

# ZONING BY-LAW



## BY-LAW NO. 25-C

SEPTEMBER, 2022

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## TOWN OF ST. GEORGE BY-LAW NO. 25-C ZONING BY-LAW

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

### 0.0 BY-LAW

#### 0.1 TITLE AND SCOPE

- (1) By-law No. 25-C, the Town of St. George Zoning By-law, is hereby adopted.
- (2) This By-law may be cited as “The Town of St. George Zoning By-law”.
- (3) This By-law applies to the Town of St. George municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*
- (4) This Zoning By-law:
  - (a) divides the Municipality into zones as described on a zoning map;
  - (b) prescribes, subject to powers reserved in the *Advisory Committee*;
  - (c) the purpose for that land, buildings and structures in any zone may be used;
  - (d) standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and
  - (e) prohibits the use, placement, erection or alteration of land, buildings or structures other than 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 St. George Zoning Map attached as ‘Schedule A.’
- (7) For the purposes of this By-law, properties at risk of sea level rise or flooding are delineated on the water hazard Map attached as ‘Schedule B.’
- (9) In the event of an inconsistency between provisions of the Municipal Plan and the provisions of this By-law, the provisions of the Municipal Plan will prevail.

#### 0.2 REPEAL AND TRANSITION

- (1) By-Law No. 25-B, Town of St. George Zoning By-law, enacted on January 14, 2019, and all amendments thereto, are hereby repealed.
- (2) The repeal of By-Law No. 25-B, Town of St. George Zoning By-Law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME: XXXX  
READ SECOND TIME: XXXX  
READ THIRD TIME AND ENACTED: XXXX

\_\_\_\_\_  
Mayor, John Detorakis

\_\_\_\_\_  
Town Clerk, Jason Gaudet

## 1.0 DEFINITIONS

**Accessory Building** - means a detached *building* or *structure* that:

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

**Accessory Dwelling Unit** - means a *dwelling unit* with no more than two bedrooms which:

- is secondary to the principal *dwelling unit*;
- when contained within a main *dwelling unit* does not exceed the lesser of 75 m<sup>2</sup> (807.3 ft<sup>2</sup>) or 75% of the floor area of one floor of the *main building*;
- when contained within a *single-unit dwelling* is synonymous with a rental suite;
- when contained within an *accessory structure* is synonymous with a garden suite.

**Accessory Structure** - means a detached *building* or *structure* that:

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

**Accessory Use** - means a *use* of land or a *building* or *structure* that:

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

**Advisory Committee** - means the Planning Advisory Committee as established by Council or the Regional Service Commission (RSC), as the case may be.

**Agricultural Use** - means the use of any land, building, or structure according to the definition of a 'agricultural operation' under the *Agricultural Operations Practices Act* and includes such uses as greenhouses, nurseries, fish hatcheries, outdoor *cannabis production*, retail, farmer's market outlets for the sale of agricultural goods, animal shelters, veterinary services, but does not include a *abattoir*.

**Agricultural Use, Urban** - means the use of any land, building, or structure for the small-scale production of food, fiber, or flora, or the housing of *small livestock* animals, a fish pond, a greenhouse, and, for the purposes of this By-law, such use does not include the marketing for sale or retail of perishable goods, raising or handling *livestock*, a fish hatchery, a kennel, or an *abattoir*.

**Alter (alteration)** - means, as applied to a building or structure or part thereof:

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

**Animal Unit** - means the equivalent number of livestock or poultry that equals one (1) animal unit as follows:

- 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, fox, or mink, including offspring until weaning;
- 3 pigs, camelids, or deer, including offspring until weaning;
- 6 sheep or goats, including offspring until weaning;
- 10 ostriches, emu, or equivalent larger fowl;
- 10 non-predatory fur-bearing animals, excluding fox or mink, including any offspring until maturation; and
- 20 turkeys, chickens, ducks, geese, or equivalent smaller fowl, including any offspring until maturation.

**Architect** - means a professional who is registered and licensed as a full member with a Provincial or Territorial architectural regulator in Canada (e.g. Architects' Association of New Brunswick).

**Artisan Manufacturing** - means the shared or individual production of goods by the use of hand tools or small-scale, light mechanical equipment, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; *microbrewery*; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

**Average 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.

**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 or container used for any of the foregoing purposes.

**Building Inspector** - means the person responsible to approve and inspect construction under the *Building Code Administration Act* and the building by-law.

**Building Permit** - means a permit that is issued and monitored until the completion of a *building* or *structure* by the *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*.

**Camp** - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by a maximum of one (1) of the following: a trailer, camper, truck camper, tent, yurt, or similar accommodation. For the purposes of this by-law, a *camp* does not include a *campground*.

**Campground** - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by multiple trailers, campers, truck campers, tents, yurts, or similar accommodation, and includes campgrounds operated for tourism or commercial, or non-commercial purposes.

**Cannabis Production** - means the cultivating, processing, sales, warehousing, research, and testing of cannabis, cannabis extract, products that contain cannabis and other incidental activities involving cannabis for medical or non-medical purposes that require a license under the *Cannabis Act* and its regulations.

**Canopy Sign** - means any *sign* erected upon but not above a roof, or on top of, or above the parapet of a *building*.

**Community Sign** - means a portable sign or banner sign that is temporarily displayed in an off-site location, or a permanent sign in an off-site or on-site location, where the sign is exclusively used for community announcements, directions, or advertisements of community events, as authorized by the *municipality*

**Commercial Use, Downtown** - means the use a building or structure for the purpose of buying and selling commodities, offices or institutional uses, restaurants and bars, *artisan manufacturing* or *microbrewery*, *entertainment area*, hotel, general retail or supply of business services, but distinguished from such uses as industrial, warehousing, vehicle repair, vehicle sales or leasing, contractor yards, utility and telecommunications stations, adult entertainment, or other similar uses.

**Commercial Use, Large Format** - means the use a building, structure, or lot for large scale commercial uses including for the purpose of buying and selling commodities, offices, restaurants and bars, entertainment, hotel, general retail or supply of business services, gas bars, warehousing, vehicle repair, vehicle sales or leasing, contractor yards, wholesale establishments, and shopping centres or malls, but does not

include *industrial uses*, utility and telecommunications stations, or adult entertainment.

**Commercial Use, Neighbourhood** - Means the use of land, buildings, or structures for small scale commercial uses that are compatible with predominately residential neighbourhoods, such as daycare centres, greenhouse/nursery, small-scale food production, retail uses, and *institutional uses*, but does not include a hotel or motel, vehicle repair, contractor yards, industrial uses, utility and telecommunications stations, or adult entertainment.

**Condominium** - means any attached or non-attached *dwelling* regulated under the *Condominium Property Act* (Chapter C-16.05 SNB and any amendments thereto).

**Cornice** - means any horizontal member, structural or non-structural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**Developed Footprint** - means the entire developed area of a *lot* above grade including all *main, secondary*, and *accessory buildings* or *structures, driveways, paved parking areas*, and outdoor storage and display of goods or equipment.

**Development** - means a *development* as defined by the *Community Planning Act*

**Development Officer** - means a *Development Officer* as defined by the *Community Planning Act*.

**Development Permit** - means a permit issued for a *development* and does not include a building permit issued under a building by-law.

**Driveway Access** - 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-unit dwelling, semi-detached dwelling, two-unit dwelling, triplex dwelling, rowhouse dwelling* and *multi-unit 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*.

**Entertainment Area** - means a building or part of a building that involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, live performances, nightclub or other beverage room, an

arcade or amusement centre and a pool or billiard hall, and may include such activities in an outdoor setting, but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours.

**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.

**Exterior Lighting** - means outdoor lighting, or lighting inside of a building directed outdoors, not including illuminated signs, for the purposes of illuminating any building, loading area or parking lot;

**Façade** - means the exterior wall of a building or structure that is exposed to public view, including from the Magaguadavic River, or that wall viewed by persons not within the building.

**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.

**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.

**Flag Sign** - means a flag serving as a sign and is less than 1.39m<sup>2</sup> (15 ft<sup>2</sup>) in sign area (includes both sides) which is attached to a pole, and does not include national, provincial, municipal flags, or other similar types of flags.

**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.

**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.

**Forestry Use** - means commercial silviculture and any uses associated with a silvicultural use, including sawmills, related vehicle and equipment storage and maintenance buildings, structures and yards, and includes retail of forestry products, but does not include a heavy industrial use.

**Frontage** - means in the case of:  
a) an interior lot, the measurement of the front lot

- line between the side lot lines;  
b) a corner lot, the measurement of the front lot line between the side lot line and flankage lot line; or,  
c) a through lot, the measurement of the lot lines separating the front yard from the wider public right of way. Where both right of ways are of equal width, then the front yard shall be the frontage where an existing driveway access is located or, if no access exists, the front yard shall be the same as any abutting property.

**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.

**Gooseneck light** - means a sign light wherein the light is downward facing and the light extends away from the mounted fixture with a swooping, curved arm.

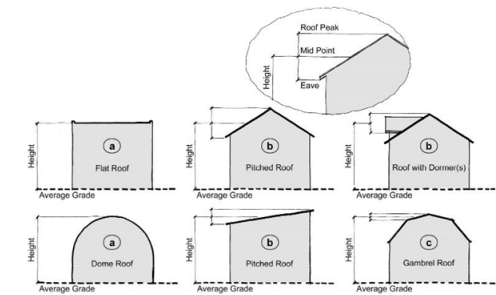
**Gross Floor Area** - means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level. Gross floor area does not include the area used for a mechanical room, stairwells, air handling equipment,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

**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.

**Habitable** - means suitable for overnight residential occupancy to carry on normal living functions, including sleeping, living, cooking, and maintaining personal hygiene.

**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 average grade level to the highest point of such building or structure and is determined as follows:



- a) for buildings with flat or dome roofs, the highest point is the highest part of the building;  
b) for buildings with pitched roofs, the highest point is the mid-point between the highest ridge of the

- building and the highest eave;  
c) for buildings with gambrel roofs, the highest point is deemed to be the mid-point between the mid-point between the ridge and the point immediately below the ridge where the pitch changes.

**Home Based Business** - 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, 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.

**Illuminated sign** - Means a sign lit internally with light(s) shining through the sign's material or a sign illuminated with external lighting shining onto the sign.

**Industrial Use, Heavy** - means the use of land, buildings, or structures for the manufacturing, processing, fabricating, assembly, or cultivating of extracted or raw materials, slaughter and processing of livestock, and the servicing, treating, and recycling of articles or end products, a salvage use, and related accessory uses (such as office use), that potentially involves hazardous and commonly recognized offensive conditions, but does not include the storage and disposal of untreated chemical, biological, explosive, and radioactive wastes as a main use.

**Industrial Use, Light** - means the use of land, buildings, or structures for research and development, biological production, licensed cannabis production facilities, manufacturing, processing, fabricating, assembly, warehousing, servicing, treatment, or packaging of previously prepared or refined materials (or from raw materials that do not need refining), but does not include any heavy industrial uses.

**Institutional Use** - means the use of land, buildings, or structures for religious, educational, health, indoor or outdoor recreational facilities, child care, community centre, hospital, nursing home, seniors home, seniors congregate care facility, home for the aged or infirm, or a residential care facility.

**Livestock** - means any non-predatory animal raised and kept for agricultural purposes, but does not include domestic animals that are kept within a dwelling unit.

**Livestock facility** - means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes a structure or area used or intended to be used to store manure;

**Livestock, Small** - means a small-sized, non-predatory, terrestrial animal with a gross weight of no more than 10 pounds (4.5 kilograms) raised and kept for agricultural purposes, but does not include roosters (male chickens) or include domestic animals that are kept within a dwelling unit.

**Loading Area** - 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 a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

**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 Line** - means a common line between a lot and: an abutting lot, or a lot and a street or body of water.

**Lot Line, Front** - The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if building orientation does not clearly indicate lot frontage.

**Lot Size** - 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 ordinary high-water mark.

**Main Building** - means the building in which the main or principal use of a lot is conducted.

**Main Front Entrance** - means an ingress and egress to and from a building or structure that is oriented towards and has proper access to a public street.

**Microbrewery** - means the small-scale manufacturing of beer, wine, spirits or other alcoholic beverages occupying a total floorspace of 500 m<sup>2</sup> or less. This use includes the sale of alcoholic beverages to the public for consumption within the premises as well as the preparation and sale of food, incidental 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.

**Mini-home** - 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 Canada Standards Association approved stamp and number and/or meeting the requirements of the National Building Code of Canada.

**Multi-Unit Residential Use (Multi-unit Dwelling)** - means a building comprising three or more dwelling

*units* which generally has shared outside access; or *dwellings* attached to a *building* which is principally commercial in a commercial zone.

**Mobile Home** - means a transportable building designed for residential occupancy that must be moved over roads on its own chassis and is certified under the Z240 provisions of the Canada Standards Association for mobile homes.

**Modular Dwelling** - means either:

- (a) a 'modular building' designed for residential occupancy that leaves the factory on a flatbed truck in the form of complete modules or boxes which are joined together at the site to form a complete dwelling;
- (b) a 'panelized component building' designed for residential occupancy that is constructed on site from a series of factory-produced wall, floor and roof panels. Modular dwellings must be provided with a Canadian Standards Association approved stamp and number and/or meet the requirements of the *National Building Code of Canada* and be of compatible appearance with traditional stick-built housing.

**Municipality** - Means the administration staff of the Town as headed by the Chief Administrative Officer of the Town of St. George or a delegate.

**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.

**Personal Service Shop** - means a *use* that provides personal care services and includes, without limiting the generality of the foregoing, 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 other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

**Point-of-purchase Sign** - means advertising that is not visible from a public right-of-way and is intended to advertise goods available for sale on-site, such as a drive-thru menu.

**Porches** - means a roofed open area, which may be glazed or screened, usually attached to a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.

**Park and Open Space Use** - means an area or portion

of land, either landscaped or natural and which is used to meet human recreational or spatial needs, to protect water, air, or plant areas, or to separate uses, with a combined *developed footprint* of less than 10% for the total area or portion of land.

**Private Utility Use** - means a utility use provided by a private entity, that may or may not serve the public.

**Projected Sea-level Rise** - 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 5.3m Canadian Geodetic Vertical Datum 2013.

**Public Utility Use** - means a utility use provided by the Town of St. George or the Province of New Brunswick.

**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.

**Regional Service Commission** - means a regional service commission established under the *Regional Service Delivery Act*.

**Renewable Energy Device** - means any facility or installation that is designed and intended to generate electricity from natural forces such as wind, water, sunlight, or geothermal heat.

**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.

**Residential Land Lease Community Uses** - Any area, lot, parcel, or tract held in common ownership, and on which individual portions of said area, lot, parcel, or tract are leased for the placement of *mini-homes* as a primary residence. Residential land lease communities do not include fee simple subdivisions or *mobile homes*.

