

Village of Bath Rural Plan



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PART 1: RURAL PLAN

1 Introduction

The Village of Bath (the Village) is located in the western part of the Province along the Wolastoq River, sometimes referred to as the Saint John River. The River is sometimes referred to as the Rhine of North America and is one of reasons the Province of New Brunswick is considered the “Picture Province”. The Village and the surrounding region are also known by the Monquart; a river that flows on the north end of the Village limits.

The local region is shaped by the presence of the agriculture and forestry activities that give the community its distinctive rural character. The Village has a diverse offering of *high quality employment, recreational, and established residential areas along with the everyday conveniences, such as grocery stores, bakeries, banks, and service shops.*

1.1 Title

The Village of Bath Rural Plan By-law #20 is referred to in this document as the Rural Plan and may also be cited as such in Village documentation.

1.2 Area of Designation

The area of land lying within the municipal boundaries of the Village of Bath, as outlined on the attached Schedule A, entitled “Village of Bath Rural Plan Zoning Map” is designated as the area for the adoption of this Rural Plan.

1.3 Adoption

Under section 33(1) of the Community Planning Act the Village of Bath, hereby adopts as a by-law the *Village of Bath Rural Plan*. This Rural Plan replaces the *Basic Planning Statement for the Village of Bath*, enacted in 1993, and any amendments made to it are hereby repealed.

2 Policies and Objectives of the Rural Plan

The Rural Plan will allow the Village to develop a vision for its future, and set objectives for future development within its borders. The objectives provide a reference for those who administer and enforce the Rural Plan to use when making land use decisions. The objectives of the Rural Plan are as follows:

- a) To promote orderly and compact development;
- b) To reduce conflicts between types of land use;
- c) To protect and enhance environmental resources by identifying areas in the Village which are inappropriate for development and imposing restrictions or conditions on development within these areas;
- d) To protect against polluting and nuisance uses;
- e) To promote the development of appropriate recreational and tourism activities; and
- f) To promote sustainable development principles which maintain or enhance environmental integrity.

2.1 Residential Uses

2.1.1 Policies

Village Council Shall:

- 1) Encourage infill development within residential areas that make use of existing infrastructure, including municipal services and roads, where possible.
- 2) Encourage the inclusion of affordable housing into housing development projects proposed within the Village.
- 3) Encourage the stabilization of existing residential neighbourhoods by supporting compatible adjacent land uses that enhance their residential character.
- 4) Require land dedications for public purposes or cash in lieu of land, when considering the approvals of new subdivisions.

2.1.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Areas designated for residential use be predominately used for residential purposes through the prevention of incompatible activities and structures.
- 2) Residential development be orderly, compact, and diverse by facilitating a variety of housing typologies.

- 3) Alternative subdivision designs that follow smart growth guidelines or sustainable community design principles be encouraged, as a method to reduce sprawl, protect riparian areas and other sensitive resources, and to provide common amenity space for residents.
- 4) Mini- and Mobile Home Parks be subject to a rezoning to ensure the suitability of its location and such as other requirements, which may include but not be limited to servicing, parking, buffering and setbacks.

2.2 Commercial Uses

2.2.1 Policies

Village Council Shall:

- 1) Support the expansion of the local employment base.
- 2) Control the type and location of commercial development through appropriate regulations and through Schedule A, the Village of Bath Rural Plan Zoning Map.
- 3) Encourage commercial development that is compatible with the surrounding land uses and the environment.
- 4) Encourage infill development within commercial areas to make use of existing infrastructure, where possible.

2.2.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Buffers, such as hedges, berms, or fences, be encouraged in conjunction with commercial land uses in an effort to minimize odour, smoke, dust, noise, water contamination or traffic nuisance impacts on surrounding uses.
- 2) Commercial developments be adequately serviced with suitable access and parking.

2.3 Industrial Uses

2.3.1 Policies

Village Council Shall:

- 1) Encourage appropriate industrial operations and uses to support the expansion of the local employment base.
- 2) Minimize negative impacts of Industrial uses on adjacent and environmentally sensitive lands through regulating the size, setbacks, and operation of Industrial uses.

- 3) Protect the natural environment and the residential character of the community through controlling the types and location of industrial development in Schedule A, the Village of Bath Rural Plan Zoning Map.

2.3.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Supporting those industrial uses that are inherent to the surrounding area which support the diversification of the local economic base while implementing the appropriate development controls to ensure compatibility with adjacent lands.
- 2) Minimizing conflict between industrial uses and surrounding and adjacent lands by considering noise, dust, vibration, traffic, and visual impacts when considering development approvals.

2.4 Institutional Uses

2.4.1 Policies

Village Council Shall:

- 1) Encourage the development of public facilities and services that are centrally and conveniently located to meet the needs of the residents of the Village.
- 2) Provide a satisfactory level of safety services to all residents of the Village.
- 3) Encourage the adaptive reuse of churches and their related buildings.

2.4.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Assisting the Province in planning for school locations and in the acquisition of lands for future schools.
- 2) Promote community interaction and engagement by encouraging the integration of schools as important community focal points in neighbourhoods.
- 3) Facilities and services for the elderly and for those with mobility challenges be encouraged.
- 4) Churches be adaptively reused via the conditions presented in the zoning provisions.

2.5 Recreation Facilities / Public Open Spaces

2.5.1 Policies

Village Council shall:

- 1) Preserve and encourage the use of the existing trail system.
- 2) Preserve existing and encourage increased public access to the St. John River and Monquart River for passive and active recreation.
- 3) Encourage public recreational uses that provide for the interaction of residents, promote health and wellness, and foster a strong sense of community for all ages and activity levels.

2.5.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Working with stakeholder groups such as schools, churches, volunteers, and community groups to ensure the provision of year round recreation opportunities for residents.
- 2) Fostering relationships with surrounding communities to provide sports, recreation, and wellness programs through the utilization of shared assets.
- 3) Parks, trail systems, and recreation spaces are adequately maintained.
- 4) Acquiring, when possible, lands for the expansion and creation of recreational activities that will fulfill community needs with consideration of the following:
 - location of existing parks, recreation areas, and facilities;
 - suitability of the land for the proposed use;
 - access and parking;
 - the development of a linear trail and park system;
 - maintenance requirements of the land;
 - the demand and need for additional recreation areas; and
 - safety and security.

2.6 Resource Uses

2.6.1 Policies

Village Council Shall:

- 1) Encourage the development of alternative and renewable energy solutions where such uses are compatible with the existing land uses and the environment.
- 2) Encourage the continued operation of existing agricultural uses in a sustainable manner while minimizing conflicts between agricultural uses and non-agricultural uses.
- 3) Recognize the dynamic nature of modern farming and promote the long-term viability of agricultural operations and local food production, while minimizing conflict and the potential for conflict, between agricultural and non-agricultural land uses.

- 4) Minimize the impact of location, development, and operation of pits and quarries and related processing upon adjacent land uses and environments.

2.6.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Allow a mix of secondary activities complimentary to farming to be encouraged where agriculture is a primary use.
- 2) New gravel pits and quarry operations be considered as an amendment to this By-law and that an evaluation of the merit of a proposal for a new gravel pit and quarry operation will include, but will not be limited to, the following:
 - projected extraction plan and its impact on the water table;
 - protection measures in order to protect people, adjacent properties, and existing private and public infrastructures; and
 - site remediation and rehabilitation.

2.7 Sewage Disposal System / Solid Waste

2.7.1 Policies

Village Council Shall:

- 1) Maintain the present sewage collection and treatment system and expand the system as required to accommodate future growth.

