



By-law 33R2021

Edmundston Zoning By-Law



A- ZONING REQUIREMENTS



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1. Title and Scope

Title: Edmundston Zoning By-law

1.1 This by-law:

1.1(1) divides the municipality into zones;

1.1(2) prescribes:

- a) The purposes for which land, buildings and structures in a zone may be used in terms of main, secondary or accessory uses;
- b) The mandatory standards for land use, installation, erection, alteration and use of buildings and structures;
- c) The prohibited uses of land, buildings and structures for any other purpose.



2. Application and Interpretation

2.1 Application

2.1(1) Powers of the Development Officer

- a) The Development Officer, or his designate, shall be charged with the general administration of this by-law.

- b) The Development Officer ensures that an application is complete by requiring the following:
 - (i) requests for variance, conditional use or temporary use approval include the application fee of \$250;
 - (ii) supporting documentation and any necessary information, as defined by the Development Officer, to process the various types of development applications and / or any information required for a proper review are provided;
 - (iii) notwithstanding subparagraphs (i) and (ii), the Development Officer reserves the right not to proceed with an application deemed incomplete from the perspective that there is insufficient information provided to assess the overall impact of the development in question or adjacent properties.

- c) Anyone wishing to obtain a permit under this section shall submit an application to the Building Inspector which:
 - (i) is filed on the form obtainable from the office of the Building Inspector;
 - (ii) is signed;
 - (iii) indicates the proposed development or new use of the land, building or structure, or the portion of it that is targeted;
 - (iv) illustrates the location, extent and layout of the proposed development or new use on one or more plans drawn to scale;
 - (v) includes such other information as may be required by the Development Officer to ascertain whether the proposed development or new use complies with the provisions of this by-law.

- d) No permit approved by a development officer shall be required for the following developments, even if these developments must always comply with the provisions of this by-law:
 - (i) a change to the message of a sign provided for in subsection 7.3(3) or a sign exempted by subsection 7.3(8);
 - (ii) a building or structure for public utilities;
 - (iii) the sale or fresh seasonal produce referred to in subsection 6.3(10).



- e) Variance granted by the Development Officer
 - (i) The Development Officer shall, subject to terms and conditions that considers fit, permit a reasonable variance from the requirements of the Zoning By-law in accordance with subsection 55(2) of Act;
 - (ii) If the Advisory Committee has made a decision regarding an application for a variance, the Development Officer may not use his powers to rule on the same application;
 - (iii) If the Development Officer makes a decision on a variance application request, the same application may not be forwarded to the Advisory Committee for a decision.

- f) Decision taken by the Advisory Committee
The Development Officer shall not issue a development project approval on any application reviewed by the Advisory Committee until the Advisory Committee has rendered its decision, and any conditions required by the Advisory Committee or this by-law have been met.

- g) Zoning letters and fees
The Development Officer shall ensure that:
 - (i) upon receipt of an application fee in the amount of \$100, he issues a letter of confirmation regarding the zone applied to the said property;
 - (ii) upon receipt of an application fee in the amount of \$100, he issues a letter of confirmation regarding compliance of the use of the property with the zone and that a review of a survey certificate indicates that the property is in compliance with the standards of said zone.

- 2.1(2) Powers of the Advisory Committee
 - a) Conditional uses
 - (i) Where conditional uses are permitted in this by-law, these uses shall be approved by the Advisory Committee and subject to such terms and conditions that may be imposed by the Advisory Committee. The Advisory Committee shall prohibit a conditional use if it is determined that it is unreasonable to comply with the terms and conditions imposed.

 - b) Temporary uses
The Advisory Committee, subject to terms and conditions it considers appropriate:
 - (i) may authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
 - (ii) may authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this by-law if the applicant holds an authorization under paragraph a) that is to expire or has expired and an application with respect to the land has been made to amend this by-law;



(iii) shall require the termination or removal of a development authorized under paragraph a) at the end of the authorized period.

c) Advisory Committee delegation of power to Development Officer

The Advisory Committee:

- (i) may delegate its authority regarding one-year temporary use approval as outlined in paragraph 2.1(2)b) to the Development Officer,
- (ii) may authorize a delegate under subparagraph 2.1(2)c)(i) to further delegate his authority under this same subparagraph to any person.

d) Unsuitable geology, location or topography

The Advisory Committee may prohibit the erection of any building or structure on any site where it would otherwise be permitted under this by-law when, in its opinion, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for a proposed purpose due to its geology or topography.

2.1(3) Powers of Council

a) Amendments to the zoning by-law and agreements under section 59 of the Act.

A person who seeks to have this by-law amended:

- (i) shall submit a written and signed application to council;
- (ii) shall, where the application involves rezoning an area of land from one zone to another, include therewith:
 - (A) a statement as to the ownership thereof; and
 - (B) the signature of at least one owner of each parcel of land therein.
- (iii) notwithstanding subparagraph 2.1(3)a)(ii), Council may initiate a zoning by-law amendment without the signature of the owner(s) of the parcel(s) of land involved in the rezoning, provided that the amendment obtains the support of a majority of Council members;
- (iv) shall include such information as may be required by the Development Officer for the purpose of adequately assessing the proposal;
- (v) all applications shall be accompanied by an application fee of \$1,000;
- (vi) Council may return all or part of the fee required to the applicant to have this by-law amended.

b) Same or similar applications

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

- (i) in the case of a rezoning, is in respect to the same area as the original application and, is in all significant aspects, intended to seek the same zoning originally sought or to obtain the same zoning changes as originally sought;
- (ii) not being in relation to rezoning is similar to the original application.



- c) Dilapidated, dangerous or unsightly buildings or structures
When, in the opinion of the council, a building or structure is dilapidated, dangerous or unsightly, the Council may:
 - (i) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof;
 - (ii) acquire the parcel of land on which such building or structure is situated.

- d) Utilities and infrastructure
No building may be erected unless arrangements, to the satisfaction of the Municipal Council, have been made for the supply of electrical power, water, storm water, sewage, streets, or other services or facilities.

- e) Municipal facilities and sale of alcohol
The sale, distribution and consumption of alcohol may occur within or on property or facilities owned or operated by the City of Edmundston, and such activities shall be subject to such municipal council approved policy in effect, and, if applicable, the provisions of the Liquor Control Act of New Brunswick.

2.2 Interpretation

2.2(1) Language

- a) In the case of discrepancy between the English and French versions, the French version prevails.

- b) Depending on the context, the masculine or feminine applies, where appropriate, to physical persons of either sex, and, where applicable, the use of a word in singular form shall also apply to the plural form and vice versa.

- c) Other parts of speech and grammatical forms of a defined term have a corresponding meaning.

- d) The term "used" must include "designed for use", "developed" and "designed". All other terms must retain their traditional meaning, except those defined below.

2.2(2) Reference to acts and by-laws

Each reference to the Planning Act or any other provincial or federal Act refers to the most recent version of the revised New Brunswick or Canadian Acts, as appropriate. In each case, references to the Planning Act or any other Act are deemed to also apply to any applicable amendments and replacement legislation.



2.2(3) Other by-laws, permits and licenses

Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of any by-law of the City of Edmundston in force, or the obligation to obtain any permit, authority or approval required under any municipal by-law. In the event of conflict between this by-law and any other by-law (except by-law 32R2019 and its amendments), the most restrictive by-law shall prevail.

2.2(4) Measurements

- a) For convenience of reference, this by-law may indicate measurements in both metric units and imperial units. However, in the event of inconsistency between measures, the metric measure prevails.
- b) When measuring a required distance between a property line and a building or structure or between two buildings or structures, the measurement is made at the least distance between the two.
- c) All measurements and distances shall be made along horizontal planes and not by following the topography or slope of the land.

2.2(5) General prohibitions

- a) No land, building or structure shall be used or occupied for purposes other than those expressly listed under "Permitted uses" in the zone where the land, building or structure is located.
- b) No building or structure may be placed, constructed, erected, moved, sited, altered or enlarged for purposes other than those expressly permitted in that zone.

2.2(6) Layout and numbering

These provisions are divided in part using the following numbering system:

12	Part
12.4	Section
12.4(9)	Subsection
12.4(9)d)	Paragraph
12.4(9)d)(i)	Subparagraph
12.4(9)d)(i)(A)	Clause

2.2(7) Abbreviations

GFA	Ground floor area
HA	Hectare
m	Metre
m ²	Square Metre
MIN	Minimum



MAX	Maximum
PID	Parcel identification number
N/A	Not applicable

2.3 Development area

2.3(1) The geographical area within the Edmundston boundaries is divided into zones, which are illustrated on the zoning map attached as Schedule A hereto.

2.3(2) Zone boundaries

The following conditions apply to zone boundaries:

- a) when a zone boundary is indicated as following the lot line, it is deemed to be on the lot line;
- b) when a zone boundary is indicated to be adjacent to the lateral boundary of a road, driveway or street, the lateral boundary of that traffic lane is deemed the zone boundary;
- c) when a zone boundary is indicated as following an electrical transmission line right-of-way, railway right-of-way or watercourse, a line midway on such right-of-way or watercourse shall be considered the boundary between zones;
- d) when a zone boundary is indicated as following the municipality boundary, the municipality boundary shall be considered the zone boundary;
- e) if, after the adoption of this by-law, an element mentioned in this section ceases to exist, the centre of the former element shall be considered the zone boundary;
- f) when fill was placed along a body of water to create land, the edge of the backfilled lot along the water shall be considered the zone boundary directly adjacent to the embankment, provided that the horizontal extent of the embankment does not exceed 150 m²;
- g) in all other cases, the zone boundary is determined by measures taken directly on the zoning map.

2.3(3) When a lot is located within more than one zone, the conditions for each zone apply to the corresponding area of the lot.

2.3(4) Based on the Land Use Plan defined by the Municipal Development Plan, the zones are as follow:

- a) Living environment
 - R1 – Single-unit dwelling
 - R2 – Urban
 - R3 – Densification
 - RM – Mobile home



- b) Commercial services
 - C1 – Central urban
 - C2 – Urban neighbourhood
 - C3 – Faubourg Victoria
 - C4 – Regional gateway

- c) Industrial complexes
 - I1 – Mixed Industrial
 - I2 – Edmundston Nord Industrial Park
 - I3 – Heavy industrial
 - I4 – Extraction and environment

- d) Rural
 - RU – Rural

- e) Tourism and recreation
 - TRE – Recreational equipment

- f) Land reserve
 - LR – Land reserve

- g) Conservation
 - CONS – Conservation

- h) Community
 - LI - Large institution



3. Definitions

3.1 Unless otherwise indicated, the following definitions apply to these provisions:

“Accessory building” means any building located on the same lot as the construction or the main building to which it is accessory, and which is not used for habitation. (*bâtiment accessoire*)

“Accessory structure” means a structure which is incidental to a primary use and, in the broadest sense of the definition, includes, but is not limited to, swimming pools, patios, platforms, terraces, balconies, exterior stair. (*structure accessoire*)

“Act” refers to the Community Planning Act (2017, c. 19) and the amendments thereto. (*Loi*)

“Advisory Board” means the Edmundston Planning Advisory Board, as created under the Community Planning Act (sect. 3) (*comité consultatif*)

“Balcony” means a horizontal platform that is attached to a building above the first storey floor level and is intended for use as an outdoor private amenity space. (*balcon*)

“Basement” means the portion of a building between two floor levels which is partly below grade but which has at least 50% of its clear height from finished floor to finished ceiling, below the average adjacent finished grade level. (*sous-sol*)

“Berm” means an earth embankment in the form of a linear mound often combined with fencing or planting to create a visual or sound barrier. (*talus*)

“Building” means any structure formed of rigid exterior walls covered with a roof serving, or intended, to house people, animals, or personal property. It can be fabricated on site or prefabricated and installed on the lot. (*bâtiment*)

“Building area” means the largest horizontal area of the building at or above ground, calculated between the outer faces of the exterior walls or from the exterior face of the exterior walls to the centre line of the fire walls, including garages and carports. (*aire de bâtiment*)

“Building by-law” means the Edmundston Building By-law, by-law No.21R2021 and amendments thereto (*Arrêté de construction*).

“Cannabis” means cannabis as defined by the Government of Canada, pursuant to the Cannabis Act. (*cannabis*)

“Carport” means a private garage of not more than 4 m in height, having a roof supported by columns or piles and enclosures and open to the extent of 50% of the total potential wall area, not including the wall of a building to which a carport is attached and is intended to be used for vehicle parking. (*abri d’auto*)

“City” refers to the city of Edmundston (*ville*)

“Commercial vehicle” means a motor vehicle used for commercial purposes having permanently attached thereto a truck or delivery body and includes ambulances, hearses, motor buses, tractors, and transport trucks. (*véhicule utilitaire*)

“Confirmation of completion” means a document drawn up by a qualified professional indicating that the construction authorized by the permit has been carried out in accordance with the specifications and detailed plans submitted to the inspector for the application of the permit. (*confirmation d’achèvement*)

“Council” refers to the municipal council of the city of Edmundston. (*conseil*)

“Curb cut” means the cutting or lowering of a curb to provide for vehicular access to a site. (*bateau de trottoir*)



“Cut” means the volume of earth that is removed by excavation. (*déblai*)

“Deck” means an uncovered, horizontal structure where the surface is at least 0.6 m above grade at any point and is meant to be used as outdoor amenity space but does not include a balcony. (*terrasse*)

“Demising wall” means a wall erected at or upon a line separating two units, each of which is or is capable of being, held in separate legal ownership. (*mur mitoyen*)

“Density” means the maximum number of dwelling units authorized on a lot expressed in dwelling units per hectare or the minimum lot area per dwelling unit. (*densité*)

“Design” means the organization or composition of a building or open space. (*design*)

“Development” means development as defined in the Community Planning Act, 2017, c. 19 and amendments thereto. (*aménagement*)

“Development Officer” designates the person appointed by municipal council as director of municipal planning under subsection 10(1) of the Community Planning Act; This also covers the persons to whom the director of municipal planning delegates the authority to apply this by-law under the Community Planning Act. (*agent d’aménagement*)

“Domestic animals” mean dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, fishes, rabbits or other similar animals kept primarily indoors for the personal enjoyment or companionship of the resident. (*animaux domestiques*)

“Dwelling” means a building containing dwelling unit(s). (*habitation*)

“Dwelling unit” means a room or a suite of two or more rooms for the use, or intended for the use, by one or more individuals that contains kitchen, living, sleeping and sanitary facilities. (*logement*)

“Easement” means a right to use land, most commonly for access to a property or as a right-of-way for a utility service. (*servitude*)

“Eave line” means the horizontal line formed by the intersection of the wall and roof of a building. (*ligne de l’avant-toit*)

“Erect” means to construct, assemble, move a building or structure, including preparatory work for the construction, assembly or removal of a building or structure. (*édifier*)

“Façade” means the exterior wall of a building facing on the street. (*façade*)

“Fill” means the earth, soil, or other material used to alter the existing topographic relief of an area or to adjust the level of an excavation. (*remblai*)