**Residential Use, High Density** - means *rowhouse dwelling, townhouse dwelling, a multi-unit residential use,*

a rooming house or boarding house, or a residential care facility; but does not include a recreational vehicle, *mini-home*, mobile home, hotel, or motel.

**Residential Use, Medium Density** - means a single-unit dwelling, a semi-detached dwelling, a two-unit dwelling, *rowhouse dwelling, townhouse dwelling, a multi-unit residential use*, a rooming house or boarding house, or a residential care facility; but does not include a recreational vehicle, *mini-home*, mobile home, hotel, or motel.

**Resource Excavation Use** - means any excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes for the sale or other commercial use of the material excavated, but does not include mining, processing, or refinement of materials.

**Roof Sign** - means any *sign erected* upon but not above a roof, or above the parapet of a *building*.

**Rowhouse Dwelling** - synonymous with a *townhouse*, means a series of more than two individual dwelling units, attached in a row, separated from each other by *common wall(s)*, each on a fee simple lot on which each dwelling unit has its own amenity space, entrance at grade level, and parking area.

**Sandwich Board Sign** - means a *sign* less than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) 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.

**Salvage Use** - means the use of land, buildings, or structures, where there are stored or deposited three or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded, or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such uses shall also include any land, buildings, or structures for the storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials that are parts of a motor vehicle or cut up the parts thereof.

**Secondary Use** - means a *use* other than a *main* or *accessory use* that is secondary to a *main use*; and that is conducted, unless otherwise provided (expressly or by definition), entirely within a *building* or *structure* containing the *main use* on the lot.

**Series** - means a set of consecutively attached *row-houses* or *condominiums* of more than 2 units where the *dwelling unit* on both ends of the series do not share one of the side walls with other units.

**Setback** - means the required distance, in accordance with the provisions of the bylaw, between every building or structure and the lot lines of the lot on which it

is proposed to be located.

**Side Yard Setback** - 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.

**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.

**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.

**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 sum of the combined areas of the smallest triangles, squares, rectangles, circles, or semi-circles that can wholly enclose each individual letter.

**Sign Permit** - means a permit that allows the owner or lessee of a property to construct, erect, display, alter or relocate any sign in accordance with the provisions of this By-law, except signs being exempt. Signs constructed on a permanent foundation require a building permit in addition to the sign permit.

**Single-Unit 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 is used exclusively for residential purposes.

**Small-scale Secondary Use** - means any kind of *secondary use* that not aggregately occupy more than twenty-five per cent (25%) of the main building or shall take place in an accessory building not exceeding twenty-five per cent (25%) of the *gross floor area* of the *main building*. A *small-scale secondary use* is a use that does not create a noticeable amount of noise, dust,

odor, smoke, glare or vibration outside of the building in which the activity takes place, where outside storage of goods or materials is properly screened from view, and does not generate significant amounts of traffic.

**Short-term Rental** – Means a *dwelling unit*, or portion thereof, used as an accommodation for travellers for no more than thirty (30) days at a time. The use does not include hotels, motels, or bed and breakfasts.

**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** - 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*.

**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.

**Swimming Pool** - means any exterior structure with a capacity to hold a 1-meter depth of water and is used for swimming, wading, or recreational bathing.

**Town** - means the Town of St. George.

**Townhouse Dwelling** – synonymous with a *rowhouse*, means a series of more than two individual *dwelling units*, attached in a row, separated from each other by common wall(s), each with its own separate entrance at grade level, except that all dwelling units are located on one *lot* together and they may have shared amenity space and shared parking areas.

**Traditional Building Materials** - means materials consistent with construction techniques and architecture of the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, shingle, stucco, or adequate facsimiles (such as authentic wood-grain fibre cement board).

**Triplex Dwelling** – means a building on one lot containing three dwelling units divided into separate dwelling units each of which has an independent entrance, either directly from the outside or through a common vestibule.

**Two-Unit Dwelling** - synonymous with duplex, 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.

**Utility Use** - means any component of a transpor-

tation, water, sewerage, storm water, solid waste disposal, cable internet, electric power, natural gas, or telecommunication systems. The use may also include a fire station, police station, municipal yards, or community service depot such as a food bank or other drop-off location.

**Warehousing** - means a building used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

**Watercourse** – means a watercourse as identified by the Province of New Brunswick under the *Clean Water Act*.

**Wetland** – means a wetland as identified by the Province of New Brunswick under the *Clean Water Act*.

**Window Sign** - means any *sign* on display in front of or behind the transparent surfaces of windows or doors, that uses any means of being fixed in place or displayed, such as structures, ink, paint, chains, strings, adhesives, suction, or tape.

**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 municipality is divided into zones as delineated on the map attached hereto, entitled “Town of St. George Zoning Map” dated September, 2022.
- 2) The zones mentioned in subsection (1) are classified and referred to as follows:
  - a) U-1 Zone;
  - b) U-2 Zone;
  - c) U-3 Zone;
  - d) U-4 Zone;
  - e) Industrial “I” Zone;
  - f) Conservation “C” Zone
  - g) Rural Settlement “RS” Zone
  - h) Agriculture & Forestry “AF” Zone
- 3) U-1, U-2, U-3 and U-4, and I zones, collectively, are referred to as Urban Zones.
- 4) C, RS, AF zones, collectively, are referred to as Rural Zones.
- 5) For the purposes of this By-Law, an overlay zone is delineated on the map attached hereto, entitled

“Schedule B: St. George Water Hazards” dated September, 2022.

### 2.2 Interpretation

#### 2.2.1 Zone Boundaries

- 1) A zone boundary shown approximately at a lot line 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 top of the bank and moves with any change in the bank.
- 3) Where zone boundaries are indicated as generally following an existing or a proposed street line, alley line, public utility right-of-way, easement, fence, or building wall, the zone boundary shall be construed as following such lines.
- 4) In the event that a public street, as delineated on the zoning map, is closed, the property formerly within such street shall be included within the zone of the adjoining property on either side of such closed street. Where a closed street is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.
- 5) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.

#### 2.2.2 Metric Measurements

- 1) All numerical requirements in this by-law are provided in metric units of measurement. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail. Measurements are abbreviated in the following manner:
  - a) meters or m;
  - b) feet or ft;
  - c) square meters or sq. m or m<sup>2</sup>;
  - d) square feet or ft<sup>2</sup>;
  - e) inches or in;
  - f) centimeters or cm; and
  - g) millimeters or mm.
- 2) Ranges are abbreviated in the following manner:
  - a) maximum or max.;
  - b) minimum or min.;

#### 2.2.3 Uses Permitted

- 1) Uses permitted within any zone shall be determined as follows:
  - a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone; and,
  - 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.

#### 2.2.4 Diagrams

- 1) Diagrams may be used to help visualize the Zoning By-law and provide a way to generally interpret the by-law’s requirements or depict its dimensional standards. In a case of any discrepancy between a diagram and the definitions or other provisions of the by-law, the written text of the by-law shall prevail.

#### 2.2.4 Definitions

- 1) Definitions are provided in this Zoning By-law as an authoritative interpretation on the meaning and scope of a variety of different land uses and terminologies being employed in this document.
- 2) Words in bold italics are words with specific definitions and may be found in Section 1.0 of this By-law;
- 3) Words that are italicized and underlined may denote specific Provincial and/or Federal regulations or legislation.
- 4) Words that are not italicized or bolded may still be subject to a definition under section 1.0 of this Zoning By-law.

### 2.3 Special Powers of Council

- 1) Notwithstanding anything else contained in this By-law, no *building* or *structure* may be erected in the municipality, where in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets, access, other services, and facilities.
- 2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may acquire the parcel of land that such building or structure is located.
- 3) Notwithstanding anything else contained in this By-law, Council may designate and use any land to for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, or other *public utility use*.

### 2.4 Powers of the 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 *Regional Service Commission*, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

- 2) The **Regional Service Commission** 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 any terms and conditions that may be imposed by the **Regional Service Commission** (RSC), no **development permit** or **building permit** application shall be approved until the RSC has reviewed the application and approved it as proposed, or approved it subject to specific terms and conditions, or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected.
- 4) The **Regional Service Commission** may permit, subject to such terms and conditions as it considers fit:
  - a) a proposed use of land or a building that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated; or
  - b) such reasonable variance from the requirements of the Zoning By-law as provided by the Community Planning Act as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the By-law and any plan or statement affecting such development.
- 5) Where requested to permit a proposed use or variance under subsection (4) above, the **Regional Service Commission** (RSC) may give notice to owners of land in the immediate neighbourhood:
  - a) describing the land;
  - b) describing the use proposed or variance requested; and
  - c) giving the right to make representation to the RSC in connection therewith within the time limit set out in the notice.
- 6) Where permitted under the Community Planning Act or Regional Service Delivery Act, powers of **Regional Service Commission** may be delegated to the **Development Officer** or his/her delegate.

## 2.5 Non-Conforming Uses

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

## 2.6 Amendments

- 1) A person who seeks to have this By-Law amend-

ed:

- a) shall address a written and signed application to Council;
- b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith the signatures of at least one owner of each parcel of land to be rezoned; and
- c) shall pay a fee of \$400, payable to the **Regional Service Commission**.

- 2) The 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 the Council or the **Regional Service Commission** for the purpose of adequately assessing the desirability of the proposal.
- 4) Before giving its views to the Council with respect to an application under this section, the **Regional Service Commission** may carry out such investigation as it deems necessary.
- 5) Where an application for rezoning of a property has been refused within the previous twelve months, Town Council will not entertain an application to rezone the same property unless the proposed use is substantially different from the previous application.

## 2.7 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) Except where approval is given by the **Development Officer** on a **building permit**, a person shall be required to obtain a development permit 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 or height exceeding 1 m in any zone, pursuant to

section 3.4;

- f) the establishment of a **swimming pool** or parking facilities where more than six (6) parking spaces is provided, pursuant to section 3.27; and,
  - g) the **development** of a **building** or **structure** greater than 9.3 m<sup>2</sup> (over 100 ft<sup>2</sup>) in **gross floor area** or greater than 3.05 m (10 ft) in **height**, or attached/abutting a **building** or **structure** greater than 9.3 m<sup>2</sup> (over 100 ft<sup>2</sup>) in **gross floor area**, and exempt from the National Building Code under the Building Code Administration Act; and,
  - h) the **development** of any **dwelling unit**, such as an **accessory dwelling unit**, that may be exempt from the National Building Code under the Building Code Administration Act.
- 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** is not required prior to carrying out the **development** of any of the following:
    - a) the **development** of an **accessory use**, pursuant to section 2.7(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**; and,
    - e) the **development** of a **building** or **structure** less than 9.3 m<sup>2</sup> (over 100 ft<sup>2</sup>) in **gross floor area** and less than 3.05 m (10 ft) in **height**, and not attached/abutting a **building** or **structure** greater than 9.3 m<sup>2</sup> (over 100 ft<sup>2</sup>) in **gross floor area**, and exempt from the National Building Code under the Building Code Administration Act, but not exempt from otherwise complying with the requirements of this Zoning By-law.
  - 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 \$50.00.
  - 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 2.7 (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 (6) 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 (1) year.

## 2.8 Sign Permits & Fees

- 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 from the **Development Officer** 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 by the **Building Inspector**.
- 3) Notwithstanding any other provision of this By-law, no **sign permit** is required for the following permitted **signs**:
  - a) temporary on-site or off-site signs with information related to legal notices, public health, construction projects, real estate, or elections, subject to the following conditions:
    - i) The **sign** is not illuminated;
    - ii) Such signs do not exceed 3 m<sup>2</sup> (32.3 ft<sup>2</sup>) in **sign area**;
    - iii) The signs are set back a minimum of 3 m (9.8 ft) from any street and not located within any right of way without the written authorization of the municipality; and,
    - iv) The **sign** is not permanent and is removed at most fourteen (14) days after the conclusion of the occurrence, event, or **development**, to which the sign pertained to.
  - b) Any small **sign** with a combined total of less than 0.09 m<sup>2</sup> (1 ft<sup>2</sup>) of **sign area**;
  - c) **Window signs** that comply with the provisions of section 4.3.8(1);
  - d) The display of one (1) **flag sign** per **lot**;
  - e) Any artistic mural, traffic sign, or directional **sign**, as authorized by the **municipality**,

Provincial Government, or the Government of Canada;

- f) Temporary or portable **community signs** that are authorized by the **municipality** for commemorating a holiday, history, or community event, for a maximum period of fourteen (14) days.

- 4) An application for a **sign permit** shall be made to the **Development Officer** in the form provided by the **Regional Service Commission** and be subject to a fee of \$50.00.

## 2.9 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.

## 2.10 Refusal of a Sign Permit

- 1) The **Development Officer** shall refuse to issue a sign permit for any sign if 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;
- 2) 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** or **Building Inspector** to adequately determine the capability of such support;
- 3) The proposed sign would, in the opinion of the **Development Officer**, obstruct or otherwise interfere with any traffic control devices, or the visibility of motorists or pedestrians; or
- 4) An applicant has failed to provide the information required by the **Development Officer**; or,
- 5) The proposed **sign** directly interferes with the visibility of adjacent signs.

## 2.11 Revocation of a Sign Permit

- 1) The **Development Officer** may revoke a **sign** permit for one or more of the following reasons:
- a) There is a violation of any condition under which the **sign** permit was issued;
- b) There is a violation of any provision of the By-Law or any other applicable law or legislation;
- c) They are satisfied that such **sign** permit was issued by reason of incorrect, false, or misleading information furnished by the applicant; or,
- d) The permit was issued in error.

## 2.12 Enforcement

- 1) A person who carries out a **development** or displays a **sign** contrary to the provisions of this By-law, whether any permit is required or not, shall be liable of an offence under the **Community Planning Act** and may be subject to the financial penalties, charges, or other court-ordered enforcement actions, thereunder.

- 2) The Council may appoint a By-law Enforcement Officer to enforce the provisions of this By-law and to serve orders of compliance on behalf of the **municipality** to anyone who violates this By-law.

## 3.0 GENERAL PROVISIONS

### 3.1 Required Services

- 1) No building or structure may be erected on any lot, unless arrangements, to the satisfaction of Council, have been made for the supply of electrical power, water, sewerage, streets, driveway access, other services, and facilities.

### 3.2 Height Exceptions

- 1) Notwithstanding **building height** requirements established in the various zones of this by-law, elements of a **structure** that are designed to project above **height** requirements such as church spires, cupolas, water tanks, elevator enclosures, heating ventilation air conditioning (HVAC) units, silos, flagpoles, telecommunications devices, skylights, chimneys, clock towers, monuments, lightning rods, or renewable energy devices, but not including parts of the **structure** which comprise the roof or a building **storey**, but shall:
- a) Be developed in conformity with the standards of section 3.2(2); or,
- b) Be developed subject to terms and conditions as may be established by the **advisory committee**; or,
- c) Be developed subject to the approval of the **municipality** for services designed for **public utility use**.
- 2) Pursuant to section 3.2(1)(a), any exempted structural elements shall:
- a) be set back from the perimeter of the roof-line a minimum of 3 meters; and,
- b) not be visible from any location on the **street** within a 30-meter horizontal radius as measured projecting outward from the **façade** of the **ground floor** of the **building** or **structure**.