2.7.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Requiring property owners to connect to the municipal sewage disposal system where available, or provide on-site septic systems when municipal systems are not available. On-site septic systems shall be approved by the appropriate Provincial Department.
- 2) Entering into an agreement with a private contractor for the removal of solid waste.
- 3) Providing a conveniently located recycling depot or curbside service for the collection of recyclable materials.

2.8 Heritage & Culture

2.8.1 Policy

Village Council Shall:

- 1) Encourage the preservation of those buildings, structures, sites, and cemeteries having special historic or architectural merit or significance to preserve the character and cultural value of the Village.
- 2) Encourage owners of historic buildings to be sensitive to the original character of buildings when undertaking renovations and maintenance.

2.8.2 Proposal

To support the implementation of policy, the Village Council may propose:

- 1) Heritage initiatives conducted in cooperation with Provincial and Federal Governments and non-governmental organizations be undertaken to assist in identification and protection of historically significant lands and buildings that are of cultural value.

2.9 Conservation of Physical Environment

2.9.1 Policies

Village Council Shall:

- 1) Encourage development that minimizes impacts to the quality of air, land, and water resources for the benefit of future generations.
- 2) Encourage the consideration of stormwater management that respects the natural contours and drainage patterns of the land in new developments, or when alterations are being made that can impact drainage patterns.
- 3) Protect environmentally sensitive areas, in particular the St. John River and Monquart River, and its floodplain by:
 - reducing negative impacts on surrounding flora and fauna;
 - encouraging passive recreational activities; and
 - restricting development that may negatively impact the area.
- 4) Require developments within 30 metres of a wetland or watercourse to obtain a Wetland and Watercourse Alteration Permit from the Province previous to the issuance of any building or development permits.

2.9.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Encouraging the preservation of provincially significant and regulated wetlands.
- 2) Encouraging awareness of the impacts of Climate Change and the resulting increase in frequency and intensity of flood events.

2.10 Transportation

2.10.1 Policies

Village Council Shall:

- 1) Ensure provision of acceptable parking and loading standards in the Village.
- 2) Ensure acceptable standards for right-of-way, surface condition, drainage, and safety considerations for streets within the Village's inventory.
- 3) Work with the appropriate Provincial authority to address areas of concern and find solutions for traffic calming when possible.

2.10.2 Proposals

To support the implementation of policy, the Village Council may propose:

- 1) Undertaking necessary improvements to streets within the Village's inventory as finances become available.
- 2) Undertaking necessary improvement to streets in coordination with improvements to the sewer system and storm water infrastructure.
- 3) Requiring that cash-in-lieu of parking be provided when required off street parking cannot be accommodated on the development site.

3 Definitions

In this By-law:

“**accommodation**” means an establishment that provides lodging for travellers or transients, and includes but is not limited to, a bed and breakfast, hotel, motel, or other short-term lodging type but does not include a hostel or rooming house.

“**Act, the**” means the *Community Planning Act*;

“**agricultural use**” means the use of land, building, or structure for gain or reward, and includes the following:

- (a) the cultivation of land,
- (b) the keeping and raising of livestock, including horses and poultry,
- (c) the raising of fur bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural crops,
- (f) the production of fruit and vegetables and other specialty crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps and
- (i) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes
- (j) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation;

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

“**animal unit**” means the number of livestock or poultry that produce one animal unit as follows:

- (a) one horse, cow, steer, bull, pig, or mule, including offspring until weaning,
- (b) two llama, alpacas, or donkeys, including offspring until weaning,
- (c) five sheep, goats, or emu, including offspring until weaning,
- (d) eight turkeys or geese,

(e) twenty-five chickens, ducks, or furbearing animals, excluding fox or mink;

“attached building” means a building otherwise complete in itself that shares one or more walls, or part of a wall, above grade, in common with an adjacent building or buildings;

“automotive sales or rental establishment” means establishment having as its main use the storage of vehicles for sale, rent, or lease and accessory uses which may include facilities for the repair and maintenance of such vehicles;

“bed and breakfast” means an owner-occupied one-unit dwelling that is used incidentally to provide short term accommodations and meals to overnight guests for compensation;

“buffer” means open space, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or nuisance;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“building, accessory” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use which is naturally or customarily incidental and complimentary to the main use of the land, building or structure;

“building inspector” means the building inspector appointed by the Village Council of Bath;

“building, main” means a building in which is conducted the principle use of the lot on which the building is located;

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

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

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

“cemetery” means land that is set apart or used for the interment of the dead;

“clerk” means the clerk employed by the Village of Bath;

“clinic” means a building or structure, or part thereof, used exclusively by physicians, dentists or other health professionals, and their staff or patients, for the purpose of consultation, diagnosis and treatment of the physical, mental, and emotional health of humans and, without limiting the generality of the foregoing, may include administrative offices, waiting rooms,

treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include operating rooms;

“commercial recreational facility” means a recreational facility that may be operated as a business and, without limiting the generality of the foregoing, may include a golf course, amusement centre and sports facility.

“Commission” means the Western Valley Regional Service Commission

“community placement residential facility” means a home, residence and residential centre defined by and operated in accordance with *Family Services Act*.

“community centre” means a building intended for public assembly or social, cultural or recreational activities;

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work;

“Council” means the Council of the Village of Bath;

“day care centre” means a facility in which daycare services are provided as defined by and operated in accordance with the *Early Childhood Services Act*. May also be referred to as an Early Learning and Childcare Centre.

“day care home” means an owner-occupied single-detached dwelling in which day care services are provided and includes community day care home or family day care home as defined by and operated in accordance with the *Early Childhood Services Act*. May also be referred to as an *Early Learning and Child Care Home*.

“development officer” means the development officer as defined in the *Community Planning Act*;

“Director” means the Planning Director as defined within the *Regional Service Delivery Act*;

“domestic animal” means an animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility, and includes dogs, cats, rabbits, rodents, small birds and other animals but excludes cattle, sheep, horses, pigs, goats and other animals normally raised on farms and exotic animals normally kept in zoos.

“dry cleaning outlet” means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of cleaning or dyeing;

“dwelling” means a building or portion thereof, used for residential occupancy, containing one or more separate dwelling units, but does not include hotels and motels.;

“dwelling, multiple-unit” means a dwelling containing more than two dwelling units, such units being constructed adjoining with common walls on the same level or split by the floor on separated levels served by a common entrance or by individual entrances directly from the

outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and appurtenant thereto;

“dwelling one-unit” means dwelling containing only one dwelling unit, but shall not include a mini home or mobile home;

“dwelling, two-unit” means a dwelling containing two dwelling units;

“dwelling unit” means a room or suite of two or more rooms with one mailing address for use, or intended for use by one or more individuals in which kitchen 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 and/or lodging or rooming house, or recreational vehicle.

