level.

(3) Any telecommunications devices and renewable energy structures exempted from height regulations under 3.14 (1) shall:

(a) Be developed in conformity with section 2.2(3) for services designed for ***public utility*** use; and

(b) Be developed subject to terms and conditions established by the advisory committee for services designed for ***private utility*** use.

3.15 Prohibition Regarding Yards and Other Open Space

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

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

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

3.16 Building and Structure Projections / Permitted Encroachments

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

(a) cornices, eaves and steps that project not more than 0.61 m (2 ft) into any ***yard***;

(b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 152.4 mm (6 in) into any ***yard***;

(c) the ordinary projection of skylights;

(d) window or door awnings which project not more than 1.02 m (3.3 ft) into any ***yard***;

(e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1.02 m (3.3 ft) into any required ***yard***;

(f) chimneys, smokestacks or flues, which project not more than 0.457 m (1.5 ft);

(g) balconies of upper stories of ***apartment dwellings*** or ***buildings***, provided they are not enclosed above a parapet of normal ***height***, which project not more than 1.83 m (6 ft) into a ***front yard*** or ***rear yard*** or not more than 1.22 m (4 ft) into a ***side yard***;

(h) floors in the ***main building*** above the ***ground floor***, which project not more than 1.83 m (6 ft) into a ***front yard*** or ***rear yard*** or not more than 1.22 m (4 ft) into a ***side yard***;

(i) wheelchair ramps and lifting ramps may be located in any ***yard***;

(j) steps providing access at the ***ground floor*** may be located in any ***front yard***, ***rear yard*** or ***flankage yard***;

(k) window bays and solar collectors may be permitted to project not more than 0.9 m (2.95 ft) from the ***main wall*** into a required front, rear or ***flankage yard***;

(l) ***swimming pool***s may encroach within 1.2 m (3.9 ft) of the property line in any rear or ***side yard*** but never encroach on any required front or ***flankage yard***;

(m) air conditioning or heat pump ***units*** may project up to 0.61 m (2 ft) into a required ***side yard***;

(n) exterior staircases providing access to the basement or any floor above the first ***storey***, balconies, ***porches***, verandas and ***sundecks*** shall be permitted to project a maximum of 2 m (6.6 ft) into any required ***front yard, rear yard*** or ***flankage yard***; and

(o) no exterior staircase giving access to any floor above the first ***storey*** level shall be permitted between the ***façade*** of any building and the ***street line***, except subject to such terms and conditions as the Planning Advisory Committee considers necessary.

3.17 Enclosures for Swimming Pools

(1) No land may be used for purposes of a ***swimming pool*** capable of containing a depth in excess of 0.9 m (3 ft) of water unless the ***swimming pool*** is enclosed by a ***fence***, or by a wall of a ***building*** or ***structure***, or by a combination of walls and fences, at least 1.5 m (4.9 ft) in ***height*** and meetingthe requirements of this section.

(2) Where a portion of a wall of a ***building*** or ***structure*** forms part of an enclosure mentioned in 3.17(1):

(a) no main or service entrance to the ***building*** or ***structure*** shall be located therein; and

(b) any door therein, other than a door to a ***dwelling*** or ***dwelling unit***, shall be self-closing and equipped with a self-latching device at least 1.3 m (4.3 ft) above the bottom of the door.

(3) An enclosure mentioned in 3.17(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

(4) A ***fence*** mentioned in 3.17(1):

(a) must be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or other materials in the manner described in 3.17(5);

(b) must not be electrified or incorporate barbed wire or other dangerous material; and

(c) must be located:

(i) at least 1.22 m (4 ft) from the edge of the ***swimming pool***;

(ii) at least 1.22 m (4 ft) from anything that would facilitate it being climbed from the outside; and

(iii) so that the bottom of the ***fence*** be elevated by no more than 5.5 cm (2 in) above ***grade***/ground level.

(5) The design and construction of a ***fence*** under this section shall provide:

(a) in the case of chain link construction,

(i) no greater than 38 mm (1.5 in) diamond mesh,

(ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and

(iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8.2 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.

(b) in the case of wood construction,

(i) vertical boarding, not less than 19 mm (0.75 in) x 89 mm (3.5 in) actual dimensions spaced not more than 40 mm (1.6 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and

(ii) supporting wood posts at least 100 mm (3.9 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below ***grade*** treated with a wood preservative, and with a top horizontal rail of at least 38 mm (1.5 in) x 140 mm (5.5 in) actual dimensions; and

(c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.

(6) Gates forming part of an enclosure mentioned in 3.17(1):

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

(b) must be supported on substantial hinges; and

(c) must be self-closing and equipped with a locking, self-latching device at least 1.3 m (4.3 ft) above the bottom of the gate.

(7) The vertical walls of a permanent above-ground ***swimming pool***, can be used as part of a ***swimming pool*** enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.52 m (5 ft) in ***height*** above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground ***swimming pool***, must be enclosed by a ***swimming pool*** enclosure as defined within this section.

(8) No ***swimming pool*** enclosure may be located within any required ***front yard*** or ***flankage yard*** of a ***lot***.

(9) No water shall be placed in the pool until a ***Building Inspector*** has inspected the completed ***swimming pool*** enclosure.

(10) The installation of a ***swimming pool*** and/or enclosure is not to ***alter*** the existing ***grade*** or drainage pattern unless otherwise approved by the ***Town***.

(11) No person is to allow materials to be placed, piled, attached, hung or leaned against or near the ***swimming pool*** enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

3.18 Power Lines Over Swimming Pool

No overhead electrical power line shall be placed over the area of a ***swimming pool*** enclosed by a fence or ***structure*** as provided in section 3.17. Similarly, no ***swimming pool*** or ***swimming pool*** enclosure can be placed, ***erected,*** or ***altered*** so that it is located underneath an existing overheadelectrical power line.

3.19 Finished Floor Above Grade

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

(2) Notwithstanding 3.19(1) where the elevation of the ***lot*** to be developed is significantly below the adjacent roadway elevation and a ***building*** is to be constructed within 30 m (98.4 ft) of a public ***street***, a ***lot***-grading plan shall be prepared showing:

(a) existing and final ground elevations;
(b) floor and top of foundation wall elevations of any ***buildings*** and ***structures***;
(c) all measures for the control and management of surface water;
(d) all vegetation to be preserved; and
(e) areas to be ***landscaped***.

(3) The ***lot***-grading plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

3.20 Garbage Storage

(1) Within the Central Commercial (CC) Zone, Tourist Commercial (TC) Zone, Mixed Use (MU) Zone and Multiple Residential (MR1) Zone, High Density Multiple Residential (MR2) Zone, and Institutional (Inst.) Zone, 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 be fully screened by a surrounding fence at least 2 m (6.56 ft) in ***height*** designed so as to be opaque.

(2) No garbage storage area shall be located in any required ***setback***, nor shall it be located within 6 m (19.7 ft) of a public ***street*** or within 2 m (6.56 ft) of a residential ***use***.

(3) No garbage storage area shall be located between a ***building*** or ***structure*** and a public ***street***.

(4) No garbage shall be stored in any garbage storage area so as to exceed the ***height*** of the surrounding ***fence*** or enclosure.

3.21 Fences

(1) Subject to Section 3.12, a ***fence*** may be constructed, or a hedge may be planted at a distance of atleast 1 m (3.3 ft) from a property line.

(2) Notwithstanding any other provision of this By-law, a ***fence*** may be placed or located in any required ***yard***, however:

(a) Except for a security ***fence*** of chain link construction in any Commercial or Institutional Zone, no ***fence*** located within the required front and ***flankage yard*** shall exceed 2 m (6.6 ft) in ***height***.

(b) No ***fence*** shall exceed in ***height***:

(i) 1.82 m (6 ft) within the NI (Navy Island) Zone;
(ii) 2 m (6.6 ft) in any Residential ***zone***; or
(iii) 2.5 m (8.2 ft) in any other ***zone***.

(c) No ***fence*** in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.

(3) Notwithstanding section 3.21(2), a ***fence*** located within the ***front yard*** or ***flankage yard*** of any property in a Residential ***zone*** exceeding 1 m (3.3 feet) in ***height*** shall be subject to such terms and conditions as the Planning Advisory Committee considers necessary.

(4) Notwithstanding section 3.21(2), any ***fence*** located within the ***front yard*** or ***flankage yard*** of any property within the ***Town plat & environs*** and ***Historic Business District*** shall be subject to the *Secondary Municipal Plan*.

(5) Notwithstanding 3.21(2)(b), a ***fence*** of up to 2.5 m (8.2 ft) may be placed in a ***side yard*** or ***rear yard*** if it meets the following specifications:

(a) is metal, with a square grid pattern of openings no less than 2"x 2" (5.1 cm x 5.1 cm); and
(b) may be uncoated or coated with black or dark green vinyl with fenceposts of the same colour.
(c) an existing ***fence*** meeting the specifications of 3.21(2)(b)(ii) may be extended vertically with vertical supports the same colour as the existing ***fence*** and horizontal metal wires spaced no less than 6" (15.3 cm) apart extending no more than 18" (45.7 cm) from the existing ***fence***.

3.22 Exterior Lighting or Illumination Devices

Any outdoor lighting or illuminated signs shall be located and arranged so that no direct rays of light are aimed at any adjoining properties or passing vehicular traffic or interfere with the effectiveness of any traffic control devices.

3.23 Change of Lot by Infilling or Excavation

In any ***zone***, any change in the elevation of existing ground involving the cutting or filling to a depth in excess of 1 m (3.28 ft) shall be subject to such terms and conditions as the Planning Advisory Committee considers necessary.

3.24 Keeping of Livestock & Chickens

(1) No land or any portion thereof may be used for the keeping or breeding of ***livestock***.

(2) Notwithstanding 3.24 (1) or any other provision of this By-law, the keeping of ***chickens*** may bepermitted as an accessory use in the SR and ER zones, subject to the following conditions:

(a) ***chickens*** shall be kept as pets and for personal use only; no person shall sell eggs or engage in ***chicken*** breeding or fertilizer production for commercial purposes and the slaughtering of ***chickens*** is prohibited;

(b) only female ***chickens*** are permitted and the maximum number of ***chickens*** allowed is four per lot;

(c) ***chickens*** must be kept in an enclosure or fenced area at all times and shall be secured within an enclosed structure during non-daylight hours;

(d) the enclosure and structure mentioned in (c) must be located in the ***rear yard*** and be located at least 10 metres (33 feet) from any ***side*** or ***rear lot line***;

(e) ***chickens*** must not be kept in, upon or under any ***structure*** used for human habitation; and

(f) ***chickens*** shall be kept in such a manner to ensure that they do not create a nuisance and that all lands and premises where chickens are kept is maintained in a sanitary condition at all times so that excrement or other chicken-related substances are not permitted to accumulate and cause an objectionable odour or nuisance.

3.25 Queuing Spaces

Queuing spaces must be provided for drive-through businesses (including ***drive-through restaurant***s, car washes, ***gas bar***s, ***automobile service stations*** and ***drive-in business***), as follows:

(a) for drive-through businesses, including ***drive-through restaurant***s, ***financial institution***s and car washes:

(i) six (6) in-bound queuing spaces shall be provided for ***vehicle***s approaching the drive-up service window; and

(ii) one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next ***vehicle***; and

(b) for drive-in businesses, including ***automobile service stations***, ***gas bars*** and ***automobile repair shops***:

(i) five (5) in-bound spaces shall be provided; and
(ii) one (1) out-bound space shall be provided.

(c) all queuing spaces shall be a minimum of 6.5 m (21.3 ft) long and 3 m (9.8 ft) wide; and

(d) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

3.26 Car and Bicycle Parking Requirements

(1) For every ***building*** or ***structure*** to be ***erected*** or enlarged, off-street parking located within the same ***zone*** as the ***use*** and having unobstructed access to a public ***street*** shall be provided and maintained in conformity with Table 3.1, except where any parking requirement is specifically included elsewhere in this By-law. If a ***building*** or ***structure*** changes ***use*** to a ***use*** requiring more spaces than the original ***use***, the amount of ***parking spaces*** must reflect those required by the new ***use***.

(2) Where the total required spaces for any ***use*** is not a whole number, the total spaces required by this sub-section, or by other specific sections, shall be the next largest whole number.

(3) Subject to subsection (4), the owner of each ***building*** or ***structure erected***, extended or ***altered***, in whole or in part, for any of the usages listed herein, shall provide and maintain on lands appurtenant to, or within 152.4 m (500 ft) of, such building or ***structure*** not less than the following number of accessible off-street vehicular ***parking spaces***:

Table 3.1: Schedule of Minimum Parking Requirements

Use	Number of Parking Spaces Required
Single-family dwelling, two-family dwelling, triplex dwelling and rowhouse dwelling	1 space per ***dwelling unit***
Accessory dwelling unit	1 space per unit in addition to the required ***parking spaces*** of the primary ***dwelling***
Apartment dwellings	1.25 spaces per ***dwelling unit***
Senior citizen housing	0.75 spaces per ***dwelling unit***
Group homes	1 space for every four residents
Home occupations	1 space per each 25 m^2 (270 ft^2) of floor area used in the business in addition to the required parking for the ***dwelling***
Bed and breakfast, short-term rentals, boarding and rooming houses	1 space per guest room plus 1 space per 5 employees in addition to the required ***parking spaces*** of the ***single-family dwelling***
Retail stores, service shops, personal service shops or service establishments	1 space per 25 m^2 (270 ft^2) of retail space
Restaurants, *beverage rooms*, *recreation uses* **or other facilities licenced to provide any form of live entertainment**	1 space per each 10 patrons comprising capacity patronage
Office uses **including** *financial institution***s**	1 space per 40 m^2 (430 ft^2) of ***gross floor area***, 1 bicycle parking space per 40 m^2 (430 ft^2) of ***gross floor area***
Hotels **or motels**	1 space per guest room
Cultural use	1 space per 40 m^2 (430 ft^2) of workspace
Theatres	1 space for each 5 or less seats
Institutional uses **except as specified below**	1 space per each 10 patrons comprising capacity patronage
Churches and service organizations	1 space per each 10 patrons comprising capacity patronage
Schools	3 spaces per classroom and 4 spaces for each classroom in a high school
Hospitals and *Residential Care Facilities*	0.5 spaces per bed
Funeral homes	The greater of 15 spaces per viewing room or, where a chapel

	is provided or 1 space per 4 fixed seats
Day care centre	1 space for each 38 m² (409 ft²) of ***gross floor area***
Industrial and *manufacturing uses* **including** *recycling depot***s and** *warehouses*	The greater of 1 space per 2 employees on the largest shift or 2 spaces per 100 m² (1,076.4 ft²) of ***gross floor area***
Medical clinics **&** *offices* **of any health practitioner**	3 spaces per examining room
Public *parks* **including sports and** *recreational uses*	1 space for each 6 persons for whom seating arrangements may be provided
Telephone call centres	5 spaces per 100 m² (1,076.4 ft²) of ***gross floor area***
Any *use* **not specified above**	1 space per 30 m² (322.9 ft²) of ***gross floor area***

(4) When calculating the required off-street parking for a ***building*** containing multiple ***uses***, the total amount of required ***parking spaces*** is the combination of the total required ***parking spaces*** for each individual ***use*** under Table 3.1 and is based upon the ***gross floor area*** of each specific ***use***.