“Floodplain” means an area of land below the 100-year flood line as established by the Department of Environment and Local Government. (*plaine inondable*)

“Floor area” means, for all floors of a building, the area delimited by the exterior walls and fire walls and including the area occupied by the interior walls and partitions, but not that of basements, exits and technical space verticals that cross the floor. (*aire de plancher*)

“Foundation height” means the maximum height of the finished grade level, above the basement floor or the grade inside the building. (*hauteur de fondation*)

“Garage” means an accessory building or part of a main building designed and intended to be used for the storage of motor vehicles. (*garage*)

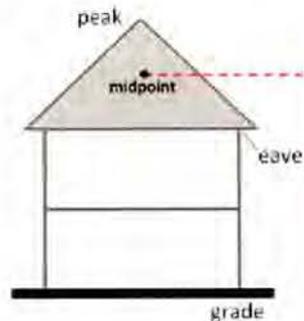
“Grade” means the average elevation of the finished ground surface adjacent to a building, excluding localized depressions such as vehicle or pedestrian entrances and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structure. (*niveau du sol*)

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

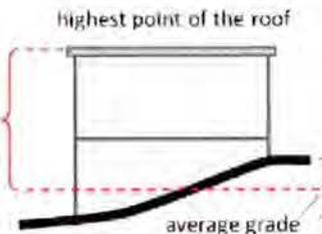


“Height” or **“building height”** means the vertical distance measured from average finished grade to the highest point of the roof surface in the case of flat roofs, or to a point midway between the peak and eave line in the case of pitched roofs, excepting equipment or features such as tanks, elevator penthouses, spires, skylights, cupolas, and similar structures which occupy less than 10% of the volume of the building. (*hauteur ou hauteur d’un bâtiment*)

Pitched or slanted roof structure



Flat roof structure



“Home occupation” means the use of a dwelling unit by the resident for a business within the home that is limited in scale and intensity so that only a very limited impact from the operation of the business is observed or felt outside of the dwelling unit. (*activité professionnelle à domicile*)

“Landscaped area” means the portion of a lot not used for buildings, structures, parking lots or driveways. (*aménagement paysager*)

“Limiting distance” means the distance measured perpendicularly from a radiating façade to a property line, to the axis of a street, a lane, a public thoroughfare or to an imaginary line between two buildings or compartments resistant to fire located on the same property. (*distance limitative*)

“Livable floor area” means the floor area of a building but excludes non-habitable areas such as attached garages and carports. (*aire de plancher habitable*)

“Lot” means the aggregate of one or more areas of land depicted, outlined and/ or designated on a plan of subdivision or an area of land described in a document filed or registered in a land registry office. (*lot*)

- **“Corner lot”** means a lot situated at the corner or intersection of two streets, of which two adjacent sides abut the intersecting streets, and contain an angle of not more than 135 degrees. (*lot de coin*)
- **“Interior lot”** means a lot other than a corner lot. (*lot intérieur*)
- **“Lot area”** means the total area within the property lines of a lot, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a riverbank, or watercourse. (*superficie du lot*)
- **“Lot depth”** means the horizontal distance between the front and rear property lines. (*profondeur du lot*)
- **“Lot frontage”** means the continuous linear distance measured along a public street. Where a lot abuts two streets, the lesser property line shall be deemed the lot frontage. In the case of a curved street or where side property lines are not parallel, lot frontage means the distance between the side property lines of the lot at the required front yard setback measured as: (a) parallel to the street, or (b) parallel to the mid-point tangent in a curved street. (*façade du lot*)

“Lot coverage” refers to the desired proportion between the area of the building(s) (with or without indoor parking, as the case may be) and the total area of the land, also means Ground floor area.



(*coefficient d'emprise au sol*)

"Nit" designates the unit of luminance equal to one candela per square metre, the area being measured perpendicular to the rays of the source. (*nit*)

"Parcel" – Refer to **Lot**. (*parcelle*)

"Permit" means an approval for a development, as defined by section 108 of the Act, or a building or demolition permit as defined by the Building Code Administration Act (2020, c.8). (*permis*)

"Porch" means a roofed, open structure attached to the exterior of a building with walls that are open to the extent of at least 50%, except by insect screening, and includes verandas. (*porche*)

"Portable garage" means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and / or the covering of driveways. (*abri d'auto temporaire*)

"Portico" means a narrow porch leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls. (*portique*)

"Private road" means a road right-of-way which has not been vested in the city of Edmundston, and which provides access to one or more lot(s). (*rue privée*)

"Projection" designates the part of a building extending along the plane of a wall (porches, cornices, balconies, galleries, verandas, drums, porches, awnings, signs, exterior staircases, fireplaces, bay windows). (*saillie*)

"Property line" means any boundary of a lot or the vertical projection thereof. (*limite de propriété*)

- **"Front property line"** means in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter property line abutting a street shall be deemed the front property line. Where a corner lot has the same dimensions on the two streets upon which it abuts, the property line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front property line. (*limite avant de la propriété*)
- **"Rear property line"** means the property line farthest and opposite from the front property line. (*limite arrière de la propriété*)
- **"Side property line"** means a property line other than a front or rear property line. (*limite latérale de la propriété*)

"Proportion" means the relationship of dimensions of elements to the whole and to each other. (*proportion*)

"Recreational vehicle" means a unit intended for temporary accommodation for travel, recreational or vacation use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, and tent trailers. (*véhicule récréatif*)

"Resource extraction site" means a place where earth, gravel, sand, stone or other forms of aggregate or materials are extracted. (*site d'extraction de ressources*)

"Retaining wall" means a wall erected to hold back or support a bank of earth, a wall subjected to lateral pressure other than wind pressure or an enclosing wall built to resist the lateral pressure of internal loads. (*mur de soutènement*)

"Roofline" means the slope and / or shape of a roof. (*ligne de toiture*)

"Scale" means the sense of proportion and size created by the placement of buildings on a street, as perceived by a pedestrian. (*échelle*)

"Screen, screened or screening" means the total or partial concealment of a building, equipment, structure or activity by a berm, fence, vegetation or wall. (*masquage*)

"Setback" means the minimum horizontal distance between the property line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if



specified elsewhere in this by-law. (*marge de retrait*)

- **"Front yard setback"** means the minimum horizontal distance between the front property line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this by-law. (*marge de retrait de la cour avant*)
- **"Side yard setback"** means the minimum horizontal distance between the side property line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this by-law. (*marge de retrait de la cour latérale*)
- **"Rear yard setback"** means the minimum horizontal distance between the rear property line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of the building if specified elsewhere in this by-law. (*marge de retrait de la cour arrière*)

"Site" means an area of land which is occupied or is to be occupied by one or more main buildings, structures or uses, and includes all yards and landscaped areas required by this by-law. (*site*)

"Slope" means the ratio between the vertical projection of an inclination and its horizontal projection. A slope is expressed as a percentage or as a proportion. (*pente*)

"Steep slope" means any embankment more than 4 m high and with a slope of 25% or more. (*forte pente*)

"Street" means a dedicated public right-of-way, not normally less than 15 m in overall width, or any public right-of-way existing at the date of the passing of this by-law. (*rue*)

- **"Artery"** means a lane whose function is to ensure the movement of high volumes of traffic of all types of vehicles at speeds ranging from medium to high. Arteries generally connect to collector streets, other arteries and highways. The amount of direct access to adjacent development is limited on arterial roads. (*artère*)
- **"Collector street"** means a road whose function is as much to provide land access as to move traffic. Collector streets generally carry traffic between local streets and arteries. (*rue collectrice*)
- **"Local street"** refers to a route whose main function is to provide direct land access to individual properties. Local streets are generally designed to carry low traffic volumes over short distances and are normally connected to other local streets and collector streets. (*rue locale*)

"Storey" means that portion of a building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it. (*étage*)

"Street line" means the division line between a street and abutting property. (*alignement*)

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

"Subdivision by-law" means the Edmundston Subdivision By-law, by-law No. 27 and amendments thereto (*Arrêté de lotissement*).

"Swimming pool" means an artificial body of water which is used for swimming or wading purposes and which has a possible maximum depth of water greater than 0.6m. (*piscine*)

"Urban boundary" means the planned limit of the expansion of housing in the city of Edmundston as determined in the Municipal Development Plan. (*périmètre urbain*)

"Use" means the purpose for which land or a building or structure or any combination thereof, is



designed, arranged, erected, occupied, or maintained. (*usage*)

“**Veranda**” - Refer to “porch”. (*véranda*)

“**Watercourse**” means the full width and length, including the bed, banks, sides and shorelines, or any part of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch, or other natural or artificial open-air stream. (*cours d’eau*)

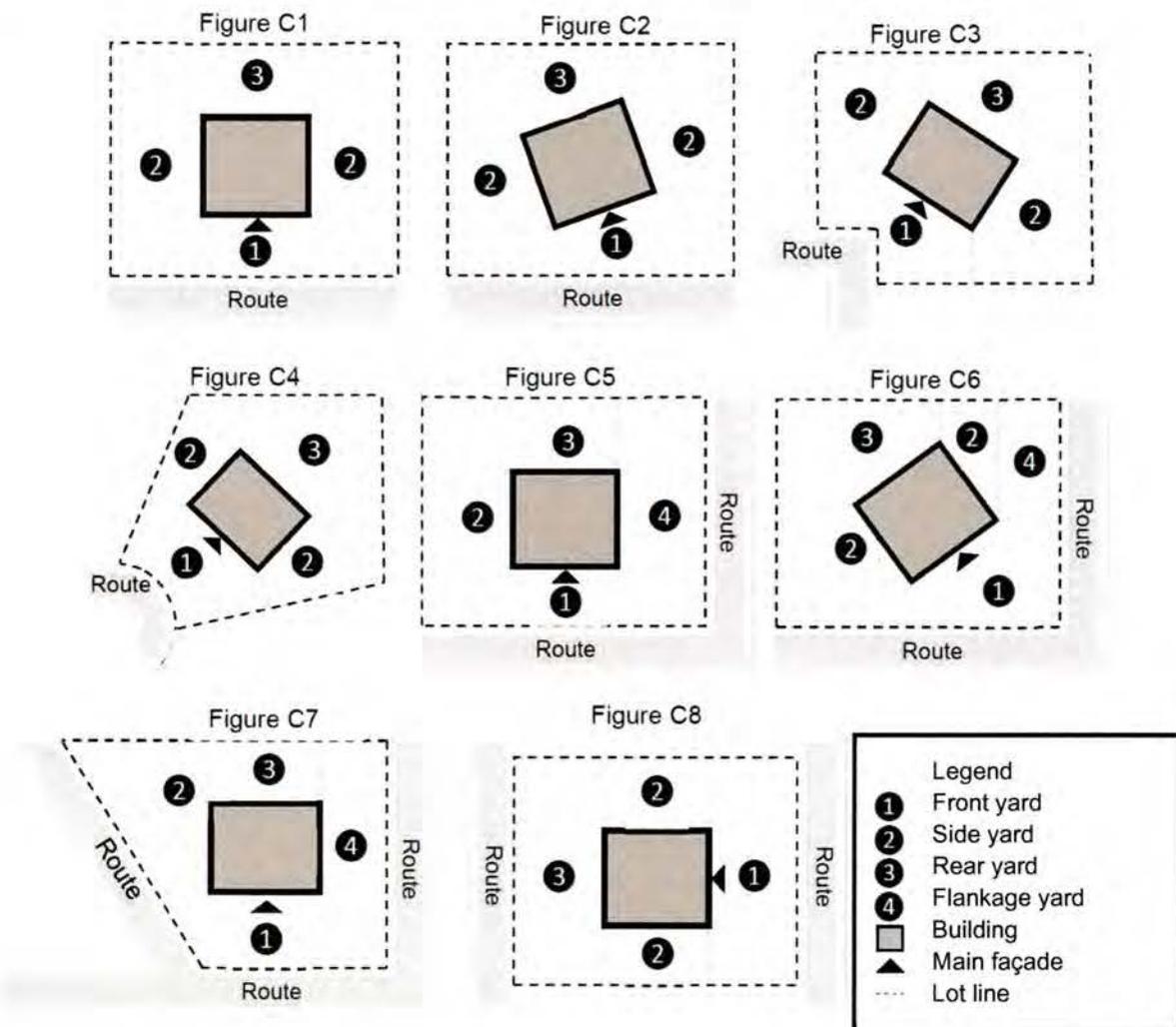
“**Yard**” means the open, uncovered areas on a lot as they relate to a building. (*cour*)

- “**Flankage yard**” means the side yard of a corner lot adjoining a street (*cour de flanc*)
- “**Front yard**” means the area of a lot extending across the full width of the lot between the front property line and the nearest wall of the building on the lot. (*cour avant*)
- “**Rear yard**” means the area of a lot extending across the full width of the lot between the rear property line and the nearest wall of the building on the lot. (*cour arrière*)

“**Side yard**” means the area of a lot extending from the front yard to the rear yard between the side property line of the lot and the nearest wall of the main building on the [Attirez l’attention du lecteur avec une citation du document ou utilisez cet espace pour mettre en valeur un point clé. Pour placer cette zone de texte n’importe où sur la page, faites-la simplement glisser.]

- lot. (*cour latérale*) (Figure 1)

Figure 1





4. General Development Provisions and Standards

4.1 Environment

4.1(1) Surface water drainage

- a) Surface water drainage shall be done in such a way as to allow the natural water drainage from the development lot and neighbouring lots.
- b) Surface water must be directed to the municipal storm sewer systems if such is the case. If not, surface water shall be directed to the street or a dry well (or dispersal drain).
- c) Owners are responsible for connecting their land drainage system to appropriate storm sewers or ditches. They must not, at any time and in any way, allow the surface water of their property to flow on neighbouring properties without prior consent.
- d) An owner wishing to develop a property that is not subject to an area drainage plan will be required to submit a drainage plan prepared by a certified engineer and member of a professional organization recognized by the Province of New Brunswick in order to obtain approval from the Director of the Public Works Department or his agent, before a permit can be issued.
- e) The filling of a ditch is prohibited without having obtained the approval of the director of the Public Works Department or his agent.

4.1(2) Topsoil removal

- a) Subject to the specific provisions of this section, no person shall strip, excavate, or otherwise remove topsoil for sale or for use from a lot or other parcel of land.
- b) Where, in connection with the construction of a building or structure, there is an excess of topsoil other than that required for grading and landscaping on the lot, such excess shall be removed for sale or for use.

4.1(3) Limiting distances

- a) Notwithstanding any other provision of this by-law, no building or structure may be placed, erected, or altered within:
 - (i) Subject to approval from the Department of Environment, 30 m of any body of water or watercourse for a main, secondary, or accessory building (with foundation);
 - (ii) 15 m of any body of water or watercourse for an accessory building provided that it is installed on blocks and that the development of the



building does not require any filling or digging on the lot or any cutting of trees;

- (iii) 100 m of a settling reservoir or treatment plan;
- (iv) At the limit of a right-of-way or easement for a high-voltage power line, or any other public utility;
- (v) 15 m of an operational railway right-of-way.