### 3.3 Exterior Lighting or Illumination Devices

- 1) The requirements of this By-law with respect to the use of **exterior lighting** are as follows:
- a) No **exterior lighting** shall be used in a manner

- that it emits a bright flashing light usually associated with danger or those used by emergency vehicles;
- b) Any **exterior lighting** shall be located and arranged so that rays of light are not directly aimed at any adjoining **lots** or the public right-of-way; and,
- c) All **exterior lighting** shall be shielded and directed downward so as to limit light pollution and protect the view of the night sky.

### 3.4 Change of Lot by Infilling or Excavation

- 1) 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 **Advisory Committee** considers necessary.

### 3.5 Building and Structure Permitted Projections

- 1) 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, smoke stacks or flues, which project not more than 0.457 m (1.5 ft);
- g) balconies of upper stories of buildings, provided they are not enclosed above the building's maximum 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 pools may encroach within 1.2 m (3.9 ft) of the property line in any rear or side yard but shall not 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; and
- n) exterior staircases providing access to the basement or any floor above the first storey, balconies, porches, verandas and sun decks shall be permitted to project a maximum of 2 m (6.6 ft) into any required front yard, rear yard or flankage yard; and,
- p) 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 Advisory Committee considers necessary.

### 3.6 Enclosures for Swimming Pools

- 1) No land may be used for purposes of a **swimming pool** capable of containing a depth more than 1 meter (3.3 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 (5 ft) in **height** and meeting the requirements of this section.
- 2) Where a portion of a wall of a **building** forms part of an enclosure mentioned in 3.6(1),
- a) no main or service entrance to the **building** may be located therein; and
- b) any door therein, other than a door to a **dwell-ing** or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 m (5 ft) above the bottom of the door.
- 3) An enclosure mentioned in 3.6(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 4) A fence mentioned in 3.6(1) shall not be electrified or incorporate barbed wire or other dangerous material; and shall be located:
- a) at least 1 m (3.3 ft) from the edge of the **swimming pool**;
- b) at least 1 m (3.3 ft) from any condition that would facilitate its being climbed from the outside; and 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 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 x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.5 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 10 cm (4 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 at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
  - iii) 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 3.6(1):
- a) shall be equivalent to the fence in content, manner of construction and *height*;
  - b) shall be supported on substantial hinges; and
  - c) shall be self-closing and equipped with a self-latching device at least 1.3 m (4.2 ft) above the bottom of the gate.
- 7) The vertical walls of a permanent above-ground pool can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.5 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 pool, must be enclosed by a *swimming pool* enclosure as defined within this section.
- 8) No *swimming pool* enclosure may be located within any portion of the *front yard* or within the required *flankage yard* of a *lot*.
- 9) No water shall be placed in the *swimming pool* until a closure has been completed and inspected by the *Development Officer*, or a qualified delegate of the *Development Officer*, including a *Building Inspector* appointed by the *Municipality*.
- 10) The installation of a *swimming pool* and/or enclosure is not to *alter* the existing *grade* or drainage pattern otherwise approved by the *Development Officer*.
- 11) No person is to *alter* or replace a *swimming pool* enclosure without a *development permit*.
- 12) No person shall allow sections of the *swimming pool* enclosure to be removed or become dilapidated so that it no longer conforms to this By-law; and
- 13) 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.

### 3.7 Existing Lots & Buildings

- 1) Notwithstanding anything contained in this By-law, where a *lot* has been in existence before the effective date of this By-law having less than the minimum lot dimensions than is required by this By-law, a *building* or *structure* may be developed provided that:
  - a) the erection of a new *building* or *structure* can meet all other dimensional requirements of the zone in which it is located; and,
  - b) all other applicable provisions of this By-law are satisfied.
- 2) Notwithstanding anything contained in this By-law, where a building or structure has been in existence before the effective date of this By-law having less than the minimum lot size, lot frontage, lot depth, *front yard*, *flankage yard*, *side yard* or *rear yard* than is required by this By-law, or exceeding the maximum *lot coverage* or building *height*, such *building* or *structure* may be enlarged, reconstructed, repaired, or renovated provided that:
  - a) the enlargement, reconstruction, repair or renovation of an existing *building* or *structure* does not further reduce the required minimum *front yard*, *flankage yard*, *side yard*, or *rear yard*, and does further exceed the required maximum *lot coverage* or building *height*, that does not conform to this By-law; and,
  - b) all other applicable provisions of this By-law are satisfied.

### 3.8 Standards for Mini-Homes

- 1) Except in *residential land lease community uses*, a *mini-home* shall only be placed, erected or altered in accordance with the following:
  - a) A *mini-home* shall be situated on a concrete foundation.
  - b) A *mini-home* must be 4.8 m (16 ft.) wide at its narrowest point.
  - c) The longest side of the mini-home shall be arranged parallel to and have the *front main entrance* face the *front lot line*;
  - d) Notwithstanding section 3.8 (1) (c), where the *mini-home* is proposed to not be in conformity with Section 3.8 (1) (c), it is a particular purpose that is subject to terms and conditions as established by the advisory committee;
  - e) The *mini-home* shall have at least been manufactured in the previous two (2) years;
  - f) Notwithstanding section 3.8(1)(e), an existing mini-home that has been placed prior to the date of this By-law coming into force, may be altered where the use is permitted and the alteration complies with all other applicable provisions of this By-Law.

### 3.9 Residential Land Lease Community Use Special Standards

- 1) Notwithstanding anything else contained in this by-law, a *residential land lease community use* may be permitted subject to terms and conditions as may be applied by the *Advisory Committee* in the U-1, U-2, U-3 Zones, or prohibited where compliance with terms and conditions cannot be reasonably expected.
- 2) Subject to section 3.9(1), a *residential land lease community use* shall only be developed in accordance with the special use standards of section 5.
- 2) Zoning standards that apply to fee simple *lots*, do not apply to individual leased units of land pursuant to section 5.

### 3.10 Development in Water Hazard Areas

- 1) *Development* within the designated area mapped on Schedule B or 30 m (98.4 ft) of a *wetland* is subject to the following additional conditions:
  - a) shall require a plan prepared by a geotechnical engineer or other professional engineer to address soil stability and adequately protect against potential flooding, runoff, erosion, and sedimentation that may impact, or result from, the development;
  - b) shall require a landscaping plan that shows a minimum of 50% of the designated area as set aside for a *parks and open space use* or as preserved for the planting of trees and shrubs; and
  - c) engineered plans must show that the elevation of the habitable part of any permanent *building*, including all electrical, mechanical, and plumbing are at least 60 cm above *projected sea level rise* or the maximum flood level recorded in 2010 in St. George, as applicable.
- 2) *Development* of the following is exempt from subsection 3.10 (1), but subject to all other applicable provisions of this By-law:
  - a) *accessory structures* under 56 square meters (600 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 car parking areas of less than six (6) vehicles;
  - d) accessory uses of land or a use listed as permitted under Conservation (C) Zone;
  - e) shore protection works that do not 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*, with the exception of electrical sub-stations, municipal water facilities, and waste water lagoons.

- 3) Notwithstanding anything contained in this By-law, *development* is not exempt from obtaining and complying with any required wetland or watercourse alteration permits that may issued by the Province of New Brunswick under the *Clean Water Act*.

### 3.11 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 *Advisory Committee*.

### 3.12 Line of Vision at an Intersection

- 1) Except in the U-4, no *building*, *structure*, fence, sign, *hedge*, shrub, bush, or tree foliage may obstruct the line of vision at a *street* intersection between the *heights* of 1.0 and 3.0 meters (3 and 10 feet) above the *grade* 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 Uses, Buildings or Structures

- 1) An accessory use, building or structure may not be placed or erected on a lot prior to the placement or erection of the main building or structure.
- 2) Accessory uses, buildings and structures will be permitted in all Zones but they shall not:
  - a) be used for human habitation, except as an *accessory dwelling unit* pursuant to the requirements of sub-section 3.13 (3);
  - b) exceed 4.6 m (15 ft) in *height* or, if it is located in a I or AF Zone, the permitted *height* of the *main building* of that zone;
  - c) except in the I or AF Zone, have a total combined gross floor area exceeding 10% of the total lot area;
  - d) be placed, erected or altered so that it is closer to the front lot line than the main building;
  - e) 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*; and,
  - f) with regards to each *accessory building*, or *structure* on the *lot*, except in the I or AF Zone, occupy more than 100 m<sup>2</sup> (1067 ft<sup>2</sup>) in total gross floor area.
- 3) *Accessory dwelling units* are permitted in the U-1, U-2, U-3, U-4, *RS*, and *AF* Zones but they shall conform with the following standards:
  - a) when contained within a *main building*, not occupy more than 75 m<sup>2</sup> (807.3 ft<sup>2</sup>) total combined gross floor area, or not occupy more than 75% of the gross floor area of one floor of the *main building*;
  - b) when contained within a detached *accessory*

- building*, be subject to the same dimensional standards as other accessory uses and structures, pursuant to sub-section 3.13 (2), and be so located that the *main front entrance* of the accessory dwelling unit faces a *street*;
- c) No more than one *accessory dwelling unit* may be placed or erected on a *lot* and no *building* or *structure* may be altered to become or contain a second *accessory dwelling unit* on a *lot*.

### 3.14 Parking Lot and Driveway Requirements

- 1) Except in the U-4, I, and Rural Zones, one vehicle parking space is required for every 100 m2 (1076 sq. ft) of gross floor area for the *main building*;
- 2) Where a parking lot for more than six (6) vehicles is used or developed the following standards shall 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 driveways 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 3.14(2)(d), the *Advisory Committee* may consider the creation of more than two driveways, subject to terms and conditions;
  - f) the driveway and 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 traveled way or sidewalk of any public street.
  - g) the parking lot must be graded, drained and finished with a durable, all-weather and dust proof material.
  - h) driveways must be located at least 3 m (9.8 ft) from the side lot line or rear lot line.
  - i) for every six (6) off-street vehicle parking spaces, one (1) bicycle parking space shall be provided in the form of a bike rack.
  - j) parking lots must be designed and have sufficient number of parking spaces to meet the mobility requirements of the *Barrier-Free Design Building Code Regulation*.
  - k) other than parking spaces designed to meet the mobility requirements of the *Barrier-Free Design Building Code Regulation*, every off-street parking space shall meet the dimensional requirements outlined in the Table 1.1.

| Table 1.1                |                |                 |                |
|--------------------------|----------------|-----------------|----------------|
|                          | 90 Degrees     | 45 Degrees      | Parrallel      |
| Min. Width               | 2.75 m (9 ft.) | 2.75 m (9 ft.)  | 2.75 m (9 ft.) |
| Min. Length              | 5.5 m (18 ft.) | 5.3 m (17.1 ft) | 6 m (19.7 ft)  |
| Min. Parking Aisle Width | 6 m (19.7 ft)  | 3.5 m (11.5 ft) | 6 m (19.7 ft)  |
| Min. Height Clearance    | 2.2 m (7.2 ft) | 2.2 m (7.2 ft)  | 2.2 m (7.2 ft) |

- 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) Other than the entrance or the driveway, a parking area shall be screened from the view of any adjoining U-1 or U-2 Zones, or the *street* in the U-3 or U-4 Zones, through a 2 m (6.6 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.
- 6) Where the screening in 3.14 (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 U-1 or U-2 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) Notwithstanding 3.14 (6), no screening is required where a parking lot abuts another parking lot on an adjacent property.

### 3.15 Vehicle Bodies

- 1) A motor vehicle, boat, tractor trailer, recreational vehicles, tractor, machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be located or used on a *lot*, in any Zone, without a *main building* except for a *public utility use*.
- 2) Pursuant to section 3.15 (1), the required *front* or *flankage yard* shall not be used for the storage or display of any tractor trailer, recreational vehicle, tractor, machine, boat, or other chattel.
- 3) Except in the Industrial Zone, a container designed for commercial transport shall not be used or located on a lot as a building or accessory structure.
- 4) Notwithstanding sub-section 3.15 (3), a container designed for commercial transport may be used as a *building* or *accessory structure* where it is modified into a *dwelling unit* or another *use*, not

including a storage or warehousing *use*, where a *development permit* is issued on the basis of approved plans that are stamped and designed by a licensed professional *architect*.

### 3.16 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.

### 3.17 Fences, Walls and Hedges

- 1) Notwithstanding any other provision of this By-law, a fence, wall or *hedge* may be placed or located in any yard, subject to the following standards:
  - a) Except for a security fence of chain link construction in any Rural Zone or the I Zone, no fence, *hedge*, or wall located within a required front and flankage yard shall exceed 1 meter in height;
  - b) Except in the U-4 Zone, fences, *hedges*, or walls are subject to the section 3.12;
  - c) No fence or wall shall exceed 2.5 meters (8.2 feet) in height in any Zone;
  - d) Except for a security fence of chain link construction in a *large format commercial use*, or in any Rural Zone or the I Zone, no fence in any zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction;
  - e) Fences or walls in the U-4 shall be constructed of wood, wrought iron, stone, brick, or adequate facsimiles;
  - f) Fences, walls and hedges must be set back either:
    - i) a minimum of 18 inches (.46 metres) from the property line; or
    - ii) on the property line if a documented mutual agreement with the abutting property owner is provided to the Town.
    - iii) any fence in the front yard of a house running parallel with a *street line* shall be set back 1.5 metres (5 feet) from the property line.

### 3.18 One Main Building Per Lot

- 1) Except for the U-4, I, and Rural Zones, or *residential land lease community uses* subject to section 3.9, 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 3.18(1), in the U-1 and U-2 Zones, more than one *main building* may be placed or *erected* on a *lot* and *building* or *structure* may be *altered* to become a second *main building* on a *lot* subject to such terms and conditions deemed necessary by the *Advisory Commit-*

*tee*.