(5) For every twenty (20) off-street ***vehicle parking spaces***, 1 ***bicycle parking space*** (no less than 2) will be provided with the exception of ***single-family dwellings*** and with the exception of the ***Historic Business District.***

(6) Except for ***parking spaces*** for a ***hotel*** or motel, no ***parking space*** is permitted nearer than 1.83 m (6 ft) from a wall containing windows to ***habitable rooms***.

(7) Every off-street ***parking space*** shall:

(a) meet the requirements for minimum dimensions as outlined in the following tables:

Table 3.2: Minimum Size of Parking Stalls and Aisles

	90 Degrees	**45 Degrees**
Minimum Width	2.75 m (9 ft)	2.75 m (9 ft)
Minimum Length	5.5 m (18 ft)	5.2 m (17.1 ft)
Minimum Parking Aisle Width	6 m (19.7 ft)	3.5 m (11.5 ft)
Minimum Height Clearance	2.2 m (7.2 ft)	2.2 m (7.2 ft)

Table 3.3: Minimum Size of Bicycle Parking Infrastructure

	2 Bicycles (post)	**3+ Bicycles (rack)**
Distance from wall or obstacle	*Parallel to obstacle:* 0.7 m (2.3 ft) *Perpendicular:* 1.5 m (4.9 ft)	*Parallel to obstacle, double sided:* 2.5 m (8.2 ft) *Parallel, single sided:* 0.6 m (2.0 ft) *Perpendicular:* 0.45 m (1.48 ft)
Distance between posts/racks	*Parallel to obstacle:* 2.5 m (8.2 ft) *Perpendicular:* 1.0 m (3.3 ft)	*Distance between linear racks:* 0.9 m (3.0 ft) *Distance between parallel racks:* 4.2 m (13.8 ft)
Minimum height clearance	2.1 m (7.0 ft)	2.1 m (7.0 ft)

(b) be readily accessible from a public ***street;***

(c) be oriented at an angle of ninety (90) or forty-five (45) degrees to the ***parking aisle*** and shall have dimensions as specified in Table 3.2, exclusive of ***parking aisles*** and ***driveways***; and

(d) where a ***parking aisle*** has stalls oriented at one angle on one side of the aisle and a different angle on the other side, the aisle dimensions shall be the greater of the two minimum ***parking aisle*** widths outlined in Table 3.2.

(8) Notwithstanding Table 3.1 and 3.2, reserved ***parking spaces*** for the mobility disabled shall be provided for all ***uses*** requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:

(a) one ***parking space*** for the mobility disabled for each 25 spaces or less required;

(b) where the required number of ***parking spaces*** exceeds 200, there shall be 1 ***parking space*** for the mobility disabled for each 50 required ***parking spaces***;

(c) notwithstanding 3.26(7)(a), no ***parking space*** for the mobility disabled is required where the proposed ***development*** requires less than 4 ***parking spaces***;

(d) each reserved ***parking space*** must contain an area of not less than 28 m^2 (301.4 ft^2) measuring at least, 4.6 m (15.1 ft) in width;

(e) where the limits of the ***parking lot*** are defined by a curb, the ***parking lot*** must have a ramped curb located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 m (295.3 ft) from the location which it is intended to serve;

(f) each reserved ***parking space*** must be located as close as possible to the location it is intended to serve; and

(g) each reserved ***parking space*** must be clearly identified.

(9) Within a Residential Zone, required parking must be located beyond the required ***front yard*** of a ***single-family dwelling***, ***semi-detached dwelling***, ***two-family dwelling*** or ***apartment dwelling***. Paved areas and/or ***driveways*** must not occupy more than forty percent (40%) of the required ***front yard***.

(10) Only one ***commercial vehicle*** per ***dwelling unit*** may be parked overnight on any ***lot***. Such ***vehicles*** shall not be more than one and one-half tons capacity, shall be operated by a resident of the ***dwelling unit***, and shall not be parked in the ***front yard*** of the property.

(11) Notwithstanding any other provision of this By-law, for properties located in the ***Town plat & environs***, ***Council*** may at its discretion, allow a ***development*** which would not otherwise be permitted if the applicant pays to the ***Town*** a sum equivalent to $2,000 for each ***parking space*** by which the required total will be reduced. This sum shall be payable on such terms and conditions as ***Council*** may determine.

(12) Notwithstanding any other provision of this By-law, there shall be no required off-street ***parking spaces*** for any commercial ***use,*** with the exception of a ***hotel,*** motel***, short-term rental,*** or ***bed and breakfast,*** if located within the ***Historic Business District***.

3.27 Parking Lot and Driveway Requirements

(1) Where a ***parking lot*** for more than six (6) ***vehicles*** is required or proposed the following provisions apply:

(a) no gasoline pumps or other ***automobile service station*** equipment can be located or maintained on the ***parking lot*** with the exception of electric vehicle charging stations.

(b) approaches or ***driveway***s to the ***lot*** must have a curbing radius of 10 m (32.8 ft) where they meet a public ***street***, must be defined by a curb of asphaltic 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;

(c) the location of approaches or ***driveways*** shall not be closer than 15 m (49.2 ft) from the limits of the right-of-way at a ***street*** intersection;

(d) entrance and exit ***driveways*** to the ***parking lot*** must not exceed two (2) in number at the ***street line*** and edge of pavement;

(e) notwithstanding 3.27(1)(d), the Planning Advisory Committee may consider the creation of more than two ***driveways***, subject to terms and conditions;

(f) the width of a ***driveway*** leading to/or from a ***parking lot, parking aisle*** or ***loading space*** shall:

(i) in the case of a one-way ***driveway*** for traffic entering the ***lot***, have a width of at least 3.5 m (11.5 ft);

(ii) in the case of a one-way ***driveway*** for traffic exiting the ***lot***, have a width of at least 3.3 m (10.8 ft) when the number of ***parking spaces*** on the ***lot*** exceeds 12;

(iii) in the case of a two-way ***driveway*** or aisle, have a width of at least 6.7 m (22 ft);

(iv) not exceed a maximum width of 9 m (29.5 ft) except for a commercial land ***use*** where it shall not exceed a maximum width of 12 m (39.4 ft);

(g) the ***parking lot*** must be ***graded*** and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the travelled way or sidewalk of any public ***street***.

(h) the ***parking lot*** must be ***graded***, drained and finished with a durable, all-weather and dust proof material.

(i) ***driveways*** must be located at least 3 m (9.8 ft) from the ***side lot line***.

(2) Notwithstanding the provisions of section 3.27(1), access to ***parking lots*** must be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.

(3) Where ***parking lots*** or facilities are illuminated by lighting fixtures or standards, they must be arranged so that light from the fixture is shielded and/or directed away from other residential ***uses***.

(4) No ***driveway*** can meet the travelled portion of a ***street*** at an angle less than sixty degrees.

(5) Where ***landscaped areas*** are located within the ***parking lot***, curbing shall be provided to separate the ***landscaped area*** from the adjacent ***parking aisles*** and ***parking spaces***.

(6) The parking area shall be screened from the view of any adjoining residential ***zone*** or property through a 2 m (6.6 ft) wide planting strip of ***landscaped*** open space or by a wall or decorative wooden fence or chain link fence with filler strips woven into the mesh or some other ***screening*** facility of equal ***screening*** value; such ***screening*** facility to be at least 1.5 m (4.9 ft) and not more than 2 m (6.6 ft) in ***height***, and so located as not to conflict with any ***sight triangle*** requirements.

(7) Where the ***screening*** in 3.27 (6) is in the form of a 2 m (6.6ft) wide planting strip, the planting strip shall consist of coniferous or deciduous trees and shrubs, to be perpetually maintained, along the ***lot line*** fronting or abutting residential ***zone*** or ***use***; such trees to be spaced no further than 3 m (9.8 ft) apart, and such shrubs to be spaced no further than 1.5 m (4.9 feet) apart.

(8) Notwithstanding 3.27 (6), no ***screening*** is required where a ***parking lot*** abuts another ***parking lot*** on an adjacent property.

(9) No ***parking space***, maneuvering area or ***driveway*** to a ***parking lot*** shall be located any closer than 3 m (9.8 ft) to any wall of any residential ***use***.

(10) Where permitted in the ***Town plat & environs*** and ***Historic Business District***, the ***use*** of any land for the purpose of a surface ***parking lot*** shall meet the following requirements:

(a) Subject to Section 3.12, all ***parking spaces*** must be located at least 2 m (6.6 ft) from a public ***street***; and

(b) The dimensions of ***parking spaces***, ***driveways***, ***parking aisles***, entrance and exit ramps shall be in accordance with Sections 3.26 and 3.27.

(c) The land shall be ***landscaped*** with a 1 m (3.3 ft) planting strip shall be provided along all lot lines and be planted with trees, shrubs or a combination thereof to be spaced no further than 1.5 m (4.9 ft) apart.

(d) Where abutting a residential land ***use*** or ***zone***, the ***parking lot*** shall be screened with an opaque wooden ***fence*** at least 1.82 m (6 ft) in ***height*** that is designed to be residential in nature along any abutting ***lot line*** of a residential use or ***zone***.

(e) Meet all other requirements of Section 3.27.

(11) The maximum number of driveways permitted on a lot shall be as follows:
(a) Where the lot has less than 36 m. (118 ft.) of frontage: 1 driveway
(b) Where the lot has 36 m. (118 ft.) of frontage or more: 2 driveways
(c) On corner lots: 2 driveways;

(12) Where 2 driveways are permitted, the minimum distance between a second driveway and a driveway on any property or shall be 12 m. (39.3 ft.) measured from the curb cut edge

(13) Notwithstanding 3.27(11), if a lot abuts both a ***local highway*** and an ***arterial highway*** or ***collector highway***, only a driveway accessing the ***local highway*** shall be permitted.

3.28 Loading Standards

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

(2) An off -street ***loading space*** referenced in 3.28(1) above shall:

(a) be so located that merchandise or materials are loaded or unloaded on the premises being served;

(b) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and

(c) have a paved surface.

3.29 Mobile Vending Facilities

The sale of food, beverages, or goods from any ***vehicle***, portable ***structure***, or temporary ***structure*** may only be permitted subject to a vendor's licence or permit issued by the ***Town*** or an agreement with the ***Town.***

3.30 Landscaped Buffers and Landscaped Areas

A ***landscaped area*** or ***landscaped buffer*** may be crossed by a ***driveway*** or walkway that is substantially perpendicular to the ***landscaped buffer*** or ***landscaped area***.

3.31 Setback from Ordinary High-Water Mark

(1) ***Development*** within 30 m (98.4 ft) of the ***ordinary high-water mark*** of a coastal body of water or Katy's Cove is subject to the following additional conditions:

(a) shall require an environmental protection plan prepared by a geotechnical engineer or other professional engineer to adequately control potential runoff, erosion, and sedimentation caused by the ***development***;

(b) shall be prohibited to use on-site systems for septic disposal;

(c) shall, except for the removal of individual trees which pose a reasonable risk to the safety of life or property, preserve a minimum of 75% of all existing trees or shrubs in the 30 m setback;

(2) ***Development*** of the following is exempt from subsection 3.31 (1), but subject to all other applicable provisions of this zoning by-law:

(a) ***accessory structures*** under 56 square meters (602.8 sq. ft.) in ***gross floor area*** not designed for overnight accommodation;

(b) repairs, change of ***use***, or ***alterations*** to existing ***buildings*** or ***structures*** that do not increase the ***gross floor area***;

(c) new wheelchair ramps, stairs, decks, stairwells, and unpaved car parking areas;

(d) ***accessory uses*** of land or a use listed as permitted under subsection 7.2.1. (ESA) Environmentally Significant Zone;

(e) shore protection works that change the elevation of the existing ground by either the cutting or filling to a depth of less than 1 m (3.28 ft);

(f) a ***Public Utility Use.***

3.32 Development Within the Town Plat & Environs and Historic Business District

No ***building*** or ***structure*** shall be built, ***erected***, ***altered*** or moved within the ***Town plat & environs*** and ***Historic Business District*** as shown in Schedule 'B' unless it is done in accordance with guidelines and standards found in the Secondary Municipal Plan.

3.33 Licenced Premises

(1) Any existing ***licensed premises*** featuring a lounge shall be permitted to continue.

(2) Applications for a ***licensed premises*** featuring a lounge will be subject to such terms and conditions as may be imposed by ***Council*** upon the lounge license; *(Z22-03)*

(3) Applications for ***licenced premises*** featuring a live entertainment licence shall be permitted by the Town of Saint Andrews under the following terms and conditions"

(a) No music (live or recorded) on the deck after 9:00 p.m.
(b) No liquor services or use on the deck after 11:00 p.m.
(c) Hours: Thursday to Saturday noon to 2:00 a.m. No live music after 1:00 a.m.
(d) Hours: Sunday to Wednesday: live music on permission of Town.

3.34 Short-term Rentals

If a By-law under the *Local Governance Act* is enacted to regulate and licence ***short-term rentals*** then a ***short-term rental*** shall only be permitted subject to a licence or permit issued by the ***Town***.

3.35 Protection from Deer

Any protective barrier used to protect ***landscaping*** must be low-visibility black poly-fencing or black landscaping fabric (TENAX C Flex or equivalent).