“erect” means to construct, build, assemble or re-locate a building or structure, including any physical operations preparatory thereto;

“financial institution” means a use where a bank, trust company, credit union, treasury branch, finance company, mortgage company, insurance company or investment company operates;

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

“funeral home” means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

“garage, public” means a building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stores for sale) or repaired, whether for the public, for business purposes or for hire, but not including a body shops, auto wrecking, and a used parts salvage operation;

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

“general service, sales and repair shop” means a building or structure, or part of a building or structure, used for the selling, servicing or repairing of articles, goods or materials, in which no product is manufactured, and may include radio, television, computer, small engine and appliance repair shops, furniture repair and upholstery, or locksmiths, but does not include any automobile repair or servicing;

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

“gravel pit” means an open area of land where quarriable substances are excavated for sale or off tract use without the use of explosives;

“hazardous waste” means any waste that is potentially damaging to the environment or human health because of toxicity, ignitability, corrosivity, chemical reactivity or other reasons and includes; but is not limited to, petroleum products, solvents, paints, acids, chemicals and coolants;

“heavy equipment sales or service operation” means a building or part of a building or structure in which heavy machinery is maintained, repaired, or offered for sale, rent, or leased;

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

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

“home occupation” means the use of land, buildings or structures by a resident of the dwelling unit to conduct a business activity, and which is secondary to the residential use;

“hotel” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the interior and that may or may not have facilities for serving meals;

“infill development” means a development or redevelopment occurring on a vacant site following the completion of the development of the area;

“industrial use” means the use of land, building or structures for the manufacturing, processing, fabrication, or assembly of raw materials or goods, warehousing of bulk storage of goods and related accessory uses;

“institutional use” means the use of land, building or structure for a public non-profit purpose and without limiting the generality of the foregoing, may include such buildings as a place of learning, place of worship, public hospitals, a clinic, emergency services facility, senior citizen complex, cemetery, village offices, library, recreational facility, fire station, governmental office, day care centre, and community centre;

“keeping of hens” means a use where a maximum of three hens are kept on a residential lot, and where a hen is defined as a female chicken of the subspecies *Gallus gallus domesticus*;

“landscaping” means a combination of trees, shrubs, flowers, grass or other horticultural elements, decorative, stonework, gravelling, paving, screening or other architectural elements, all of which are implemented to enhance the visual appearance of the property;

“laundromat” means a building or structure where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning;

“light industrial use” means the use of buildings, land, or structures for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, preparing, breaking up,

demolishing, or treating any article, commodity or substance, that can be undertaken without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of scale, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance, and does not use process waters, nor produce process waste waters;

“livestock” means large animals such as cattle, horses, sheep, goats, mules, game animals, fur bearing animals, chickens, turkeys, lamas, and alpaca. See also: animal unit;

“loading space” means an off-street space or berth on the same lot with the building or structure, 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 and used or intended to be used as a site for a building or structure or an appurtenance thereto;

“lot, corner” means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets;

“lot, interior” means a lot other than corner lot;

“lot line” means a common line between a lot and an abutting lot, lane or street;

“lot line, rear” means a lot line extending along the rear of the lot;

“lot line, side” means a lot line extending from the street line to the rear of the lot;

“manufacturing and/or processing plant” means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substances, article, thing or service.

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

“mini home park” means a land leased development in which a parcel of land intended as the location for residential purposes, on which ten or more mobile homes or mini homes are located for residential purposes;

“mobile home” means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected utilities and designed for year-round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or

shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

“**motel**” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the exterior only and that may or may not have facilities for serving meals;

“**nursery or garden centre**” means a place where young plants or trees are grown for subsequent transplanting and may include the associated retail sale of such plants, garden tools and supplies;

“**office**” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government;

“**personal service shop**” means a building or part thereof, in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include, barbershop, hair and esthetics, financial consultant, message therapy and tailoring;

“**park**” means a public area consisting largely of open space, which may include a conservation park or nature trail, playing fields, playgrounds, skating rinks, community gardens, and similar outdoor recreational activities;

“**place of learning**” means an establishment providing academic or technical instruction, and may include a library or museum;

“**place of worship**” means a building or structure used for public worship by any religious organization, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with or accessory thereto;

“**playground**” means an area of landscaped open space that consists of children’s play equipment such as slides, swings or wading pools;

“**PRAC**” means the Planning Review and Adjustment Committee appointed by Regional Service Commission to carry out advisory and decision-making functions as specified under the provincial *Community Planning Act*;

“**quarriable substance**” means sand, gravel, clay, stone and rock other than metallic ores, but shall not include topsoil;

“**quarry**” means a disturbance of the ground or excavation for the purpose of removing quarriable substance by the use of explosives;

“**recreational facility**” means a building or space designed and equipped for the conduct of indoor or outdoor sports, leisure time activities, and other customary and usual recreational activities but does not include a commercial recreational facility.

“recycling depot” means a building used for the collection and distribution of bottles, cans and other recyclable materials, including white goods, which are to be decommissioned and delivered to other operations for reclamation, processing or salvage.

“restaurant” means a building where food is prepared and served for public consumption within the building or as takeout but does not include a drive-thru restaurant;

“restaurant, drive-thru” means a building where food is prepared and served for public consumption within the building or as takeout, and includes a drive-thru restaurant;

“retail store” means the sale of commodities or goods to individual consumers for personal use rather than for the resale and, without limiting the generality of the foregoing, may include stores engaged in the sale of antique and second-hand items, furniture, appliances, arts and crafts, books, clothing, bakeries, drug stores, florist, convenience, and grocery stores, but does not include any use separately listed in a Zone;

“retail warehouse” means a use where a limited range of large bulky goods requiring large floor areas for direct display are sold to the public and include such items as furniture, major appliances, building materials and floor coverings, which may include outside storage.

“salvage yard” means lands, buildings or structures used for the storage, handling, or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include hazardous waste, rags, tires, metal, unserviceable motor vehicles, motor vehicle bodies, motor vehicle engines and component parts, and similar articles;

“sawmill” means a building or structure used to process wood from sawlogs to another use and may include land used for open storage of raw or finished lumber or products;

“screening” means the use of landscaping, fencing, trees, or berms to visually separate areas or uses;

“self-service storage facility” means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies;

“senior citizen complex” means a multiple unit residential building designed primarily to provide hospitality services and personal assistance to adults who require regular help with daily activities and which may include common areas where residents can socially interact;

“service station” means a building or structure where gasoline, grease, antifreeze, accessories or new tires, or a combination thereof, are stored or kept for retail for motor vehicles, whether or not minor repairs to motor vehicles are offered or performed, but does not include a salvage yard;

“shopping centre” means any development of land, planned and controlled as a unit, having an area of at least 5,430 m² and containing retail stores, offices or service shops or other similar establishments as permitted by this By-law in a unitary type building or buildings of at least

1,450 m² in floor area in size and characterized by sharing of common parking areas and driveways;

“sign” means a display of advertisement, placard, boarding, bill board or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adapted for such purpose whether or not it is at the time used for such purpose;

“special care home” means an owner-occupied single-detached dwelling used for the purpose of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed five and the home complies with the applicable legislation;

“storey” means

- (a) that portion of a building between the surface of any floor and the surface of the floor next above it, and if there is no floor above it, then the portion between such floor and the ceiling next above it; or
- (b) a basement or cellar, if the average vertical distance from grade to the ceiling thereof is over 1.5 metres or such basement or cellar is used for business purposes or for dwelling purposes.

“street line” means the common line between a street and a lot;

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

“swimming pool” means a tank or body of water which is intended to be used for swimming and which has a potential maximum depth greater than one metre, but does not include an existing natural body of water or stream.

“swimming pool enclosure” means a wall, a structure or a building, designed to be sturdy and impede climbing, which encloses a swimming pool.