4.1(4) Sight triangle

On any corner lot within the triangular space included between property lines abutting a public street of a distance of 6 m from their point of intersection, no building or structure shall be erected, and no shrubs or foliage shall be planted or maintained within 6 m of the point of intersection of the property lines abutting a public street, which would obstruct the view of a driver of a vehicle approaching the intersection.

4.2 Access, parking and loading

4.2(1) Access

a) General provisions

- (i) No person shall erect or use a building or structure or use any lot unless the lot abuts or fronts on a public street or otherwise achieves satisfactory access to a public street.
- (ii) Unless otherwise provided for in this by-law, all driveways shall manage surface water and be paved or surfaced with dust-free crushed rock, gravel or road foundation.
- (iii) No driveway shall meet the travelled portion of the street at an angle of less than 70 degrees.
- (iv) A lot abutting a collector or arterial street and a local street, only one access to the collector street or arterial street shall be permitted.
- (v) These access provisions apply to all new land, to new main buildings opening onto a collector street or onto an artery.

b) Location

- (i) All access locations and curb cuts shall be approved by the Development Officer, in consultation with the Director of the Public Works Department or his agent.
- (ii) Except for shared driveways, a driveway aisle shall be located no less than 1 m from the side lot line on which it is located.
- (iii) Unless demonstrated by an engineering study demonstrating the safety of the design, a driveway must be at a minimum distance from the point where the street line of two streets intersect:
 - (A) at least 6 m for a local street or;
 - (B) at least 12 m for a collector or arterial street;
 - (C) at least 30 m if traffic is controlled by traffic lights;



- c) **Number**
 - (i) One driveway shall be permitted for lots of 30 m or less of the street façade;
 - (ii) Two driveways shall be permitted for lots of 30 m or more of the street façade;
 - (iii) For a corner lot, one additional driveway shall be permitted provided that only one driveway is permitted on each street;
 - (iv) A U-shaped driveway or a driveway with two exits is a two-way driveway and shall thus be permitted with a façade greater than 30 m.

- d) **Width**
 - (i) For any lot, the minimum driveway width is 3 m;
 - (ii) For a lot abutting a local street, the maximum driveway width is one third of the width of the lot, up to a maximum width of 10 m (outside the radii of curvature);
 - (iii) For a lot abutting a collector street or an arterial street, the maximum width is 12 m;
 - (iv) For semi-detached dwellings and townhouses, each dwelling's separate driveway shall have a maximum width of 5 m and common driveways a maximum width of 10 m.

4.2(2) **Parking**

- a) **Design**
 - (i) Vehicles shall not be parked in a landscaped area;
 - (ii) All parking spaces and circulation aisles shall manage surface water, be surfaced with a durable and dustproof coating so as not to adversely affect the occupants of adjacent properties;
 - (iii) Parking lots and circulation aisles shall meet the following minimum requirements:

Size of parking spaces and aisles, in m (minimum)			
	Parallel	Perpendicular (90 degrees)	Angled (45 degrees)
Minimum Width	2.75	2.75	2.75
Minimum Length	6.7	5.50	5.50
Minimum Aisle Width	6.0 (3.5 for one-way)	6.0	4.0 (one-way only)
Height Clearance	2	2	2

- b) **Parking lots**
 - (i) All parking lots except for those for dwellings of four units or less shall meet the following standards:



- (A) The first 1.2 m of all yards abutting a public or private street shall be landscaped consisting primarily of trees, flowering shrubs and perennials, landscaped berms, flower boxes, benches, decorative masonry walls or fences, or a combination thereof. The landscaped strip shall only be interrupted in order to provide access to the property;
 - (B) Be graded or drained in such a manner as to ensure that surface water will not escape to neighbouring lands;
 - (C) Ensure no parking space is located any closer than 2 m to any building;
 - (D) All existing mature trees located within a required landscaped area shall be preserved where feasible;
 - (E) Be screened and separated from any adjacent "Living Environment" zone by a minimum of 2 m wide landscaped strip consisting of coniferous and deciduous trees, shrubs, hedges, opaque fence, or combination thereof.
- (ii) In addition to the requirements of paragraph 4.2(2)b), all parking lots with more than 50 parking spaces shall be designed to the satisfaction of the Advisory Board, in accordance with the following standards:
- (A) Be surfaced with hot-mix asphalt, Portland cement, concrete, or asphalt stone chips seal coat;
 - (B) Be screened from any adjacent land used for residential purposes by a 2 m high opaque fence;
 - (C) Landscaped islands comprising a minimum area of 12 m² with at least one side being a minimum length of 2 m and consisting of at least one tree and two flowering shrubs surrounded by a concrete curb shall be provided;
 - (i) on both sides adjacent to all main driveways;
 - (ii) at the end of all rows of parking;
 - (iii) after every 20 parking stalls in a row;
 - (iv) between all parking blocks.
 - (D) Main driveway aisles shall be continuous and connect to the main entrance of the development site;
 - (E) The provision of parking spaces along main circulation driveways shall be avoided where feasible;
 - (F) Parking blocks shall be oriented to facilitate pedestrian movement down and not across rows;
 - (G) A system of pedestrian walkways shall be provided on the site to provide access between the primary entrance or entrances to each building clearly marked with the use of paint or a change in paving materials, distinguished by their colour, texture, or height;
 - (H) A continuous pedestrian walkway with a minimum width of 1.5 m shall be provided along the full length of all building façades featuring a customer entrance or customer parking lot;



- (I) Bicycle parking shall be provided on-site in a secure location in proximity to the main entrance of each building;
 - (J) Storm water management shall include surface run-off from paved parking lots directed to soft landscaped areas through curb inlets where feasible;
 - (K) Provide a complete traffic study in order to define the responsibilities of the developer in the installation of traffic management equipment (lights, signs, or others).
- c) Parking for mobility-impaired individuals
- (i) The requirements of the *National Building Code* are applicable according to the proposed use;
 - (ii) Each accessible parking space shall be at least 5.5 m wide, 5.5 m deep, and have a minimum clearance of 4.2 m;
 - (iii) There must be an accessible parking space within 30 m of the entrance to the main building it is being used for and the entrance must have a curb cut;
 - (iv) Each accessible parking space or group of adjacent accessible parking spaces is clearly marked with a ground sign or pavement markings.
- d) Parking of commercial vehicles
- (i) Only one commercial vehicle per property shall be parked overnight on any one lot in zones "R1 – Single-Unit Dwelling", "R2 – Urban", "R3 – Densification", or "RU – Rural", provided that the one commercial vehicle permitted is not more than 4,500 kg capacity and is operated by a resident of the dwelling unit;
 - (ii) It is strictly forbidden to park a commercial vehicle, a tow truck, a bus, construction equipment or a trailer on a vacant property or the use of which is part of the Housing group (subsection 6.2 (2) or if it is located in a "C1 – Urban Central" area;
 - (iii) In "RU - Rural" areas, the parking of a heavy vehicle belonging to the owner may be approved as a conditional use to which the advisory board may approve and issue the conditions deemed necessary for the quality of life of the area.
- e) Parking of recreational vehicles
- A recreational vehicle or travel trailer can be parked in a rear or side yard, more than 1.2 m from the lot line.
- 4.2(3) Loading
- a) Requirements
- (i) Occupants of any building or structure erected, converted, or altered to be used for manufacturing, storage, or commercial purposes or for any



purpose involving the use of vehicles for the receipt or distribution of materials or merchandise, shall provide and maintain a loading space.

- b) Location
 - (i) Loading or unloading spaces shall:
 - (A) have a minimum length of 9 m, a minimum width of 3 m, and an overhead clearance of 4.5 m;
 - (B) be set out in such a way that will allow goods or materials to be loaded and unloaded on the premises being served;
 - (C) be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles; and
 - (D) have a durable, dust-free surface.

4.3 Landscaped areas

4.3(1) General provisions

- a) When a development involving a main building or main structure is undertaken on a lot, landscaping must be carried out and maintained in accordance with this section.
- b) Unless otherwise provided, any area not occupied by a building, structure, parking area, driveway, pedestrian walkway, or amenity area shall be landscaped as provided in this section.
- c) Unless otherwise indicated in this by-law, required landscaping shall be extended into an abutting street right-of-way from the lot to a sidewalk, curb, ditch, or the edge of the street surface if there is no such feature.
- d) Required landscaping shall be completed within one year of the development officer's approval of the permit and, if no permit has been issued, required landscaping shall be completed within one year of the start of landscaping work.
- e) Nothing in this by-law shall prevent the development of a driveway or pedestrian walkway in a yard, whether it is a required yard or not.

4.3(2) Landscaping requirements

- a) The landscaped area must include grass, trees, shrubs, perennials and / or other plants.
- b) All vegetation in this subsection shall observe plant hardiness zones and belong to a species capable of healthy growth in New Brunswick.
- c) Any required landscaping involving lawn shall consist of topsoil spread over the ground to a minimum depth of 0.1 m after compaction and the seedling or sodding thereof.
- d) Trees within the landscaping must meet the standards set out in section 4.6 of this by-law.
- e) Adequate means of irrigating and maintaining the landscaped area shall be provided.



4.3(3) Buffer zones

- a) When a lot is developed for “Commerce” or “Industrial” uses and when said lot is adjacent to a “Residential” zone, it shall not be developed unless a landscaped buffer zone of at least 2 m wide is provided and maintained permanently along the common property lines and shall comprise the following elements:
 - (i) A conifer hedge or tree plantation comprised of at least two distinct staggered rows of conifers intended to block the view between the two rows of trees;
 - (ii) a fence, a hedge or wall of at least 1.8 m but not more than 2.5 m in height having an opacity of at least 80% shall be erected along the entire length of the shared lot lines, with the exception of the minimum required front or flankage yard; and
 - (iii) All development work shall be completed before the business starts its operations.

4.4 Filling, excavation, retaining walls and berms

4.4(1) General provisions

- a) All landscaping must be done in such a way as to preserve the natural characteristics (slope, gradient, wooded areas, etc.) related to the street, abutting properties and natural ground. The natural slopes of rest are respected, unless a study by an engineer certifying the solution is obtained.
- b) All landscaping must promote natural slope management techniques.
- c) The land’s characteristics are such that the landscaping of open areas requires filling, excavation or stabilization, the following standards apply.

4.4(2) Filling and excavation

- a) Filling and excavation operations are prohibited, except the following:
 - (i) Excavation and filling operations proposed through a drainage plan, linked with an approved development agreement;
 - (ii) Excavation operations related to a building permit, only for the perimeter of a foundation or the construction of a septic system. However, if the development of pathways, parking, or open areas is impossible, excavation and fill operations are permitted;
 - (iii) Fill operations of a maximum height of 1.0 m for landscaping related to an existing main use or proposed through a building permit.
- b) The execution of filling or excavation work shall not:
 - (i) interfere with the natural flow of surface water from adjacent lands;
 - (ii) start before the Development Officer’s approval;
 - (iii) be carried out in a steep environment (over 50%) or protected area; and
 - (iv) be executed in such a way that the lot has a slope of more than 50%.



- c) A building permit is required for any excavation and fill operation of more than 1 m in height.
- d) Contaminated soils, construction wastes, and asphalt are prohibited from use for any filling operation.
- e) Any indication of filling on a building site involves the submission of an engineering study certifying the absence of any ground movement risk and the ability of the soil to allow construction as a condition for obtaining a building permit.
- f) The provisions of subsection 3.1(4) regarding the sight triangle apply mutatis mutandis.

4.4(3) Retaining walls

- a) The building of retaining walls is allowed according to the following criteria:
 - (i) up to a distance of 0.5 m of the street line and 1.5 m of a fire hydrant;
 - (ii) shall have a maximum of 1.5 m in height per section in a front or flankage yard;
 - (iii) shall have a maximum of 2.4 m in height in a rear or lateral yard;
 - (iv) the setback between sections shall be of at least 1.0 m.
- b) Notwithstanding subsection 4.4(3), a retaining wall may exceed the maximum heights only by filing a study by an engineer certifying the absence of ground movement risks and specifying soil stabilization for erosion control.
- c) An existing retaining wall may be renovated or rebuilt regardless of previous requirements.
- d) Only the following materials shall be used to build or rebuild a retaining wall:
 - (A) brick;
 - (B) natural stone;
 - (C) treated wood and cedar;
 - (D) architectural concrete blocks;
 - (E) concrete poured on the site.

4.4(4) Berm

- a) The berm's angle shall be less than 50 % to grade.
- b) A berm with an angle greater than 50 % can be allowed only with the submission of an engineering study certifying the absence of ground movement risk and specifying the methods of soil stabilization to control erosion.
- c) The berm shall be grassed, landscaped with plants or natural stones no less than one year after the beginning of work.
- d) Until the berm is developed in accordance with the requirements of this section, approved sedimentation management must be provided.
- e) Graded berms shall not need a building permit but shall comply with this by-law.

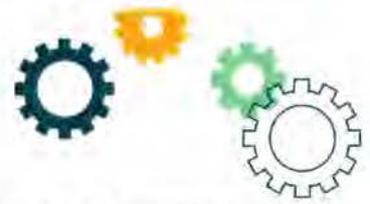


4.5 Steep sloped areas

- 4.5(1) All work or constructions are prohibited within an area with a steep slope of 50% or more, except for interventions involving the placement of recreational equipment.
- 4.5(2) Excavation or filling work shall only be carried out in a steep-sloped area by applying for and obtaining a permit for a main building.
- 4.5(3) Any portion of a lot with a slope of 15% or more shall not be considered as part of that lot for the purposes of calculating the minimum lot area.

4.6 Planting trees and shrubs

- 4.6(1) The placement of any new main building from the “Housing” uses group involves the planting of a tree in the front yard unless a tree cannot be planted because of a lack of space that would hinder its placement and the development of other trees present on the site. The planted tree shall be at least 30 mm in diameter, measured 1 m from the ground.
- 4.6(2) The placement of any new main building from the “Commerce”, “Industrial”, or “Public and Institution” uses groups involves the planting of trees that are at least 60 mm in diameter, measured 1 m from the ground. For every front or flankage yard, one tree must be planted every 10 linear m of frontage.
- 4.6(3) **Deadline**
The planting of trees required for a new structure shall be done in the year following the expiry date of the permit, at the latest.
- 4.6(4) **Clearing requirements**
 - a) Trees shall not be planted less than 1.5 m from the rear lot line of a public sidewalk or less than 2.5 m of a street curb.
 - b) Trees shall not be planted less than 3 m from a standpipe, underground utility pipeline (sewer, water systems, drainage well and cut off valve) or pool.
 - c) Large-growing trees (maple, ash, oak, etc.) shall not be planted less than 10 m from an electric pole.
 - d) Hedges shall not be planted less than 1 m from the street line. Hedges shall not be planted less than 1.5 m from a fire hydrant and from sidewalks.
 - e) Trees such as silver maples as well as willows, poplars and other trees from this same family shall be located at least 15 m from a public sidewalk, public curb, traffic lane, underground utility pipeline (sewer, water systems, drainage well and cut off valve), foundation wall or pool. These trees are to be used in large parks.