### 3.19 Agriculture

- 1) *Urban agricultural uses* are permitted in all Urban Zones, the RS Zone, and the C Zone as an *accessory use*, subject to the following:
  - a )The total area designated for *urban agricultural uses* shall not take place in any required *yard*;
  - b) Keeping *small livestock* is permitted, subject to the following conditions:
    - i) A maximum of six (6) such animals are permitted per *lot*;
    - ii) No male chickens or roosters are permitted;
    - iii) Animals must be kept in an enclosure or fenced area at all times and shall be secured within an enclosed *accessory structure* during non-daylight hours;
    - iii) The *small livestock* enclosure and fenced area shall be located at least 10 m (33 feet) from any adjacent *dwelling unit*;
    - iv) Animals must not be kept in, upon, or under any *dwelling unit*; and,
    - v) No offensive odour shall be produced, detectable at any adjacent property line, through the accumulation of animal waste.
  - c) No motorized equipment associated with *agricultural uses* shall have an engine horsepower (hp) capacity in excess of 35 hp.
- 2) Where *agricultural uses* are permitted, they are subject to the following conditions:
  - a) *Agricultural uses* may conducted on a *lot* over 10,000 m<sup>2</sup> (1 hectare) in size may contain:
    - i) Up to one (1) *animal unit* per 4,000 m<sup>2</sup> or,
    - ii) A number of *livestock* as may be approved in a license under the *Livestock Operations Act*.
  - b) Any *livestock facility* must be located at least 60 meters (98.5 ft) from any potable water source, waterbody, or an existing *dwelling unit* on an adjacent *lot*.
  - b) Where developed adjacent to a *lot* in a U-1, U-2, U-3, or U-4 Zone, a naturally vegetated or treed buffer of 5 m (16.4 ft) width is required at or near the entire shared *lot line* or as mutually agreed-to by the relevant property owners, in writing, at the time of the *development permit* application.
  - c) *Livestock* must be kept in an enclosure or fenced area at all times and shall be at least 60 m (196.9 ft) from any *dwelling unit* on an adjacent *lot* or any water body and potable water source;
  - e) No offensive odour shall be produced, detectable at any adjacent property line, through the accumulation of animal waste, except where it is produced in conformity with acceptable farm practices as defined under the *Agricultural Operations Practices Act*; and,
  - e) *Livestock* must not be kept in, upon, or under any structure used for human habitation.

4) Notwithstanding anything else contained in this by-law, the development of a vacant **lot** in a U-1, U-2, U-3, or U-4 Zone, that is directly adjacent to a **lot** in the AF or RS Zone that contains a **live-stock facility** that is licensed under the *Livestock Operations Act*, shall require a combination of a hedge, solid wall or opaque wooden fence no less than 2 m (6.5 ft) in height, or a natural vegetative buffer no less than 30 m (98.5 feet) in width, at or near any **lot line** that is shared with the aforementioned **lot**.

### 3.20 Home Based Businesses

- 1) Pursuant to section 3.20(2), in any Zone where a **main use** of a **building** includes a **dwelling unit**, a **home based business** may also be permitted as a **small scale secondary use**, subject to the following standards:
  - a) a **home based business** shall not occupy a gross floor area greater than 25 per cent (%) of the **gross floor area** of the **main building**;
  - b) a bed and breakfast or **short-term rental** may not exceed a maximum of five (5) guest rooms;
  - b) a **home based business** shall have no exterior storage of equipment, materials, or products, in either the **front** or **flankage yard** or visible from the **street**;
  - d) a **home based business** is limited to one (1) business identification **sign** pursuant to section 4.3.2(1);
  - e) a **home based business** shall not generate electrical interference, dust, noise or smoke, perceptible at any property line;
  - f) a **home based business** is limited to having only one (1) commercially licensed vehicle parked on the premises at any one time.

### 3.21 Garbage Storage

- 1) In any Urban Zone, where any area of the lot exterior to the building is to be used for the storage of garbage, including areas for the location of compactors or commercial waste bins, such areas shall conform to the following standards:
  - (a) be fully screened by a surrounding fence at least 2 m (6.5 ft) in height designed so as to be opaque;
  - (b) in the U-4 zone, the materials used to screen and surround the garbage storage unit or dumpster are subject to section 3.17(1)(e);
  - (c) no garbage storage area shall be located in any required yard, nor shall it be located within 6 m (20 ft) of a street or within 2 m (6.56 ft) of a residential **use**;
  - (d) no garbage storage area shall be located in any front or flankage yard; and,
  - (e) no garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence.

### 3.22 Lot Landscaping & Drainage

- 1) On any vacant **lot** developed for a new **main use**,

a landscaping plan shall be required and show how the following areas of the **lot** will be landscaped:

- (a) Any required **front or flankage yard**;
- (b) Any required **side yard**; and,
- (c) Any required **rear yard**.

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

- (a) All grading necessary to:
  - (i) to divert surface drainage away from the **main building**;
  - (ii) to provide a means of directing surface drainage to an acceptable storm sewer or other acceptable dispersal point; and,
  - (iii) to contour the **average grade** to adjoining **streets** or **lots**.
- (b) Natural vegetation, trees, swales, ditches, ornamental stones, shrubs, or grasses.
- (c) Notwithstanding 3.22 (1), up to 40% of any required yard may be used for the purposes of parking and driveway areas;
- (d) 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.

## 4.0 SIGNS

### 4.1 General Signage Provisions

- 1) Any permitted illuminated **sign** shall be subject to the following standards to reduce light pollution:
  - a) all internally illuminated signs, including signs that are lit internally with all light shining through a translucent or coloured material and signs using Light Emitting Diode (LED), shall not emit a blue-rich light with a colour temperature exceeding 3000 Kelvins during any nighttime hours, evening to morning;
  - b) both externally and internally illuminated signs shall be tilted downward and/or incorporate sufficient shielding, to prevent light from being emitted upwards into the sky.
  - c) Notwithstanding sections 4.1(1) & (2), an illuminated sign may be permitted in the U-4 zone where the sign is illuminated externally by a gooseneck light.
- 2) 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 vehicles;
  - c) obstructs the use of a fire escape, door, window or other required exit;

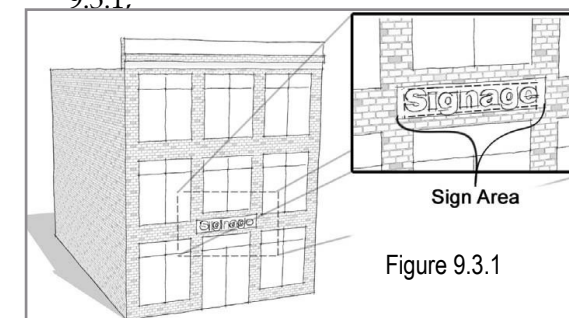
- d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a **fascia sign**, **sandwich board sign**, or **canopy sign**;
- e) extends more than 45 cm (17.7 in) above the roof line or parapet of the **building**;
- f) is attached to a tree;
- g) is a **roof sign**;
- h) is a **portable sign**; and
- i) is an off-site **sign**, except a **sign** giving general warning or direction to the public.

3) The provisions of this By-law with respect to existing **signs** that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming **sign** that is relocated, **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**.

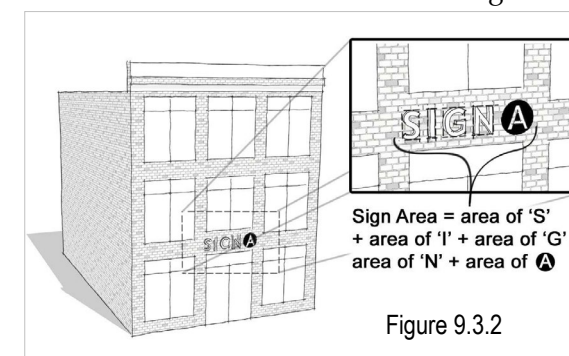
4) No **sign** shall be painted upon or cover a fence or roof.

### 4.2 Sign Area Calculations

- 1) For the purposes of determining the total permitted area of any **sign**:
  - 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 9.3.1;

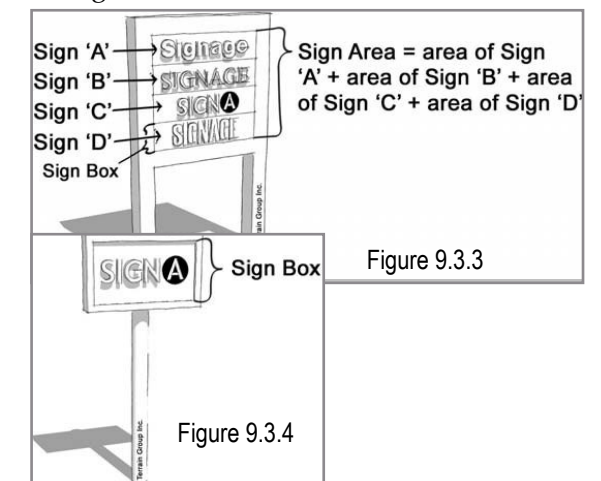


- b) in the case of **fascia signs** featuring individual letters affixed to a **building** face, the total **sign area** is the sum of the **sign area** for each individual letter as shown below in Figure 9.3.2;



- c) when determining the **sign area** of a **freestanding sign**, the total area of one or more **sign**

**boxes** must be calculated as shown below in Figures 9.3.3 and 9.3.4; and



d) each visible face of a **sign** shall be calculated separately and then totaled in determining the **sign area**.

### 4.3 Specific Sign Provisions

#### 4.3.1 Signs in U-1 Zone

- 1) Signs associated with a permitted **home-based business**, **institutional use**, or **neighbourhood commercial use** shall:
  - a) be attached to, painted, placed or erected upon or against a wall or window of the residence with the face of the **sign** parallel to the wall;
  - b) be attached below the second storey windows; and,
  - c) not exceed 1 m<sup>2</sup> (11 ft<sup>2</sup>) in **sign area**; and
  - d) not be illuminated.
- 2) Any sign not requiring a permit under section 2.8(3) shall be permitted in the U-1 Zone.

#### 4.3.2 Freestanding Signs

- 1) **Freestanding signs** are permitted in the U-3 and Rural Zones for all **neighbourhood commercial**, **multi-unit residential uses**, **residential land lease community uses**, or **institutional uses**, provided that:
  - a) no **sign** shall exceed a maximum **height** of 5 m (16 ft);
  - b) no **sign** shall exceed a maximum size of 6 m<sup>2</sup> (64 ft<sup>2</sup>) in **sign area** per **sign face** for a single business property and 9 m<sup>2</sup> (97 ft<sup>2</sup>) in **sign area** per **sign face** for a multiple-business property;
  - c) no more than one **free-standing sign** shall be permitted for every 30 m (98 ft) of **lot frontage**;
  - d) no **sign** shall extend beyond the **street** right-of-way line at the outermost point of the **sign**.
- 2) **Freestanding signs** are permitted in the I Zone, and for **large-format commercial uses** in the U-3 Zone, provided that:
  - a) no **sign** shall exceed a maximum **height** of 10 m (33 ft);
  - b) no **freestanding sign** shall have area that exceeds:

- i) 6 m<sup>2</sup> (64 ft<sup>2</sup>) in *sign area* per *sign face* for a one or two business *building*;
- ii) 8.75 m<sup>2</sup> (94 ft<sup>2</sup>) in *sign area* per *sign face* for a three (3) business *building*;
- iii) 11.5 m<sup>2</sup> (124 ft<sup>2</sup>) in *sign area* per *sign face* in *sign area* for a four (4) business *building*; and
- iv) 14.25 m<sup>2</sup> (153 ft<sup>2</sup>) in *sign area* per *sign face* for a five (5) or more business *building*.
- c) no more than one *free standing sign* shall be permitted for every 30 m of *lot frontage*; and
- d) no *free standing sign* shall extend beyond the *street* right-of-way line at the outermost point of the *sign*.

3) Notwithstanding clauses 4.3.2(1)(c) and 4.3.2 (2) (c), one freestanding *point-of-purchase sign* is permitted per drive-through lane in accordance with 4.3.2(4).

- 4) The following standards apply to *point-of-purchase signs*:
- a) shall not have a sign area that exceeds 6 m<sup>2</sup>;
  - b) may incorporate electronic display in accordance with section 3.3 and 4.1;
  - c) shall not be oriented directly towards an abutting residential *use*;
  - d) are subject to the zone's setback requirements for *buildings* or *structures*.

### 4.3.3 Projecting Signs

- 1) *Projecting signs* shall be permitted in all zones except the U-1 Zone, provided that:
- a) no *sign* shall exceed a maximum size of 6 m<sup>2</sup> (64 ft<sup>2</sup>) in gross surface area;
  - b) no *sign* shall project more than 1 m (3.3 ft) from the *building* wall;
  - c) there shall be a maximum of one *projecting sign* per business on a property; and
  - d) no *sign* shall project more than 30 cm (1 ft) above the roof of a *building*.

### 4.3.4 Fascia Signs

- 1) *Fascia signs* shall be permitted in the U-2, U-4, and Rural Zones provided that:
- a) Where the *building* has a fascia board, the *height* of the *fascia sign* shall not exceed the lesser of 60 centimeters (24 inches) or the *height* of the fascia board, and shall not obstruct the architectural details of any cornice;
  - b) Where a *building* with more than one floor does not have a fascia board, a *fascia sign* not exceeding 60 centimeters (24 inches) in *height* may be affixed to the *building* in the space between the top of the first-floor windows and the bottom of the second-floor windows;
  - c) Where a *building* has only one floor and no fascia board, a *fascia sign* not exceeding 60 centimeters (24 inches) in *height* may be affixed to the *building*, in the space between the top of the first-floor windows and the roofline;
  - d) The width of a *sign* may not extend beyond

- the lesser of:
- i) the outside edges of the first-floor windows and/or door; or
  - i) ninety per cent (90%) of the *building* width.

- 2) *Fascia signs* shall be permitted in the U-3 and I Zones provided that:
- a) signage does not exceed twelve percent (12%) of the total surface area of the *building* face where the *sign* is to be *erected*;
  - b) no individual *sign* shall exceed 3.0 m (10 ft) in *height*;
- 3) *Fascia signs* in any zone shall not exceed the length of the wall of the *building* upon which the *sign* is to be displayed.
- 4) No *fascia sign* shall project more than 25 cm (10 in) from the wall that the *sign* is affixed to.

### 4.3.5 Sandwich Board Signs

- 1) In all zones except the U-1 Zone, *sandwich board signs* are permitted provided that the *sign* shall:
- a) not exceed a single-faced area of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>);
  - b) no more than one *sandwich board sign* is provided per *lot*; and
  - c) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or *street* right-of-way.

### 4.3.6 Portable Signs

- 1) *Portable signs* shall be permitted in the U-3, I, and Rural Zones provided that:
- a) Each permit shall be for a one (1) year period and must be renewed annually;
  - b) A *portable sign* shall not have more than two (2) sign faces any one (1) sign face shall not exceed 4.6 m<sup>2</sup> (50 ft<sup>2</sup>) in *sign area*;
  - c) No portable sign shall be illuminated, flashing, or provide or simulate motion;
  - d) No more than one (1) portable sign is provided per lot;
  - e) A maximum of two (2) colours (in addition to black and white) may be used per sign face;
  - f) A *portable sign* shall not be located on:
    - i) any portion of the public right-of-way without the permission of the *municipality*;
    - ii) on a parking space or driveway;
    - iii) within a sight triangle;
    - iv) within 45 meters (147.6 ft) on either side of any crosswalk without a traffic light;
    - v) within 45 meters (147.6 ft) of another portable sign; and,
    - vi) A *portable sign* shall not have a height of greater than 3 m (10 ft).