“topsoil” means topsoil as defined under the *Topsoil Preservation Act*;

“transportation terminal” means the use of land, buildings, or structures for the purposes of storing, servicing, repairing, or loading trucks, transport trailers, or buses;

“turbine, small scale” means a wind turbine that is owned and operated for the owner’s use and having the capacity of less than 10KW;

“turbine, wind” means a structure specifically designed to convert the kinetic energy in winds into energy in the form of electricity and includes the wind turbine tower, rotor blades, and nacelle; and may be connected to an electrical utility grid;

“use” means the purpose for which land or building or structure, or any combination thereof, is designated, arranged, erected, intended, occupied or maintained;

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

“use, secondary” means a use other than a main or accessory use permitted in a building;

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

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

“veterinary clinic” means the provisions of services by veterinarians for the purpose of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include retailing of supplies;

“village” means the Village of Bath;

“warehouse” means a building used primarily for the storage or containment of manufactured goods and materials and may include the wholesaling and distribution of such goods;

“watercourse” means a waterbody recognized under the *Clean Water Act* and may include the full width and length, including the bed, banks, sides and shoreline, or any part of the river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch, or other natural or artificial channel, open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not;

“wetland” means land defined and identified by the Government of New Brunswick that,

- a) either periodically or permanently, has a water table at, near or above the land surface or that is saturated with water; and
- b) sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions;

“white goods” means all discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers and other similar domestic and commercial large appliances.

“width” means, in relation to a lot,

- a) where the side lot lines are parallel, the distance measured cross the lot at right angles to such lines; or

- b) where the side lot lines are not parallel, the distance measured cross the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum setback intersects a line from the midpoint of and perpendicular to the line to which it is parallel;

“yard” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line;

“yard, front” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and the street line at the front of the lot;

“yard, rear” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and the rear lot line;

“yard, side” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a side lot line.

PART 2: ZONING

4 Purpose, Administration, Classification, & Conformity

4.1 Purpose

- 1) The purpose of Part 4:
 - a) to divide the Village into Zones;
 - b) to prescribe:
 - i) the purpose for which land, buildings and structures in any Zone may be used; and
 - ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
 - c) to prohibit:
 - iii) land use; and
 - iv) Use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in paragraph (b).

4.2 Powers of Council

- 1) No building may be erected in the Village in respect of which, in the opinion of Village Council, satisfactory arrangements have not been made for the supply of electric power, water, sewage, streets or other services or facilities.
- 2) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Village Council may in accordance with section 53(2)(e) of the Act:
 - a) require the improvement, removal or demolition of such building or structure at the expense of the owner; or
 - b) acquire the parcel of land on which such building or structure is located.
- 3) Notwithstanding any other provision of this Rural Plan, the Village Council may allow a developer of a building or structure to pay the Village the sum of \$500.00 per parking space in lieu of providing off street parking required hereunder.

4.3 Powers of the Regional Service Commission

- 1) No building or structure may be erected on any site where it would otherwise be permitted under this Rural Plan when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.
- 2) The Commission may, subject to such terms and condition as it considers fit;

- a) authorize, for a temporary period not exceeding a year, a development otherwise prohibited by this Rural Plan;
 - b) authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this Rural Plan if:
 - i) the application holds an authorization under paragraph (a) that is to expire or has expired; and
 - ii) an application with respect to the land has been made to amend this Rural Plan, and the Commission has received a resolution from the Village Council confirming they will consider the application referred to in subparagraph (ii); and
 - c) require the termination or removal of a development authorized under paragraph (a) or (b) at the end of the authorized period.
- 3) The Commission may:
- d) delegate its authority under paragraph (2)(a) to the development officer; and
 - e) authorized a delegate under paragraph (a) to further delegate his or her authority under paragraph (2)(a) to any person.
- 4) In all Zones created by this Rural Plan, the use of land for the purposes of the supply of:
- a) electric power,
 - b) natural gas,
 - c) water supply,
 - d) sanitary sewage disposal and treatment of sewage generated within the Village,
 - e) drainage, including storm sewers,
 - f) streets, and
 - g) all other public or private utilities;

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a use permitted in any zone.

4.4 Amendments

- 1) A person who seeks to have this Rural Plan amended shall:
 - a) address a written and signed application in duplicate to the Director; and
 - b) shall pay a fee as prescribed in section 4.5.
- 2) On the advice of the Village Council, the Commission may return all or any part of the fee mentioned in paragraph (1)(b).
- 3) An application under this section shall include such information as may be required by the Village Council or Commission for the purposes of adequately assessing the desirability of the proposal.

- 4) Unless, upon the advice of the Commission, the Village Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been previously refused by the Village Council, no further application may be considered by the Village Council for one year if such application:
 - a) in the case of rezoning, is respect of the same area of land with witch the original application was concerned; or
 - b) not being in relation to rezoning is similar to the original application.

4.5 Fees for Planning Services

- 1) The following fees will be applied to the services noted:
 - a) zoning confirmation letter, \$100;
 - b) zoning compliance letter, \$200;
 - c) processing and considering all variances (temporary uses, dimensional, similar use), \$250; and
 - d) processing and considering requests for rezoning, \$1500.
- 2) All fees are submitted and payable as follows:
 - a) at the time of application or request, the proponent shall pay the fee as prescribed in 4.5(1); and
 - b) payments shall be made to the Regional Service Commission.

4.6 Classification

- 1) For the purposes of this Rural Plan, the Village is divided into Zones delineated on the plan attached as Schedule "A", entitled the "Village of Bath Zoning Map".
- 2) The Zones mentioned in subsection (1) are classified and referred to as follows:
 - a) One and Two-Unit Residential "R1" Zone;
 - b) Multiple Unit Residential "R2" Zone;
 - c) Mixed Use "MU" Zone;
 - d) Commercial "C" Zone;
 - e) Industrial "I" Zone;
 - f) Institutional "INST" Zone;
 - g) Rural and Resource "R&R" Zone;
 - h) Recreational "REC" Zone; and
 - i) Green Belt "GB" Zone.

4.7 Conformity

- 1) In any Zone, all land shall be used, and all buildings and structures or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the part of this Rural Plan pertaining to such Zone.

4.8 Boundaries of the Zones

- 1) Where the boundary of any Zone, as shown on the zoning map relating to this Rural Plan is uncertain:
 - a) where a Zone boundaries are indicated by following an existing street, lane, public utility right-of-way, watercourse or an easement line, the centre in of such feature is the Zone boundary; or
 - b) a Zone boundary shown approximately at a lot line, shown on a registered plan of subdivision or registered document, is deemed to be at the boundary of the lot line; or
 - c) a Zone boundary shown following approximately the top of bank of a shoreline, creek, stream or channel is deemed to be the top of the bank and moves with any change in the bank; or
 - d) where a Zone boundary runs parallel to a street line or property line and the distance is not indicated from the street line or property line, the boundary shall be deemed to be parallel to such street line or lot line and the distance from the street line and lot line shall be determined according to the scale shown on the zoning map.

4.9 Rural Plan Review

- 1) Village Council shall undertake a review of the Rural Plan in accordance with the *Community Planning Act* no later than 10 years from its commencement or the last review.