4.6(5) Hedges

- a) Hedges shall be located inside a private property. Hedges shall never encroach upon a traffic lane right-of-way.
- b) Hedges shall be well maintained. They must be designed to avoid injuries. It is prohibited to have an electric current to pass through hedges.
- c) In a front yard and inside the sight triangle, the maximum height for hedges, measured from the ground adjacent to said hedges, is 1 m.
- d) Hedges shall not be considered as fences when these fences are required pursuant to a municipal by-law (i.e. around a pool or between certain uses).

4.7 Other provisions

4.7(1) Screening of mechanical equipment

With the exception of developments located in industrial zones, any mechanical equipment located outside of a building shall be hidden from a public street with a plant screen or material designed to harmonize with the building architecture.

4.7(2) Outdoor lighting

All outdoor lighting shall be located and arranged so that no direct rays of light are directed at any adjoining lot or passing vehicular traffic or interfere with the effectiveness of any traffic control devices.

4.7(3) Garbage storage areas

- a) No garbage storage area shall be located in a required front yard, nor shall it be placed within 6 m of a single-unit dwelling residential zone.
- b) If they are to be located in a front yard, all outside storage of garbage shall be fully screened by an opaque fence of at least 2 m in height.
- c) No garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding fence.

4.7(4) Outdoor storage of firewood

- a) Storage of firewood is permitted in back and / or side yards.
- b) Outdoor bulk storage of firewood is prohibited. Firewood stored on land should be corded and neatly stacked.
- c) The firewood must be strung at a maximum height of 1.5 m and at a minimum distance of 1 m from any property line.



5. Buildings and Structures

5.1 Location of any type of building

5.1(1) Lots

No building or structure may be placed, erected or altered on a lot created after this by-law enters into force unless that lot meets the requirements of this part.

- a) Subject to paragraph 5.1(1) c), any lot not served by the municipal drinking water and sewer systems must have:
 - (i) a minimum width of 54 m;
 - (ii) a minimum depth of 38 m;
 - (iii) a minimum area of 4,000 m²;
- b) Any lot not served by municipal drinking water and sewer systems and occupied by the use of the "Dwelling" group must have the size required by the NB Public Health Act.
- c) Undersized lots
 - (i) Zones where single detached dwellings are permitted
In zones where a single detached dwelling is permitted, nothing in this by-law shall prevent the use of an undersized lot for a single detached dwelling with respect to minimum lot area, frontage and depth, provided that all other standards of the zone are met.
 - (ii) All other zones
In all other zones, nothing in this by-law, shall prevent the use of an undersized lot with respect to minimum lot area, frontage, and depth, provided that:
 - (A) the use of such lot is permitted in the zone in which it is located;
 - (B) all other standards of the zone are maintained.
 - (iii) Notwithstanding subparagraph 5.1(1) c)(ii), this section does not apply to "Vehicle Sales and Services" uses.
- d) Newly created lots
A lot may be undersized with respect to minimum lot area, frontage, and depth where it is created:
 - (i) solely for the purposes of utilities;
 - (ii) as land for public purposes;
 - (iii) for natural environment conservation purposes;
 - (iv) for a future street.

5.1(2) Density

If the density of a proposed project on a lot is less than the number of dwellings per hectare, the filing and approval of an overall development plan is required.



5.1(3) Form

- a) Unless otherwise stated, any new main structure or new main building within municipal boundaries shall be built on a lot fronting upon a public street and the driveway shall face the public street.
- b) The construction or alteration of a building in the shape of a human being, animal, food, vehicle, or other similar everyday objects is prohibited.
- c) The maximum height requirements for buildings and structures do not apply to church spires, towers, water tanks, antennas, or silos.
- d) A vehicle, a trailer, a travel trailer, and any vehicle propelled by any kind of power, shall not be used as a dwelling unit, a main building, or an accessory building.

5.1(4) Setbacks

a) Measurement

Any required setback shall be measured from the building foundation except for buildings where part of the roof projects more than 60 cm. In this case, the setback shall be measured from the most advanced part of the roof (roof edge) up to a distance of 60 cm.

b) Building line

On an interior lot where the building line, including porches, established by existing buildings or structures, is less than the required front yard setback, a main building may be placed, erected, or altered to be as close to the street line as the average setback of the existing main buildings if:

- (i) existing buildings are located on either side on adjacent lots;
- (ii) the side wall closest to each existing building is within 30 m of the side wall closest to the building, and;
- (iii) the building is placed, erected, or altered to meet any other provisions of this by-law.

5.1(5) Encroachments and projections in a yard

a) Architectural features may extend or project subject to the following standards:

		(i) Required front yard or flankage yard setback	(ii) Required rear yard setback	(iii) Required side yard setback
(A)	Cornices, chimneys, eaves belt courses, sills, canopies, bay windows, or other similar architectural features	0.6 m MAX	0.6 m MAX	0.6 m MAX
(B)	Decks, platforms, landings, stairs, and stairways	2.4 m MAX without exceeding half the required yard	Up to 2 m MAX	None permitted
(C)	Wheelchair ramps	Without limits	Without limits	Without limits

b) Subject to approval of the Advisory Board, an expansion in the required front yard up to 5.1 m may be granted in accordance with the following criteria:

- (i) Submission of plan from a competent architect or designer;



- (ii) Integration into the area;
- (iii) Maximum projection of 40% from the front façade;
- (iv) No encroachment within the sight triangle along a driveway;
- (v) No encroachment on an existing easement.

5.1(6) Existing buildings

In the case of an existing building on a lot having less than the minimum frontage, area, or depth, or having less than the required front, flankage, side or rear yard required by this by-law, the building may be enlarged, reconstructed, repaired, or renovated provided that:

- a) the enlargement, reconstruction, repair or renovation does not further reduce the yard or yards that do not comply with this by-law;
- b) all other applicable provisions of this by-law are met.

5.1(7) Building design

- a) Every building must have exterior cladding.
- b) Exterior surfaces and components of a building shall be designed and maintained to prevent the intrusion of birds, vermin, rodents, insects, or other pests inside the building and walls. These surfaces shall remain uniform in appearance and not be without cladding. They shall be protected, if necessary, by the application of paint, varnish or by a coating suitable for the materials to be protected.
- c) The permit holder shall complete the building cladding in accordance with requirements within a maximum of 12 months of the issuance of the permit.
- d) The Advisory Board may authorize a different type of material if the proposed façade layout matches the existing built environment, uses materials deemed durable and uses colour hues that differ from the landscape.

5.2 Main buildings

5.2(1) Number of main buildings on a lot

Only one main building shall be permitted on a lot, unless otherwise specified in the specification sheets for each zone.

5.2(2) Minimum livable floor area

- a) No single-family dwelling may be placed, erected, or altered so that:
 - (i) The livable floor area is less than 70 m²;
 - (ii) The minimum width of the wall facing the street is less than 7 m;
 - (iii) The minimum depth over the entire length is less than 7 m.
- b) A duplex, semi-detached dwelling or townhouse shall not be placed, erected, or altered so that the livable floor area is less than 60 m².
- c) A dwelling unit in a multiple unit dwelling, a residence for seniors or people with reduced mobility or in a commercial building shall not be placed, erected, or altered so that the livable floor area is less than:



- (i) 33 m² in the case of a studio;
- (ii) 42 m² in the case of a one-bedroom unit;
- (iii) 55 m² in the case of a two-bedroom unit; or
- (iv) 65 m² in the case of a unit with three or more bedrooms.

5.2(3) Attached garage

- a) The cumulative floor area of attached or integrated garages and carports shall be limited to 50% of the floor area of the building housing the single detached dwelling for a one-storey dwelling and 40% for a two-storey dwelling;
- b) The cumulative width of attached or integrated garages and carports shall be less than the width of the portion of the house occupied for residential purposes on the main façade.

5.2(4) Expansion of a main building

Any expansion to a main building shall include a wall of which 50% of the expansion wall communicates from the inside to the existing main building.

5.2(5) Dwellings with demising walls

Dwellings with demising walls and occupying more than one lot shall be considered as one building occupying one lot for the purposes of calculating the side yard, lot frontage, lot area and occupancy ratio. This includes semi-detached, duplex, townhouse and apartment building dwelling units.

5.2(6) Tiny homes

Where permitted by this by-law, tiny homes shall be placed according to the following criteria:

- a) Lot dimensions: 375 m² to 450 m² with a frontage of at least 15 m and a depth of at least 20 m;
- b) GFA: MIN 0.15/ MAX 0.30;
- c) As a minimum, the home includes a living room, kitchen, bedroom, full bathroom, laundry room and storage space;
- d) Maximum height of one floor, no garage or carport attached;
- e) Shall be placed on a foundation of at least 1.5 m in depth with the foundation being at least 150 mm above ground after earthwork is complete;
- f) Mandatory concrete floor;
- g) Only one detached accessory building shall be permitted on the lot, the maximum size being 75% of the tiny home's building area, of the tiny home's maximum height and shall be located in the rear yard;
- h) When issuing the permit, the permit shall include the accessory building, only one being permitted.



5.3 Accessory constructions

5.3(1) General provisions

No accessory building or accessory structure shall be placed, erected, or altered on a lot unless said accessory building or accessory structure meets the requirements of this part.

- a) Any building or structure accessory to the main use shall be located on the same lot as the main use.
- b) Location
 - (i) The minimum building setback from any property line that does not abut a public street shall be 1.2 m, except in "Commerce" and "Industrial" zones, where the minimum setback is 3 m from any property line that does not abut a public street;
 - (ii) No accessory building shall be located between the street line and the minimum setback for the main building;
 - (iii) No accessory building or accessory structure shall be located within 7.5 m of the street line;
 - (iv) On a corner lot, an accessory building or structure shall provide the same front yard setback and side yard setback abutting a flanking street as the main building.
- c) Height
 - (i) The height of an accessory building or structure shall not exceed the height of the main building on the lot and in no case shall it exceed:
 - (A) 5 m measured from grade to the highest point of any portion of the roof;
 - (B) 2.4 m measured from the finished floor to the required eave line in a zone other than "RU – Rural";
 - (C) 3 m measured from the finished floor to the required eave line in a "RU – Rural".
 - (ii) An accessory building or structure can be as high as 75% of the height of the main building on the lot measured from grade to the highest point of any portion of the roof.
 - (iii) In "Commerce" and "Industrial" zones, the building height shall not exceed the height of the main building on the lot.
- d) Except for a barn or stable or any similar building used for agricultural purposes where permitted, no accessory buildings or structure may be used for the keeping of animals other than household pets.

5.3(2) Accessory building

a) Maximum areas

- (i) The area of an accessory building shall not exceed 8% of the lot area, or 83.6 m², or exceed 75% of the floor area of the main structure, whichever is less;
- (ii) The lot coverage of all accessory buildings shall not exceed 15% of the lot area or 100 m², whichever is less;



- (iii) Notwithstanding the preceding subparagraphs, no accessory building located in a "Rural" zone shall be larger than the main building area up to a maximum not exceeding 111.5 m² (1,200 ft²).
- b) Number of buildings
The number of accessory buildings shall not exceed three per lot.
- c) Exterior cladding
An accessory building shall propose a cladding that matches that of the main building by the choice of materials or by the colour (complementary or similar).
- d) An accessory building permitted under this by-law can be built prior to the construction of the main building, provided that the construction of the main building begins within six months from the date the building permit was issued for the accessory building. After the six-month period has expired, if construction of the main building has not begun, the accessory building will have to be removed and the land restored by the lot owner.
- e) An accessory building shall not contain a dwelling unit or be used as such, nor have a rooftop deck or balcony.
- f) No accessory building shall be located within 1.5 m of a main building.

5.4 Other accessory structures and constructions

5.4(1) Fences

- a) Subject to subsection 4.1(4) on sight triangles, a fence can be placed, located or erected at the property line, but must be more than 1.5 m from any fire hydrant.
- b) A fence may be placed or located in a yard if its height is not greater than, as the case may be:
 - (i) 1 m, in the required front yard;
 - (ii) 1.8 m, in any other yard;
 - (iii) 2.4 m, in any other yard for uses other than "Housing".
- c) A security fence of up to 1.8 m in height can be placed or located in a front yard in "Industrial" zones.
- d) Except for agricultural use, no fence shall be electrified.
- e) No fence shall incorporate barbed wire or other sharp and dangerous materials, except in "Industrial" zones.

5.4(2) Outdoor swimming pools

- a) A swimming pool, related equipment and enclosure shall be placed according to the following minimum distances:
 - (i) A minimum distance of 7.5 m from any street line;
 - (ii) A minimum distance of 1.2 m from any other abutting line.
- b) The pool shall be surrounded by a fence or enclosure according to the following criteria:
 - (i) MIN height of 1.5 m;



- (ii) MAX height of 2.4 m if the fence is at a distance of 1.2 m from a side or rear lot line;
 - (iii) Installed at a distance of at least 1.2 m from the edge of the pool and away from any object that would facilitate climbing from the outside;
 - (iv) The lower part of the fence shall not be more than 0.1 m from ground level;
 - (v) Doors and gates must be equipped with self-closing devices;
 - (vi) For an aboveground pool, the fence or enclosure may be erected at its contour to meet the minimal height.
- c) No swimming pool or any portion thereof shall be located directly under any electrical wires.
 - d) Electrical power supply for above-ground lighting of a swimming pool must be underground and shall meet the standards of the Canadian Electrical Code.
- 5.4(3) Winter carports
- a) Winter carports shall be permitted in all main building yards provided they are installed only after October 15 and removed before April 30 of each year for those placed in the front yard.
 - b) No permit is required.
 - c) A temporary car shelter must be set up:
 - (i) In the parking area;
 - (ii) More than 1.5 m from a fire hydrant;
 - (iii) More than 1 m from a sidewalk or street edge.
 - d) The maximum area is 20 m². For any winter car shelter larger than 20 m², they must follow the standards established for accessory buildings.
- 5.4(4) Shipping containers
- a) A shipping container, trailer or similar structure shall not be used as an accessory building, except for "Industrial" zones.
 - b) A shipping container may be used to accommodate use from the *Restaurant, entertainment, accommodation and Retail, sales and services* subgroup and, in a "C1 Urban Central" area with the conditional approval of the Advisory Board, and the compliance with the National Building Code.
- 5.4(5) Temporary structures
- Nothing in this by-law shall prevent the use of a temporary building or structure which is accessory to construction in progress such as a temporary work camp, mini-home, sales or rental office, tool or maintenance shed or scaffold provided that a permit has been issued and that the temporary building or structure be removed within 14 days of the completion of work.
- 5.4(6) Telecommunication towers
- Telecommunication towers are regulated by the federal government through Industry Canada. The zoning by-law does not regulate the placement of



telecommunication towers within municipalities other than those aspects of tower construction involving an accessory building, affixing a tower to an existing building, or signage placed upon a tower. Notwithstanding the aforementioned, any application shall be approved by the Advisory Board before erecting a telecommunication tower. All applicants seeking approval for a telecommunication tower from Industry Canada shall seek the opinion of the municipality as a part of their federal approval process.