3.36 Windows in the Historic Business District

(1) When replacing or ***altering*** an existing window on the façade of a ***main building*** in the ***Historic Business District***, the new or ***altered*** window must be of the same building materials (or adequate facsimile), size, and style of the window being replaced.

(2) Notwithstanding 3.36 (1), when replacing or ***altering*** an existing window on the ***façade*** of a ***main building*** in the ***Historic Business District*** a replacement or ***altered*** window may be identical to another existing window on the same ***façade*** and storey, in terms of building materials (or adequate facsimile), size, and style of another window.

4.0 RESIDENTIAL ZONES

4.1 General Provisions for All Residential Zones

4.1.1 Requirements for Rowhouse Dwellings

Notwithstanding any other provision of this By-law, where permitted, townhouse or ***rowhouse dwellings*** in a series or group are subject to the following requirements:

(a) no series or group of ***dwellings*** contains more than:

(i) six (6) ***dwelling units*** with the same or approximately the same ***front lot line***;
(ii) exceeds 68.58 m (225 ft) in continuous length;

(b) no side wall of a series or group is placed, ***erected*** or ***altered*** so that any part of such wall is closer to a sidewall of another series or group than the greater of the minimum ***side yard*** of both groups or the distance equal to the ***height*** of the higher of such walls;

(c) no front wall of a series or group is placed, ***erected*** or ***altered*** so that any part of such wall is closer to:

(i) the front wall of another series or group than 21.33 m (70 ft); or
(ii) the side wall of another series or group than 7.62 m (25 ft) plus the average ***height*** of the two series or groups;

(d) it is designed so that the setback of adjacent ***units*** is varied by at least 0.6 m (2 ft) from each other along the front of the ***lot***.

(e) the following ***lot*** standards for each ***rowhouse dwelling*** are met:

Table 4.1.1: Rowhouse Lot Requirements per ***rowhouse dwelling unit***

Lot Component	**Requirement**
Minimum Lot Area	180 m^2 (1,937.5 ft^2)
Minimum Lot Frontage	6 m (19.7 ft.) per ***dwelling unit***; 12 m for a ***corner lot***
Minimum Lot Width	6 m (19.7 ft.)
Minimum Required Front Yard	6 m (19.7 ft.)
Minimum Required Rear Yard	6 m (19.7 ft)
Minimum Required Side Yard	3 m (9.8 ft) and 0 m (0 ft) where a ***common wall*** exists.

(f) an easement providing access to the ***rear yard*** of each ***rowhouse dwelling*** must be established unless the ***units*** are to be constructed on one ***lot*** as a condominium corporation.

4.1.2 Private Garages and Carports

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

4.1.3 Uses Prohibited in Certain Yards

In a Residential Zone or Mixed Use Zone with a main Residential use, the required ***front*** or ***flankage yard*** must not be used for the storage or display of any motor ***vehicle***, ***recreational vehicle***, boat, or other chattel.

4.1.4 Landscaping

(1) On any ***lot*** developed for the purpose of a residential ***use***, the following areas must be landscaped*:*

(a) the ***front yard***;
(b) any required ***yard*** that abuts a ***street***;
(c) any ***side yard***;
(d) any part of the ***rear yard*** within 4.5 m (14.8 ft) of any ***building***; and
(e) the entire area of the ***lot*** not devoted to ***buildings***, ***structures***, walkways or, ***driveways***.

(2) For the purposes of this section, ***landscaping*** shall include:

(a) all grading necessary to divert surface water from the ***dwelling*** and in so far as is reasonably possible, to contour the ***front yard*** to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 cm (3 in) of topsoil; and
(b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs or stones, vines and flowers as are not prohibited by this or any other By-law, rule or regulation.

(3) Notwithstanding 4.1.4(1), the ***front yard*** or ***flankage yard*** mentioned therein may be used to a reasonable degree for the purposes of walks and ***driveways*** for access to the ***main building*** or other ***use*** on the ***lot***.

(4) The ***landscaping*** under this section must be completed no later than one year from the date of the granting of the ***building permit*** for the ***main building*** located thereon.

4.1.5 Residential Development Near a Lagoon or Treatment Plant

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

4.1.6 Portable or Temporary Garages

(1) Notwithstanding any setback or ***yard*** requirement of this By-law, ***portable or temporary garages*** may be permitted on any ***lot*** with a ***single-family dwelling***. Such ***garages*** shall only be permitted on a residential property between October 15 and April 30, inclusive.

(2) ***Portable or temporary garages*** are prohibited within the ***Historic Business District*** as shown in Schedule 'B'.

4.1.7 Accessory Uses, Buildings and Structures in a Residential Zone

(1) ***Accessory uses***, ***buildings*** and ***structures*** will be permitted in all Residential Zones and for Residential Uses in the Mixed-Use Zone but they shall not:

(a) exceed 4.6 m (15 ft) in ***height*** or in the case of a ***single-family dwelling***, the ***height*** of the ***main building***;

(b) be placed, ***erected*** or ***altered*** so that it is closer to the ***front*** or ***flankage lot line*** than the ***mainbuilding***;

(c) be placed, ***erected*** or ***altered*** so that is closer to the ***side lot line*** or ***rear lot line*** than the minimum required ***side yard*** and ***rear yard***;

(d) exceed more than 84 m^2 (904.2 ft^2) in ***gross floor area*** or ten percent (10%) of the ***lot area***; and

(e) be used for a ***agricultural use*** with the exception of a ***greenhouse*** or ***chicken coop*** for personal ***use***.

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

4.1.8 Home Day Cares

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

(a) be designed to accommodate not more than ten (10) children at any one time;
(b) have no sign in connection with the ***use*** that is illuminated and any sign must conform to Section 8 of this By-law;
(c) comply with all Provincial regulations as stated in the *Family Services Act* of New Brunswick; and
(d) provide sufficient on-site parking to prevent customers from parking on a public ***street***.

4.1.9 Home-Based Businesses

A ***home- based business*** shall be permitted in any ***dwelling unit*** provided that:

(a) except in the case of a ***Bed and Breakfast, Short-Term Rental*** or a ***Boarding House***, such businesses shall not aggregately ***use*** more than twenty-five percent (25%) of the ***dwelling unit*** or an ***accessory building*** not exceeding twenty-five (25%) of the floor area of the ***dwelling unit*** for business premises;

(b) the ***home-based business*** may have one (1) business identification sign that is nonilluminated and shall conform to the requirements of Section 8 of this By-law;

(c) it does not generate off-site electrical interference, dust, noise or smoke;

(d) it does not involve any outside animal enclosures; and
(e) no more than one assistant, employee or associate who is not a ***family*** member residing on the premises is active or employed in the business carried on in such premises.

4.1.10 Bed and Breakfasts

A ***bed and breakfast*** shall be permitted in a ***single-family dwelling***, provided that:

(a) it meets the general provisions set out in 4.1.9 with the exception of 4.1.9 (a) regarding the percentage of the floor area that may be used;

(b) it has no more than:

(i) four (4) guest units in the SR (Serviced Residential) Zone and MU (Mixed Use) Zone;

(ii) six (6) guest units in an ER (Estate Residential) Zone;

(c) no cooking equipment shall be provided in a room that is used for sleeping accommodation;

(d) meal service is provided for overnight guests only; and

(e) the main ***single-family dwelling*** is occupied by the owner of the ***bed and breakfast*** or an agent of the owner.

4.1.11 Boarding Houses

A ***boarding house*** shall be permitted in a ***single-family dwelling***, provided that:

(a) it meets the general provisions set out in 4.1.9 with the exception of 4.1.9 (a) regarding the percentage of the floor area that may be used;

(b) accommodations for compensation are provided for no more than eight persons; and

(c) cooking equipment is not permitted in a room used for sleeping accommodation.

4.1.12 Group Homes

Where specified by this By-law, a ***group home*** shall be permitted within the MR1 Zone provided that:

(a) it is not located within 300 m (984 ft) of another ***group home***;

(b) prior to being occupied, it is inspected by the ***Building Inspector***, and Fire Marshall to ensure it satisfies all applicable Building and Fire Code regulations; and

(c) satisfactory evidence is provided to the ***Development Officer*** that it complies with all Provincial regulations applicable to the relevant type of ***group home***.

4.1.13 Standards for Apartment Dwellings, Senior Citizens' Housing and Residential Care Facilities

Notwithstanding any other provision of this By-law, no ***building*** containing, or modified so as to contain four or more ***dwelling units***, except for townhouse or ***rowhouse dwellings*** in any ***zone***, shall be ***erected*** unless:

(a) not more than 35% of the ***lot area*** is devoted to surface ***parking spaces*** and ***parking aisles***;

(b) ***landscaping*** is carried out in conformity with section 4.1.4;

(c) no part of any ***parking space*** is located in any ***front yard*** or ***flankage yard***; where an ***apartment dwelling*** abuts any other residential ***use,*** no portion of any ***parking space*** shall be located within any required ***side yard*** or ***rear yard*** except where an opaque fence or ***landscaped buffer*** is provided in which case no portion of any ***parking space*** shall be located within 1.5 m (4.9 ft) of the side or ***rear lot line***; and

(d) ***amenity space*** shall be provided in accordance with Section 4.1.14.

4.1.14 Amenity Space Requirements for Apartment Dwellings, Senior Citizens' Housing and Residential Care Facilities

No land shall be developed for the purpose of an ***apartment dwelling, senior citizens' housing*** and ***special care facilities*** in excess of six (6) ***dwelling units*** unless usable ***amenity space*** is provided on the same ***lot*** or contiguous to it in accordance with the following:

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

4.1.15 Requirements for Two-family Dwellings, Triplexes, and Converted Dwellings

Notwithstanding 3.16(a) exterior staircases to dwelling units above the first floor shall not extend into the required ***front yard*** or into the required ***flankage yard.***

4.2 SR (Serviced Residential) Zone

4.2.1 SR Zone Permitted Uses

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

(a) One of the following ***main uses***:
- *(i)* a single-family dwelling*;*
- (ii) a ***semi-detached dwelling*** if located outside of the ***Town plat & environs*** and ***Historic Business District***;
- *(iii)* a ***two-family dwelling****;*
- *(iv)* a ***triplex***
- *(v)* a ***seasonal dwelling****;*

(b) One of the following ***secondary uses***:
- (i) an ***accessory dwelling unit***;
- *(ii)* subject to Section 4.1.9, a ***home based business*** other than a boarding house*;*
- (iii) subject to Sections 4.1.9 and 4.1.10, a ***bed and breakfast***;
- (iv) A ***short-term rental*** subject to Section 3.34.

(c) Subject to 4.1.7, any ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted in this Section.

4.2.2 SR Zone Uses Subject to Terms and Conditions (Conditional Uses)

Subject to Section 4.2.1, one of the following ***main uses*** may be permitted subject to terms and conditions applied by the Planning Advisory Committee:
- (i) a ***converted dwelling*** with a maximum of three (3) ***dwelling units***.

4.2.3 SR Zone Standards

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

SR Zone Lot Requirements			
Lot Component	**Dwelling Type**	**Inside the Town plat &environs and Historic Business District**	**Outside the Town plat& environs and Historic Business District**
Minimum Lot Area	Semi-detached dwelling	N/A	372m2 (4,004.2 ft²)
	All other uses	744.2 m2 (8,010.5 ft2)	744.2 m2 (8,010.5 ft²)
Minimum Lot Frontage	Semi-detached dwelling	N/A	12.2 m (40 ft)
	All other uses	24.4 m (80 ft)	24.4 m (80 ft)
Minimum Lot Depth	Semi-detached dwelling	30.5 m (100 ft)	30.5 m (100 ft)
	All other uses	30.5 m (100 ft)	24.4 m (80 ft)
Minimum RequiredFront and Flankage Yard	All Uses	2 m (6.5 ft) or setback ofexisting houses on either side, whichever is greater.	7.5 m (25 ft)
Minimum Required Rear Yard	All Uses	3.05 m (10 ft)	3.05 m (10 ft)
Minimum RequiredSide Yard	Semi-detached dwelling	N/A	2 m (6.5 ft) on each sideother than the ***commonwall*** side in which case the setback shall be 0 m (0 ft)
	All Other Uses	1.5 m (5 ft) on one sideand 2.5 m (8 ft) on the other side	1.5 m (5 ft) on one sideand 2.5 m (8 ft) on the other side
Maximum Height	Main Buildings	8.5 m (28 ft)	
	Accessory Buildings	Subject to 4.1.7(a)	
Maximum Lot Coverage	All Uses	45%	

4.2.4 Accessory Building Height

Notwithstanding section 4.2.3, no ***accessory building*** may exceed the ***height*** of the ***main building*** on the ***lot***.

4.2.5 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and no part of the ***front yard*** area, other than a permitted ***driveway***, may be used as a parking area.

4.2.6 Minimum Ground Floor Area

(1) In the case of ***single-family***, ***two-family dwellings***, or ***triplexes***, ***dwelling units*** shall have thefollowing minimum ***ground floor*** areas:

Ground Floor Area Requirements	
Type of Dwelling Unit	**Square Metres of Floor Area**
One Storey Building	74 m^2 (800 ft^2)
One-and-a-half Storey Building	65 m^2 (700 ft^2)
Two Storey Building	56 m^2 (600 ft^2)

(2) The calculation of floor areas for ***dwelling units*** does not include ***garage***s, ***carport***s, ***porches***, verandahs, decks, breezeways, balconies, or outside stairways.

4.3 SRC (Serviced Residential and Culture) Zone

4.3.1 SRC Zone Permitted Uses

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

(a) One of the following ***main uses***:
  (i) One of the main uses prescribed in 4.2.1(a) above; or
  (ii) An ***Artist's Residence***.

(b) One or more of the following ***secondary uses***:
  (i) One of the ***secondary uses*** prescribed in 4.2.1(b) above; and
  (ii) In addition to (i), one or more of the following ***secondary uses:***
    (1) ***Artist's Residences,***
    (2) Art galleries, or
    (3) Art studios.

(c) One or more of the following ***accessory uses***:
  (i) One of the ***accessory uses*** prescribed in 4.2.1(c) above, and
  (ii) An ***amphitheatre***

4.3.2 Application of SR Zone to SRC Zone

Sections 4.2.2, 4.2.5 and 4.2.6 apply with the necessary modifications to the SRC Zone prescribed in 4.3.1. Section 4.2.3 applies with the modification to the maximum height for accessory buildings; in the SRC Zone it is 9.5 m (31 ft).