5 General Provisions

5.1 General Development Provisions

5.1.1 Off-Street Parking

- 1) No building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.
- 2) The number of spaces to be provided for off-street parking shall be in accordance with the table below:

PARKING REQUIREMENTS	
Use	No. of Parking Spaces Needed
For a dwelling	One (1) space for each dwelling unit
Multiple unit dwelling / apartment building	One (1) space for every dwelling unit
Seniors complex	One half (0.5) space per dwelling unit
Business or professional office, medical or dental clinic	One space (1) for every 36 square metres of floor area
Retail store	One space (1) for every 18 square metres of retail sales space
Hotel, motels, bed and breakfast	One space (1) per guest room
Restaurant and taverns	One space (1) per 4 seats
Places of assembly including recreational, entertainment buildings, institutional buildings, or any building containing a similar use	One space (1) for 10 fixed seats, or not less than one space for each 9 square metres
Industrial buildings, warehouse, self-service storage facility, storage yards or buildings, and service shop and repair establishment	One space (1) for every 36 square metres of floor area or storage space
School	One space (1) for every classroom and, where an auditorium or place of assembly is

	included therein, and additional space for every 9 square metres of auditorium or assemble area
Day care centre, special care home, day care home	One space (1) space for every 30 square feet of floor area
Other uses	One space (1) space per 30 square metres of floor area

- 3) A parking space shall be:
- a) an area of not less than 6 metres in length and not less than 3 metres in width;
 - b) readily accessible from the nearest street; and
 - c) located on the lot containing the use for which the spaces are provided.
- 4) Notwithstanding any other provision of this Rural Plan the Village Council may allow a developer of a building or structure to pay the Village the sum of \$500.00 per parking space in lieu of proving off street parking required hereunder.

5.1.2 Vehicular Off-Street Loading and Unloading

- 1) Every building, structure or premises used in whole or in part for the use of vehicles for the reception or distribution of materials or merchandise shall provide and maintain on lands off street spaces for such vehicles to stand and for loading and unloading, in the following in the following numbers:

VEHICLE OFF-STREET LOADING AND UNLOADING	
Floor Area of Building	Loading Spaces Needed
Up to and including 455 m ²	One (1)
Over 455 m ² up to and including 2,272 m ²	Two (2)

Over 2,272 m ²	One (1) space for each 2,272 m ² , or fraction thereof in excess of the first 2,272 m ²
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- 2) An off-street loading space referenced in subsection (1) shall:
- a) be not less than 10 metres in length and not less than 4 metres in width, with a 5 metre overhead clearance;
 - b) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - c) be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles; and
 - d) be surfaced with a durable and dustproof material.

5.1.3 Signs

- 1) Other than a traffic control device as defined by the *Motor Vehicle Act*, a sign permitted Regulation under the *Fish & Wildlife Act*, a sign warning against a dangerous situation, legal notice or store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting, or displaying of a sign not expressly permitted by this section is permitted only if approved by the Commission and only on compliance with such terms and conditions as may be imposed by such Commission.
- 2) Subject to subsection (3), in any Zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign:
 - a) advertises the sale, rental, or lease of such and, building or structure on the property in which the sign is located;
 - b) identifies by name the property or the residents thereof;
 - c) indicates a home occupation permitted hereunder; or
 - d) warns against trespass, shooting, hunting or trapping.
- 3) Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed:
 - a) in number, one for each purposed mentioned therein; or
 - b) in size:
 - i) 1.2 square metres, for a sign mentioned in paragraph (2)(a); or
 - ii) 0.37 square metres, for a sign mentioned in paragraph (2)(b), (c), and (d), thereof.
 - c) on a corner lot, be Positioned within the triangular space included between street lines of a distance of 6 metres (19'8") from their point of intersection

so as to obstruct the view of a driver of a vehicle approaching the intersection.

- 4) In a “MU”, “C” or an “I” Zone, the following signs may be placed, erected or displayed:
 - a) a sign placed flat against the front of the main building if the area of the sign does not exceed the product of the of the front lot line on which the building is located, multiplied by 0.25 metres;
 - a) a fixed and permanent free-standing sign situated at least 2 metres from the street line and which does not exceed 3 square metres (32 square feet) in area, 1.5 metres in width or 2.5 metres in length; or
 - b) a mobile sign subject to the conditions of paragraph (b).
- 5) In a “R&R” Zone the following signs may be placed, erected or displayed:
 - a) one sign not exceeding 4 square metres in gross surface area indicating the name of farm; and
 - b) one sign not exceeding 1.64 square metres in gross surface area indicating the sale or rental of the property on which it is place.
- 6) No sign may:
 - a) be an imitation of a traffic control device or contain the words “stop”, “go”, “go slow”, “caution”, “danger”, ‘warning”, or similar words;
 - b) be located within 2 metres of a property line;
 - c) project over a property line;
 - d) obstruct a fire escape, door, window, or other required exit;
 - e) display lights which resemble the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - f) have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic device; or
 - g) advertise an activity, business, product, or service, no longer conducted on the premises on which the sign is located.

5.1.4 Lighting Facilities and Illuminating Devices

- 1) No lighting facilities or illuminating device for any purpose may be arranged in such a manner as to cause a nuisance to adjoining properties or transportation on adjacent streets.

5.1.5 Fences and Walls

- 1) A fence or wall in a front yard shall not exceed 1 metre in height unless it is a security fence of chain link construction.

- 2) No fence or wall:
 - a) shall be located in such a way that it obstructs the line of sight at an intersection;
 - b) in any “R1” & “R2” Zone shall be electrified or incorporated with barbed wire or other sharp dangerous material in its construction; and
 - c) subject to subsection (1), shall exceed in height:
 - i) 2 metres, in a “R1” & “R2” Zone, or
 - ii) 2.5 metres, in a Zone other than a “R1” & “R2” Zone.
- 3) Fences and walls, erected for the purpose of demarcating a lot line, shall be located:
 - a) on the common boundary of adjoining parcels upon agreement by owners as to location and to responsibilities for construction and maintenance; or
 - b) offset from the common boundary of adjoining parcels upon the parcel of the owner wishing to assume the responsibilities for construction and maintenance.

5.1.6 More than One Main Building on a Lot

- 1) Except where provided in this Rural Plan, no more than one main building may be placed or erected and no building or structure may be altered to become a second main building on a lot.
- 2) Notwithstanding 5.1.6(1), where a proposed use is to consist of more than one main building on the lot, such use shall be subject to terms and conditions as may be imposed by the Commission.
- 3) Where a Zone permits multiple main uses, the minimum separation distances between buildings containing the permitted main uses shall be 1.5 times the distance of minimum side yard.

5.1.7 Lot Sizes

- 1) Notwithstanding the provisions of this Rural Plan, no building or structure may be built, located or relocated, altered or replaced on a lot located within any Zone unless the lot meets the following requirements:

LOT REQUIREMENTS

Land Use	With Municipal Water and Sewer			No Municipal Sewer (Private Services)		
	Minimum Lot Width	Minimum Lot Depth	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Lot Area
One-Unit Dwelling	18 m	30 m	540 m ²	54	38	4000 m ²
Two-Unit Dwelling	23 m	30 m	818 m ²	59	38	5350 m ²
Three Unit Dwelling	27 m	30 m	1090 m ²	63	38	6700 m ²
Multiple-Unit Dwelling	36 m plus 1.5 m for each dwelling unit in excess of four (4)	30 m	1272 m ² plus 68 m ² for each dwelling unit in excess of four (4)	68	38	8050 m ²
<ul style="list-style-type: none"> • An automobile sales or rental establishment * • A retail warehouse* • A hotel or motel • A service station • A public garage • A shopping centre • A self-service storage facility <i>[*conditional uses]</i>	24 m	31 m	1000 m ²	54	38	4000 m ²
All other Non-Residential Uses (not otherwise specified)	24	31	745 m ²	54	38	4000 m ²
Industrial Zone Uses (see Table 6.5)	37	46	1700 m ²	54	38	4000 m ²

- 2) Any lot existing prior to the adoption of this Rural Plan, not meeting the requirements of section 5.1.7 or a one-unit dwelling, may be used for a one-unit dwelling, if approved by the Department of Public Safety, on the installation of a septic tank or disposal field.