### 4.3.7 Community Signs

- 1) Notwithstanding any provision of this by-law, in all *zones*, including *streets*, *community signs* are permitted subject to following conditions:
- a) that the *community sign* is erected or dis-

- played with the authorization of the *municipality*;
- b) that the provisions of section 4.3.6 apply, with the necessary modifications, to this section where the *community sign* is a temporary off-site sign, such as a *portable sign*, and that it be displayed for a maximum period of fourteen (14) days and removed thereafter;
- c) that the provisions of sections 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.37 apply, with the necessary modifications, to this section where the *community sign* is permanent;
- d) that the *community sign* does not interfere with pedestrian or vehicle movement nor obstruct the view of existing *signs* or traffic signals in the opinion of the *development officer* and, in the case of a sign being located in a Provincial Highway right of way, the Department of Transportation and Infrastructure;
- e) that any *community sign* located on or over a *street* provides at least 5 meters of vertical clearance and horizontal setback from any portion of a *street* that is travelled by vehicles.

### 4.3.8 Window Signs

- 1) *Window signs* in the following instances do not require a *sign permit*, but are subject to the following standards:
- a) in all U-1 and U-2 Zones, a *window sign* may be displayed in accordance with section 4.3.1(1);
  - b) in all Zones, except for the U-1, U-2, one illuminated *window sign* is permitted where it is a non-flashing, non-moving sign, no larger than 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) in sign area;
  - c) in all Zones, except U-1, U-2, and U-4 Zone, a *window sign* is permitted where does not cover more than 50% of the total combined window or door surfaces on the *façade* and is only displayed on the *ground floor* of a *building*.
  - d) Notwithstanding anything else contained in this by-law, in the U-4 Zone, a *window sign* is permitted where does not cover more than 10% of the total combined window or door surfaces on the *façade* and is only displayed on the *ground floor* of a *building*.
- 2) Window signs in the following instances require a *sign permit*, and are subject to the following standards:
- a) in the U-4 Zone, a *window sign* may be permitted where the total combined coverage of window or door surfaces on the *façade* does not exceed the requirements of section 6.1.2(1)(b)(ii) and they are only displayed on the *ground floor* of a *building*;
  - b) Notwithstanding section 6.1.2(1)(b)(ii) of the U-4 Zone, or section 4.3.8(1)(c), *window signs* may be used to cover up to 100% of window surfaces, if that percentage (%) of window coverage is a requirement of the Government of New Brunswick or Canada.

5.0 SPECIAL USE STANDARDS

5.5 Residential Land Lease Communities

5.5.1 Use Requirements

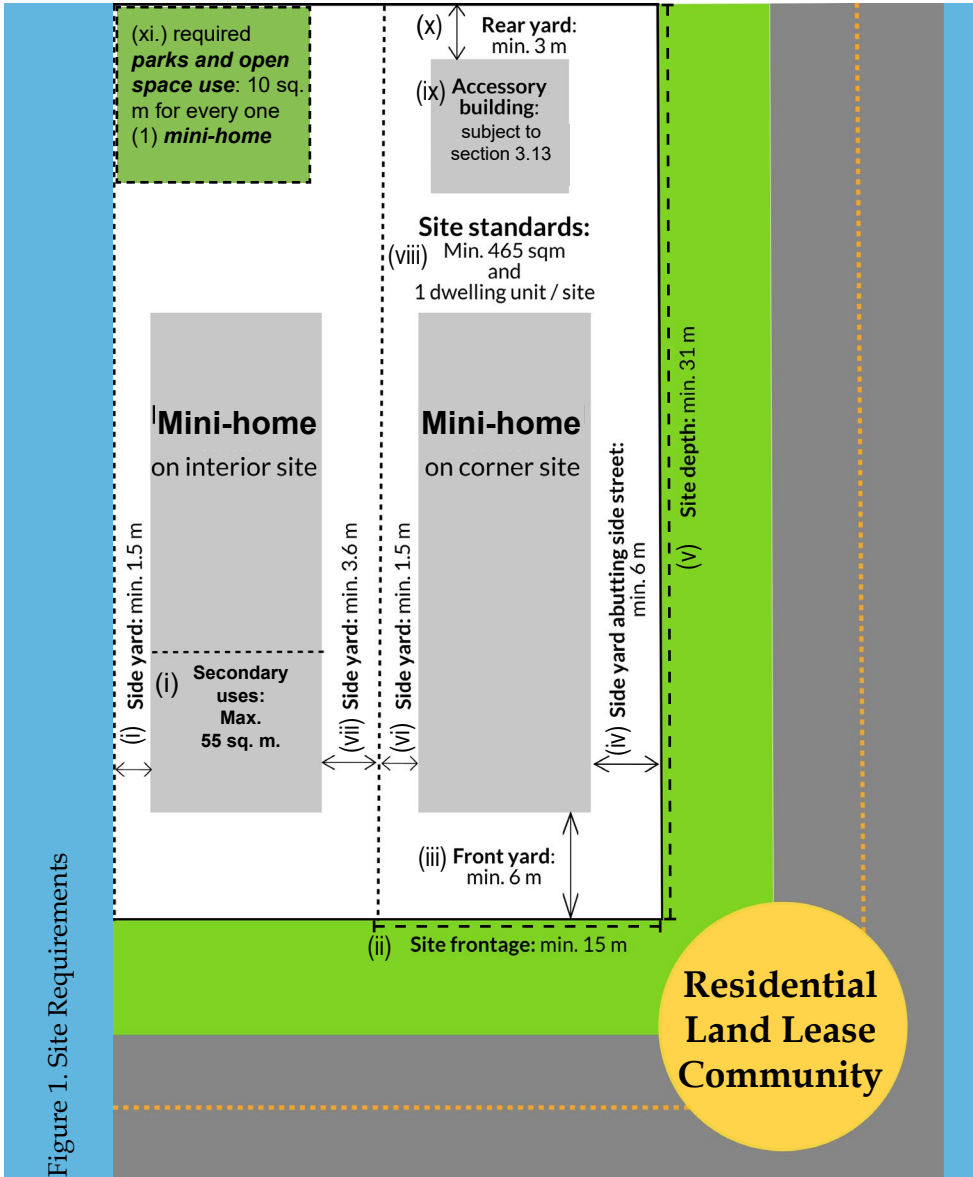
Where permitted in a zone, a *residential land lease community use* may consist of the following land uses, buildings, and structures:

- (a) One or more of the following main uses:
  - (i) *mini-home* of up to a maximum of 20 *dwelling units* per hectare.
- (b) One or more of the following secondary uses:
  - (i) *parks and open space use*;
  - (ii) *home based business*;
  - (iii) *neighbourhood commercial use*.
- (c) One or more of the following accessory uses:
  - (i) an 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.

5.5.2 Dimensional Standards for Use

No development of a *residential land lease community use* shall be undertaken unless the following dimensional standards are complied with:

- (a) Dimensional standards as numbered on the diagram 'Figure 1. Site Requirements,'
- (b) *Height* maximum is 5 m.



ZONES

# U-1

## 6.0 URBAN ZONES

### 6.1 U-1 Zone

#### 6.1.1 U-1 Permitted Uses

Any land, building or structure in the U-1 Zone may be used for the purposes of:

- (a) One of the following main uses:
  - (i) *single unit dwelling*;
  - (ii) *two-unit dwelling*;
  - (iii) *triplex dwelling*; and
  - (iv) *mini-home*, subject to section 3.8.
- (b) One of the following secondary uses:
  - (iii) a *neighbourhood commercial use* as a *small-scale secondary use*;
  - (iii) a *institutional use* as a *small-scale secondary use*;
- (c) One or more of the following accessory uses:
  - (i) an accessory building, structure or use; and,
  - (ii) an *accessory dwelling unit*.

#### 6.1.2 U-1 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-1 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 2. Building Requirements'
- (b) Zoning standards as numbered on the diagram 'Figure 3. Site Requirements.'

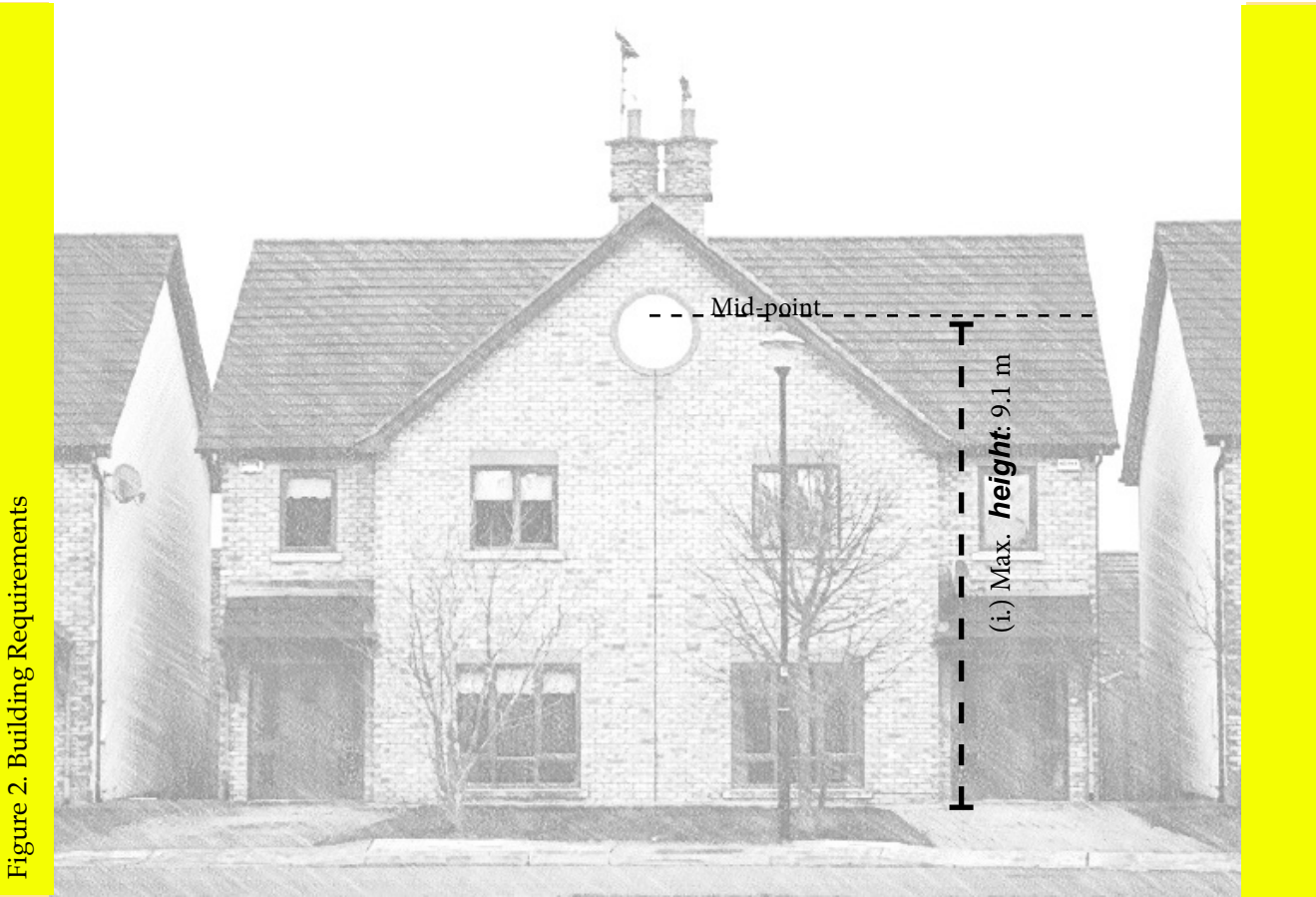
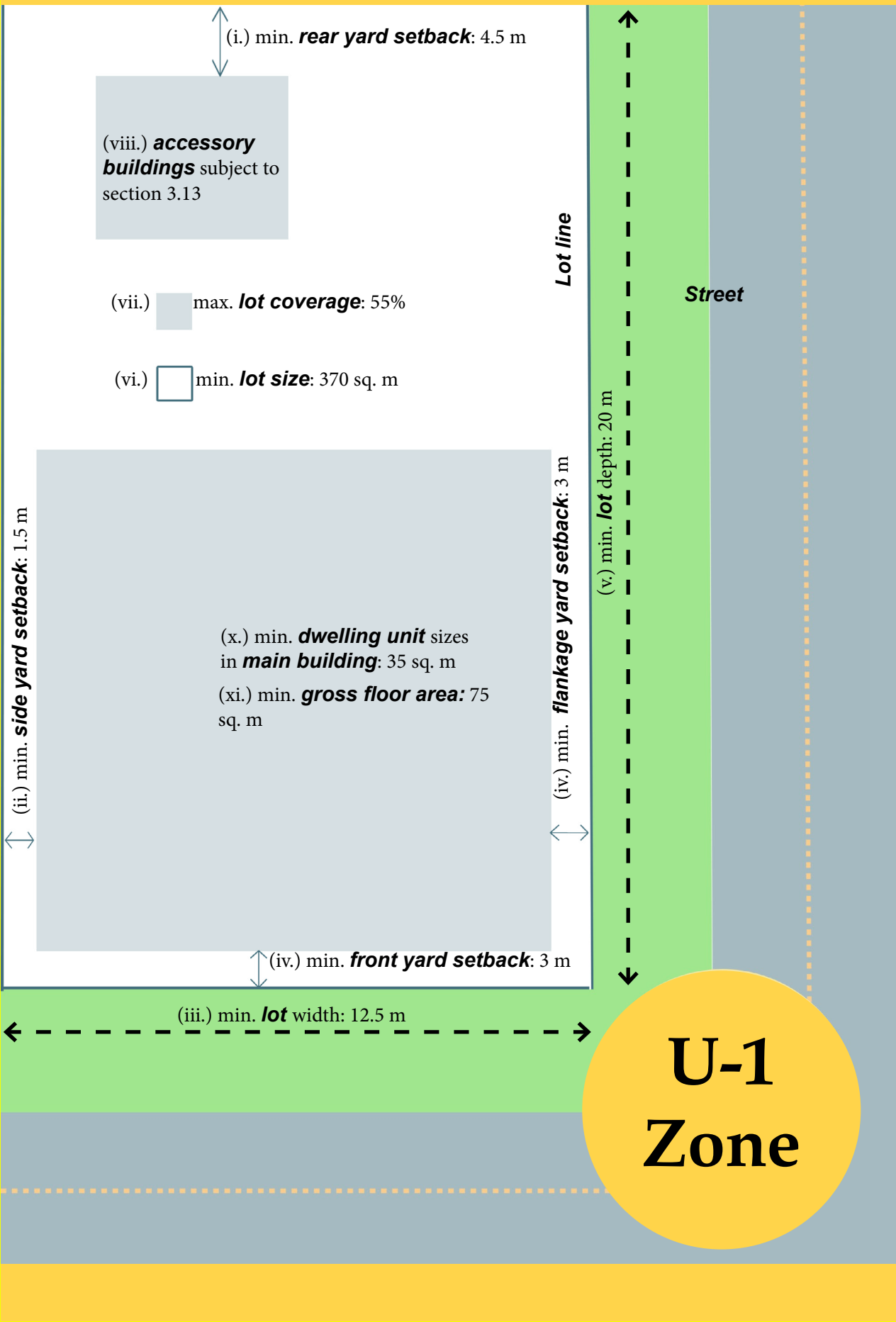


Figure 2. Building Requirements

Figure 3. Site Requirements



## 6.0 URBAN ZONES

### 6.2 U-2 Zone

#### 6.2.1 U-2 Permitted Uses

Any land, building or structure in the U-2 Zone may be used for the purposes of:

- (a) One of the following main uses:
  - (i) a *main use* permitted in the U-1 Zone;
  - (ii) *medium density use* of up to a maximum of ten (10) dwelling units;
- (b) One of the following secondary uses:
  - (i) a *neighbourhood commercial use* with a *gross floor area* up to a max. of 200 m<sup>2</sup>;
  - (ii) a *institutional use* with a *gross floor area* up to a max. of 200 m<sup>2</sup>;
- (c) One or more of the following accessory uses:
  - (i) An accessory building, structure or use; and,
  - (ii) An *accessory dwelling unit*.