4.4 ER (Estate Residential) Zone

4.4.1 ER Zone Permitted Uses

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

(a) One of the following ***main uses***:
- *(i)* a ***single-family dwelling;***
- *(ii)* a ***two-family dwelling;***
- *(iii)* a ***seasonal dwelling;***

(b) One of the following ***secondary uses***:
- (i) an ***accessory dwelling unit***;
- *(ii)* subject to Section 4.1.9, a ***home based business*** other than a ***boarding house;***
- (iii) subject to Sections 4.1.9 and 4.1.10, a ***bed and breakfast***;
- (iv) A ***short-term rental*** subject to Section 3.34.

(c) subject to 4.1.7, any ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted in this Section.

4.4.2 ER Zone Uses Subject to Terms and Conditions (Conditional Uses)

(1) Subject to 4.3.1, one of the following ***secondary uses*** may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

(i) a ***home day care***, subject to section 4.1.8;

4.4.3 ER Zone Standards

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

ER Zone Lot Requirements	
Lot Component	**Requirement**
Minimum Lot Area	0.4 hectares (1 acre)
Minimum Lot Frontage	54 m (177 ft)
Minimum Required Lot Depth	38 m (125 ft)
Minimum Front and Required Flankage Yard	7.5 m (25 ft)
Minimum Required Rear Yard	3.05 m (10 ft)
Minimum Required Side Yard	3 m (9.8 ft)
Maximum Height	*Main Buildings*: 8.5 m (28 ft) *Accessory buildings:* Subject to 4.1.7(a)
Maximum Lot Coverage	35%

4.4.4 Accessory Building Height

Notwithstanding Section 4.4.3, no ***accessory building height*** may exceed the ***height*** of the ***main building*** on the ***lot***.

4.4.5 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and no part of the ***front yard*** area, other than a permitted ***driveway***, may be used as a parking area.

4.4.6 Minimum Ground Floor Area

(1) ***Dwelling units*** shall have the following minimum ***ground floor*** areas:

Ground Floor Area Requirements	
Type of Dwelling Unit	**Square Metres of Floor Area**
One Storey Building	74 m^2 (800 ft^2)
One-and-a-half storey Building	65 m^2 (700 ft^2)
Two Storey Building	56 m^2 (600 ft^2)

(2) The calculation of ***floor area*** for the ***dwelling units*** does not include ***garages***, ***carports***, ***porches***, verandahs, decks, breezeways, balconies, or outside stairways.

4.5 MR1 (Multiple Residential) Zone

4.5.1 MR1 Zone Permitted Uses

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

(a) One of the following *main uses*:
- (i) a ***single-family dwelling***;
- (ii) a ***semi-detached dwelling***;
- (iii) a ***two-family dwelling***;
- (iv) a ***triplex***;
- (v) ***rowhouse dwellings*** of three or more units, subject to section 4.1.1;
- (vi) ***apartment dwellings*** of three or more units, subject to sections 4.1.13 and 4.1.14;
- (vii) ***a group home,*** subject to section 4.1.12***;***
- (viii) a ***boarding house***, subject to section 4.1.11***;***
- (ix) ***senior citizens' housing***, subject to sections 4.1.13 and 4.1.14***;***
- (x) a ***residential care facility***, subject to sections 4.1.13 and 4.1.14;

(b) One of the following ***secondary uses***:
- (i) If the ***main use*** is listed under sub-sections 4.5.1 (a) (i) to (iv), subject to Section 4.1.9, a ***home-based business*** other than a ***bed and breakfast*** or boarding house;
- (ii) If the ***main use*** is listed under sub-sections 4.5.1 (a) (i) to (iv), subject to Sections 4.1.9 and 4.1.10, a ***bed and breakfast***;
- (iii) If the ***main use*** is listed under sub-sections 4.5.1 (a) (i) to (iv), a ***short-term rental*** subject to Section 3.34; or
- (iv) If the ***main use*** is listed under sub-sections 4.5.1 (a) (i) to (iv), an ***accessory dwelling unit***.

(c) Subject to 4.1.7, any ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted in this Section.

4.5.2 Converted Dwelling Units

Existing ***single-family*** or ***two-family dwellings*** within the MR1 Zone may be converted to provide three or more ***dwelling units*** provided that the ***dwelling units*** created by the conversion are self-contained, and the ***building*** and the ***lot*** meet all of the requirements of this By-law following the conversion.

4.5.3 MR1 Zone Standards

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within the MR1 (Multiple Residential) Zone unless the following standards are met:

MR1 Zone Lot Requirements		
Lot Component	**Inside the Town plat & environs and Historic Business District**	**Outside the Town plat & environs and Historic Business District**
Minimum Lot Area	N/A	540 m^2 (5,812.5 ft^2)
Minimum Lot Frontage	24.4 m (80 ft) per or 6.0 m (20 ft) per *dwelling unit,* whichever is greater	24.4 m (80 ft) per or 6.0 m (20 ft) per *dwelling unit,* whichever is greater
Minimum Lot Depth	30.5 m (100 ft)	30.5 m (100 ft)
Minimum Required Front Yard	6.0 m (20 ft)	2 m (6.5 ft) or setback of existing houses on either side, whichever is greater.
Minimum Required Flankage Yard	2 m (6.5 ft) or setback of existing buildings on either side, whichever is greater	4.5 m (14.8 ft)
Minimum Required Rear Yard	3.05 m (10 ft)	7.5 m (25 ft)
Minimum Required Side Yard	1.5 m (5 ft) on one side and 2.5 (8 ft) on the other side	3.0 m (9.8 ft)
Minimum Required Side Yard abutting the ER or SR Zone	10 m (32.8 ft)	10 m (32.8 ft)
Maximum Height	*Main buildings:* 8.5 m (28 ft) *Accessory buildings:* Subject to 4.1.7(a)	*Main buildings:* 8.5 m (28 ft) *Accessory buildings:* Subject to 4.1.7(a)
Maximum Lot Coverage	45%	45%

4.5.4 Accessory Building Height

Notwithstanding Section 4.5.3, no ***accessory building*** may exceed the ***height*** of the ***main building*** on the ***lot***.

4.5.5 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and not more than twenty percent (20%) of the ***front yard*** area may be used for the purposes of ***parking spaces***, ***parking aisles*** or ***driveways***.

4.5.6 Minimum Floor Area

Each ***dwelling unit*** in an ***apartment dwelling development*** shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including ***garages***, ***carports***, ***porches***, verandahs, decks, breezeways, unenclosed balconies or stairways or enclosed stairways common to more than one unit shall be provided as follows:

MR1 Zone Floor Area Requirements	
Type of Dwelling Unit	**Square Metres of Floor Area**
Bachelor Apartments	32.5 m^2 (350 ft^2)
One-bedroom apartments	42 m^2 (452.1 ft^2)
Two-bedroom apartments	58 m^2 (625 ft^2)
Apartments with three or more bedrooms	65 m^2 (700 ft^2)

4.6 MR2 (High Density Multiple Residential) Zone Outside Town plat & environs

4.6.1 Permitted Uses

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

(a) One of the following ***main uses***:
- (i) ***rowhouse dwellings*** of four or more units, subject to section 4.1.1;
- (ii) ***apartment dwellings*** of four or more units, subject to sections 4.1.13 and 4.1.14;
- (iii) ***senior citizens' housing***, subject to sections 4.1.13 and 4.1.14;
- (iv) a ***residential care facility***, subject to sections 4.1.13 and 4.1.14;
- (v) a ***condominium***.

(b) May also include such secondary uses within the building as:
- (i) ***medical offices or clinics***;
- (ii) ***personal service shops***; and/or
- (iii) a ***retail store*** not exceeding 32 m^2 (344.4 ft^2);
- (iv) amenity uses including ***pools***, ***garages***, gazebo, ***greenhouse***, games and meeting room space
- (v) food service for residents & guests

(c) Subject to 4.1.7, any ***accessory building***, ***structure*** or use incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted in this Section.

4.6.2 MR2 Zone Standards

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within the MR2 (High Density Multiple Residential) Zone unless the following standards are met:

MR2 Lot Requirements	
Lot Component	**Requirement**
Minimum Lot Area	4000 m^2 (43,055 ft^2)
Minimum Lot Frontage	50 m (164 ft)
Minimum Lot Depth	50 30.5 m (100 ft)
Minimum Required Front Yard	6.0 m (20 ft)
Minimum Required Flankage Yard	6.0 m (20 ft)
Minimum Required Rear Yard	7.6 m (25 ft)
Minimum Required Side Yard	7.6 m (25 ft)
Minimum Required Side Yard abutting the ER or SR Zone	15.0 (49.2)
Maximum Height	*Main buildings*: 11 m (36 ft) *Accessory buildings:* Subject to 4.1.7(a)
Maximum Lot Coverage	45%

4.6.3 Accessory Building Height

Notwithstanding Section 4.6.2, no ***accessory building*** may exceed the ***height*** of the ***main building*** on the ***lot***.

4.6.4 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and not more than twenty percent (20%) of the ***front yard*** area may be used for the purposes of ***parking spaces***, ***parking aisles*** or ***driveways***.

4.6.5 Minimum Floor Area

Each ***dwelling unit*** in an ***apartment dwelling development*** shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including ***garages***, ***carports***, ***porches***, verandahs, decks, breezeways, unenclosed balconies or stairways or enclosed stairways common to more than one unit shall be provided as follows:

Ground Floor Area Requirements	
Type of Dwelling Unit	**Square Metres of Floor Area**
One Storey Building	32.5 m^2 (350 ft^2)
Bachelor Apartments	42 m^2 (452.1 ft^2)
One-bedroom apartments	58 m^2 (625 ft^2)
Two-bedroom apartments	65 m^2 (700 ft^2)
Apartments with three or more bedrooms	32.5 m^2 (350 ft^2) per unit

5.0 COMMERCIAL ZONES

5.1 General Provisions for All Commercial Zones

5.1.1 Commercial Landscaping and Screening Requirements

(1) A ***lot*** shall not be developed for a commercial ***use*** unless the total ***lot area***, except for that part devoted to ***buildings*** and ***structures***:

(a) is paved, in the case of ***driveway***s and off-street parking areas; and

(b) is ***landscaped***, in the case of that part of the ***lot*** other than ***driveway***s and off-street ***parking spaces*** and ***parking aisles***.*5*

(2) Where a commercial ***use*** or ***zone*** abuts a Residential Zone or ***use***, such ***lot*** shall not be developed for commercial ***use*** unless a minimum of a 1 m (3.3 ft) high ***screening*** facility, such as a ***hedge*** or ***fence*** or a combination thereof, is provided and maintained along the common property lines.

(3) ***Landscaping*** in any Commercial Zone shall consist of:

(a) at least 152.4 mm (6 in) of topsoil after compaction and the seeding or sodding thereof;

(b) the planting of trees and or shrubs or the maintenance of existing trees and or shrubs at the rate of one such plant for each 20 m^2 (215.3 ft^2) of required landscape area; and

(c) may include partial devotion to ***driveways*** and walkways.

(4) No ***signs***, ***accessory buildings***, ***driveways*** nor ***parking spaces*** or ***lots*** shall be located in any required ***landscaped area*** abutting a Residential Zone, Institutional Zone, ***park*** or Environmental/Recreational Zone and any ***landscaping*** shall be completed no later than one year from the date of the granting of the ***Building Permit*** for the ***main building*** located thereon.

5.1.2 Accessory Buildings and Structures in Commercial Zones

No ***accessory building*** or ***structure*** may:

(a) exceed one ***storey*** or 4.6 m (15 ft) in ***height***;

(b) be used for a residential ***use***;

(c) be placed, ***erected*** or ***altered*** so that it is within the ***front yard*** of the ***main building***;

(d) be placed, ***erected*** or ***altered*** so that it is closer to the side or ***rear lot line*** than the required side or ***rear yard*** setback for that specific ***zone***;

(e) exceed more than 57 m^2 (614 ft^2) in ***gross floor area*** or ten percent (10%) of the ***lot area***;

(f) be used for ***agricultural uses***; and

(g) be used for the keeping of ***livestock*** or ***domestic animals***.

5.1.3 Special Requirements for Auto-Oriented Uses and Gas Bars

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

(a) no ***lot*** shall be developed for such ***uses*** unless the ***lot*** has a minimum ***frontage*** of at least 34 m (111.5 ft) for an ***interior lot*** and 38 m (124.7 ft) for a ***corner lot***;

(b) notwithstanding section 5.1.3 no portion of any pump island or canopy shall be located closer than 15 m (49.2 ft) from any ***street line*** and no portion of any underground storage tank shall be located closer than 6 m (19.7 ft) from any ***street line***;

(c) no ***driveway*** shall be located within 9 m (29.5 ft) of another ***driveway***;

(d) no portion of any ***driveway*** shall be within 15 m (49.2 ft) of a ***street*** intersection; and

(e) notwithstanding Section 3.28, no ***driveway*** shall have a width less than 6 m (19.7 ft) nor greater than 9 m (29.5 ft).

5.1.4 Special Requirements for Licensed Premises in Cultural Uses

Within any ***zone*** where a ***cultural use*** is a permitted ***main use*** of land and a ***licensed premises*** is permitted as a ***secondary use*** of land, any development of a ***licensed premises*** within a ***cultural use*** is subject to the following conditions:

(a) the ***use*** is carried out in association with a special event or an exhibition or specific activity to promote the ***cultural use***;

(b) no permanent lounge area may be developed for this ***use***; and,

(c) the ***use*** is thirty meters (30) from a property classified under the Residential Zones listed under section 2.1(2).