5.1.8 Height Regulations

- 1) The height restrictions of this Rural Plan shall not apply to, water tanks, silos, flagpoles, chimneys, spires, belfries attached to the principle structures except where specifically regulated.

5.1.9 Vehicle Bodies

- 1) No truck, bus, semi-trailer, freight container, or other vehicle body, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall be used, in any Zone, as a dwelling unit or commercial main building and not be used as an accessory building or structure in any residential Zone except specifically permitted by other legislation and this Rural Plan.

5.1.10 Line of Vision at Intersections

- 1) Notwithstanding the provisions of this Rural Plan, on a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or building shall not be erected or permitted to grow to a height more than 1 metre above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 metres from their point of intersection.

5.1.11 Residential Development Near a Lagoon or Treatment Plant

- 1) Notwithstanding any other provision of this Rural Plan, no dwelling, mini home, or mobile home may be located within 150 metres of a sewage lagoon or treatment plant.

5.1.12 Landscaping

- 1) Subject to this section, the owner of a lot developed for residential and institutional purposes shall landscape:
 - a) the front yard of the main building; and
 - b) that part of the lot within 1.5 metres of any building thereon.
- 2) For the purposes of this section, landscaping shall include:
 - a) all grading necessary to divert surface water from the building or structure and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 centimetres of topsoil; and
 - b) may include the placement of paths such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other Rural Plan, rule or regulation.
- 3) Notwithstanding subsection (1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or use on the lot.

- 4) This landscaping shall be completed within 24 months from the date of issuance of the building permit for the main building or structure.

5.1.13 Size of Dwellings

- 1) No one-unit dwelling may be placed, erected or altered so that it has a ground floor area less than
 - a) 55 square metres in the case of a one (1) storey dwelling;
 - b) 44 square metres in the case of a one-half (1.5) storey dwelling; or
 - c) 44 square metres in the case of a two-storey (2) dwelling.
- 2) For the purposes of this section, ground floor area or floor area does not include garages, carports, balconies, porches, verandas, breezeways, approach halls or except, for those completely contained within the dwelling unit, stairways.

5.1.14 Swimming Pools

- 1) No land shall be used for the purpose of a swimming pool unless the pool is:
 - a) enclosed by a fence or by a wall of a building or structure, or by a combination of walls or fences, at least 1.52 metres in height and meeting the requirements of this section; and
 - b) located 1.5 metres from the side and rear lot lines.
- 2) No swimming pool shall be placed in a front yard or side yard adjacent to a public right-of-way.
- 3) All enclosures shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing. All enclosures shall be located at least 1.22 metres from the edge of the swimming pool and 1.22 metres from any structure that would facilitate its being climbed from the outside. All fences shall not be electrified and shall not incorporate barbed wire or other dangerous material.
- 4) Where a portion of the wall of a building forms part of a swimming pool enclosure:
 - a) no main service entrance to the building shall be located therein; and
 - b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device.
- 5) A fence under this section shall be made of chain link construction, wood, or of other materials in the manner prescribed by 5.1.14(6);
- 6) A fence under this section shall be designed and constructed:
 - a) in the case of a fence made of chain links, with
 - i) no greater than 4 centimetre diamond mesh and of minimum 12-gauge thickness, and
 - ii) steel posts spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetres diameter steel or 38mm x 89mm lumber.

- b) in the case of a fence made of wood, with
 - a) vertical boarding spaced not more than 4 centimetres apart; and,
 - b) supporting posts spaced not more than 2.4 metres with a horizontal rail of minimum 38mm x 89mm;
 - c) in the case of a fence constructed with materials and in a manner other than described in this subsection, it must be designed in a manner that is not easily climbable and will ensure rigidity equal to the design and construction prescribed by this subsection.
- 7) Gates forming part of a swimming pool enclosure shall:
- a) be equivalent in height and manner of construction to the fence;
 - b) shall be supported on substantial hinges; and
 - c) shall be self-closing and equipped with a self-latching device at least 1.52 metres above the bottom of the gate.

5.2 Special Provisions for Specific Uses

5.2.1 Home Occupations

- 1) Where permitted, a home occupation may be conducted as a secondary use within a one-unit dwelling or accessory building or structure or upon associated lands, subject to the following conditions:
 - a) that the home occupation shall not consist of a convenience store, eating establishment, automotive sales or rental establishment, salvage yard, machine and weld shop, or any industrial use;
 - b) not more than two persons are engaged in the home occupation in addition to those residing in the dwelling unit;
 - c) the use occupies 25% or less of the total floor area when it is contained within the main building;
 - d) no change that will modify the residential characteristics of the dwelling unit, except for a sign permitted under section 5.1.3, is to be made;
 - e) no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit;
 - f) that the service not produce inordinate amounts of water or create excessive noise, fumes, dust, vibration, glare, electronic interference, or odour detrimental to the health, safety and general welfare of persons residing in the neighborhood;
 - g) that the service not generate sewage in excess of what can be accommodated by an existing sewage disposal system;

- h) no equipment or material used in the home occupation is stored in any other place than in the dwelling unit or an accessory building; and
- i) two off-street parking spaces are provided in excess of those required under section 5.1.1.

5.2.2 *Bed and Breakfast*

- 1) Where permitted in this Rural Plan, a bed and breakfast shall conform to the following requirements:
 - a) the use of a home as a bed and breakfast is an accessory use to the dwelling unit by a resident of the property;
 - b) shall not occupy more than 5 bedrooms as sleeping rooms for guests;
 - c) required parking is provided at the rear or side of the building;
 - d) no cooking equipment shall be provided in a room that is used for sleeping accommodation; and
 - e) parking requirements as per section 5.1.1.

5.2.3 *Keeping of Hens*

- 1) Where permitted, the keeping of hens shall comply with the following:
 - a) be restricted only to lots with a one-unit dwelling;
 - b) a maximum of 6 hens can be kept;
 - c) the sale of eggs or meat and the slaughter of animals on the lot is prohibited;
 - d) any manure or waste material shall be removed from the site (or composted) on a regular basis;
 - e) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
 - f) the enclosure shall be visually screened from a public street and neighbouring properties;
 - g) the enclosure shall be set back a minimum of 10 metres from any dwelling on an adjacent lot; and
 - h) the activity is registered with the Clerk.

5.2.4 *Garden Suite*

- 1) Where permitted, a garden suite shall:
 - a) be secondary to the principle main dwelling on the same lot;
 - b) not exceed 72 square metres in ground floor area;
 - c) comply with all setback and yard requirements of this Rural Plan;

- d) share a common vehicle access with the principle dwelling;
- e) be located in the rear of the lot;
- f) shall be fully serviced by municipal sanitary sewer, an on-site sewage disposal system, and sufficient water supply; and
- g) be constructed, and placed in such a manner as to be removable from the lot;

5.2.5 Wind Turbines

- 1) A small scale wind turbine is subject to terms and conditions and shall be:
 - a) setback, at minimum, 1.5 times the total height of the wind turbine from the rear, front, and side lot lines, dwellings, transmission lines, and public right-of-ways;
 - b) located on the same property as the main use; and
 - c) removed if electricity is not in use for period of two years.