6. Uses

6.1 General provisions

6.1(1) Reference for uses

When a use is not specifically listed in this by-law, that use shall be associated with the most objectively comparable use that would best correspond to such use depending on the characteristics, criteria and description chosen for that use. The requirements of paragraph 55(1) a) of the Act apply to this assessment.

6.1(2) Uses groups

The main uses are grouped into the following groups and subgroups:

- Housing
- Commerce
 - o Retail, sales and services
 - o Everyday services
 - o Restaurant, entertainment, accommodation
 - o Recreation
 - o Heavy retail sales
 - o Vehicle sales and services
- Industrial
- Public and institution
- Agriculture
- Conservation

6.1(3) Uses permitted in all zones

The following uses are permitted in any zone:

- Public parks and playgrounds
- Recreational trails
- Public streets
- Municipal facilities
- Safety and emergency services
- Land for public purposes
- Urban agriculture
- Community gardens
- Government facilities

6.1(4) Uses permitted by council approval

The following uses are prohibited in all zones unless approved by council and the signature of an agreement under subsection 59 (1) of the Act:

- Slaughterhouse
- Kennel
- Cemetery
- Adult entertainment establishment
- Drive-thru restaurant



- Cannabis production facility
- Harmful or unsanitary industries
- Salvage yard
- Animal shelter
- Resource extraction
- Waste landfill sites
- Asphalt, aggregate or concrete plant

6.1(5) Mixed uses

Where two or more uses are located in one building or on one lot, the most restrictive regulations shall be deemed to be in force for that lot or building unless otherwise specified.

6.1(6) Nonconforming uses

- a) Where a zoning by-law makes a property nonconforming, the provisions of Section 40 of the Act apply.
- b) The provisions of this section shall not exempt the owner of a nonconforming use from the obligation for proper maintenance and minimum occupancy standards of such use.

6.2 Definitions of uses according to class and subclass

6.2(1) General definitions

“Accessory use” designates a use related to the main use, accessory to the latter and helping to improve the utility, convenience or enjoyment of the main use. The accessory use must be a normal and logical extension of the functions of the main use or be identified as an accessory to a main use defined in the terminology of uses in this by-law. An accessory use may strictly be exercised in addition to the main use on the same land, unless it is specifically authorized as the main use on the land. In the case of a commercial accessory use, it must not represent the main income of an operator or occupy a floor area greater than that of the main use. (*usage accessoire*)

“Conditional use” means a use of a property, which is permitted within a zone subject to such terms and conditions as may be imposed by the Advisory Board pursuant to paragraph 34(4)(c) of the Act. Where compliance with such terms and conditions is not possible, the Advisory Board may prohibit the use. (*usage conditionnel*)

“Main use” means the primary purpose for which a parcel of land, building, or dwelling is used. (*usage principal*)

“Secondary use” means a use that is naturally and normally incidental, subordinate and exclusively devoted to the principal use, or to the principal building or structure, and located on the same lot with such principal use or building or structure. (*usage secondaire*)



“Temporary use” means a use and / or structure permitted to exist for a limited amount of time in accordance with the provisions of the Act and this by-law. (*usage temporaire*)

“Use” means the purpose for which land or a building or structure or any combination thereof, is designed, arranged, erected, occupied or maintained. (*usage*)

6.2(2) HOUSING Group

“Apartment building” means a building containing three or more dwelling units which have shared outside access, and have horizontal or vertical divisions between units. (*immeuble d’habitation*)

“Duplex” means a building divided horizontally into upper and lower separate dwelling units, each of which has an independent entrance, either directly from the outside or through a common vestibule and where the common floor constitutes at least 60% of the horizontal plane between the dwelling units. (*duplex*)

“Dwelling unit” means a room or a suite of two or more rooms for the use, or intended for the use, by one or more individuals that contains a kitchen, living, sleeping and sanitary facilities. (*logement*)

“Garden suite” means a secondary dwelling unit that is detached and located at grade to the rear of a single-detached dwelling. (*pavillon-jardin*)

“Mobile home” means a dwelling made in the factory, then installed on a frame with wheels for its movement to the land intended for it. (*habitation unimodulaire mobile*)

“Multi-family dwelling” means a building with at least four dwelling units. (*habitation multifamiliale*)

“Semi-detached dwelling” means a building containing two dwelling units arranged side by side and separated vertically by a demising wall extending from the foundation to the roof and where the demising wall constitutes at least 60% of the vertical plane between the dwelling units. (*habitation jumelée*)

“Single-detached dwelling” means a building containing only one dwelling unit, does not include mini-homes or mobile homes. (*habitation unifamiliale isolée*)

“Townhouse” means a building containing three or more side-by-side dwelling units joined in whole or in part by vertical demising walls extending from the foundation to the roof where each dwelling unit has a separate entrance with direct access to grade, and no dwelling unit is located wholly or partially above another. (*habitation en rangée*)

6.2(3) COMMERCE group

6.2(4) RETAIL SALES AND SERVICES subgroup

“Convenience store” means a use not exceeding 300 m² where food and other household necessities are sold to the public and may include a take-out food service as a secondary use. (*dépanneur*)



“Grocery store” means a use where fresh and packaged food and household items and necessities are sold and may include secondary uses provided that the total floor area of the secondary uses does not exceed 20% of the gross floor area of the grocery store and must have direct customer access inside the grocery store.

(épicerie)

“Liquor store” means a use where alcoholic beverages such as wine, spirits, beer, and liqueurs are sold for consumption off-site and requires a license issued by the Province of New Brunswick. *(magasin d’alcool)*

“Pharmacy” means an establishment primarily engaged in retailing prescription or non-prescription drugs. Incidentally, these establishments may sell small everyday consumer items such as foodstuffs, cosmetics, personal hygiene products, greeting cards and stationery, medical devices, and other similar products. *(pharmacie)*

“Retail sale of everyday goods” means an establishment primarily engaged in retailing a specialized, non-motorized line of household goods related to daily activities, excluding foodstuffs. Incidentally, the use may include the manufacture and maintenance of products sold on the site. This use may include the sale of horticultural products, but excludes garden centres and nurseries. *(vente au détail de biens courants)*

6.2(5) EVERYDAY SERVICES subgroup

“Animal sales and services” means an establishment that may include pet stores, veterinarians, pet grooming services without pens, boarding, or outdoor storage. The term animal boarding service is used separately. *(vente et services animaliers)*

“Building maintenance service” means an establishment whose main activity consists in cleaning buildings and accessories related to buildings, in controlling and exterminating insects and pests and in maintaining the landscape. *(service d’entretien aux bâtiments)*

“Business support service” designates an establishment providing business support services, including at least one of the following services: the use of mechanical equipment for printing, reprography, binding or photographic development; maintenance and cleaning services; office security services; the sale, rental or maintenance of office equipment, supplies or machinery; This includes businesses providing printing, photographic development, cleaning and maintenance services, and the sale or repair of office equipment. *(service d’appui aux entreprises)*

“Call centre” means establishments primarily engaged in receiving and / or making telephone calls for third parties. *(centre d’appels téléphoniques)*

“Catering service” means a facility where food and beverages are prepared in a facility for consumption off-site. *(service traiteur)*

“Childcare centre – medium” means a facility where care and supervision are provided to 7 to 18 children during the day in a residential area. *(garderie de taille moyenne)*

“Childcare centre – small” means a facility where care and supervision are provided to a maximum of six children, including the owner’s children if there is, under the age of 12 during the day. *(garderie à domicile)*



“Counselling service” means a facility where people receive treatment, advice or guidance for emotional, psychological or life management issues. (*service de consultation*)

“Dry cleaning plant” means a facility designed for the large-scale cleaning of fabrics, rugs and clothes using solvents. (*nettoyeur à sec*)

“Financial institution” means a facility where a bank, trust company, credit union, treasury branch, finance company, mortgage company, insurance company or investment company operates. (*établissement financier*)

“Fitness centre” means a facility where space, exercise equipment or instruction is provided for the pursuit of physical fitness and activities and may include childcare as a secondary use. (*centre de conditionnement physique*)

“Funeral home” means an establishment for the preparation of the deceased for burial or cremation and for holding funeral services and may include a crematorium and chapel as secondary uses. (*salon funéraire*)

“General contractor service” means an establishment offering building construction, concrete installation, drilling, electricity, excavation, heating, landscaping, paving, plumbing services, road construction or sewers or septic tank services, or similar construction services, and requiring on-site storage for materials, construction machinery or vehicles normally used by a contractor service; may also include sales, an exhibition office or a related technical support area, provided that it is a secondary or accessory use to the main use. « (*service d’entrepreneur général*)

Health care means an establishment where health services intended for humans are provided through diagnostic, therapeutic, preventive or rehabilitative services, without providing overnight stays to patients. This facility may include surgical, dental or optometric procedures, physiotherapy and chiropractic services and other similar health care. (*soins de santé*)

“Home-made food production” means an establishment where food products are manufactured in small quantities and which are mainly sold locally. Food products are not about a particular type of food, but rather a production method which is based largely on manual labour and which limits the use of automated machinery to produce large quantities of food in particular, in comparison with other products of the same type. This use includes, among others, artisan bakeries, chocolate factories, small-scale caterers, and other food products whose production does not create a nuisance in the neighbourhood. (*fabrication artisanale de produits alimentaires*)

“Instructional facility” means a facility where instruction or training in a specific skill or recreational activity, art or hobby is provided including dance, music, arts, crafts and martial arts. (*établissement éducatif*)

“Office” means an establishment where professional, business, consulting, clerical, or administrative services are provided. (*bureau*)

“Personal services” means an establishment specializing in hairdressing, beauty care, clothing (repair, cleaning, shoe repair), and other similar services. Incidentally, we can find the retail sale of products related to the services that are provided. (*services personnel*)



“Pet care service” means a facility where domestic animals are washed and groomed and may include the sale of products related to the service provided. (*service de soins aux animaux de compagnie*)

“Repair and maintenance services” mean an establishment where various products are maintained or repaired and which may include, incidentally, the sale of products related to the service provided. This does not include the maintenance and repair of industrial machinery, vehicles, or motorized items. (*services de réparation et d’entretien*)

“Service and repair - household” means a facility where household items such as furniture, electronic equipment or appliances are repaired or serviced and may include the sale of products associated with the service provided. (*services d’entretien et de réparation d’articles ménagers*)

“Service and repair - industrial” mean a facility where equipment, machines, or goods not including motor vehicles are repaired and serviced or maintained either indoors or outdoors and may include the sale of products associated with the service provided. (*services d’entretien et de réparation de produits industriels*)

6.2(6) RESTAURANT, ENTERTAINMENT, ACCOMMODATION subgroup

“Bar, nightclub” means an establishment in which entertainment is provided in the form of a dance floor, stage, live performances or recorded music, and which includes the sale and consumption of alcohol on the site. Incidentally, the use may include the sale, preparation, and consumption of food on the premises. All tourist accommodation services, restaurants, reception halls and adult entertainment establishments constitute separate uses. (*bar et boîte de nuit*)

“Bed and breakfast” means a single unit detached dwelling in which overnight accommodation and meals are provided for the travelling public. (*gîte touristique*)

“Boarding house” means a dwelling in which lodging and meals are regularly provided for compensation to three or more persons but that does not include tourist home, hospital, nursing home or assisted living. (*pension*)

“Cinema” means a facility where motion pictures are viewed by the public. (*cinéma*)

“Conference and event facility” means an establishment that provides permanent facilities for conventions, seminars, workshops, fairs, or other similar activities. (*centre de conférences et d’événements*)

“Drive-thru restaurant” means an establishment where prepared meals and beverages for consumption on the premises are prepared and served, and including facilities for customers to place an order and to benefit from such service without getting out of their car. (*restaurant avec service volant*)

“Entertainment establishment” means an establishment fitted out to present musical or theatrical works to the public, and which may offer, incidentally, food and drink. They can also be movie theatres. The terms bar, nightclub and discotheque, as well as establishments offering overnight stays in accommodation, restaurants, reception rooms, as well as adult entertainment establishments constitute separate uses. (*établissement de divertissement*)



“Group home - limited” means a residence that provides social, physical or mental care to four or fewer persons living on the premises full-time under the supervision of at least one staff member. (*foyer de groupe limité*)

“Hotel” means a commercial building providing temporary accommodations for travellers or transient on a year-round basis, and includes motels, inns, motor inns, bed and breakfast/tourist homes, and convention centres, and may include a public dining room and / or convention centre. (*hôtel*)

“Microbrewery and microdistillery” mean craft breweries as well as establishments whose activity consists in distilling alcohols in an artisanal way, and in mixing alcohols by adding other ingredients to them for the strict purpose of making fine spirits on a small scale. Incidentally, the use may include the sale and tasting of products made on-site. (*microbrasserie et microdistillerie*)

“Public exhibition space” means the use of land or building on a seasonal or temporary basis for entertainment, exhibitions, performances, or other similar community activities. (*espace public d'exposition*)

“Restaurant” means an establishment where food is prepared and offered for sale for consumption on the premises and which may include incidental entertainment and the sale of food for consumption elsewhere. The sale of alcohol for consumption on the premises is permitted. (*restaurant*)

“Spa” means an establishment comprising spas, saunas and other similar facilities. Incidentally, the use may include health care and personal services. (*spa*)

6.2(7) RECREATION subgroup

“Campground” means a facility where seasonal occupancy is provided for holiday trailers, recreational vehicles, tents, and similar equipment. (*terrain de camping*)

“Commercial recreation establishment” means a use where leisure and recreational activities are operated as a business and open to the public for a fee, including but not limited to bowling alley, laser tag, mini-golf, computer games, video arcade, billiards, party rooms but does not include a casino. (*établissement commercial de loisirs*)

“Educational facility” means an institution where training related to a particular skill or recreational activity, art or hobby is given, including dance, music, crafts and martial arts. (*établissement éducatif*)

“Golf course” means a facility where a public or private area is operated for the purpose of playing golf and may include accessory office, retail pro shop, restaurant, banquet facilities, lounge, and driving range but does not include mini-golf. (*terrain de golf*)

“Indoor sports facility” means a facility located inside a building, designed for sports activities such as swimming pools, gymnasiums, skating rinks, fitness centres, and which may be equipped with related outdoor sports grounds to the building. Incidentally, may include a doctor's office, a restaurant without drive-thru, and personal services. (*établissement sportif intérieur*)



“Outdoor centre” means a centre for the practice of downhill skiing and other mountain sports, including any accessory equipment required for the practice of these sports, such as ski lifts and service buildings and businesses aimed at exclusively the customers of the centre. (*centre de plein air*)

“Outdoor sports facility” means a facility in which a field is used for outdoor sports or athletic activities and which may include changing rooms, sanitary facilities or showers. (*établissement sportif extérieur*)