#### 6.2.2 U-2 Zone Standards

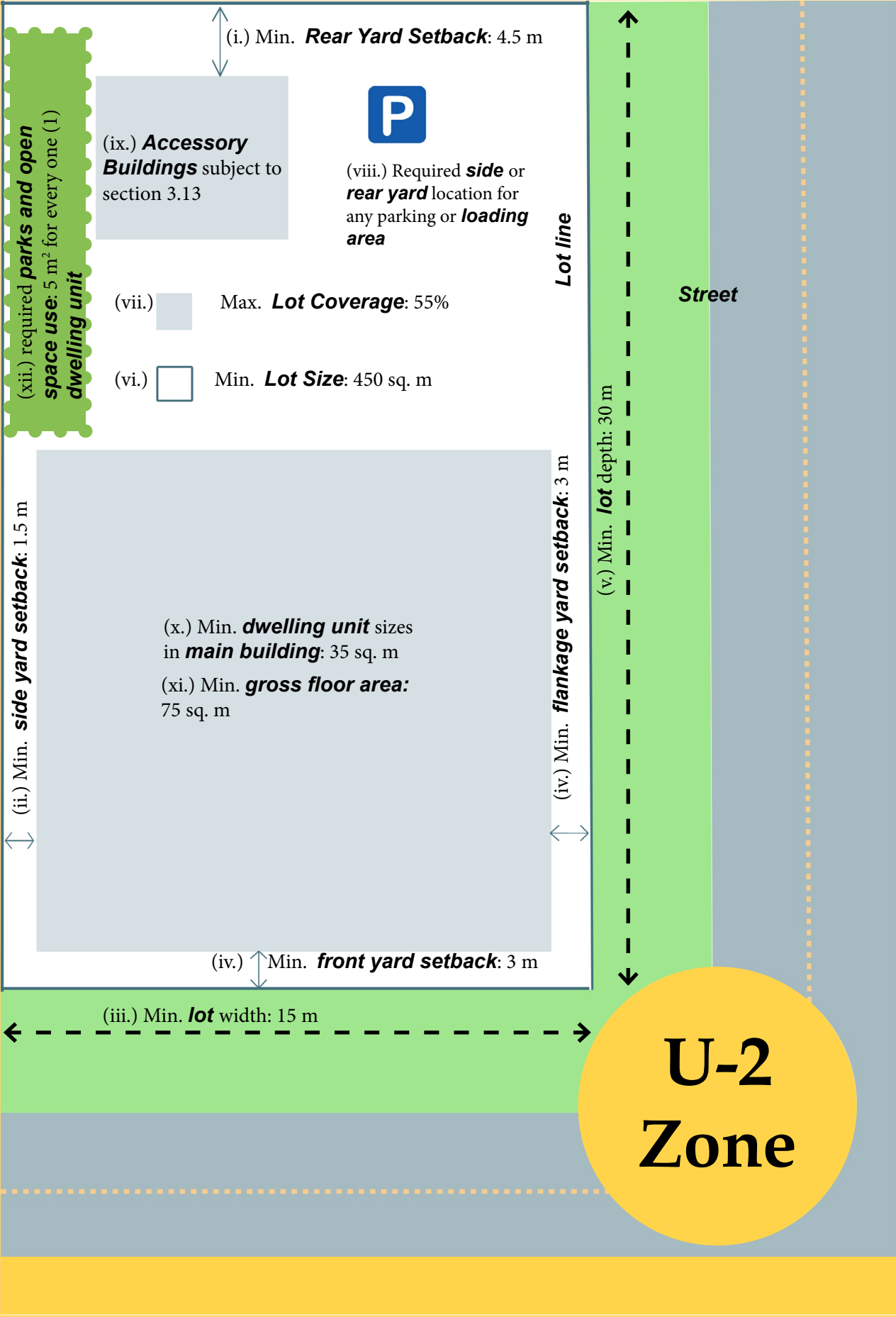
No development shall be undertaken nor shall any land, building or structure be used within the U-2 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 4. Building Requirements'
- (b) Zoning standards as numbered on the diagram 'Figure 5. Site Requirements.'



Figure 4. Building Requirements

Figure 5. Site Requirements



## 6.0 URBAN ZONES

### 6.3 U-3 Zone

#### 6.3.1 U-3 Permitted Uses

Any land, building or structure in the U-3 Zone may be used for the purposes of:

- (a) One or more of the following main uses:
  - (i) *neighbourhood commercial use*;
  - (ii) *large format commercial use*, subject to terms and conditions as may be applied by the *Advisory Committee*;
  - (iii) a *main use* permitted in the U-1 or U-2 Zone;
  - (iv) *institutional use*;
- (b) One of the following secondary uses subject to terms & conditions established by the *advisory committee*:
  - (i) a *light industrial use* as a *small-scale secondary use*;
- (c) One or more of the following accessory uses:
  - (i) An accessory building, structure or use; and,
  - (ii) An *accessory dwelling unit*.

#### 6.3.2 U-3 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-3 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 6. Building Requirements'
- (b) Zoning standards as numbered on the diagram 'Figure 7. Site Requirements.'

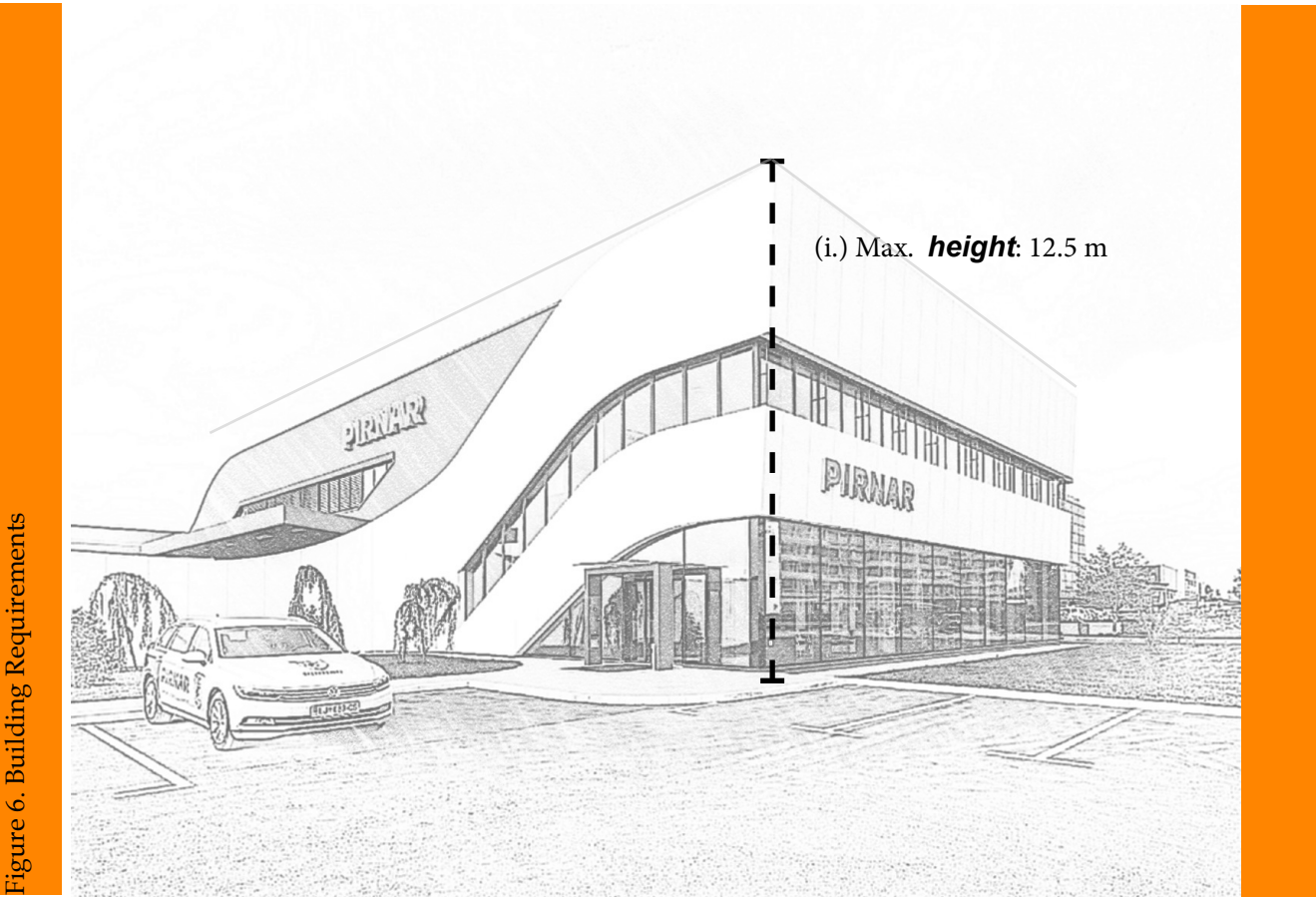
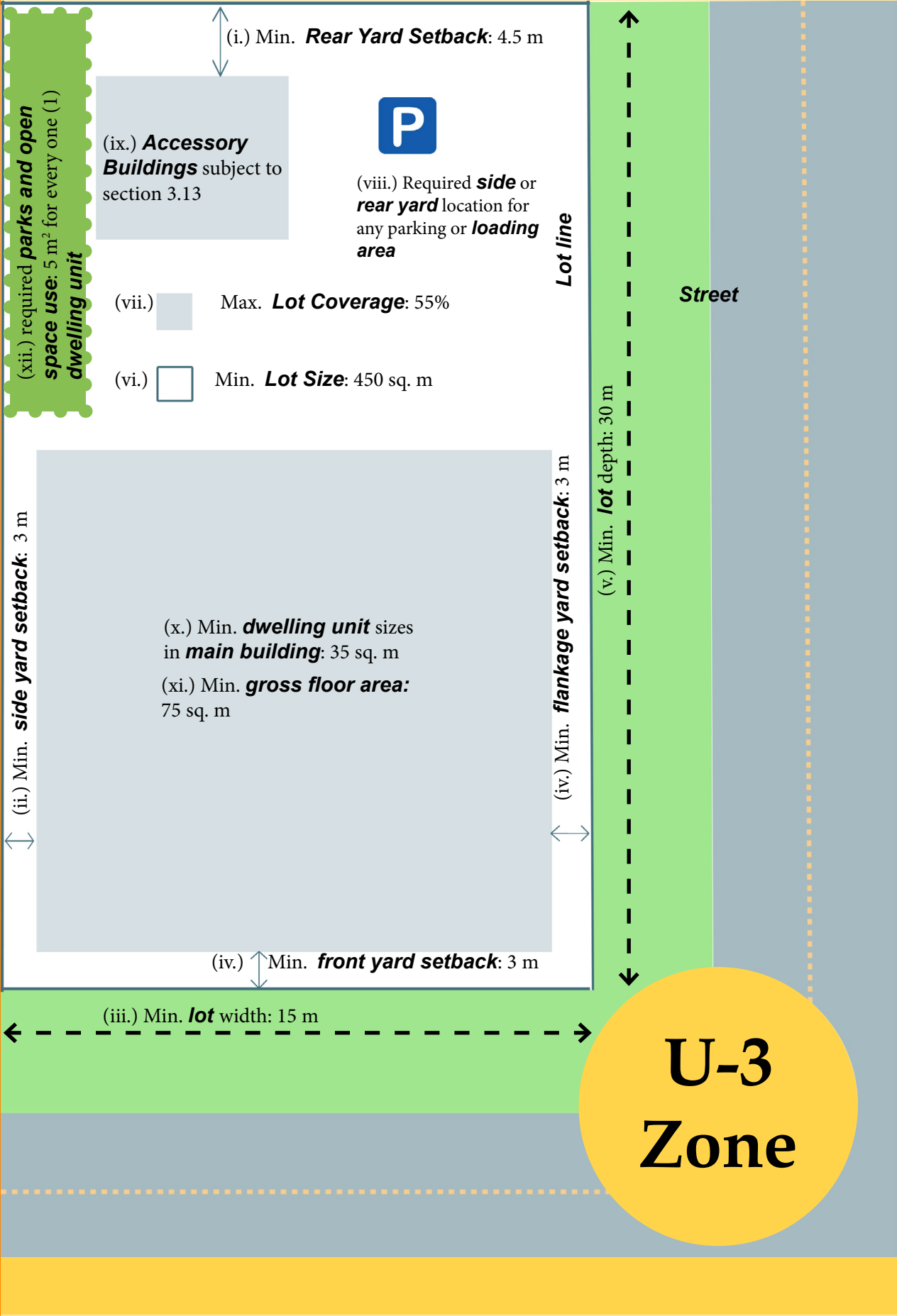


Figure 6. Building Requirements

Figure 7. Site Requirements



# U-4

## 6.0 URBAN ZONES

### 6.4 U-4 Zone

#### 6.4.1 U-4 Permitted Uses

Any land, building or structure in the U-4 Zone may be used for the purposes of:

- (a) One or more of the following **main uses**:
  - (i) *downtown commercial use*;
  - (ii) a *high density residential use*, not located within ten (10) meters of any *façade* on the *ground floor*;
  - (iii) a *institutional use*;
- (b) One of the following secondary uses subject to terms & conditions established by the *advisory committee*:
  - (i) a *light industrial use as a small-scale secondary use*;
- (c) One or more of the following accessory uses:
  - (i) An accessory building, structure or use; and,
  - (ii) An *accessory dwelling unit*.

#### 6.4.2 U-4 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the U-4 Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 8. Building Requirements.'
- (b) Zoning standards as numbered on the diagram 'Figure 9. Site Requirements.'