5.2 CC (Central Commercial) Zone

5.2.1 CC Zone Permitted Uses

A ***lot*** shall not be developed for any other purpose than:

(a) One or more of the following ***main uses***:
- (i) an art or craft studio;
- (ii) a bake shop;
- (iii) a ***cultural use*** excluding a ***theatre***;
- (iv) a ***day care centre*** for children or seniors;
- *(v)* a ***financial institution;***
- *(vi)* if located outside of the ***Town Plat & environs*** and ***Historic Business District***, a ***greenhouse;***
- *(vii)* a ***government use;***
- (viii) a hairdresser or barber shop;
- (ix) a health club;
- (x) a ***hotel***, motel, inn, or hostel;
- (xi) an ***institutional use*** allowed under Section 6.0;
- (xii) a laundromat, excluding a commercial laundry or dry cleaning facility;
- (xiii) a medical, dental or health-related ***office*** or clinic;
- (xiv) an ***office use***;
- *(xv)* a ***personal service shop;***
- (xvi) a printing or copying service;
- (xvii) a ***restaurant*** or dining room;
- (xviii) a ***retail store*** including a pharmacy, grocery, convenience or liquor store, but not a ***convenience store*** with gas pumps;
- (xix) a taxi-cab, limousine, bus or delivery service;
- (xx) a bicycle sales or service shop;

(b) One of the following ***secondary uses***:
- (i) A residential ***use*** as a ***secondary use***, provided that:
  - (a) the minimum living space requirements set out in Section 4.5.6 are met;
  - ***(b)*** the residential ***use*** can only be located on the first ***storey*** of a ***building*** in the ***Historic Business District*** if the portion of the ***building*** fronting onto a***street*** is entirely a commercial ***use;***
- (ii) A ***short-term rental*** subject to Section 3.34.

(c) A ***licensed premises*** as a ***secondary use*** within a ***restaurant, nanobrewery,*** or a ***cultural use*** subject to section 5.1.4; and

(d) Any ***accessory building***, ***structure*** or ***use*** normally incidental to the permitted main or ***secondary use*** of the land, ***building*** or ***structure***, unless such ***accessory use*** is prohibited by definition or otherwise.

5.2.2 CC Zone Uses Subject to Terms and Conditions (Conditional Uses)

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

(i) a ***gas bar*** or service station if located outside of the ***Town plat & environs*** and ***Historic Business District***;

(ii) an ***automobile service station*** or ***automobile repair shop*** if located outside of the ***Town plat & environs*** and ***Historic Business District***;

(iii) a boat repair or storage facility;

(iv) a ***building*** or trades contracting service;

(v) a car wash if located outside of the ***Town plat & environs*** and ***Historic Business District***;

(vi) a cinema or ***theatre*** for live stage, musical or cultural productions;

(vii) a commercial laundry or dry cleaning establishment;

(viii) a commercial recreation or entertainment facility;

(ix) a ***convenience store*** with gasoline sales if located outside of the ***Town plat & environs*** and ***Historic Business District***;

(x) a funeral home if located outside the ***Town plat & environs and Historic Business District;***

(xi) a ***parking lot*** or parking garage;

(xii) a public or private marina providing dockage and other facilities for boats;

(xiii) a service or social club;

(xiv) a ***veterinary clinic*** or pet store;

(xv) a ***nanobrewery***

(2) The Planning Advisory Committee may prohibit the ***use*** where compliance with the terms and conditions cannot reasonably be expected.

5.2.3 CC Zone Standards

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

CC Zone Lot Requirements	
Lot Component	
Minimum Lot Frontage	10 m (33 ft)
Minimum Lot Depth	24.4 m (80 ft)
Minimum Required Front Yard	The greater of 1.5 m (5 ft) or the setback of existing *buildings* on either side
Minimum Required Flankage Yard	4.5 m (14.8 ft)
Minimum Required Rear Yard	5 m (16.4 ft)
Minimum Required Rear Yard Abutting a Residential Zone	Twice the *height* of the *building* or *structure*

Minimum Required Side Yard	1.5 m (5 ft)
Minimum Required Side Yard Abutting a Residential Zone	Twice the *height* of the *building* or *structure*
Maximum Height	*Main buildings in Historic Business District*: see MP20-02 section 2.1.2(6) *Main buildings in Town Plat & Environs:* 11 m (36 ft) *Accessory buildings:* the lesser of the height of the main building or 5.5 m (18 ft)
Maximum Lot Coverage	45% with the exception of properties located within the *Town plat & environs* and *Historic Business District* which have a Maximum Lot Coverage of 90%

5.2.4 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool***, shall be ***erected*** in the ***front yard*** of a property, and not more than twenty percent (20%) of the ***front yard*** area may be used for ***parking spaces***, ***parking aisles*** or ***driveways***.

5.3 TC (Tourist Commercial) Zone

5.3.1 TC Zone Permitted Uses

A ***lot*** shall not be ***developed*** or used for any other purpose than:

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

(i) an artist's studio or art gallery;
(ii) a ***hotel***, motel, inn, or hostel
(iii) a ***short-term rental*** subject to section 3.34***;***
(iv) a ***bed and breakfast***;
(v) a ***restaurant*** or dining room;
(vi) a souvenir or gift shop;
(vii) a touring, guiding, or outfitting service catering primarily to tourists;

(b) One of the following ***secondary uses*** may be permitted within a ***restaurant***:

(i) A ***licenced premises*** as a ***secondary use*** within a ***restaurant*** that does not include a lounge or require a live entertainment licence; and

(c) any ***accessory building***, ***structure*** or ***use***, incidental to the permitted ***main use*** of the land, ***building*** or ***structure***.

5.3.2 TC Zone Uses Subject to Terms and Conditions (Conditional Uses)

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

(a) a ***drive-through restaurant*** if located outside of the ***Town plat & environs and Historic Business District***;
(b) a commercial entertainment or recreation facility; or
(c) a campground.

5.3.3 TC Zone Uses Subject to a By-law Amendment

The following ***uses*** of property in this ***zone*** shall only be carried on if permitted through an amendment to this By-law:

(a) Any commercial entertainment, recreation, retail or personal service business, the products or services of which are of a predominantly sexual or violent nature or content, and that limits its services primarily to an adult clientele;

(b) Any premises where the primary business operation consists of any form of gambling or gaming services;

(c) a ***service shop****;*

(d) a contractor's operation or establishment;

(e) a ***garden centre****;*

(f) a light ***manufacturing use***; or

(g) a ***building supply outlet***.

5.3.4 TC Zone Standards

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

TC Zone Lot Requirements			
	Serviced	**Serviced**	**Unserviced**
Lot Component	**Inside the Town plat & environs and Historic Business District**	**Outside the Town plat & environs and Historic Business District**	**N/A**
Minimum Lot Area	595m² (6400 ft²)	744m² (8000 ft²)	0.4 hectares (1 acre)
Minimum Lot Frontage	24.4 m (80 ft)	24.4 m (80 ft)	54 m (170 ft)
Minimum Lot Depth	24.4 m (80 ft)	30.5 m (100 ft)	38 m (125 ft)
Minimum Required Front and Flankage Yard	2 m (6.5 ft) or setback of existing ***buildings*** on either side, whichever is greater	7.5 m (25 ft)	7.5m (25 ft)
Minimum Required Rear Yard	6 m (20 ft)	6 m (20 ft)	7.5m (25 ft)
Minimum Required Side Yard	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side	3 m (9.8 ft)
Maximum Height	*Main buildings:* 8.5 m (28 ft) *Accessory buildings:* 5.5 m (18 ft)		
Maximum Lot Coverage	55%		

5.3.5 Side and Rear Yards Adjacent to Residential Zones

(1) Notwithstanding Section 5.3.4, on a ***lot*** abutting any Residential Zone, no ***building*** or ***structure*** shall be ***erected*** unless the ***side yard*** or ***rear yard*** adjoining the Residential Zone has a depth equal to twice the ***height*** of the ***main building*** or ***structure***.

(2) The existence of any ***street*** or ***street*** allowance between the Tourist Commercial and a Residential Zone or ***use*** shall not limit the required ***side yard*** or ***rear yard*** setback required by this section.

5.3.6 Use of Front Yards

(1) No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and not more than fifty percent (50%) of the ***front yard*** area may be used for parking spaces, parking aisles and driveways.

(2) A 2 m (6.6 ft) ***landscaped buffer*** shall be maintained between a parking area and any adjacent ***street***.

5.4 MU (Mixed Use) Zone

5.4.1 MU Zone Permitted Uses

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within any MU (Mixed Use) Zone for any purpose other than:

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

(i) a use permitted in the SR (Serviced Residential) Zone subject to the provisions of 4.2., and notwithstanding the SR Zone Standards of 4.2.3, the MU Zone Standards of 5.4.4. apply;

(ii) a use permitted in the MR1 (Multiple Residential) Zone, subject to the provisions of Section 4.5., and notwithstanding the MR1 Zone Standards of 4.5.3, the MU Zone Standards of 5.4.4. apply;

(b) any ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted by 5.4.1(a).

(c) One ***secondary use*** if such ***secondary use*** is permitted by 5.4.1(a)

5.4.2 MU Zone Uses Subject to Terms and Conditions (Conditional Uses)

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

(i) a use permitted in the TC (Tourist Commercial) Zone, subject to the provisions of Section 5.3, and notwithstanding the TC Zone Standards of 5.3.4., the MU Zone Standards of 5.4.4. apply;

(ii) an ***institutional use***, subject to the provisions of Section 6.1, and notwithstanding the INT Zone Standards of 6.1.3., the MU Zone Standards of 5.4.4. apply;

(iii) a use permitted in the CC (Central Commercial) Zone, subject to the provisions of Section 5.2 and notwithstanding the CC Zone Standards of 5.2.3., the MUZone Standards of 5.4.4. apply;

(b) any ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land, ***building*** or ***structure*** if such ***main use*** is permitted by 5.4.2(a).

(c) One ***secondary use*** if such ***secondary use*** is permitted by 5.4.2(a)

5.4.3 Change of Use Requiring Approval

The principal ***use*** of a property shall not be changed from one category specified in Section 5.4.1 (a) to a different specified category without the prior approval of the Planning Advisory Committee, and subject to terms and conditions that may be set by the committee, unless the proposed new ***use*** is permitted in the SR (Serviced Residential) Zone.

5.4.4 MU Zone Standards

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

MU Zone Lot Requirements	
Lot Component	**Requirement**
Minimum Lot Frontage	10 m (33 ft)
Minimum Lot Depth	30.5 m (100 ft)
Minimum Required Front and Flankage Yard	2 m (6.5 ft) or setback of existing buildings on either side, whichever is greater.
Minimum Required Rear Yard	3.05 m (10 ft)
Minimum Required Side Yard	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side
Maximum Height	*Main buildings:* 8.5 m (28 ft) *Accessory buildings:* 5.5 m (18 ft)
Maximum Lot Coverage	45%

6.0 Institutional Zone

6.1 INST (Institutional) Zone

6.1.1 INST Zone Permitted Uses

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within any INST (Institutional) ***Zone*** for any purpose other than:

(a) One or more of the following ***main uses***:
- (i) a ***cultural use*** or facility;
- *(ii)* a ***day care centre;***
- *(iii)* a ***government use;***
- (iv) a ***group home***;
- *(v)* an ***institutional use;***
- *(vi)* ***senior citizens' housing;***
- (vii) a ***place of worship*** or religious or secular institution;
- (viii) a public or non-profit art gallery, ***theatre***, library, auditorium, museum, archives, interpretative centre, or other similar cultural facility;
- (ix) a public school or post-secondary educational institution;
- *(x)* a ***residential care facility;***
- (xi) a service club or other not-for-profit establishment;
- ***(xii)*** a ***recreational use;***
- (xiii) a scientific, academic, or commercial research establishment; or

(b) On PID's 01324342, 01324938, 15070675, and 15070683 a ***short-term rental*** as a secondary use subject to Section 3.34; or

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

6.1.2 INST Zone Uses Subject to Terms and Conditions (Conditional Uses)

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

(a) a ***cemetery***; and
(b) a ***parking lot***.

6.1.3 INST Zone Standards

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

INST Zone Lot Requirements			
	Serviced	**Serviced**	**Unserviced**
Lot Component	**Inside the Town plat& environs and Historic Business District**	**Outside the Town plat & environs andHistoric Business Distri ct**	**N/A**
Minimum Lot Area	595m^2 (6400 ft^2)	744m^2 (8000 ft^2)	0.4 hectares (1 acre)
Minimum LotFrontage	24.4 m (80 ft)	24.4 m (80 ft)	54 m (170 ft)
Minimum Lot Depth	24.4 m (80 ft)	30.5 m (100 ft)	38 m (125 ft)
Minimum RequiredFront and Flankage Yard	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
Minimum Required Rear Yard	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
Minimum Required Side Yard	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
Maximum Height	*Main buildings:* 11 m (36 ft) *Accessory buildings:* 5.5 m (18 ft)		
Maximum LotCoverage	45%		

6.1.4 Screening

(1) An ***Institutional Use*** shall be screened from the view of any adjoining residential ***zone*** or property through a 1 m (3.3 ft) wide planting strip of ***landscaped*** open space or by a wall or decorative wooden ***fence*** or some other ***screening*** facility of equal ***screening*** value; such ***screening*** facility to be at least 1.5 m (4.9 ft) and not more than 2 m (6.6 ft) in ***height***, and so located as not to conflict with any ***sight triangle*** requirements.

(2) Where the ***screening*** in 6.1.4 (1) is in the form of a 2 m (6.6ft) wide planting strip, the planting strip shall consist of coniferous or deciduous trees and shrubs, to be perpetually maintained,along the ***lot line*** fronting or abutting residential ***zone*** or ***use***; such trees to be spaced no further than 3 m (9.8 ft) apart, and such shrubs to be spaced no further than 1.5 m (4.9 feet) apart.

7.0 Environmental/Recreational Zones

7.1 GS (Green Space) Zone

7.1.1 GS Zone Permitted Uses

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within any GS (Green Space) Zone for any purpose other than:

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

(i) an area to be left substantially in its natural state for purposes of natural or scientific study, or ***green infrastructure***;
(ii) a ***park***, playground, trail, or sports field;
(iii) a public or private golf course; or

(b) an ***accessory building***, ***structure*** or ***use*** incidental to the ***main use*** of the land if such ***main use*** is permitted by this section.

7.1.2 Development Standards

Any proposed ***development*** of any existing Green Space Zone shall be carried out only in accordance with a proposal adopted as a ***development*** scheme pursuant to Section 101 of the *Community Planning Act*. Such proposals shall include detailed provisions with respect to the intended ***uses*** of the property and any ***buildings***, ***structures***, and parking areas required for such intended ***uses***. Approval of such a ***development*** scheme may be made subject to terms and conditions considered necessary to protect the property or property in adjacent ***zones***.

