

**Rothesay Zoning By-law No. 2-10**  
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# **1. ADMINISTRATION**

## **1.1. PURPOSE**

- (a) This By-law may be cited as "The Rothesay Zoning By-law".
- (b) This By-law divides the municipality into zones.
- (c) This By-law prescribes, subject to powers reserved in the Council and Planning Advisory Committee:
  - i. the purposes for which land, buildings and structures in any zone may be used, and
  - ii. standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform.
- (d) This By-law prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with clauses (c)(i) and (ii) and for greater clarity any use not permitted is prohibited unless approved by the Planning Advisory Committee in accordance with section 1.4.3.

## **1.2. ADMINISTRATION**

- (a) The Development Officer for Rothesay, or their designate, shall be responsible for the general administration of this By-law.

### **1.2.1 Repeal of Existing By-laws**

- (a) This Zoning By-law repeals and replaces Zoning By-law 2-02 and amendments thereto.
- (b) Notwithstanding the repeal of the by-laws noted, variances granted to those by-laws set out in 1.2.1(a), terms and conditions thereunder or developers' agreements entered into pursuant to Section 39 of the Act are expressly continued and remain in effect as though granted under this By-law.

### **1.2.2 Rezoning Applications**

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

- (f) Before giving its views to the Council with respect to an application under this section, the Planning Advisory Committee may carry out such investigation as it deems necessary.
- (g) Unless Council, upon the advice of the Planning Advisory Committee, is of the opinion there is valid new evidence or a change in conditions, where an application under this section has been refused by Council, no further application may be considered by Council for one year if such application:
  - i. in the case of re-zoning, concerns the same area of land as the original application and in all significant particulars intends to seek the same zone or obtain the same zoning changes as originally sought; or
  - ii. not being in relation to re-zoning, is similar to the original application.
- (h) Notwithstanding the foregoing, Council or the Planning Advisory Committee may initiate amendments to this By-law, or Council may authorize the holder of an option or a purchase and sales agreement for Town-owned land to apply for an amendment to this By-law.

**1.2.3 Permits**

- (a) For the purposes of ensuring compliance with Section 81 of the Act and with the Municipal Plan and this By-law, no development may be commenced by any person and no building permit shall be issued until a permit, to be known as a Development Permit, in such form as approved by Council, has been issued by the Development Officer certifying that the proposed development conforms to the Municipal Plan and Zoning By-law.
- (b) The following developments, although still required to meet the requirements, if any, of this By-law, shall be exempt from clause (a) and the provisions of Section 81 of the Community Planning Act:
  - i. any alteration to the interior of a building or structure which does not involve:
    - a change of use,
    - an increase in the number of dwelling units,
    - a structural alteration.
  - ii. any alteration to the exterior of a building or structure which does not involve an increase in the size or exterior dimensions.
- (c) Upon the approval of the Planning Advisory Committee and in accordance with Section 5.8, the Development Officer may issue a supplementary permit in a form approved by Council, to be known as a Pit & Quarry Permit for the development and or operation of a pit or quarry and such Pit & Quarry Permit may be revoked or reinstated in accordance with subsection 5.8.7.
- (d) Upon the approval of the Planning Advisory Committee and in accordance with Section 1.4.2, the Development Officer may issue a supplementary permit in a form approved by Council, to be known as a Temporary Use Permit.
- (e) In accordance with Section 5.13.2 the Development Officer may issue a supplementary permit in a form approved by Council, to be known as a Grading Plan Permit.
- (f) A Development Permit shall be issued subject to such terms and conditions as imposed by Council or the Planning Advisory Committee.
- (g) If upon inspection of work being undertaken with respect to a development, the Development Officer or the Building Inspector determines that a term or condition upon which a Development Permit was issued is not being met, the Development Officer may suspend a Development Permit and may reinstate the same permit

within sixty (60) days if they are satisfied that the terms and conditions will be met.