5.2.6 Keeping of Livestock

- 1) In the "R&R" Zone, the keeping of livestock is subject to terms and conditions as may be imposed by the Commission except where the operation is subject to the provisions of the Livestock Operations Act, and has a license or is exempted under the Livestock Operations Act, or on those lots where all three of the following requirements are met:
 - a) two (2) or less animal units are kept,
 - b) the property has an area of at least 20,000 square metres (5 acres),
 - c) any livestock facilities are setback 20 metres from any lot line and 30 metres from any watercourse, and 75 metres from any well, or inhabited dwelling, other than those on the subject property.

5.2.7 Stripping of Topsoil

- 1) Subject to this section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- 2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.
- 3) Notwithstanding subsection (1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Village Council making arrangements satisfactory to the Village Council for the rehabilitation of the land.

6 Zones

6.1 ONE AND TWO-UNIT RESIDENTIAL ZONE – “R1” ZONE

- 1) In a “R1” Zone, any land, building or structure may be used for the purposes of, and for no other purpose than:
 - a) one or more of the following main uses:
 - i) a one-unit dwelling;
 - ii) a two-unit dwelling;
 - iii) a park or playground; and
 - b) one or more of the following secondary uses:
 - i) a home occupation, subject to section 5.2.1;
 - ii) a bed and breakfast, subject to section 5.2.2;
 - iii) a special care home;
 - iv) a day care home;
 - v) the keeping of hens, subject to section 5.2.3; and
 - c) the following secondary uses, subject to terms and conditions as may be set by the Commission:
 - i) a garden suite, subject to section 5.2.4; and
 - d) any accessory building or structure may be placed or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in a “R1” Zone unless the following provisions are met:

R1 ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	2 m	1.5 m
Minimum rear yard	6.5 m	1.5 m
Maximum height	9 m	7.5 m
Maximum lot coverage	Interior lot = 50% Corner lot = 45%	10%

- 3) No accessory building or structure may:
 - a) be used for a residential use;

- b) be placed, erected or altered so that it is within the front yard of the main building;
- c) exceed 57 square metres in area or have a horizontal dimension greater than 10 metres; or
- d) With the exception of the keeping of hens subject to section 5.2.3, be used:
 - i) for agricultural purposes; or
 - ii) for the keeping of livestock;

6.2 MULTIPLE RESIDENTIAL ZONE - “R2” ZONE

- 1) In a “R2” Zone, any land, building or structure may be used for the purpose of, and for no other purpose than:
 - a) one of the following main uses:
 - i) a one-unit dwelling;
 - ii) a two-unit dwelling;
 - iii) a multiple dwelling to a maximum of 4 dwelling units;
 - iv) a park or playground; or
 - b) the following main uses, subject to terms and conditions as may be set by the Commission:
 - i) a senior citizens’ complex;
 - ii) a multiple-unit dwelling containing five (5) or more dwelling units;
 - c) one or more of the following secondary uses:
 - i) a home occupation, subject to section 5.2.1;
 - ii) a day care home;
 - iii) a garden suite, subject to section 5.2.4
 - iv) a special care home; and
 - v) the keeping of hens, subject to section 5.2.3; when accessory to a one or two unit dwelling;
 - d) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in a “R2” Zone unless the following provisions are met:

R2 ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	3 m	1.5 m
Minimum rear yard	6.5 m	1.5 m
Maximum height	11 m	7.5 m
Maximum lot coverage	Interior lot = 50% Corner lot = 45%	10%

- 3) No accessory building or structure may be placed, erected or altered in a “R2” Zone unless subsections 6.1(3) are met.

6.3 MIXED USE - “MU” ZONE

- 1) In a “MU” Zone, any land, building or structure may be used for the purpose of, and for no other purpose than:
- a) one or more of the following main uses:
 - i) a one-unit dwelling;
 - ii) a two-unit dwelling;
 - iii) a multiple dwelling to a maximum of 4 dwelling units;
 - iv) a park or playground; and
 - b) one or more of the following main uses, subject to sections 6.3(4) and 6.3(5):
 - i) a nursery or garden centre;
 - ii) a hotel or motel;
 - iii) an office;
 - iv) a restaurant;
 - v) a retail store;
 - vi) a general service, sales, and repair shop;
 - vii) a personal service shop;
 - viii) a veterinary clinic;
 - ix) a daycare centre;
 - x) a commercial recreational facility;

- xi) a financial institution;
 - xii) a recycling depot;
 - xiii) an institutional use; and
- c) the following main uses, subject to terms and conditions as may be set by the Commission:
- i) a laundromat;
 - ii) a multiple-unit dwelling containing five (5) or more dwelling units;
 - iii) a retail warehouse; and
- d) one or more of the following secondary uses:
- i) a home occupation, subject to section 5.2.1;
 - ii) a bed and breakfast, subject to section 5.2.2;
 - iii) a special care home;
 - iv) a day care home; and
- e) the following secondary uses, subject to terms and conditions as may be set by the Commission:
- i) a garden suite, subject to section 5.2.4; and
- f) any accessory building or structure may be placed or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in a “MU” Zone unless the following provisions are met:

MU ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	3 m	3 m
Minimum rear yard	3 m	3 m
Maximum height	15 m	7.5 m
Maximum lot coverage	N/A	10%

- 3) No accessory building or structure may:
- a) be used for agricultural uses;
 - b) be used for the keeping of livestock or household pets; and
 - c) except for a gatehouse or security office, be placed erected or altered so that is closer to the front lot line than the main building or structure.

- 4) Where yard lights are provided in connection with a permitted main use as specified within section 6.3(1)(b), all such lighting shall be directed inwardly toward the subject lot and away from neighbouring buildings.
- 5) Where a permitted main use specified within section 6.3(1)(b) abuts a Residential "R", Institutional "INST", Green Belt "GB" Zone, or any permitted use within 6.3(1)(a), such lot shall not be developed unless provision is made for an appropriate screening facility, such as a hedge, solid-board fence, or earth berm or a combination thereof, as approved by the Development Officer.

6.4 COMMERCIAL ZONE - "C" ZONE

1) In a "C" Zone, any land, building or structure may be used for the purpose of, and for no other purpose than:

- a) one or more of the following main uses:
 - (i) an accommodation use
 - (ii) automobile sales or rental establishment;
 - (iii) a nursery or garden centre;
 - (iv) a hotel or motel;
 - (v) a multiple-unit dwelling to a maximum of 4 dwelling units;
 - (vi) an office;
 - (vii) a restaurant;
 - (viii) a retail store
 - (ix) a general service, sales, and repair shop;
 - (x) a personal service shop;
 - (xi) a community placement residential facility;
 - (xii) a senior citizen complex;
 - (xiii) a veterinary clinic;
 - (xiv) a service station;
 - (xv) a public garage;
 - (xvi) a daycare centre;
 - (xvii) a special care home
 - (xviii) a commercial recreational facility;
 - (xix) a financial institution;
 - (xx) a park or playground; and
- b) the following main uses, subject to terms and conditions as may be set by the Commission:
 - (i) a multiple-unit dwelling containing five (5) or more dwelling units;
 - (ii) a transportation terminal;
 - (iii) a laundromat;
 - (iv) a dry cleaning outlet;
 - (v) a shopping centre;
 - (vi) a self-service storage facility;

- (vii) a drive-thru restaurant
 - (viii) a retail warehouse; and
 - c) the following secondary use:
 - (i) a dwelling unit; secondary to the main use
 - (ii) a day care home;
 - (iii) a home occupation, subject to section 5.2.1; and
 - (iv) a bed and breakfast, subject to section 5.2.2;
 - d) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in a “C” Zone unless the following provisions are met:

C ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	3 m	3 m
Minimum rear yard	3 m	3 m
Maximum height	15 m	7.5 m
Maximum lot coverage	N/A	10%

- 3) No accessory building or structure may:
- a) be used for agricultural uses;
 - b) be used for the keeping of livestock or household pets; and
 - c) except for a gatehouse or security office, be placed erected or altered so that is closer to the front lot line than the main building or structure.
- 4) Where yard lights are provided in connection with a commercial use, all such lighting shall be directed inwardly toward the subject lot and away from neighbouring buildings.
- 5) Where a lot in the Commercial Zone abuts the Institutional “INST”, Green Belt “GB”, Recreational “REC”, or Residential (“R1” and “R2”) Zones or any permitted use within 6.3(1)(a) in the Mixed “MU” Zone, such lot shall not be developed for a Commercial use unless provision is made for an appropriate screening facility, such as a hedge, solid-board fence, or earth berm or a combination thereof, as approved by the Development Officer.