7.2 ESA (Environmentally Significant Area) Zone

7.2.1 ESA Zone Permitted Uses

Environmentally Significant Areas are so designated because of their natural, infrastructural, scientific, or historic importance and their susceptibility to damage from excessive ***use***. ***Use*** is to be limited to passive recreational activities, scientific, and educational purposes that will not negatively affect the significant features for which the property was so designated, and any ***development*** of such properties shall be the minimum necessary to accommodate such ***uses***.

7.2.2 Development Standards

Any proposed ***development*** of an Environmentally Significant Area shall be carried out only in accordance with a proposal adopted as a ***development*** scheme pursuant to Section 101 of the *Community Planning Act*. Such proposals shall include: a background study detailing the scientific or historic importance of the area, detailed provisions with respect to the intended ***uses*** of the property and any ***buildings***, ***structures***, and parking areas required for such intended ***uses***, and a detailed assessment of the effect that such ***development*** and ***use*** will have on the property and surrounding areas. Approval of a ***development*** scheme proposal may be made subject to such terms and conditions considered necessary to protect the property or property in adjacent ***zones***. ***Council*** may consult with such outside advisers, as it considers necessary in the course of considering any such proposal.

7.3 NI (Navy Island) Zone

7.3.1 NI Zone Permitted Uses

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be used within any NI (Navy Island) ***zone*** for any purpose other than:

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

(i) a ***seasonal dwelling***; or

(ii) a ***conservation use.***

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

7.3.2 NI Zone Standards

No ***development*** shall be undertaken nor shall any land, ***building*** or ***structure*** be ***use***d within the NI (Navy Island) Zone unless it meets the following standards:

NI Lot Requirements	
Lot Component	**Requirement**
Minimum Lot Area	1.2 hectares (3 acres)
Minimum Lot Frontage	54.9 m (180 ft)
Minimum Lot Depth	109.7m (360 ft)
Minimum Required Front Yard	30.5 m (100 ft.) for a waterfront *lot* 7.6 m (25 ft) for an *interior lot*
Minimum Required Rear Yard	30.5 m (100 ft.) for a waterfront *lot* 7.6 m (25 ft) for an *interior lot*
Minimum Required Side Yard	7.6 m (25 ft)
Maximum Height	*Main buildings*: 4.9m (16 ft) above the *natural grade* of the *lot.* *Accessory buildings*: the lesser of 3.7m (12 ft) above the *natural grade* of the *lot* or the *height* of the *main building.*
Maximum Lot Coverage	5%

7.3.3 Use of Front Yards

No ***accessory building*** or ***structure***, including a ***swimming pool*** may be ***erected*** in the ***front yard*** of a property, and not more than fifty percent (50%) of the ***front yard*** area may be used for ***parking spaces***, ***parking aisles*** or ***driveways***.

7.3.4 Maximum Floor Area

(1) Maximum floor areas of ***buildings*** in the Navy Island (NI) Zone shall be as follows:

NI Zone Maximum Floor Area Requirements	
Type of Dwelling Unit	**Square Metres of Floor Area**
Main building	139.4 m^2 (1,500 ft^2)
Accessory buildings	27.9 m^2 (300 ft^2)

(2) The calculation of floor areas does not include ***porches***, verandahs, or decks.

7.3.5 Trees

Within any required ***front yard, flankage yard, rear yard,*** or ***side yard*** the cutting oftrees, shrubs and other is limited to pruning and limbing.

7.3.6 Garbage Removal

All garbage and waste must be dealt with as specified by the Garbage Disposal By-Law of the Town of Saint Andrews.

7.3.7 Services

Due to logistical issues, the Town of Saint Andrews will not be able to provide any of the following services to any development within the Navy Island Zone:

a. water;
b. sanitary sewer;
c. stormwater management;
d. garbage removal as discussed in Section 7.3.6;
e. policing;
f. fire protection; and
g. snow removal.

7.3.8 Environmental and Health Considerations

No ***development*** within the Navy Island (NI) Zone shall be permitted unless any potential environmental and/or health impacts have been avoided or mitigated to the satisfaction of the New Brunswick Department of Environment and the New Brunswick Department of Health.

7.4 SLR (Sea Level Rise) Overlay Zone

(1) The Sea Level Rise Zone, as shown in Schedule "C", is intended to:
- (a) Promote sustainable development based on the precautionary principle;
- (b) Anticipate, prevent and work against the deterioration of the coastal environment;
- (c) Prevent serious and irreversible damages to the environment as well as to residents and their property;
- (d) Permit only ***developments*** that demonstrate an adaptation to the effects of ***sea level rise*** and storm surges in flood-risk zones; and
- (e) Establish minimal requirements for the prevention of the deterioration of the environment.

(2) Notwithstanding anything else contained in this By-law, no main ***building*** may be ***erected***, constructed, or modified within the SLR overlay ***zone*** unless it meets the following minimal requirements:

(a) In the case of a new ***building***:

(i) The minimal elevation of the habitable part must be above ***projected sea level rise*** and

(ii) Any permit request must be accompanied by:

(a) A plan demonstrating the elevation of the habitable part of the ***building***;

(b) A plan demonstrating the flood proofing of all electrical, mechanical and plumbing by design or by elevation within the habitable part of the ***building***; and

(c) A drainage plan – if the adaptation method includes more than one metre of land filling for properties

(3) Section 7.4(2) does not apply to ***accessory structures*** or ***uses***, water-dependent ***uses***, open space ***uses***.

8.0 SIGNAGE

8.1 Definitions

"AWNING"
Means a movable or immovable *structure* with a skin of fabric, sheet metal or other relatively flexible material, supported from the *building* by a frame (fixed or retractable), which is used for advertising and/or the protection of persons from the weather.

"BANNER (Street)"
Means a temporary *sign* advertising an event or occasion made of flexible material affixed to lamp standards or telephone poles or hung between telephone poles.

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

"DIRECTIONAL SIGN"
Means a *sign* naming a business, site, attraction, service or activity and that provides direction information through the use of an arrow or description and may include the distance to the named site.

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

"FASCIA SIGN"
Means a *sign*, other than a roof sign or *projecting sign*, which is attached to and supported by a wall of a *building* located above doors and windows.

"FLAG"
Means all *flags* except for National, Provincial, or municipal *flags* or *flags* commemorating causes or holidays recognized by Town Council, which are exempt. All other flags are considered to be a *flag sign.*

"FLAG, SIGN"
Means a *sign* less than 1.39m^2 (15 ft^2) in *sign area* (includes both sides) which is attached to a pole.

"FREESTANDING SIGN"
Means a *sign*, other than a *portable sign*, supported independently of a *building* and securely fixed to the ground. The *sign* may display the name(s) of one or more businesses.

"ILLUMINATED SIGN – INTERNALLY LIT"
Means a *sign* lit internally with light(s) shining through a translucent or coloured material but does not include *signs* with pulsing or flashing lights.

"ILLUMINATED SIGN – EXTERNALLY LIT"
Means a *sign* illuminated with external lighting shining onto the *sign*. Such *sign* shall not have the external lighting shining outside the boundary of the *sign* itself.

"INCIDENTAL SIGN"
Means a *sign* giving directions or limiting access, or one indicating *accessory uses* such as parking, washrooms, or information services. Such *sign* shall not exceed 0.18 m^2 (2 ft^2) in *sign area* and shall not be illuminated.

"INTERPRETIVE SIGN"
Means a *sign,* no greater than 1.2 m^2 (13 ft^2), giving description or information on historic, environmental, geological, or scientific features pertinent to the immediate area.

"MAP"
Means a *sign*, no greater than 3 m^2 (32 ft^2), giving a pictorial representation of the immediate area with associated legends and descriptions.

"PORTABLE OR MOBILE SIGN"
Means a *sign* greater than 1 m^2 (10.8 ft^2) in area and less than 4 m^2 (43.1 ft^2) in *sign area* that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a *sign* with one or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means.

"PROJECTING SIGN"
Means any *sign*, other than an *awning*, that is attached directly to a *building* wall, where the *sign face* is not parallel to the wall it is attached to.

"REAL ESTATE SIGN"
Means a *sign* indicating that property is available for sale, lease or rent.

"RESIDENTIAL SIGN"
Means a *sign* indicating the name and address of a private residence or indicating the historical or architectural significance of a *building* on which the *sign* is located.

"ROOF SIGN"
Means any *sign erected* upon but not above a roof, or on top of, or above the parapet of a *building*.

"SANDWICH BOARD SIGN"
Means a *sign* less than 1 m^2 (10.8 ft^2) in *sign area* (includes both sides) which is constructed of two boards connecting at one end and which shall be taken on and off a site on a daily basis.

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

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

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

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

"TRAFFIC SIGN"
Means a *sign* that identifies pedestrian, bicycle, or motor *vehicle* regulations pertinent to safe traffic movement

"WINDOW SIGN"
Means a non-illuminated painted, gold leaf, or otherwise affixed *signage* on display windows or door windows.

8.2 Administration

(1) ***Signs*** shall be administered through a form provided by the ***Town*** or the Regional Service Commission.

(2) A permit shall be issued by the ***Development Officer*** for any proposed ***sign*** conforming to the regulations upon payment of the permit fee set out in the applicable fees By-law approved by ***Council***.

8.3 Signage Permits

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

(2) No permits shall be issued for a ***sign*** constructed on a permanent foundation without a ***Building Permit*** having first been issued in accordance with the ***Building By-law***.

(3) Notwithstanding the provisions of 8.3(1), no ***sign*** permit is required for:

(a) ***real estate signs*** that are of a temporary nature and advertise the property upon which they are located as being available for immediate sale, lease or rent provided that:

(i) the ***sign*** does not exceed 0.36 m² (3.9 ft²) in sign area; and
(ii) the ***sign*** is not illuminated.

(b) ***signs*** advertising a subdivision ***development*** provided that:

(i) the ***signs*** are ***freestanding signs***;
(ii) a maximum of two ***signs*** are provided within the ***development***;
(iii) the ***signs*** are located on lands within the subdivision being developed;
(iv) such ***signs*** do not exceed 3 m² (32.3 ft²) in ***sign area***;
(v) the ***signs*** are set back a minimum of 3 m (9.8 ft) from any right-of-way; and
(vi) the ***signs*** are removed when residences are constructed on more than seventy- five (75%) of the ***lots*** within the subdivision.

(c) a ***residential sign*** provided that:

(i) the ***sign*** shall not exceed 0.18 m² (2 ft²) in ***sign area***; and
(ii) the ***sign*** may be only illuminated internally or externally to display the number of the address.

(d) construction ***signs*** temporarily located on a ***lot*** that identifies the project, owner, architect and/or consulting engineer, provided such ***sign*** does not exceed 3 m² (32.3 ft²) in ***sign area*** and must be removed within 60 days of the completion of the project, by the owner;

(e) posters of a temporary nature advertising specific community events;

(f) traffic and directional ***signs*** authorized by the Municipality, Province or Federal government;

(g) ***signs*** less than 0.09 m² (1 ft²) in ***sign area***; unless there is a collection of three or more of such ***signs*** which constitute a display or advertisement. A collection of such ***signs*** less than 0.09 m² shall require a ***sign*** permit;

(h) election ***signs***;

(i) legal notices;

(j) ***signs*** providing information relating to public health and safety that are non-commercial in nature; and

(k) an artisic mural or other such similar scenic depiction that is not used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or representation used as an announcement, direction, or advertisement.

8.4 Applications and Plans

An applicant for a ***sign*** permit shall provide to the ***Development Officer***:

(a) a scale drawing or dimensioned sketch of the proposed ***sign*** and of any supporting

(b) framework and anchoring devices showing the dimensions of the ***sign*** and details of lettering and colours;

(c) a site plan showing the proposed ***sign*** location in relation to the ***street line*** and property boundaries and ***building*** locations;

(d) a sketch of the ***building façade*** showing the location of the ***sign(s)*** and the vertical and horizontal dimensions of the ***building*** and ***sign(s)***;

(e) such other information as may be required to determine compliance with these regulations.

8.5 Signage Variances

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

(a) the dominance of the ***sign*** in relation to the building the ***sign*** is to be ***erected*** on;

(b) whether the ***sign*** is out of scale in context to surrounding ***buildings*** and other ***signage*** in the area;

(c) the impact on the architectural features of the ***building*** and surrounding built environment;

(d) the impact of ***illuminated signage*** on the surrounding land ***uses***; and

(e) whether the proposed ***signage*** may potentially impact pedestrian or vehicular movement.

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

(a) does not impact adjacent land ***uses*** through illumination or dominance of the ***sign***; and

(b) does not impact pedestrian or vehicular movement.

8.6 Prohibited Signs

(1) No ***sign*** shall be ***erected***, operated, used or maintained which:

a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic ***sign***, signal or device, as determined by the ***Development Officer***;

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

c) obstructs the ***use*** of a fire escape, door, window, or other required exit;

d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a ***fascia sign***, an ***awning***, a ***banner***, a ***flag*** or ***projecting sign*** unless otherwise permitted in this By-law;

e) extends above the roof line or parapet of the ***building*** or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy to which it is attached;

f) is attached to a tree;
g) is a ***roof sign***;
h) is a ***portable sign***;
i) is painted upon or covers a ***fence*** or roof or on the exterior of any ***building***;
j) is an off-site sign, with the exception of businesses not fronting on a public road so long as all other requirements of section 8 are met except as provided in section 8.3(f)
k) is a mural or other such similar scenic depiction that is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or representation used as an announcement, direction, or advertisement; and
l) is an internally lit ***sign*** in a residential area

(2) Notwithstanding 8.6(1)(g) and 8.6(3)(e) ***roof signs*** may be ***erected,*** operated, used, and maintained on PID 15104292, above a roof line, where they do not extend higher than the ***height*** **of** such ***building*** or ***structure***.