6.2(8) HEAVY RETAIL subgroup

“Antique dealer or flea market” means a trade in new, used, old, or odd objects. (*antiquaire, brocante ou marché aux puces*)

“Equipment sales and rental” means an establishment in which residential, commercial, and industrial equipment is rented or sold to the public. Use includes maintenance activities as well as all activities related to use that take place within and inside a building. (*établissement de vente et de location de matériel*)

“Garden centre” means a facility where plants, trees, shrubs and other gardening products are sold to the public and may include greenhouses or other buildings or structures for growing and storage. (*centre de jardinage*)

“Landscape material supply” means a use conducted primarily outdoors where precast concrete products, pavers, stone, gravel, and other aggregates are stored and sold and may include the sale or rental of related goods. (*approvisionnement en matériel paysager*)

“Outdoor display” means a display area for items or retail supplies intended for immediate sale to the public, such area being located outside a building. (*aire d’exposition extérieure*)

“Outdoor storage” consists of the display, deposit or outdoor storage of materials or products on a lot. It does not include the parking of vehicles. (*entreposage extérieur*)

“Sales centre - model home” means a place where model and show homes are displayed for sale purposes and construction off-site. (*centre de vente de maisons-modèles*)

“Self-storage facility” means a facility where goods and personal items are stored inside separate compartments within a building of which each has a separate access. (*entrepôt libre-service*)

“Warehouse - storage” means a facility where goods or items are stored and packaged inside a building including the transport of goods to and from the building and may have administrative functions related to the use but does not include the manufacturing, display, or sale of goods. “Distribution facility” is a separate use. (*entrepôt*)

“Wholesale warehouse” means an establishment in which goods or items are stored for the purpose of distribution and wholesale, primarily intended for retailers, manufacturers, tradespersons, commercial users, professionals, or establishments. (*entrepôt de vente en gros*)



6.2(9) VEHICLE SALES AND SERVICES subgroup

“Car wash” means a facility where vehicles are washed within a building or structure and which are either attended by staff, mechanically operated, or are self-serve. (*lave-auto*)

“Dispatch service” means an establishment where vehicles are dispatched to provide transport services to people or items and may include the maintenance or repair of fleet vehicles and administration functions relating to the service provided. Typical uses include taxi, limousine and courier services. (*service de répartition de véhicules*)

“Gas bar” means a facility where automotive fuel or electrical charging is provided. (*poste d’essence*)

“Large vehicle sales and service” means a facility where motor vehicles exceeding 1.5-ton load capacity are sold, rented, serviced, or repaired and may include the dispensing of fuel and the sale of vehicle parts or accessories. (*centre de vente et d’entretien de véhicules lourds*)

“Parking” or **“parking lot”** means an open area of land, other than a street, used for the parking and manoeuvring of vehicles. (*stationnement ou parc de stationnement*)

“Sales, rental and maintenance of small motorized items” means an establishment where one sells, maintains or repairs small motorized devices such as snowblowers, mowers, chainsaws, or other similar articles. (*vente, location et entretien de petits articles motorisés*)

“Towing service” means a facility where trucks are dispatched to transport broken down vehicles and includes the secure outdoor storage of towed vehicles. (*service de remorquage*)

“Vehicle body and paint” means a facility where motor vehicle bodies and frames are repaired or painted. (*débosselage et peinture d’automobiles*)

“Vehicle sales” means a facility where motor vehicles are sold or leased to the public and may include the servicing, repair or cleaning of vehicles and dispensing of fuel. (*vente de véhicules*)

“Vehicle sales - seasonal” means a facility where recreational or seasonal motor vehicles such as motor homes and travel trailers, motorcycles, snowmobiles, ATVs or watercraft are sold or leased to the public and may include the servicing, repair and sale of vehicle parts or accessories. (*vente de véhicules saisonniers*)

“Vehicle service” means a facility where motor vehicles are serviced or repaired in a building. “Vehicle body and paint” is a distinct use. (*Service d’entretien de véhicules*)

6.2(10) INDUSTRIAL group

“Chemical and petroleum products” means a facility where one of whose activities consists in the wholesale sale of chemical and petroleum products, the distribution, preparation, manufacture or transformation of chemical and petroleum products for domestic, commercial or industrial use, as well as that which consists in offering a storage service or to operate an analysis, evaluation or testing laboratory, or a



showroom, or storage only, relating to products, goods or materials comprising chemical or petroleum products. (*Produits chimiques et pétroliers*)

“Distribution facility” means a facility whose primary activity is the operation where goods or objects are stored inside a building for a short period and then loaded into transport vehicles. The term "warehouse" constitutes a separate use. (*installation de distribution*)

“Machine shop and welding” means a facility where the repair and maintenance of machinery and equipment for commercial and industrial use is carried out, means machine shops, welding, tinsmiths and blacksmiths (*atelier d’usinage et de soudure*)

“Manufacturing - heavy” means an establishment where the use is focused on the primary processing and manufacture of materials or products, mainly from raw materials or extraction, or using manufacturing processes that may give rise to various nuisances: odors, fumes, dust, soot, dirt, noise, gas, vapors, vibrations, sewage and other troublesome wastes or emissions, and which may include secondary uses such as storage, packaging and sale. (*Industrie lourde*)

“Manufacturing - light” means a facility where the use is focused on the manufacture of a finished product, especially from semi-finished materials and may include secondary uses such as storage, packaging and sale (*Industrie légère*)

“Recycling depot” means a facility that receives bottles, cans, cans and other beverage containers for the reimbursement of the deposit of containers or in which other recyclable articles are accepted for their recovery or their treatment out of the establishment. All activities related to usage take place inside the building. (*centre de tri*)

“Recycling facility” refers to an establishment in which scrap items are received, sorted and broken down into components for removal from the site. (*installation de recyclage*)

“Studio – artisan” means a place where art is created and which may include teaching art to one person at a time and selling works of art produced there. (*atelier d’artisan*)

“Technological industry” means an establishment whose primary activity is research and development or the transformation and manufacture of goods and products of high technological value, such as information and communications technologies (including data centers), electronics, cybernetics, avionics, pharmaceuticals, biotechnology, medicine, energy and other similar activities. Incidentally, the use may include a sales area and an exhibition room for products resulting from production. The use "chemical and petroleum" constitutes a separate use. (*industrie technologique*)

6.2(11) PUBLIC AND INSTITUTION group

“Adult care centre” means an establishment that provides care and activities for seniors, older adults and / or individuals with disabilities during daytime hours and provides activities to promote well-being through social and health-related services. (*centre de soins pour adultes*)



“Cemetery” means the use of land for the placement of grave sites and may include a chapel, crematoria, and related secondary uses. (*cimetière*)

“Childcare centre - large” means an establishment where care and supervision are provided to a maximum of 60 children as regulated under the Family Services Act. (*garderie de grande taille*)

“Cultural establishment” means a facility that provides showing, storage, restoration, or events related to art, literature, music, history, performance, or science and includes uses such as art galleries, theatres, libraries, auditoriums, museums, archives, performing arts and interpretive centres. (*établissement culturel*)

“Group home” means a residence providing social, physical or mental health services to at least five people living on the premises full time, under the supervision of at least one staff member. (*foyer de groupe*)

“Hospital” means an establishment providing long-term and short-term medical and health care, overnight stays, surgery, laboratory and diagnostic services to treat disease and injury in humans, including health centres. (*hôpital*)

“Municipal public service” means an establishment offering a public service. It can be a fire station, a police station, a filtration plant, a sewerage and wastewater treatment plant, a municipal garage, a snow dump site, power plant or electrical distribution substation. (*service public municipal*)

“Nursing home” means an establishment in which care is provided to at least four persons who occupy the facility full time and who, due to their age, disability, mental or physical incapacity, cannot take full care of themselves. (*foyer de soins*).

“Place of worship” means an establishment where people gather for religious or spiritual purposes and may include rooms for childcare, administrative, social or food preparation functions. (*lieu de culte*)

“Post office” means an establishment providing mail service to the population on a small scale and which does not include more than five vehicles for the delivery of mail. “Vehicle dispatch” and “courier” services are, however, separate uses. (*bureau de poste*)

“Rehabilitation centre” means an establishment where people with alcohol, drug or similar addictions live under the care and supervision of health professional and counselling care providers. (*centre de réadaptation*)

“Safety and emergency services” means an establishment where police, fire and emergency medical services are provided. (*services de sécurité et d’urgence*)

“School” means a public educational institution which may include a dormitory, recreation, catering, athletics and other commercial services for students and staff, as well as research facilities. (*école*)

“Telecommunication tower” means all types of towers which are used to support one or more telecommunication antennas for the purpose of telecommunication. (*tour de télécommunications*)



6.2(12) AGRICULTURE group

“Agriculture” means the exploitation of land for crops, forest crops, grazing livestock and which includes the farm buildings necessary for its operation and maintenance or storage and which may include the sale of products grown on site. Can designate at least one of the following activities:

- nurseries and greenhouse cultivation;
- apple orchards, strawberries and blueberries and other related uses;
- beekeeping;
- horticulture;
- forestry.

Intensive agriculture and farming is a separate use. (agriculture)

“Forestry use” means the general planting and harvesting of trees. (*usage forestier*)

“Kennel” means a facility where domestic animals are cared for during the day and / or boarded overnight and may include pet care service but does not include veterinary services. (*chenil*)

“Light livestock” means the breeding of animals such as dairy farms, animals for slaughter, sheep, goats, horses. (*élevage léger*)

6.2(13) CONSERVATION group

“Land for public purposes” means land, other than streets, for recreational or leisure uses or enjoyment of the general public. (*terrain d'utilité publique*)

“Park” means an area of land used for passive or active recreation, cultural or aesthetic purposes and may include improvements for park users such as playgrounds, sports fields, seating and washroom facilities. Also includes recreational trails and community gardens. (*parc*)

“Protected area” means a territory, in a terrestrial or aquatic environment, geographically delimited, the framework of which is specifically aimed at ensuring the protection and maintenance of biological diversity and associated natural and cultural resources. (*aire protégée*)

6.2(14) Uses permitted only with an agreement with council (sect. 59 of the Act)

“Adult entertainment establishment” means an establishment which provides activities, facilities, performances, exhibitions, viewing and encounters, the principal characteristic of which is the nudity or partial nudity of any person. (*établissement de divertissement pour adultes*)

“Intensive agriculture” and “intensive farming” means any concentrated method used to cultivate or to breed or keep animals or their products intended for sale, including activities such as seclusion farming, poultry farming, pig farming, rabbit farming, fur farms. (*agriculture intensive ou élevage intensif*)

“Animal shelter” means a facility that provides for the care and veterinary services of lost, abandoned or neglected animals. (*refuge pour animaux*)

“Asphalt, aggregate, concrete plant” means an operation where the production of asphalt, aggregate, or concrete products take place and may include the stockpiling



and storage of bulk materials and the storage and sale of finished products manufactured on the premises. (*usine de bitume, d'agrégats ou centrale à béton*)

"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. (*installation de production de cannabis*)

"Hobby farming" means an activity or a secondary use subordinate to a main residential use in a Rural zone and may include the cultivation of the soil to produce a crop or a pasture, barn, stable or other accessory building used to house up to four animals and 12 poultry other than household pets, and not including roosters. (*activité agricole artisanale*)

"Resource extraction" means a place where earth, gravel, sand, stone, or other forms of aggregate or materials are extracted. (*site d'extraction de ressources*)

"Salvage yard" means a place where land and buildings are used for the storage, wrecking, dismantling, refurbishing, or handling of goods, machinery or motor vehicles including the retail sale of salvaged items and administrative functions associated with the use. (*parc de récupération*)

"Slaughterhouse" means a facility where animals are slaughtered and may include packing, treating, storing and sale of the product on the premises. (*abattoir*)

"Waste landfill site" means the site where the treatment of waste where waste is collected, stored, or treated permanently in underground or surface mines, or temporarily indoors or outdoors for further off-site treatment. (*site d'enfouissement des matières résiduelles*)

6.3 Special land use requirements

6.3(1) Complementary dwelling

Complementary dwelling shall be permitted only within or as an addition to a single-detached dwelling, subject to the following conditions:

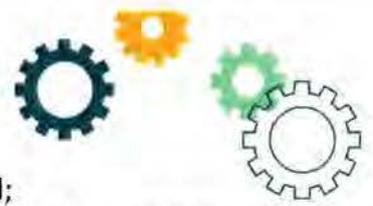
- a) Shall not exceed 40% or the single-detached dwelling's floor area or 75 m², whichever is less;
- b) Utilizes the existing driveway access;
- c) Includes bedrooms not exceeding 15 m² each;
- d) Owner shall reside in one of the two dwellings;
- e) Shall be located inside a main building;
- f) Shall have a minimum height clearance of 2.25 m or at least 75% of its area;
- g) Shall be accessible through private access leading directly to the outside;
- h) Shall not involve any alteration in the appearance of the building facing the street;
- i) A single electrical entrance and a single entrance for water, sanitary and storm sewer infrastructure serve the building;
- j) In areas without sanitary sewer services, the capacity of sewerage disposal and treatment systems and the size of the lot are sufficient to meet the additional demand.