6.5 INDUSTRIAL – “I” ZONE

- 1) In an “I” Zone, any land, building or structure may be used for the purpose of, and no other purpose than:
 - a) one or more of the following main uses:
 - i) a sawmill;
 - ii) a contractor’s yard;
 - iii) a warehouse;
 - iv) a restaurant;
 - v) a transportation terminal;
 - vi) a public garage;
 - vii) a service station;
 - viii) a heavy equipment sale and service operation;
 - ix) a general service, sales, and repair shop;
 - x) an automobile sales or rental establishment; and
 - xi) a light industrial use.
 - b) one or more of the following main or secondary uses, subject to terms and conditions as may be set by the Commission:
 - i) a manufacturing or processing plant;
 - c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section
- 2) No building or structure may be built, located or relocated, altered or replaced on a lot located within any “I” Zones unless the lot meets the following provisions:

I ZONE – Lot Requirements		
Services	Lot Component	Industrial Use
Municipal Water And Sewage	Minimum Lot Width	37 m
	Minimum Lot Depth	46 m
	Minimum Lot Area	1700 m ²
Municipal Sewage Only	Minimum Lot Width	37 m
	Minimum Lot Depth	46 m
	Minimum Lot Area	1700 m ²
	Minimum Lot Width	54 m
	Minimum Lot Depth	38 m

No Municipal Sewage	Minimum Lot Area	4,000 m ²
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- 3) No building or structure may be placed, erected or altered in a “I” Zone unless the following provisions are met:

I Zone – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	The greater of one-half the height of the main building or 3 m	The greater of one-half the height of the accessory building or 3 m
Minimum rear yard	The greater of one-half the height of the main building or 3 m	The greater of one-half the height of the accessory building or 3 m
Maximum height	15 m	7.5 m
Maximum lot coverage	50%	10%

- 4) No accessory building or structure may:
- a) be used for agricultural uses;
 - b) be used for the keeping of livestock or household pets; and
 - c) except for a gatehouse or security office, be placed erected or altered so that is closer to the front lot line than the main building or structure.
- 5) Where yard lights are provided in connection with an industrial use, all such lighting shall be directed inwardly toward the subject lot and away from neighbouring buildings.
- 6) Where a lot in the Industrial Zone abuts the Mixed Use “MU”, Commercial “C”, Institutional “INST”, Green Belt “GB”, Recreational “REC”, or a Residential Zone, such lot shall not be developed for an industrial use unless provision is made for an appropriate screening facility, such as a hedge, solid-board fence, or earth berm or a combination thereof, as approved by the Development Officer.
- 7) Storage of goods and materials shall be subject to the following provisions:
- a) open storage shall not be permitted adjacent to a public right-of-way or in the front yard of any industrial use, unless screened from view with a solid-board fence or landscaped buffer, including a hedge or shelter belt of trees; and

- b) open storage shall not be permitted along the side yard of a “I” Zone property line that abuts any Recreational “REC”, Commercial “C”, Institutional “INST”, Mixed Use “MU”, Green Belt “GB”, or Residential (“R1” and “R2”) Zone.

6.6 INSTITUTIONAL – “INST” ZONE

- 1) In an “INST” Zone, any land building or structure may be used for the purposes of, and for no other purpose than:
 - a) one or more of the following main uses:
 - i) an institutional use;
 - ii) a funeral home;
 - iii) a day care centre;
 - iv) a community placement residential facility;
 - v) a park or playground;
 - vi) a recreational facility
 - b) the following main uses, subject to terms and conditions as may be set by the Commission:
 - i) a residential use in a former institutional building;
 - ii) a commercial use in a former institutional building;
 - iii) a sewage treatment facility, subject to terms and conditions as may be set by the Commission;
 - c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in a “INST” Zone unless the following provisions are met:

INST ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	7.5 m	7.5 m
Minimum rear yard	7.5 m	7.5 m
Maximum height	15 m	The lesser than, the height of the main building or 9 m
Maximum coverage	50%	10%

6.7 RURAL AND RESOURCE - “R&R” ZONE

- 1) In an “R&R” Zone, any land, building or structure may be used for the purpose of, and for no other purpose than:
 - a) one or more of the following main uses:
 - i) a one-unit dwelling;
 - ii) a forestry use or agricultural use; subject to section 5.2.6
 - iii) a recreational facility;
 - b) one or more of the following secondary uses:
 - i) a home occupation, subject to section 5.2.1;
 - ii) a bed and breakfast subject to section 5.2.2;
 - iii) a day care home;
 - iv) a one-unit dwelling secondary to an agricultural use;
 - v) the keeping of hens associated with a one-unit dwelling, subject to subsection 5.2.3;
 - c) the following secondary uses, subject to terms and conditions as may be set by the Commission:
 - i) a garden suite, subject to section 5.2.4;
 - ii) a special care home;
 - iii) a day care centre;
 - iv) the keeping of livestock associated with a one-unit dwelling, subject to subsection 5.2.6;
 - d) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.
- 2) No building or structure may be placed, erected or altered in an “R&R” Zone unless the following provisions are met:

R&R ZONE – Building and Structure Requirements		
Lot Component	Main Building or Structure	Accessory Building or Structure
Minimum front yard	7.5 m	7.5 m
Minimum side yard	The greater of one-half the height of the main building or 3 m	The greater of one-half the height of the accessory building or 3 m
Minimum rear yard	The greater of one-half the height of the main building or 3 m	The greater of one-half the height of the accessory building or 3 m

Maximum height	15 m	11 m
Maximum coverage	50%	25%

6.8 RECREATIONAL - “REC” ZONE

- 1) In a “REC” Zone, any land, building, or structure may be used for the purpose of, and for no other purpose than:
 - a) one or more of the following main uses:
 - i) a recreation facility; and
 - ii) a park or playground;
 - b) accessory buildings or structures or uses incidental to the main use of land, building or structure, if such main use is permitted by this section.

6.9 GREENBELT - “GB” ZONE

- 1) In a “GB” Zone, any land, building, or structure may be used for the purpose of, and for no other purpose than:
 - a) one or more of the following main uses subject to terms and conditions that may be imposed by the Commission:
 - i) a forestry use or an agricultural use;
 - ii) a park or playground; and
 - b) accessory buildings or structures or uses incidental to the main use of land, building or structure, if such main use is permitted by this section, are permitted subject to terms and conditions as may be set by the Commission