(3) No ***sign*** or ***sign structure*** shall:

(a) extend above a wall or beyond the ends of a wall of any ***building*** to which it is attached;
(b) extend over any sidewalk or walkway at a ***height*** of less than 2.5 m (8.2 ft);
(c) be placed on private or public property without the written consent of the owner, or the owner's agent, if the owner of the property is not the owner of the ***sign***;
(d) be internally lit, with the exception of one internally illuminated "open/ouvert" non-flashing, non-moving***, sign*** no larger than 0.18 m^2 (2 ft^2) ;
(e) obstruct or be attached to any part of a fire escape;
(f) be placed within 3.0 m (10 ft) of a fire alarm or utility wire, other than that required to illuminate the ***sign***, without obtaining permission in writing from the authority having jurisdiction over the same;
(g) be attached to any tree, utility pole or post, or any support which rests upon the sidewalk but shall be securely attached to a ***building*** or other satisfactory support, with the exception of a street ***banner*** or as otherwise provided in this By-law;
(h) except for ***awnings***, ***projecting signs***, and ***flag signs,*** project over any public right-of-way, highway or sidewalk;
(i) advertise an activity, business or sale of a product or service no longer conducted on the premises which the ***sign*** serves;
(j) be an imitation of a traffic control device or ***sign*** or have a size, shape, location, content, colouring, or manner of illumination which may be confused with any traffic control device or ***sign***;
(k) contain electronic messaging or electronic visual display; or
(l) extend above the roof line or parapet roof line of a building.

8.7 Number of Signs on Residential Properties

In any Residential Zone, or on any residential ***building*** in the Mixed Use (MU) Zone, the maximum number of ***signs*** for each ***dwelling*** shall be 4 which shall be chosen from the following:

(a) one ***incidental sign***;

(b) one ***residential sign***; and

(c) where such businesses are allowed, a ***sign*** identifying a ***bed and breakfast*** or a ***home based business*** as permitted under Section 4.1.9 or 4.1.10, provided that this is a ***fascia sign***, , *or* ***freestanding sign*** with a ***sign*** area not exceeding 0.5 m^2 (5.4ft^2)

(d) one ***interpretive sign***

8.8 Number of Signs on Commercial Properties

(1) The maximum number of advertising ***signs*** for any ***use*** in the Central Commercial (CC) Zone or Tourist Commercial (TC) Zone shall be 5 which shall be chosen from the following:

(a) one ***fascia sign***;
(b) one ***awning***;
(c) one ***projecting sign*** or ***freestanding sign*** or ***flag sign***
(d) two ***window signs***
(e) one ***sandwich board sign***
(f) one ***interpretive sign***

(2) For any property located within the Mixed Use Zone and the ***Historic Business District***, any Central Commercial or Tourist Commercial ***use*** may be permitted to have one ***sandwich board sign***. Such ***signs*** must not be placed on any part of a sidewalk or street-right-of-way, or in any other position which would constitute a public nuisance or danger. Such ***signs*** may not be more than one metre from the property line of said Commercial Property. If the property owner has a signed Encroachment Agreement with the Town a ***sandwich board sign*** may be placed in the area of encroachment so long as the ***sandwich board sign*** does not impede pedestrian flow. Any such ***sign*** found in non-conformance with this provision may be removed by any ***Town*** employee on the direction of the ***Development Officer***.

8.9 Number of Signs in Institutional and Green Space Zones

The maximum number of signs for a ***main use*** in an Institutional or Green Space Zone shall be limited to three (3) of the following:

(1) one ***fascia sign***;
(2) one ***projecting sign*** or ***freestanding sign***;
(3) two ***incidental signs***, one of which may be a ***sandwich board sign***; and
(4) one ***interpretive sign***

8.10 Sign Area Calculations

For the purposes of determining the total permitted ***sign area***:

(a) the ***sign area*** shall be considered to be the area of the smallest triangle, square, rectangle, circle or semi-circle that can totally circumscribe the ***sign face*** in the plane

of its largest dimension of a ***fascia sign*** as shown below in Figure 8.10.1;

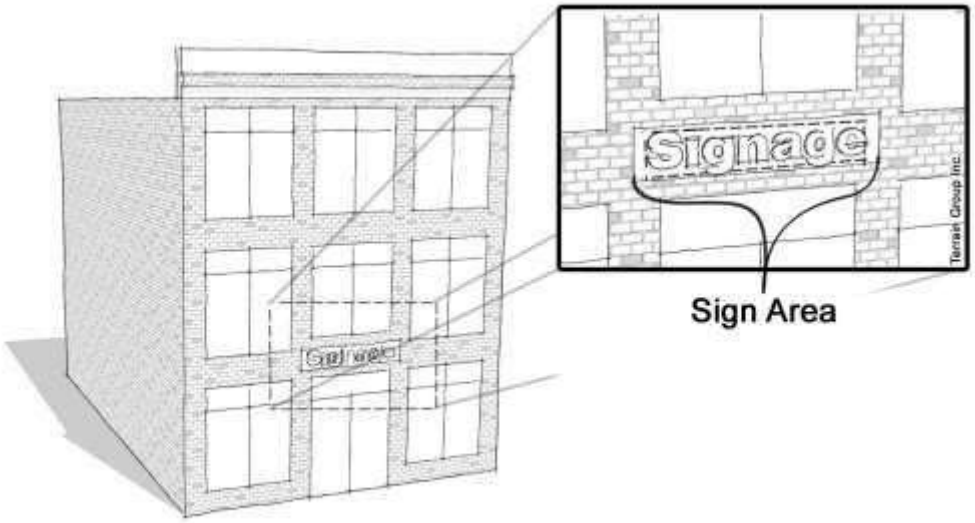


Figure 8.10.1

(b) in the case of ***fascia signage*** featuring individual letters affixed to a ***building*** face, the total ***sign area*** is the sum of the ***sign area*** for each individual letter as shown below in Figure 8.10.2;

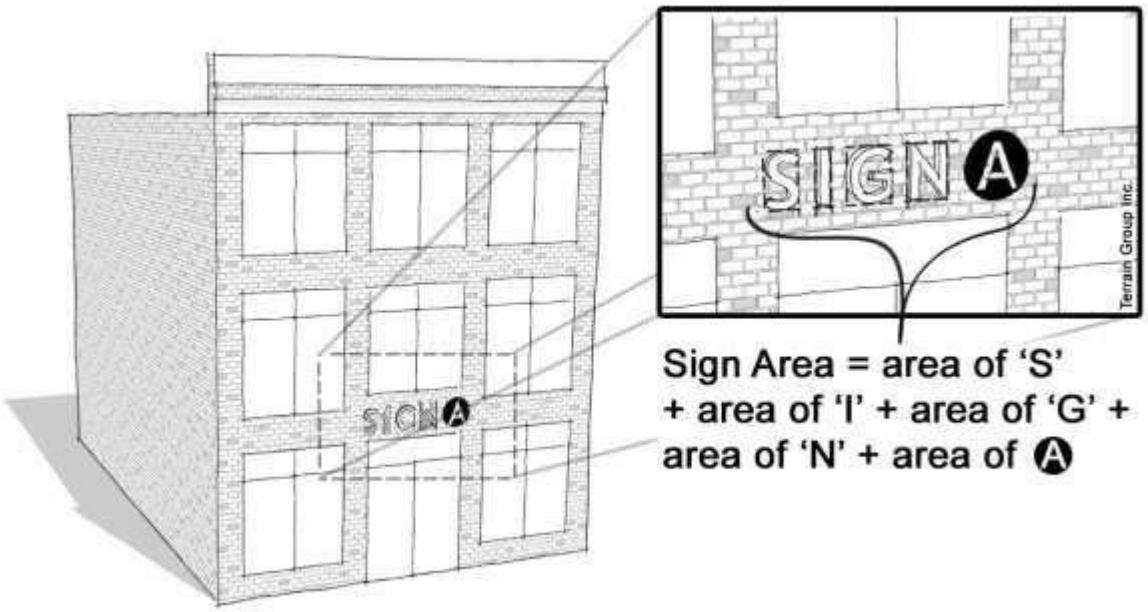


Figure 8.10.2

(c) when determining the ***sign area*** of a ***freestanding sign*** or ***directory sign***, the total area of one or more ***sign boxes*** must be calculated as shown below in Figures 8.10.3 and 8.10.4; and

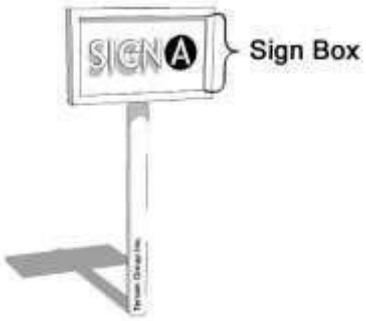


Figure 8.10.3

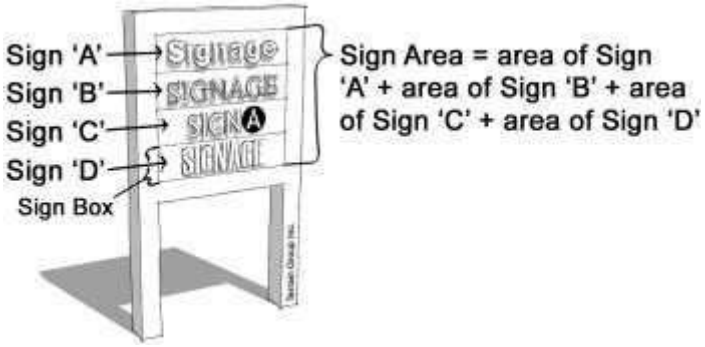


Figure 8.10.4

(d) each visible face of a *sign* shall be calculated separately and then totalled indetermining the *sign area*.

8.11 General Standards for Signs

(1) Any internally ***illuminated sign*** must be lit with all light shining through a translucent or coloured material. Any externally ***illuminated sign*** must be lit so that all of the illumination shines only on the ***sign***.

(2) Except for ***awnings, banners, real estate signs,*** and ***flag signs***, which may be made of dyed or painted material, or formed and painted acrylic, a ***sign*** shall be constructed of wood or long lasting synthetic product which simulates the properties and appearance of wood, and may be painted or routed and painted, or consist of cut-out wooden letters affixed to a board, and may include a symmetrical ornamental border or framing piece around the perimeter.

(3) No ***sign*** shall include more than three different sizes of typefaces for lettering or use more than three colours in addition to black or white. Fluorescent, neon or reflective paint is prohibited. Not more than fifty percent (50%) of the ***sign area*** shall consist of any picture, illustration or corporate logo. The ***sign*** should incorporate heritage style and typeface.

(4) Not more than one of a ***projecting***, ***free-standing*** or ***fascia sign*** advertising a business may be illuminated by shielded lights positioned to shine directly on the ***sign***. Electrical work required for an externally ***illuminated sign*** shall conform with any applicable electrical code, as determined by the ***Building Inspector***, and shall be equipped with such devices as are necessary to prevent interference with radio or television reception.

(5) ***Signs*** to be ***erected*** in the ***street*** right-of-way of a Provincial Highway are subject to approval of the Department of Transportation as well as to the ***signage*** regulations of the Town of Saint Andrews' Zoning By-law. The ***Development Officer*** shall not issue a permit for any ***sign*** for which a permit from or approval of the Department of Transportation is required, until such Provincial approval has been issued.

(6) A ***sign structure*** shall be subject to the approval of the ***Building Inspector*** where it is

(a) a ***projecting sign*** that weighs more than 25 kilograms (55 pounds); or

(b) a ***freestanding sign*** that weighs more than 50 kilograms (110 pounds); or

(c) an ***awning*** that weighs more than 25 kilograms (55 pounds).

8.12 Standards for Specific Types of Signs

8.12.1 Fascia Signs

(1) Where the ***building*** has a fascia board, the ***height*** of the ***sign*** shall not exceed the lesser of 60 centimeters (24 inches) or the ***height*** of the fascia board and shall not obstruct the architectural detail of the cornice.

(2) Where a ***building*** has no fascia board, a ***sign*** not exceeding 60 centimeters (24 inches) in ***height*** may be affixed to the ***building***, provided there is sufficient space between the top of the first floor mouldings or cornice and the bottom of the second floor window mouldings.

(3) The width of a ***sign*** may not extend beyond the lesser of:

(a) the outside edges of the first floor windows and/or door; or

(b) ninety percent (90%) of the ***building*** width.

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

8.12.2 Freestanding Signs

(1) ***Freestanding signs erected*** outside the ***Town plat & environs*** and ***Historic Business District*** shall not exceed 3.0 m^2 (32 ft^2) in ***sign area*** per side, and 6.0 m^2 (64 ft^2) in total ***sign area***. ***Freestanding signs*** in the ***Town plat & environs*** and ***Historic Business District*** shall not exceed 0.75 m^2 (8 ft^2) in ***sign area*** per side and 1.5 m^2 (16 ft^2) in total ***sign area***.

(2) The outermost point of a ***freestanding sign*** may extend to, but not beyond, the ***street*** right-of- way line.

(3) A ***freestanding sign*** shall be either:

(a) more than 2.5 m (8.2 ft) but less than 5.0 m (16 ft) high; or

(b) the lower edge of the ***freestanding sign*** shall not be more than 60 cm (24 in) above the ground and its top shall not be more than 1.5 m (5 ft) high.

(4) No more than one ***freestanding sign*** shall be permitted for every 30 m (98.4 ft) of ***lot frontage***. In the case of a ***corner lot*** the ***sign*** shall be located at least 11 m (36.1 ft) from the intersection of the ***lot lines***.

(5) ***Freestanding interpretive signs*** on municipal, provincial and/or federal sites are exempt from regulations and specifications in sections 8.12.2 (1), (2) (3) and (4).

(6) Notwithstanding the minimum ***front and flankage yard*** requirements of any zone, a

freestanding sign may be placed within 1 m (3.3 ft.) of the ***front and/or flankage yard***.

8.12.3 Awnings

(1) A rigid or non-movable ***awning*** shall not extend over a public sidewalk.

(2) A movable ***awning*** may extend over a public sidewalk if:

(a) the lowest part is not less than 2.5 m (8.2 ft) above the sidewalk;
(b) the supporting ***structure*** does not rest on the sidewalk or ***street*** right-of-way; and
(c) it does not project more than one-third (1/3) of the width of the sidewalk.

(3) No moveable ***awnings*** shall be deployed from November 1st of any year to April 15th of the following year.

(4) Any valance on an ***awning*** shall not be more than 30 cm (12 in) wide.

(5) Lettering shall be confined to the valance of an ***awning***.

(6) An ***awning*** shall be affixed to a ***building*** in such a manner as to not obstruct the architectural detail of the cornice.

8.12.4 Street Banners

(1) The ***erection*** of all ***banners*** requires pre-approval by the ***Development Officer***.