- (h) If the Development Officer does not reinstate a permit suspended in accordance with clause (g) within sixty (60) days, the permit will be revoked.
- (i) If a development has not been completed and all terms and conditions of the Development Permit met within two years of the date of issuance of the Development Permit, the Development Officer shall revoke the permit.
- (j) If a permit is revoked, an applicant may apply to the Planning Advisory Committee within one year from the date of the permit being revoked to have the permit reinstated.
- (k) A permit under this By-law or a poster or placard in lieu thereof, shall be posted, in a prominent place on the property in respect of which the approval is given or the permit issued, by the person who obtained the approval or is named in the permit.

**1.2.4 Fees**

- (a) Council shall adopt, and may from time to time amend, a fee schedule to be appended to this By-Law as Schedule “B”.
- (b) Applicants shall pay the fees set out in Schedule “B” when making an application for any permit or other item listed therein.
- (c) A fee for a Temporary Use permit or Grading Plan permit shall be in addition to the fee for the applicable Development Permit required.
- (d) Subject to subsection (e) no document or approval shall be issued hereunder until the fee set out in Schedule "B" has been received by Rothesay.
- (e) Council may, if it so decides, return all or part of a fee to the applicant.
- (f) All advertising costs related to a public presentation for a Municipal Plan Amendment, and a public hearing for a rezoning application or an amendment to an agreement with a developer shall be paid by the applicant.

**1.3. POWERS OF COUNCIL**

**1.3.1 Prohibit Construction**

No building may be erected in the municipality in respect of which satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

**1.3.2 Dilapidated Structures**

When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may, in accordance with section 34(3)(e) of the Act:

- i. require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or
- ii. acquire the parcel of land on which such building or structure is located.

**1.3.3 Non Conforming Uses**

Council may require, under the provisions of Section 41 of the Act, that a non-conforming use be maintained and kept in a condition appropriate to the area in which it is located to the standards prescribed by Council.

The Planning Advisory Committee may permit the reconstruction of a damaged non-conforming use, allow for the non-conforming use to be extended through an existing

building, or allow a non-conforming use to be changed to a similar non-conforming use under the provisions of Section 40 of the Act.

### **1.3.4 Utility Infrastructure**

- (a) Subject to subsection (b), within any zone mentioned herein, Council, on the advice of the Planning Advisory Committee, may:
  - i. permit land to be used for the location or erection of any installation for the supply of electricity, for telecommunication services, for water, for sanitary or storm sewers, for the treatment or disposal of sewerage wastes, or for the supply of natural gas; and
  - ii. use land designated under clause (i) for the purpose therein mentioned.
- (b) No land may be designated or used for the purposes of subsection (a) unless, in the opinion of Council:
  - i. such land is essential to the operation of the service concerned; and
  - ii. any development thereon in a residential zone is adequately landscaped and screened or buffered from public view.

## **1.4. POWERS OF PLANNING ADVISORY COMMITTEE**

### **1.4.1 Prohibition of Development**

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

### **1.4.2 Temporary Use Permit**

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

- i. authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
- ii. require the termination or removal of a development authorized under clause (i) at the end of the authorized period.

### **1.4.3 Similar or Compatible Use**

- (a) The Planning Advisory Committee may permit a proposed use of the land or building that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated. When determining if a use is similar or compatible the Planning Advisory Committee shall give consideration to a potential conflict with the neighbourhood with respect to:
  - i. noise
  - ii. parking
  - iii. provision of screening
  - iv. quality and amount of landscaping and buffering
  - v. quantity of traffic generation
  - vi. scale and form of building
  - vii. any additional information required by the Committee to evaluate the proposal
- (b) Approval of a similar or compatible use may be subject to terms and conditions imposed by the Planning Advisory Committee.
- (c) The Council may enter into an agreement to assure the performance of the conditions set out in subsection (b).

**1.4.4 Variance Applications**

- (a) A person who seeks a variance from this By-law shall address a written and signed application in a form acceptable to the Development Officer to the Planning Advisory Committee along with the applicable fee.
- (b) Before granting a variance the Planning Advisory Committee may carry out such investigation as it deems necessary.
- (c) Approval of a variance may be subject to terms and conditions imposed by the Planning Advisory Committee.
- (d) The Council may enter into an agreement to assure the performance of the conditions set out in subsection (c).

**1.4.5 Conditional Uses**

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

**2. INTERPRETATION**

**2.1. ZONING MAP**

The Zoning Map, Schedule A, forms part of this By-law. This map divides Rothesay into zones, to which the provisions of this By-law apply.