- 6.3(2) Home occupations
In zones where they are permitted, home occupations are subject to the following conditions:
- a) limited to one of the following:
 - (i) studio - artisans;
 - (ii) office;
 - (iii) childcare centre - small;
 - (iv) group home - limited;
 - (v) personal services;
 - (vi) counselling service;
 - (vii) general contractor service;
 - b) shall not occupy a floor area greater than 25% of the main building's built area;
 - c) shall be conducted by the occupant of the main building in which it operates;
 - d) the maximum number of non-resident employees shall be limited to one at a time in addition to the occupant;
 - e) only goods or services directly related to the home occupation shall be supplied or sold;
 - f) shall not result in outside storage or display.
- 6.3(3) Childcare centre - small
Where permitted, a small childcare centre shall be set up subject to the following conditions:
- a) permitted only in single-detached dwellings;
 - b) operated by the owner/operator of the small childcare centre who resides on the lot;
 - c) complies with all provincial regulations established by the New Brunswick Family Services Act;
 - d) shall not accommodate more than six children, including the owner/operator's children, full-time.
- 6.3(4) Childcare centre - medium
Where permitted, a medium childcare centre is set up subject to the following conditions:
- a) permitted only in single-detached dwellings;
 - b) operated by the owner/operator of the medium childcare centre who resides on the lot;
 - c) located on a street which permits on-street parking;
 - d) complies with all provincial regulations established by the New Brunswick Family Services Act;
 - e) restricted to a maximum of 18 children;
 - f) maintains a minimum distance of 200 m from any other medium childcare centre;



- g) provides a fence at least 1.8 m in height between an abutting residential zone and an outdoor play area;
 - h) employee parking may be provided.
- 6.3(5) Childcare centre - large
Where permitted, a large childcare centre shall be set up subject to the following conditions:
- a) complies with all provincial regulations established by the New Brunswick Family Services Act;
 - b) restricted to a maximum of 60 children;
 - c) provides an opaque fence at least 1.8 m in height between an abutting residential zone and an outdoor play area.
- 6.3(6) Group home - limited
Where permitted, group homes shall be set up subject to the following conditions:
- a) limited to single-detached dwellings;
 - b) not permitted if a tourist home, home occupation, small or medium childcare centre, or basement apartment already exists;
 - c) at least 300 m from any other group home;
 - d) have one on-site parking space per group of four beds, in addition to one other on-site space per group of two employees on a maximum shift.
- 6.3(7) Garden suites
Garden suites shall be permitted only through a zoning amendment process and shall:
- a) be considered an accessory building and not a second main building;
 - b) be permitted only in R1 and R2 zones;
 - c) be located in the rear yard of a single-detached dwelling;
 - d) shall not exceed a maximum floor area of 75 m²;
 - e) maintain at least 3 m rear yard setback and at least 1.8 m side yard setback;
 - f) be permitted only on lots of at least 800 m² where there is a single-detached dwelling;
 - g) coverage of the entire lot by the garden suite and the single-detached dwelling shall not exceed 35%;
 - h) not permitted on the same lot where there is an existing basement apartment;
 - i) utilize the existing driveway access;
 - j) be constructed and erected so as to be easily removable;
 - k) be constructed and maintained in an attractive and unobtrusive manner;
 - l) shall not be in the form of a mobile home.
- 6.3(8) Keeping of hens
Chicken coops shall be restricted only to lots where there is an existing single-detached dwelling, according to the following conditions:



- a) a maximum of six hens shall be kept; roosters are prohibited;
 - b) the sale of eggs or meat and the slaughter of animals on the lot is prohibited;
 - c) any manure or waste material shall be removed from the site (or composted) on a regular basis;
 - d) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed;
 - e) the enclosure shall be visually screened from a public street and neighbouring properties;
 - f) the enclosure shall be set back a minimum of 10 m from any dwelling on an adjacent lot.
- 6.3(9) Christmas trees
The sale of Christmas trees shall be permitted for a maximum of 45 days, only once a year on land occupied by the use of the "Retail, sales and services" group.
- 6.3(10) Seasonal sale of fresh produce
The sale of fruit, vegetables, flowers, and handmade commodities derived from agriculture or forestry shall be permitted under the following conditions:
- a) The lot is located on a street classified as an artery, or in a "C2 – Commerce", or "RU – Rural" zone;
 - b) Shall be located more than 2 m from the front, rear and side property lines;
 - c) The side setback is adjusted to 7 m if the adjacent lot is occupied by a dwelling;
 - d) The maximum area of a stand selling seasonal agricultural products is 26 m²;
 - e) Shall be permitted temporarily for up to 180 days;
 - f) Shall maintain at least two parking spaces.
- 6.3(11) Seasonal sales area
An outdoor area for the sale of seasonal products such as outdoor garden supplies shall be permitted in zones "C2 – Commerce" as a secondary use to "Retail, sales and services" uses.
- 6.3(12) Drive-thru restaurants
Drive-thru restaurants shall be permitted only through the council's approval process and shall meet the following requirements:
- a) Drive-thru aisles shall be separated from any abutting "Residential" zone by a width of at least 2 m with a landscaped strip consisting of a 2 m high opaque fence and a combination of high branching deciduous trees and coniferous trees;
 - b) Drive-thru aisles shall be visually screened from any abutting land used for residential purposes by a 2 m high opaque fence;
 - c) Drive-thru queuing spaces:
 - (i) A minimum of 12 inbound spaces and one outbound space are required;
 - (ii) A queuing/traffic study shall be required where:



- (A) less than the minimum required queuing spaces are provided;
 - (B) the expected number of drive-thru vehicle will exceed 40 vehicles per hour during peak hour periods.
 - (iii) The minimum length of a queuing space is 6 metres;
 - d) Drive-thru aisles
 - (i) Shall be located so that queued vehicles do not block or obstruct general vehicle circulation through the site, building entrances, access to loading areas or required parking;
 - (ii) The minimum width of a drive-thru aisle is 3 m;
 - e) At least one building entrance shall be located so that pedestrian access to that entrance either:
 - (i) does not cross the drive-thru aisle;
 - (ii) or crosses the drive-thru aisle only in a location behind the required queuing spaces.
- 6.3(13) Retail sale of cannabis
A retail store which includes the retail sale of cannabis or cannabis-related products in whole or in part, shall not be located within 300 m of a lot where is located a school (K-12), measured to the property line.
- 6.3(14) Separating distances for intensive agriculture and farming uses
Any building occupied or intended to be occupied by animals shall comply with the following provisions:
- a) The building shall be located more than 25 m from any street line if it is occupied or intended to be occupied by fewer than 25 animals;
 - b) The building shall be located more than 100 m from any street line if it is occupied or intended to be occupied by 25 animals or more;
 - c) The building shall be located more than 30 m from any side or rear lot property line;
 - d) The building shall be located more than 50 m from any drinking water well intended for human consumption if occupied or intended to be occupied by fewer than 25 animals;
 - e) The building shall be located more than 60 m from any drinking water well for consumption.
- 6.3(15) Keeping of horses
The keeping of horses shall be permitted subject to the following conditions:
- a) The land on which this use is exercised shall have a minimum area of 12,000 m²;
 - b) The maximum number of horses that may be kept on the lot is based on the lot surface area, as determined in the following table.



LOT SURFACE AREA (m ²)	MAXIMUM NUMBER OF HORSES THAT CAN BE KEPT
12,000 to 20,000	2
20,001 to 40,000	3
40,001 or more	4

6.3(16) Uses of vehicles

No motor vehicle, recreational vehicle, tractor trailer, tractor engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, despite its wheels having been removed, shall not be used as a dwelling unit, a main commercial building or as an accessory building or structure.

6.3(17) Outdoor storage area

Outdoor storage areas are subject to the following provisions:

- a) The area shall be surrounded by an opaque fence, not less than 2 m and not greater than 5 m in height, unpierced except for gates necessary for access.
- b) The fence shall be located at least 6 m from the front property line and 1.5 m from side and rear property lines, and the strip of land between the fence and any property line not required for entrance and exit driveways shall only be used for landscaping.
- c) No material shall be piled higher than the height of the surrounding fence and less than 3 m from it.

6.3(18) Spreading

The application of manure or other chemicals on a property is a use for which the Advisory Board may issue conditions or prohibit, as permitted under paragraph 53(3) c) of the Act.

6.3(19) Vehicle maintenance service

In zones where they are permitted, vehicle maintenance companies shall be set up subject to the following conditions:

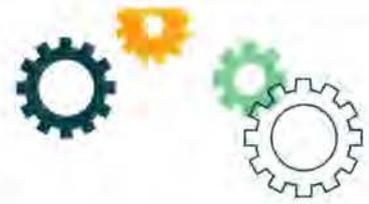
- a) All operations are always carried out inside a closed building;
- b) Outdoor storage is prohibited;
- c) The presence of wrecks shall not be tolerated;
- d) Any vehicle stored or parked shall respect a minimum distance of 1.5 m from a public street and 2 m from any other property line;
- e) A buffer as defined by subsection 4.3 (4) shall be required to ensure compliance with this by-law.

6.3(20) Bed and breakfast / Tourist home

Where permitted as a secondary use under this by-law, a bed and breakfast / tourist home shall comply with the following requirements:



- a) the bed and breakfast / tourist home shall be conducted within a single-unit dwelling; and
- b) be limited to three bedrooms for the accommodation of guests.



7. Signs

7.1 Purpose

The purpose of the sign regulations within this by-law is as follows:

- a) To improve retail, sales and service trades to permit the proper identification of businesses within the city while protecting the appearance of the city from the effect of signs which may be inappropriate with respect to number, size or location;
- b) To improve orientation within the territory by protecting signs and lights erected for the direction of traffic from the effects of all conflicting signs;
- c) To ensure visibility for cultural events taking place in the city;
- d) To ensure signs are designed in terms of scale, proportion and composition so as to respect the character of the building or development they serve;
- e) To protect residential areas from inappropriate signs.

7.2 Definitions

“Backlit construction” means any sign that is enclosed and has the capability to be illuminated from within or behind the enclosure. “Internal illumination” and “internally lit” signs have a corresponding meaning. (*enseigne lumineuse par translucidité*)

“Banner sign” means a temporary sign constructed from a non-rigid fabric in a banner style which is attached to a pole or other structure.” (*enseigne banderole*)

“Billboard” means a sign which displays third-party advertising upon which advertising copy can be displayed as third-party sign copies, or is pasted, glued, painted, or otherwise fastened to permit its periodic replacement and includes poster panels and painted structures. (*panneau d'affichage*)

“Box-style sign” means a sign constructed of rigid translucent and not transparent materials which has the capability to be internally lit so as to illuminate the sign copy. (*enseigne type boîte*)

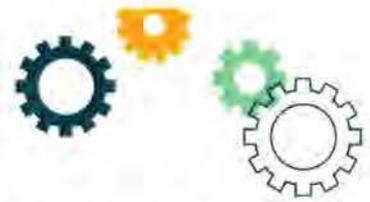
“Building frontage” means the maximum horizontal width of a building that approximately parallels and faces the public street or right-of-way along which the lot frontage is calculated. (*façade d'un bâtiment*)

“Canopy sign” means a sign attached to or forming part of a permanent building projection, projecting or fixed structural framework which extends outward from the exterior wall of a building. “Awnings” and “marquees” have a corresponding meaning. (*enseigne sur marquise*)

“Channel letter form” means a series of single solid structures, each resembling a letter, number or other symbol, which may be internally or externally lit, that when affixed horizontally parallel to the exterior façade of a building display a message. (*suite de lettres*)

“Charity” means a registered charity, as defined in subsection 248(1) of the Federal Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency. (*organisme de bienfaisance*)

« Commercial sign » means a sign that identifies a product or a trademark. (*enseigne*)



commerciale)

“Community events sign” means a temporary sign where the purpose of the sign is to promote an event sponsored or held by the municipality, a charity or community organization, including cultural, educational, and religious organizations. (*enseigne annonçant un événement communautaire*)

“Community organization” means a non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature. (*organisme communautaire*)

“Directional sign” means a sign directing pedestrian or vehicular traffic to a lot ingress and egress locations. (*enseigne directionnelle*)

“Directory sign” means a sign supported independently of a building which is permanently fixed to the ground and is located on a lot with more than one establishment which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram. (*tableau répertoire*)

“Entrance identification sign” means a sign that identifies an entrance or service area (examples include “service entrance”, “sales entrance” or “loading dock”) that are located over a doorway or building entrance and which may include the logo or name of the business to which the entrance provides access. (*panneau d’entrée*)

“Fascia” or “face sign” means a sign attached to, painted, placed or erected upon or against a wall or other surface of a building with the face of the sign parallel to such wall or other surface. (*enseigne de façade*)

“First party sign” means a sign which identifies, advertises, promotes or directs attention to a business, service or activity available on the premises where the sign is located. (*enseigne de la partie concernée*)

“Freestanding sign” means any sign supported independently of a building and permanently fixed to the ground by posts or a monument-style base. (*enseigne autoportante*)

“Ground-floor banner” means the exterior part of a building between the top of the windows on the ground floor and the underside of the windows of the upper story on the ground floor or, in the absence of such windows, the exterior part of the building located between the upper quarter of the ground floor and the lower quarter of the upper floor to the ground floor which is established in relation to the floor of this upper floor. (*bandeau du rez-de-chaussée*)

“Identification sign” means a permanent sign identifying the name or address of the building, owner, occupant or company. (*Enseigne d’identification*)

“Illumination” means the act of lighting up a sign by way of an artificial light source located within, or external to, the sign and does not include flashing or intermittent lighting. (*éclairage*)

“Maintenance” means anything done to preserve a sign or to prevent its deterioration but does not include the modification or restoration of a sign. (*entretien*)

“Message duration” means the period of time that the message is displayed on a visible



face sign. (*durée du message*)

“Message transition” means the period of time involved for each change of sign copy displayed on a sign face. (*transition du message*)

“Modification” means any change to a sign and shall include a change in the manner in which sign copy is displayed, a change to the sign type, and / or a change to the sign face. (*modification*)

“Monument-style sign” means a low-profile directory or freestanding sign constructed of solid material and erected on a base that has no vertical clearance between the ground and bottom of the sign. (*enseigne monument*)

“Municipal sign” means a sign erected or placed by or in partnership with the city. (*enseigne municipale*)

“Neighbourhood identification sign” means a monument sign forming the entrance display for the identification of a residential neighbourhood or subdivision. (*enseigne désignant un quartier*)

“Off-premise sign” means any sign that is not located on the same lot as the product, service or construction to which it relates. This term includes “notice boards” or “billboards” (*enseigne hors site*).

“Permanent sign” means a sign that cannot be readily relocated because of its attachment to the site. (*enseigne permanente*)

“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. (*enseigne de points de vente*)

“Pole-style sign” means a directory or freestanding sign that is supported in a fixed location by a structure of poles, uprights or braces from the ground and not supported by a building or base structure. (*enseigne sur poteau*)

“Portable sign” means a sign which is designed in such a manner that the sign can readily be relocated to provide advertising at another location and which is not a sandwich board sign. “Mobile sign” has a corresponding meaning. (*enseigne mobile*)

“Projecting sign” means a sign which projects from, and is supported by a wall. A “canopy sign” is not considered a projecting sign. (*enseigne en saillie*)

“Reader board” means a sign on which copy comprised of alphanumeric characters can be changed for the purpose of advertising sales, products, or activities of one or more business on the lot where the sign is located. “Message board” has a corresponding meaning. (*panneau de lecture*)

“Real estate sign” means a sign advertising the sale, rent or lease of the premises on which the sign is located. (*enseigne immobilière*)

“Roof sign” means a sign that is erected, in whole or in part, above or on the edge of a roof or structure, or on or above a parapet of a building or structure or on these. (*enseigne sur toit*)

“Rotating sign” means any sign or portion of a sign which moves in a revolving or similar



manner. (*enseigne rotative*)

“Sandwich board sign” means a sign which is constructed of two boards connected at one end and which can be readily taken on and off a site. (*affiche-sandwich*)

“Sign” means any identification, description, illustration, information, or advertising device, illuminated or non-illuminated, which provides information as to product, place, activity, people, institutions, service, or business and is displayed on the exterior of a building or on a lot. (*enseigne*)

“Sign area” means the area, per side, upon which the sign copy is located. The sign face area is calculated as the smallest triangle, square, rectangle, circle or semicircle which can wholly enclose the outer edge of the sign copy inclusive of any writing, emblem, logo, or other display representative of any business located on the lot where the sign is to be located. (*superficie de l’enseigne*)

“Sign copy” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture, or a combination thereof displayed on a sign face. (*message d’une enseigne*) Types of sign copy include but are not limited to the following:

- **“Manual changeable copy”** means sign copy which displays alphanumeric characters and which are changed manually. (*message changé manuellement*)
- **“Electronic static copy”** means sign copy that is set for a period of time and where the alphanumeric characters are changed electronically. Static electronic copy may include time and temperature displays or non-moving images but may not display animated copy. (*message électronique figé*)
- **“Animated copy”** means a sign that displays moving images and uses movement or a change of lighting to depict action or create a special effect or seen on any portion of the sign. Animated copy shall include video clips. (*message électronique mobile*)

“Sign face” means the surface of a sign upon, against or through which the sign face area is displayed including any frame or border and any writing, emblem, logo, or other display representative of the name of the development or identifying the site owner or manager. (*face visible d’une enseigne*)

“Sign height” in the case of a freestanding or directory sign means the vertical distance from grade to the top of the highest component of the sign, including any supporting framework or bracing. In the case of a fascia sign, sign height means the vertical distance from the bottom of the sign to the top of the sign inclusive of any frame or border. (*hauteur de l’enseigne*)

“Temporary sign” means a sign that is not permanently installed or affixed to any structure or building. (*enseigne temporaire*)

“Third party sign” means a sign which identifies, advertises, promotes, or directs attention to businesses, goods, services, matters, or activities that are not available on the lot where the sign is located. “Off-site sign” and “off-premise sign” have a corresponding meaning. (*enseigne d’un tiers*)

“Window sign” means a sign erected, painted, attached, etched, inscribed, or projected onto



the inside or outside of any part of a window in a wall, a sign located within or in place of the glass of a window, or any other sign erected or displayed in a manner so as to be visible through the window from the exterior of the building but does not include a sign that forms part of a window display. (*enseigne pour fenêtre*)

7.3 General provisions

7.3(1) Undefined signs

A sign not defined by this by-law is deemed prohibited throughout the territory of the municipality. However, an undefined sign shall be permitted if an agreement under section 59 of the Act is established with council.