(2) ***Banners*** may be ***erected*** no more than fourteen (14) days before an event or occasion and must be removed no later than seven (7) days after the event is concluded.

(3) The content, design and size of the ***banner*** require pre-approval by the ***Development Officer***.

8.12.5 Non-Commercial Temporary Signs

(1) Noncommercial temporary ***signs*** include incidental ***signs, sandwich boards*** and ***freestanding signs***.

(2) Non-commercial temporary ***signs*** must be pre-approved by the ***Development Officer.***

(3) The placement of non-commercial temporary ***signs*** is subject to section 8.6 of this Zoning By- law.

(4) The ***sign*** may be placed no more than 7 days prior to the event or activity and must beremoved no more than one day after the conclusion of the event or activity

(5) Non-commercial temporary ***sign*** may only be placed by civic and not-for-profit organizations, the Saint Andrews Town Market, the Municipality or by approval of the***Development Officer.***

(6) The maximum number of non-commercial temporary ***signs*** placed by any organization isat the discretion of the ***Development Officer***, with no more than one ***sign*** being place in any one location.

8.12.6 Projecting or Flag Signs

(1) A ***projecting sign*** shall not exceed 0.74 m^2 (8 ft^2) in ***sign area*** per side and shall be limited to two sides

(2) The bottom of a ***projecting sign*** or ***flag sign*** shall be at least 2.5 m (8.2 ft) high but not more than 5.0 m (16.4 ft) high.

(3) **A *projecting sign*** may be sectional, provided that the total ***sign area*** of all sections does not exceed 0.74 m^2 (8 ft^2).

(4) There shall be a maximum of one ***projecting sign*** or ***flag sign*** per business on a property.

(5) No ***projecting sign*** or ***flag sign*** shall project more than 2 m (6.6 ft) from the ***building*** wall.

(6) No ***projecting sign*** shall project more than 30 cm (12 in) above the roof line of a ***building***.

8.12.7 Window Signs

(1) The contents of a ***window sign*** shall be limited to identifying a business name or proprietor's name, the nature of service or product, and the establishment's hours of operation.

(2) No ***window sign*** shall exceed:

(a) thirty percent (30%) of the glass area of a display window; or
(b) fifty percent (50%) of the glass area of a door.

8.13 Maintenance of Signs

(1) The owner, operator or manager of the business or facility for which any ***sign*** has been ***erected*** shall maintain it in a proper state of repair, so that it does not become unsightly, defective or dangerous.

(2) Any ***sign*** which is in a state of disrepair shall be repaired or removed by the owner or lessee on receiving written notice from the ***Development Officer***. If the ***sign*** is not repaired or removed within 15 days of the mailing of such notice, the ***Development Officer*** may order the removal of the ***sign*** at the expense of the owner.

(3) Any ***sign*** which, in the opinion of the ***Building Inspector*** or ***Development Officer*** is a danger to the surrounding property or persons may be repaired or removed without prior notice by the ***Town*** and the expenses involved in such action will be charged to the owner of the ***sign***.

8.14 Non-Conforming Existing Signs

The provisions of this By-law with respect to ***signs*** that do not conform to the By-law at the time of its effective date, other than provisions of Section 8.13, shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming ***sign*** that isrelocated, replaced, ***altered***, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming ***sign*** from the obligation for proper maintenance of a ***sign***.

8.15 Election Signs

(1) No election ***sign*** shall be ***erected*** on ***Town***, Provincial or Federal property.

(2) A ***sign*** or poster advertising any political party or candidate in an election for public ***office*** shall be removed within 48 hours after the election for which the sign was ***erected***. If a ***sign*** is not removed within such time, the ***Development Officer*** may order its removal at the expense of the owner.

8.16 Exemptions

(1) The following ***signs*** are not subject to the ***sign*** provisions of this By-law:

(a) a traffic control device as defined under the *Motor Vehicle Act*, or any Provincial or Municipal signs for regulating traffic;

(b) a ***directory sign*** on municipal property;
(c) legal notices; and
(d) ***street*** name ***signs***.

8.17 Abandoned and Unlawful Signs

(1) No person being the owner or lessee of property that a ***sign*** is located shall permit, suffer or allow such ***sign***, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.

(2) The ***Development Officer*** may require the removal of any ***sign*** that, in his or her opinion is, has become, unsightly, or is in such a state of disrepair as to constitute a hazard.

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

8.18 Refusal of a Sign Permit

(1) The ***Development Officer*** shall refuse to issue a ***sign*** permit for any sign if:

(a) the proposed ***sign*** does not comply with the provisions of this By-law or any other applicable By-law or legislation or would make any existing ***sign*** non-compliant;
(b) the ***building*** or structure supports on which the ***sign*** is to be located or attached is determined to be incapable of supporting the ***sign***, or if the information submitted regarding the construction of the ***sign*** or supporting structure is not sufficient to enable the ***Development Officer*** to adequately determine the capability of such support;
(c) the proposed ***sign*** would, in the opinion of the ***Development Officer***, obstruct or otherwise interfere with any traffic control devises, or the visibility of motorists or pedestrians;
(d) an applicant has failed to provide the information required by the ***Development Officer***; or
(e) the proposed ***sign*** directly interferes with the visibility of an adjacent ***sign***.

8.19 Revocation of a Sign Permit

(1) The ***Development Officer*** may revoke a ***sign*** permit

(a) where there is a violation of any condition under which the ***sign*** permit was issued;
(b) where there is a violation of any provision of the By-Law or any other applicable law or legislation;
(c) if he/she is satisfied that such ***sign*** permit was issued by reason of incorrect, false, or misleading information furnished by the applicant; or
(d) if the permit was issued in error.

REPEAL AND TRANSITION

(1) By-law No. Z21-01, Town of St. Andrews Zoning By-law, enacted on March 15, 2021 and all amendments thereto, saving and excepting By-laws No. Z21-04, Z21-05, Z21-07 and Z21-09 are hereby repealed.

(2) Despite any inconsistency with any provision of this By-law, the following amendments made under the Town of Saint Andrews Zoning By-law 10-04, are valid and continue in force until repealed by a by-law made by Council under the Community Planning Act: By-law No. 12-04, By-law No. 15-02, By-law No. Z17-02, By-law No. Z17-03

(3) The repeal of By-law No. Z21-01, Town of St. Andrews Zoning By-law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturbed, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME:

SECOND TIME:

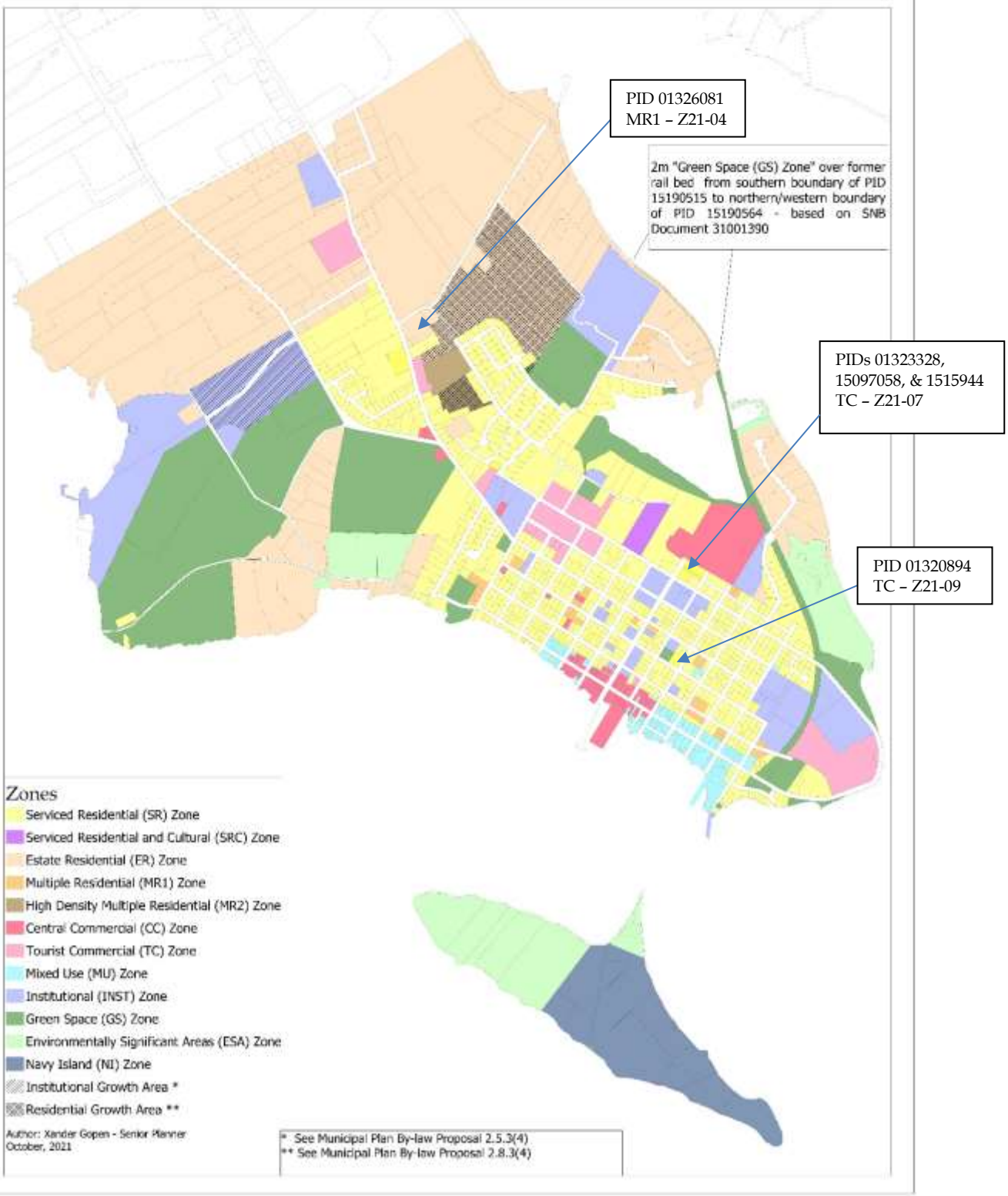
READ THIRD TIME AND ENACTED:

_____ _____

Mayor Town Clerk

Schedule A
Zoning Map

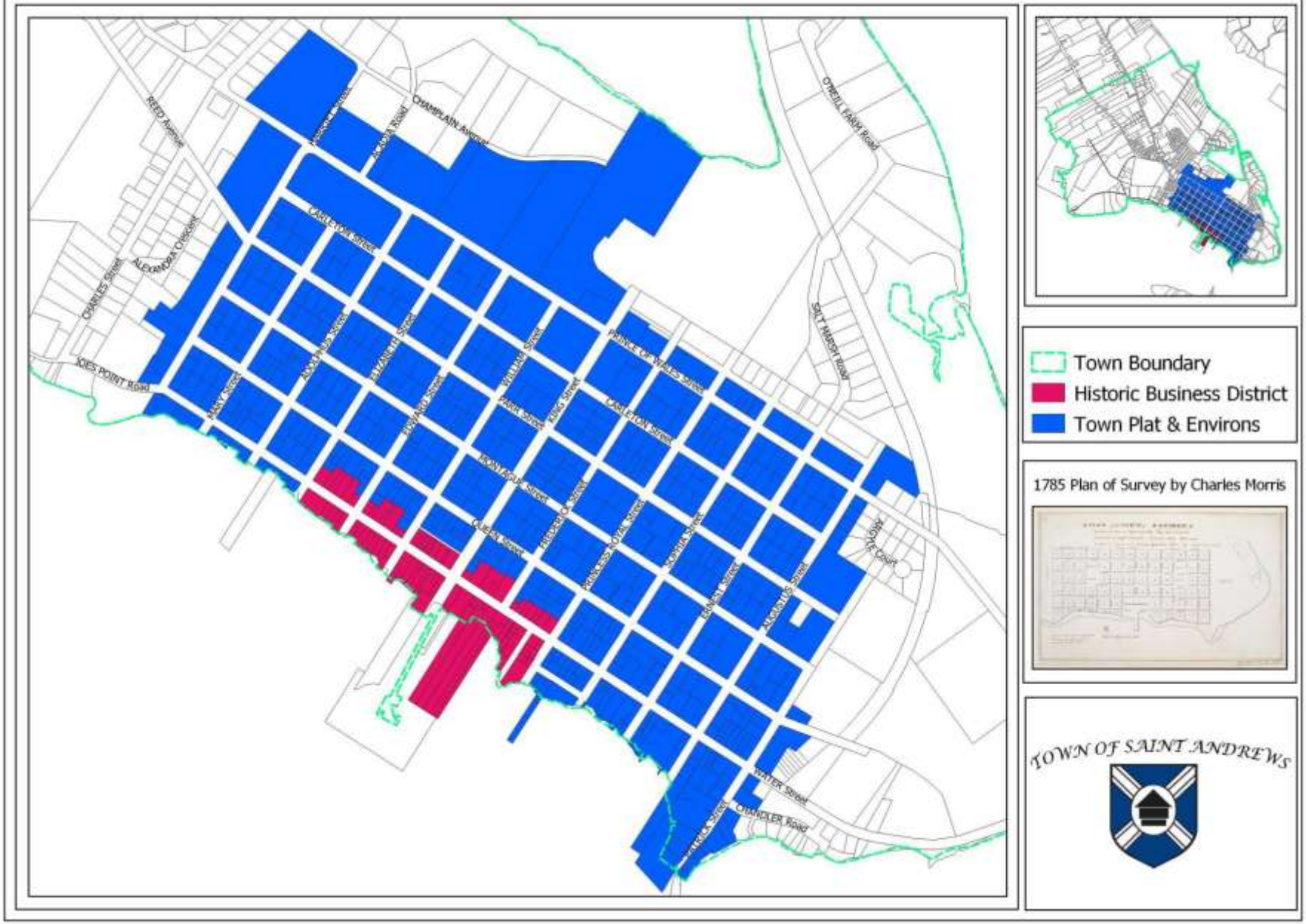
Town of Saint Andrews
Zoning Map



Schedule B

Map of the Historic Business District, Town Plat & Environs

Map of Historic Business District and Town Plat & Environs



Schedule C
Sea Level Rise (SLR) Overlay Zone Map

Sea Level Rise (SLR) Overlay Zone