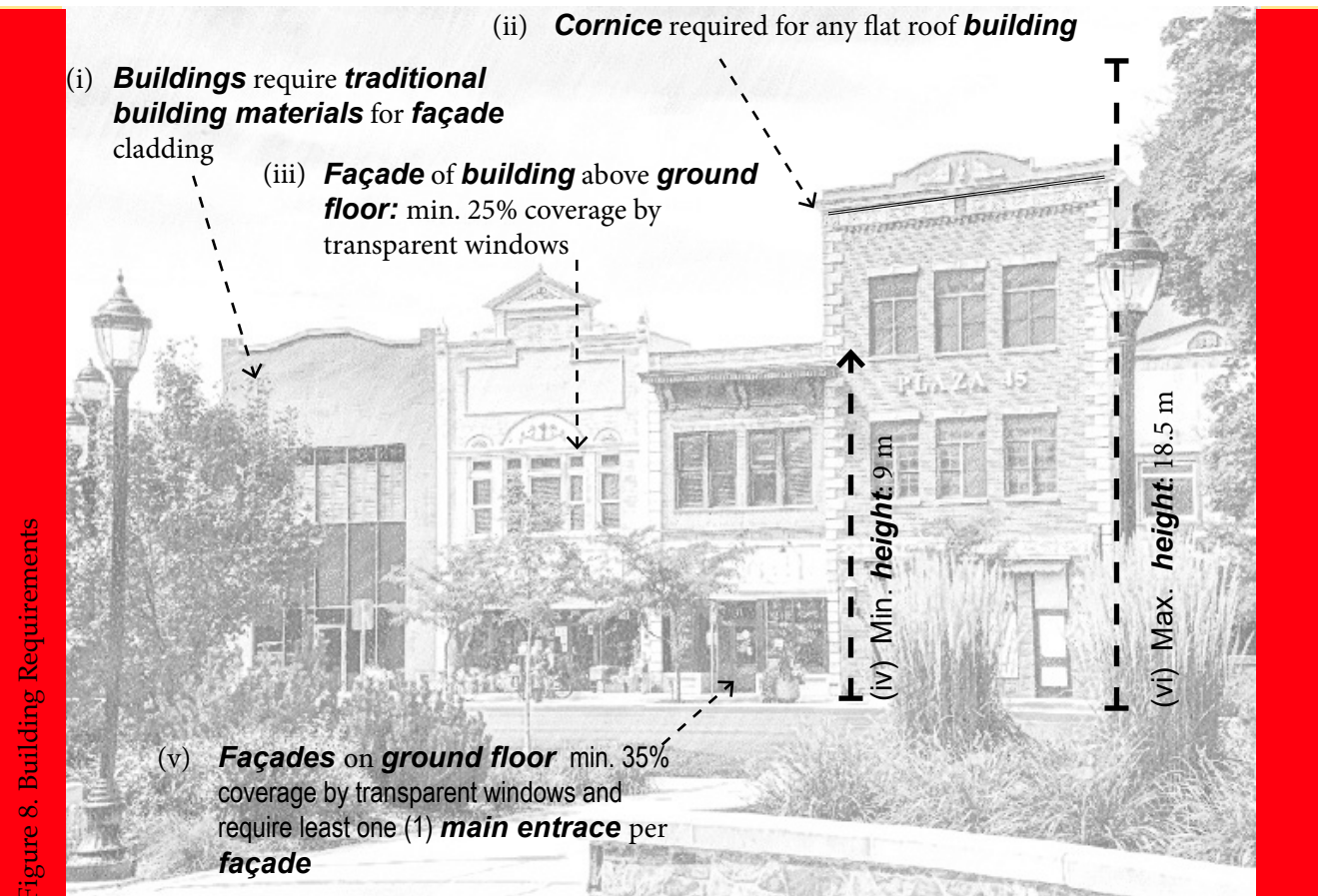
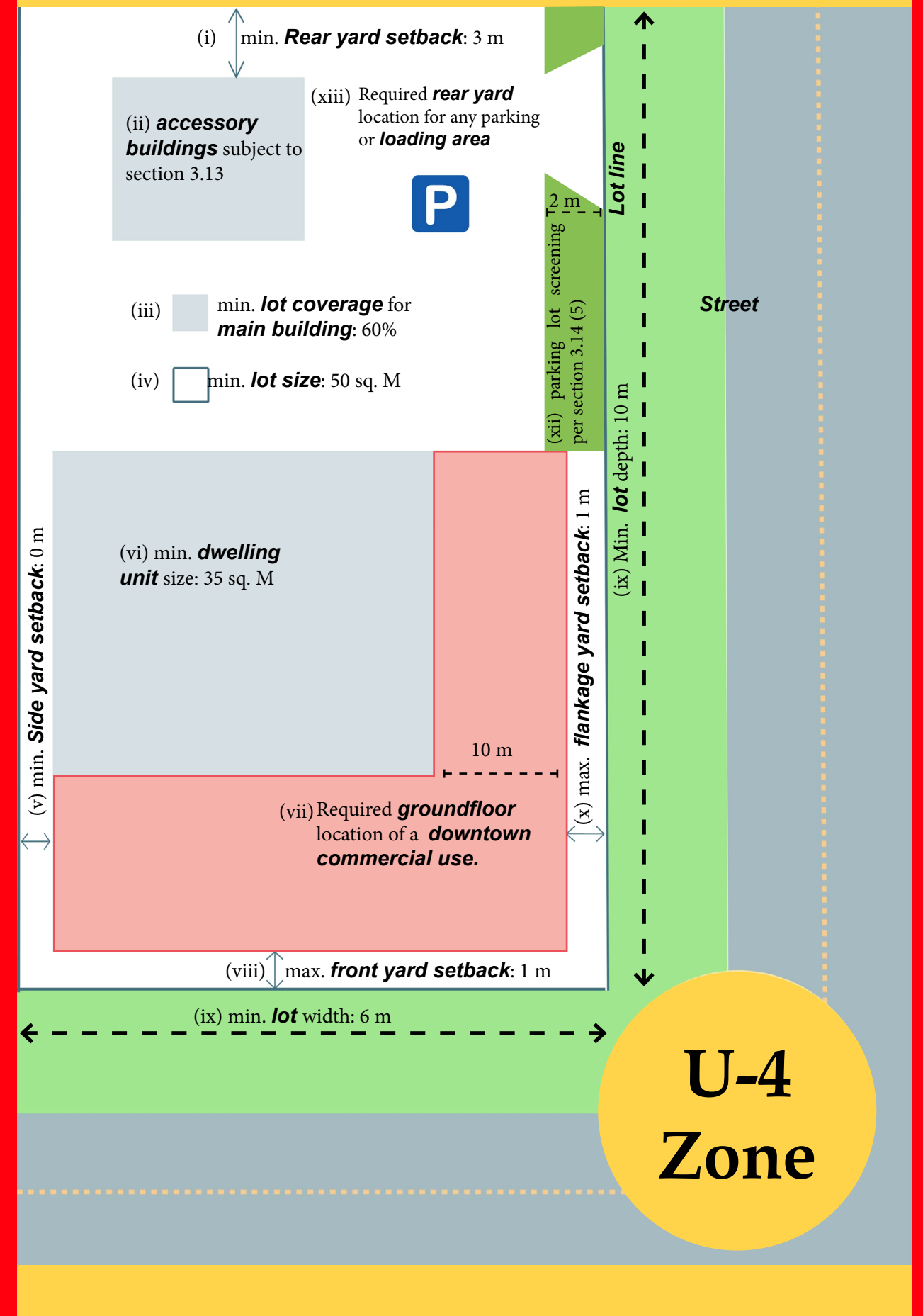


Figure 8. Building Requirements

Figure 9. Site Requirements



7.0 URBAN ZONE

7.1 Industrial (I) Zone

7.1.1 Permitted Uses

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

- a) One or more of the following main uses:
  - (i) heavy industrial use subject to terms and conditions as may be applied by the advisory committee;
  - (ii) a light industrial use;
  - (iii) public utility use;
  - (iv) private utility use;
- c) One of the following secondary uses subject to terms and conditions as may be applied by the Advisory Committee:
  - (i) agricultural use, subject to section 3.19(2);
  - (ii) resource excavation use.

- (b) An 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.

7.1.2 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the I Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 10. Building Requirements.'
- (b) Zoning standards as numbered on the diagram 'Figure 11. Site Requirements.'

Figure 10. Building Requirements

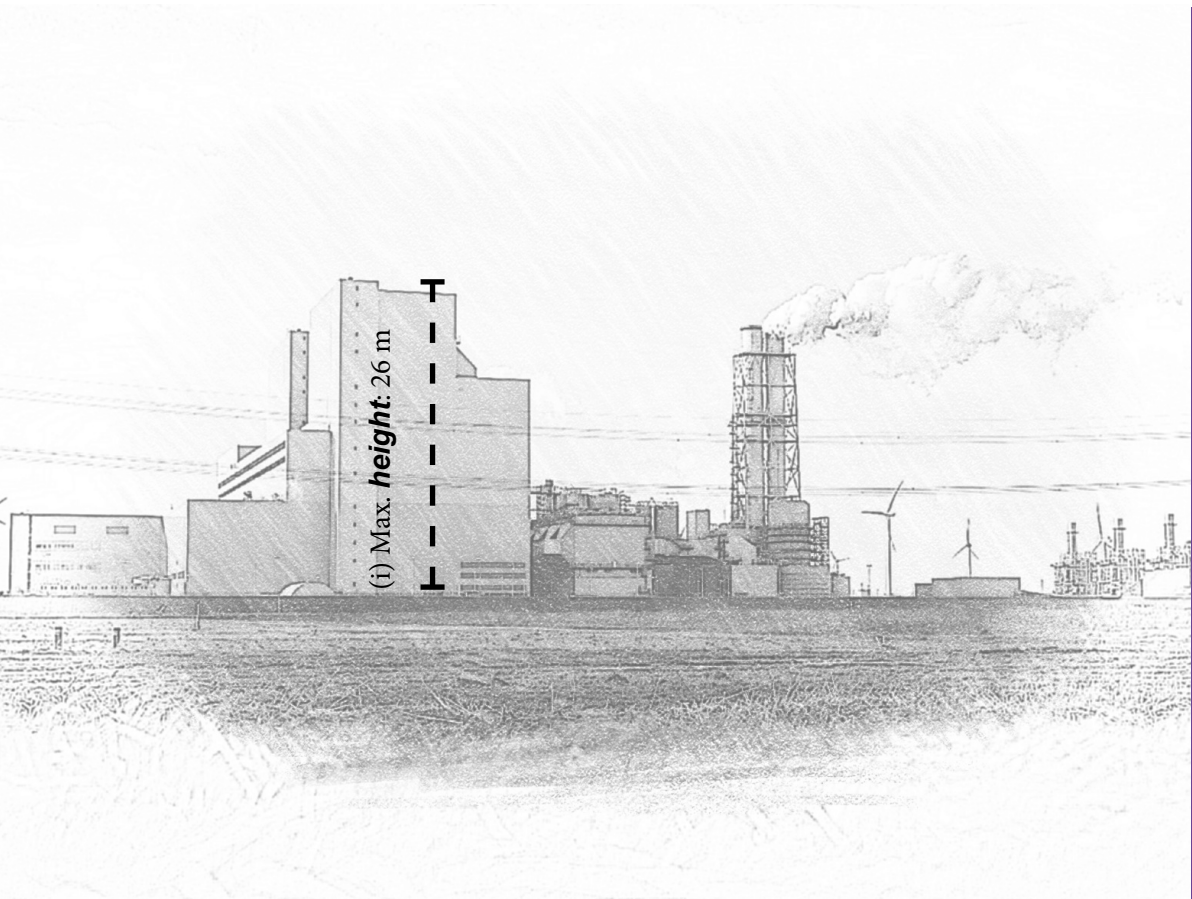
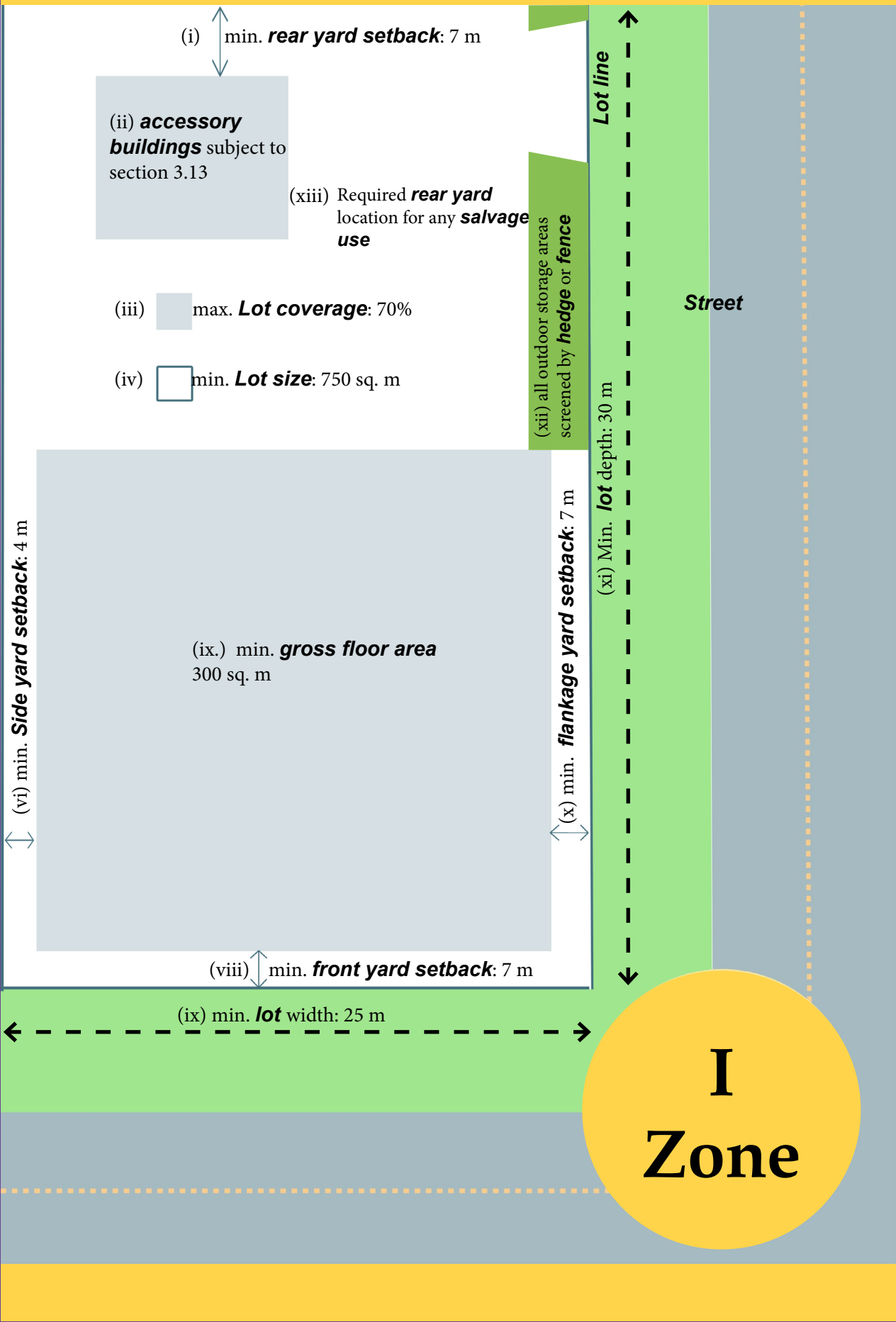


Figure 11. Site Requirements



# C

## 8.0 RURAL ZONES

### 8.1 Conservation (C) Zone

#### 8.1.1 C Permitted Uses

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

- (a) One or more of the following main uses:
  - (i) *institutional use*, subject to terms and conditions as may be applied by the *Advisory Committee*;
  - (ii) *park and open space use*.
- (b) An 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.