7.3(2) Obtaining a permit

- a) No person shall erect, display, alter, or relocate a sign and no person being the owner or lessee of the lot shall permit, tolerate, or allow the construction, erection, display, alteration, or relocation of a sign on such lot without a sign permit first having been obtained in accordance with the provisions of this by-law;
- b) This by-law applies only outside the boundaries of public streets;
- c) An applicant for a sign permit shall:
 - (i) complete a sign permit application and submit detailed renderings and specifications of the proposed sign and any supporting framework and anchoring devices;
 - (ii) submit a site plan to scale showing public and private right-of-way, the location of buildings, the location of existing signs and the proposed location of the sign for which the application was submitted;
 - (iii) pay the applicable fees for the sign as set out in the Construction By-law.
- d) Where a Development Officer or By-law Enforcement Officer has been made aware that a sign has been erected prior to the issuance of a sign permit, the sign permit fee shall be tripled.

7.3(3) Sign copy

- a) The copy of a commercial sign shall be limited to the name of the company or its owner, the type of business and corporate logos identifying the business;
- b) Signs only and concisely mention the function of the building, the corporate name or the name of the company that occupies it.

7.3(4) Static electronic copy

A sign displaying static electronic copy is permitted in the zones "Commercial Service", "Industrial", "Community" and "Tourism and Recreation", according to the following provisions:

- a) It has a maximum area of 3 m².
- b) It shall not be installed on land that contains a use of the "Housing" group.
- c) A maximum of one sign per lot shall be permitted if attached to a building.



- d) A maximum of one two-sided sign, installed back-to-back, shall be permitted if it is freestanding.
- e) The message duration shall not be less than 10 seconds.
- f) The message transition shall not be less than one second.
- g) Message transition shall be limited to scrolling or fading in or out but shall not involve any visible effects including but not limited to action, motion, dissolving, blinking, intermittent, flashing light, or the illusion of such effects.
- h) The maximum brightness shall be 5,000 nits during daytime and 500 nits during nighttime.

7.3(5) Illumination

- a) Unless otherwise provided in this by-law, any sign permitted under this by-law shall be illuminated, but never intermittently.
- b) Signs that are illuminated shall not shine or reflect light directly, causing a nuisance onto neighbouring properties or in the direction of oncoming traffic.

7.3(6) Nonconforming and abandoned signs

- a) For any existing sign that complied with the previous by-law, the provisions of this by-law shall not be construed to have a retroactive effect.
- b) Council may require the removal or repair of any sign which, in its opinion, is or has become, dilapidated or unsafe, or is in such a state of disrepair as to constitute a hazard.
- c) The relocation, alteration, restoration, or removal of any such nonconforming signs shall render such signs subject to the provisions of this by-law.
- d) Any sign announcing a business that is no longer in operation shall be removed within 60 days of the termination of the company's operations. If the existing structures comply with this by-law, they may remain in place.
- e) Where a sign has been erected without a permit and where a variance is required for the proposed sign, the sign must be removed prior to the submission of an application for development for the required variance.

7.3(7) Maintenance

The owner or lessee of a property on which a sign is placed shall not allow or tolerate that the sign, its surfaces, supports, electrical installations and anchoring devices become dilapidated or dangerous.

7.3(8) Signs allowed in all zones

Notwithstanding the provisions of subsection 7.3 (2), no permit shall be required for the following signs:

- a) Identification signs of less than 0.4 m²;
- b) Real estate signs;
- c) Signs, banners and pennants advertising community events;
- d) Construction signs;
- e) Election signs;



- f) Signs posted or exhibited in a building, including signs inside a window, excepting neon or flashing signs that must be considered fascia signs;
 - g) Sandwich signs;
 - h) Point-of-purchase sign;
 - i) Entrance identification sign;
 - j) Flags, banners or emblems representing a country, province, municipality or community organizations;
 - k) A directional sign with an area no greater than 0.6 m².
- 7.3(9) Prohibited signs in all zones
- No sign shall be erected, operated, used, or maintained if:
- a) it obstructs the view of, or may be confused with, an official traffic sign, signal or device, due to its position, shape, colour, format or illumination;
 - b) it displays lights resembling the flashing, intermittent or scintillating motion of lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - c) it obstructs the use of a fire escape, door, window or any other required exit;
 - d) it is located within the sight triangle as defined in this by-law, obstructs visibility to motorists when exiting the driveway of a public or private property onto a public road;
 - e) its projection exceeds 30 cm above the roof line or parapet of the building or the upper part of the awning or canopy;
 - f) it extends beyond the wall, awning or canopy to which it is attached;
 - g) it is attached to a tree, fence or roof and cannot cover them;
 - h) it contains grammatical or spelling errors in texts and / or comments or obscene, racist or unsightly images;
 - i) it includes a rotating, portable, or pivoting part;
 - j) it is an inflatable sign or is placed on an inflatable structure;
 - k) it is placed on a vehicle or trailer;
 - l) is a permanent corrugated plastic polypropylene sign;
 - m) it displays animated copy.



7.4 Ground signs

7.4(1) The following ground signs are permitted only in the following zones, in accordance with the following number, maximum areas and heights:

		Freestanding		Third party / off-site / billboard signs		Directional	
		Area	Height	Area	Height	Area	Height
(a)	Living Environment						
(I)	for home occupations						
(II)	for kindergarden						
(III)	for multifamily dwelling	a) 3 m ²	b) 1,5 m			e) 0,5 m ²	f) 1,5 m
(b)	Commercial services						
(I)	Central urban	a) 4 m ²	b) 6 m			e) 0,5 m ²	f) 1,5 m
(II)	Urban neighbourhood	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(III)	Faubourg Victoria	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(IV)	Regional gateway	a) 4 m ²	b) 6 m	c) 2 m ²	d) 2 m	e) 0,5 m ²	f) 1,5 m
(c)	Industrial complexes						
(I)	Mixed industrial	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(II)	Edmundston Nord Industrial park	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(III)	Heavy industrial	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(IV)	Extraction and environment	a) 4 m ²	b) 6 m ²			e) 0,5 m ²	f) 1,5 m
(e)	Rural						
(I)	Rural	a) 3 m ²	b) 1,5 m				
(d)	Tourism and recreation						
(I)	Recreational equipment	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m
(g)	Conservation						
(I)	Conservation			c) 30 m ²	d) 10 m		
(f)	Community						
(I)	Large institution	a) 7,5 m ²	b) 10 m			e) 0,5 m ²	f) 1,5 m

7.4(2) In addition to subsection 7.4(1), freestanding signs shall be permitted subject to the following provisions:

- a) They are permanently fixed to the ground;
- b) They may be placed in a front yard of at least 3 m;
- c) The surface area of a ground sign includes the calculation of a single face of said face;
- d) They may be placed within a sight triangle, as defined by this by-law;



- e) They shall be permitted to have a leaderboard, provided that the leaderboard portion of the sign does not exceed 50% of the sign face area, up to a maximum of 5 m² for manual changeable copy or up to a maximum of 3 m² for static electronic copy.

7.4(3) Third party / off-site / billboard signs

Third party / off-site / billboard signs shall be permitted along Highway 2 under the following conditions:

- a) They are permitted as conditional use in the "Commercial Services", "Industrial", "Tourism and Recreation" and "Rural" zones;
- b) They are limited to a maximum of 45 m²;
- c) They are limited to a height of 10 m;
- d) They are located at a distance of at least 300 m from any other off-site sign;
- e) They promote a maximum of two establishments located within the municipal territory;
- f) They are not located in the entrance of interchange or exit.

7.4(4) Directional signs

Directional signs shall be permitted subject to the following provisions:

- a) They are permitted in all zones except in "Residential" zones;
- b) They are limited to a maximum area of 1 m²;
- c) They have a maximum height of 1.5 m;
- d) The message consists of an arrow to direct people or vehicles;
- e) A maximum of one per entrance, exit and drive-thru aisle.

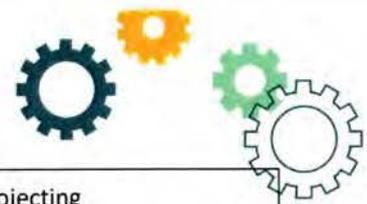
7.4(5) Neighbourhood identification sign

Neighbourhood identification signs may be displayed in any zone, at the entrance of a neighbourhood, subject that an agreement under section 59 of the Act to be established with the council.

7.5 Signs on buildings

7.5(1) The following building signs shall be permitted only in the following zones, in accordance with the following number, maximum areas and heights:

		flat Area (MAX) and number	projecting Area (MAX) and number
(a)	Living Environment		
(i)	for home occupations	one sign of 0.5 m ²	one sign of 0.5 m ²
(ii)	for kindergarden	one sign of 1 m ²	
(iii)	for multifamily dwelling	one sign of 3 m ²	
(b)	Commercial services		



	flat	projecting
	Area (MAX) and number	Area (MAX) and number
(I) Central urban	0.5 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 2 m ² MAX
(II) Urban neighbourhood	0.4 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 2 m ² MAX
(III) Faubourg Victoria	1 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX
(IV) Regional gateway	1 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX
(c) Industrial complexes		
(I) Mixed industrial	1 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX
(II) Edmundston Nord Industrial park	1 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX
(III) Heavy industrial	1 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX
(IV) Extraction and environment	0.5 m ² per occupied linear meter of the building per company with an exterior public entrance	
(e) Rural		
(I) Rural	0.5 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 1.5 m ² MAX
(d) Tourism and recreation		
(I) Recreational equipment	0.6 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 2 m ² MAX
(g) Conservation		
(I) Conservation	one sign of 0.5 m ²	
(f) Community		
(I) Large institution	0.6 m ² per occupied linear meter of the building per company with an exterior public entrance	one sign of 3 m ² MAX

7.5(2) Signs installed flat on buildings

In addition to the requirements of subsection 7.5(1), signs installed flat on a building shall be permitted subject to the following provisions:

- a) They are permanently attached to the building;
- b) They can project up to 0.3 m;
- c) They shall only be installed on the building façade and on another wall of the building with an entrance accessible to customers;
- d) All signs are lined up on the same ground floor banner;



- e) In the case of a building that is four or more storeys in height, additional fascia signs may be located at or above the top floor windows provided the sign face area:
 - (i) does not exceed 1.5 m in height;
 - (ii) is limited to 15% of the width of the side of the building upon which the sign is located;
- f) A sign to identify a building shall be permitted in all zones for commercial, industrial, or multi-residential buildings (six units or more) on the ground floor banner, above an accessible entrance. The sign may be in channel letter form.

7.5(3) Projecting signs

In addition to the requirements of subsection 7.5 (1), projecting signs shall be permitted under the following conditions:

- a) They are permanently attached to the building;
- b) Where permitted, only one sign is permitted per establishment;
- c) They are installed at least 2.4 m from the ground;
- d) They shall not be permitted to swing freely on their supports;
- e) They shall not project more than 2.5 m from the building wall upon which the sign is located;
- f) They shall only project over the sidewalk if an encroachment agreement is signed with the council.

7.5(4) Canopy signs

In addition to the requirements of subsection 7.5(1), canopy signs shall be permitted under the following conditions:

- a) They are permanently attached to, painted or placed upon a marquee, canopy or awning;
- b) They shall only be installed on the building façade and on another wall of the building with an entrance accessible to customers;
- c) They shall not project more than 2.4 m from the wall on which they are attached;
- d) They are installed at least 2.4 m from the ground.

7.6 Temporary signs

7.6(1) Portable signs

In zones "C2 - Urban", "C3 – Faubourg Victoria" and "C4 – Regional Gateway" a portable sign shall be permitted to promote a commercial event for up to 30 days per year (consecutively or not), subject to the following provisions:

- a) A sign permit is required;
- b) Promotion periods may be non-consecutive;
- c) It shall not, under any circumstances, become permanent;
- d) It respects the same setbacks as freestanding signs;
- e) It is not luminous or illuminated;



- f) It is not an electronic message;
- g) It has a maximum area of 3 m²;
- h) It is only located on the property where the event is being held;
- i) It shall not be used to present third-party advertising.

7.6(2) Real estate signs

One temporary real estate sign shall be permitted under the following conditions:

- a) It is installed only on the subject property;
- b) Its surface area does not exceed 1,2 m² in a “Residential” zone or 3 m² in any other zone;
- c) It shall be removed from the property within 10 business days of the completion of the sale or lease of the property.

7.6(3) Construction signs

One construction sign shall be permitted in all zones, under the following conditions:

- a) It meets the same setback requirements as freestanding signs;
- b) It displays the name of the project, owner, architect and consultant engineer, landscaping, plumbing, construction, or other contractors involved;
- c) It has a maximum of two parallel sign faces;
- d) It is non-illuminated and shall not employ backlit construction;
- e) It shall be removed from the property within five business days of the completion of construction;
- f) Its surface area does not exceed 3 m².

7.6(4) Sandwich board sign

Sandwich board signs shall be permitted under the following conditions:

- a) The maximum area per face does not exceed 0.75 m²;
- b) Only one sandwich board sign is permitted per business;
- c) It does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

7.6(5) Banners

Banners shall be permitted in zones other than “Residential”, under the following conditions:

- a) They are installed only on the project property;
- b) They shall not, under any circumstances, become permanent.