#### 8.1.2 C Zone Standards

No *development* shall be undertaken nor shall any land, building or structure be used within the C Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 12. Site Requirements'; and,
- (b) *Height* maximum is 5 m.

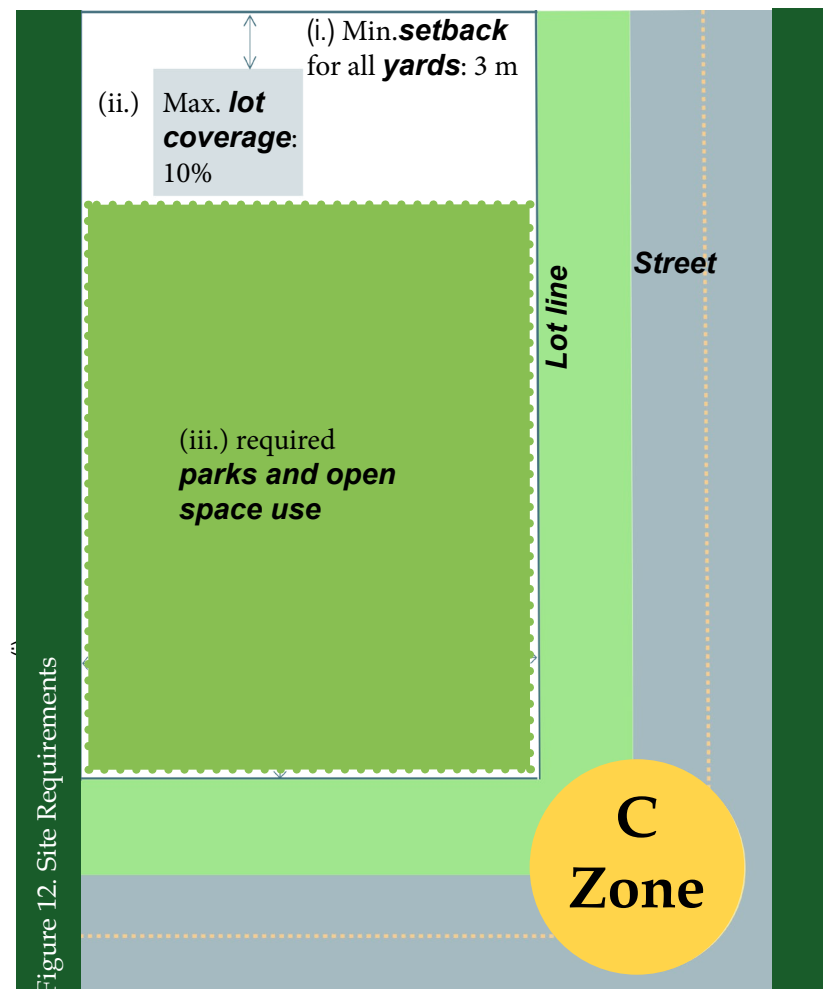


Figure 12. Site Requirements

# R S

## 8.0 RURAL ZONES

### 8.2 Rural Settlement (RS) Zone

#### 8.2.1 RS Permitted Uses

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

- (a) One of the following main uses:
  - (i) *single unit dwelling*;
  - (ii) *camp*;
  - (iii) *mini-home*, subject to s. 3.8;
  - (iv) *neighbourhood commercial use* with a *gross floor area* up to a max. of 125 m<sup>2</sup>.
- (c) One of the following secondary uses subject to terms and conditions as may be applied by the *Advisory Committee*:
  - (i) *campground*;
  - (ii) *agricultural use*, subject to section 3.19(2);
  - (iii) *resource excavation use*.
- (d) One or more of the following accessory uses:
  - (i) An accessory building, structure or use; and,
  - (ii) An *accessory dwelling unit*.

#### 8.2.2 RS Zone Standards

No *development* shall be undertaken nor shall any land, building or structure be used within the RS Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 13. Site Requirements'; and,
- (b) *Height* maximum is 9 m.

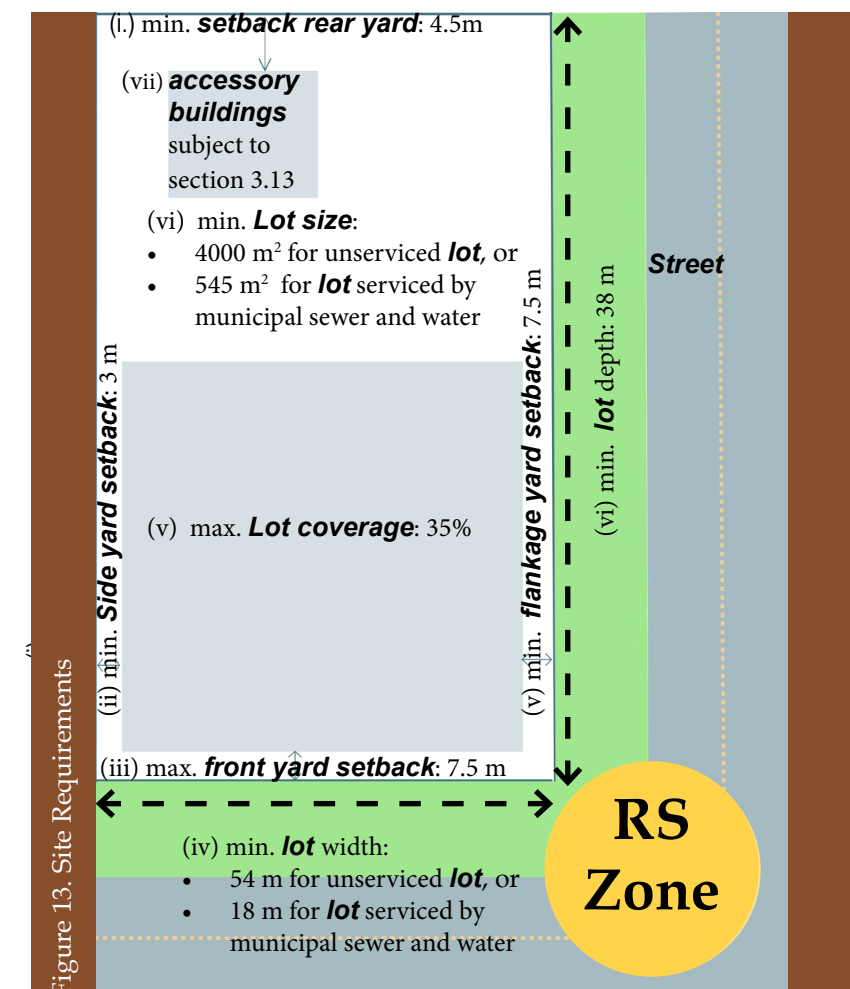


Figure 13. Site Requirements

## 8.0 RURAL ZONES

### 8.3 Agriculture & Forestry (AF) Zone

#### 8.3.1 AF Permitted Uses

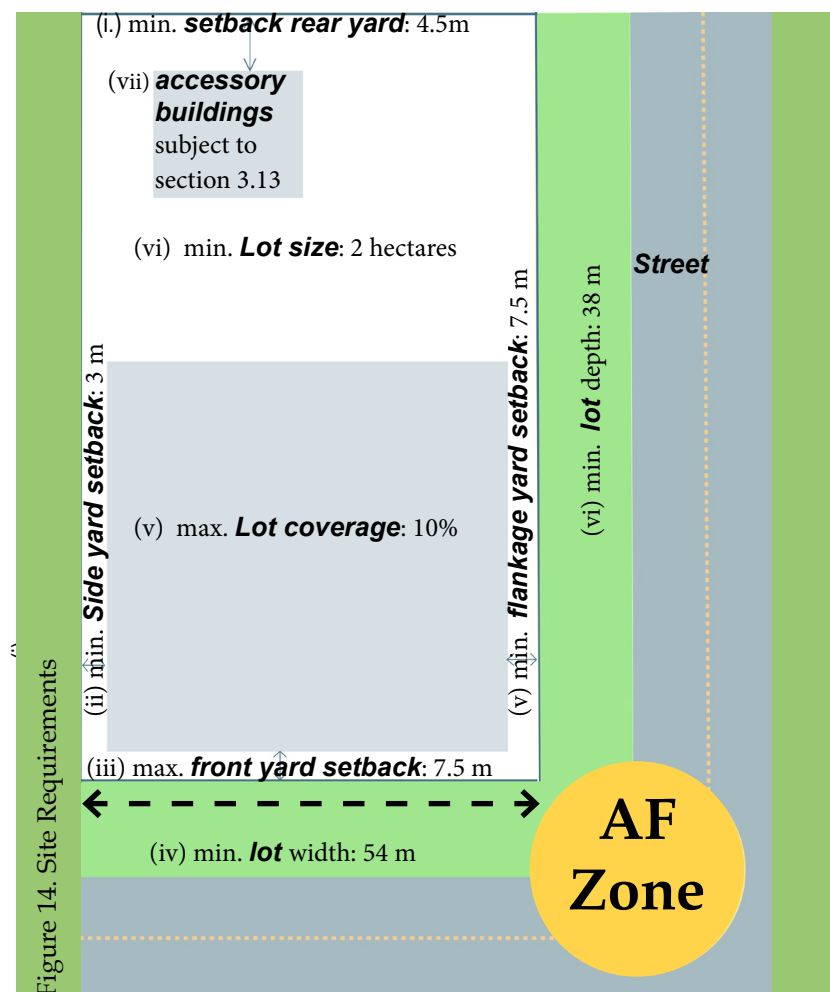
Any land, *building* or *structure* in the AF Zone may be used for the purposes of:

- (a) One or more of the following main uses:
  - (i) *agricultural use*, subject to section 3.19(2);
  - (i) *forestry use*;
  - (iii) *resource excavation use* subject to terms and conditions as may be applied by the *advisory committee*;
- (b) One of the following secondary uses:
  - (i) a *single unit dwelling*;
  - (ii) a *mini-home*, subject to section 3.8.
- b) One or more of the following *accessory uses*:
  - (i) An accessory building, structure or use; and,
  - (ii) An *accessory dwelling unit*.

#### 8.3.2 AF Zone Standards

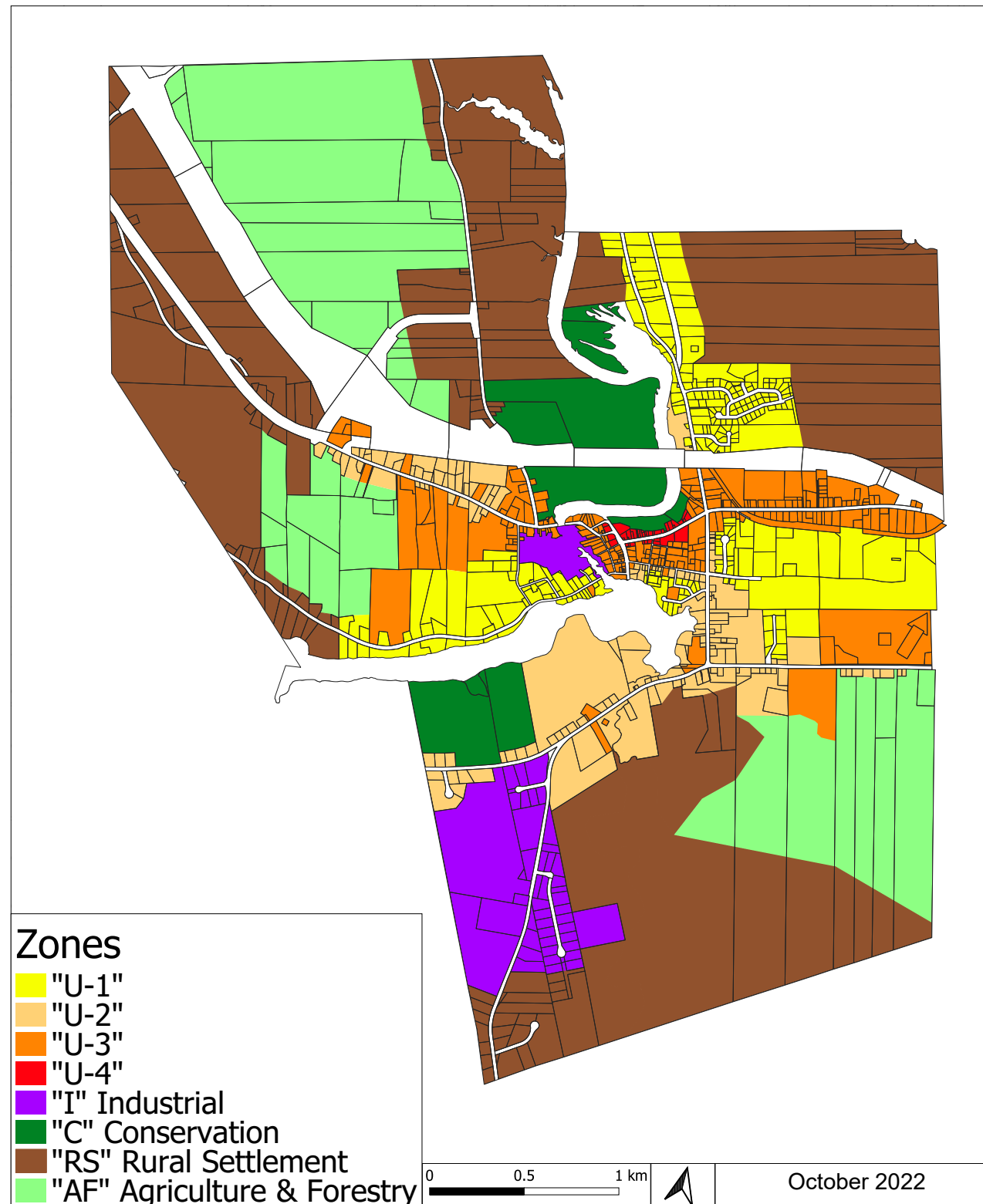
No *development* shall be undertaken nor shall any land, building or structure be used within the AF Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 14. Site Requirements;' and,
- (b) *Height* maximum is 12.5 m.



# SCHEDULE A

Town of St. George Zoning Map



# SCHEDULE B

Town of St. George Water Hazards