**2.1.1 Zones not on Maps**

The Zoning Map of this By-law may be amended to apply any zone in this By-law to a particular geographic area, regardless of whether or not such zone has previously appeared on Schedule A. Such amendments must be carried out in accordance with the requirements of the Act and shall be in conformity with the policies of the Rothesay Municipal Plan.

**2.1.2 Boundaries of Zones**

Where the boundary of any zone is uncertain, and

- i. the boundary, as shown on the zoning maps relating to this By-law, substantially follows a street, lane, railway right-of-way or watercourse, the center line of such feature is the boundary;
- ii. the boundary, as shown on the zoning map relating to this By-law, substantially follows lot lines shown on an existing filed plan of subdivision, such lines are the boundaries;
- iii. the boundary, as shown on the zoning maps relating to this By-law, runs substantially parallel to a street line and the difference from the street line is not indicated, the boundary shall be deemed to be parallel to such street line and the distance from the street line shall be determined according to the scale shown on the zoning maps;
- iv. the boundary, as shown on the zoning maps relating to this By-law, follows the shore line of a river or watercourse, the mean high water mark is the boundary;

- v. the boundary, as shown on the zoning maps relating to this By-law, follows a street or lane and the street or lane is subsequently closed, the land in the closed street or lane is included in the zone of the abutting land, and if such street or lane forms the boundary between two or more different zones, the center line of the closed street or lane is the boundary.

**2.2. OTHER BY-LAWS, PERMITS AND LICENSES**

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Building By-law or any other by-law of Rothesay in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any by-law of Rothesay or act or regulation of the Provincial or Federal government. In the event of conflict between this By-law and any other by-law, act or regulation, the most restrictive obligation shall prevail.

**2.3. CALCULATION OF NUMERICAL REQUIREMENTS**

All numerical requirements in this by-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

**2.4. MIXED USES**

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

**2.5. FRONTAGE REQUIREMENTS WHEN LOT LINES ARE NOT PARALLEL**

For lots where the front lot line is a curved line or the side lot lines are not parallel a minimum lot width, equal to the minimum lot frontage required by this By-law, shall be required in lieu of a minimum lot frontage. The minimum lot width shall be measured along a horizontal line drawn between points on each side lot line that are setback from the front lot line a distance equal to the minimum front yard requirement.

**2.6. EXISTING UNDERSIZED LOTS**

Nothing in this By-law shall prevent the use of an undersized lot existing on the adoption of this By-law provided that the use of such lot is permitted in the zone in which the lot is located. New development on undersized lots must maintain the setbacks, height, coverage and all other relevant requirements of the zone. Existing buildings are not subject to the zone's setback requirements so long as the building's footprint does not change.

**2.7. EASEMENT AREA IN LOTS**

Easements that exceed 10 percent of the lot area or are wider than 6 meters shall not be included in the calculations for determining minimum lot area.

**2.8. BUILDING AND STRUCTURE PROJECTIONS**

The following horizontal projections into required yards are permitted:

- i. 0.50 meters for bay windows, chimneys, smoke stacks or flues;
- ii. 0.75 meters for cornices, eaves, a canopy or roof overhang;

- iii. 0.80 meters for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes;
- iv. 1.0 meter for exterior steps, stairways, stair balconies or unenclosed porches; and
- v. 2.0 meters for upper storey balconies of multiple-unit buildings that are not enclosed above the height of a normal railing.

**2.9. DEFINITIONS**

The following definitions describe terms and words used in this By-law and they are provided for words with a specific meaning in the context of this By-law:

ABUTTING means a lot line that has any point in common with another lot line that is not part of the street line.

ACCESSORY BUILDING or ACCESSORY STRUCTURE means a subordinate building or structure on the same lot as the main building, which is not normally used for human habitation and devoted exclusively to a use incidental and supportive of the principal use.

ACCESSORY 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.

ACT means the Community Planning Act, Chapter C-12, R.S.N.B. 1973 and amendments thereto.

ADJACENT means near or next to and may include separation by a street right of way, easement or watercourse.

ADULT ENTERTAINMENT means providing goods or services, including activities, facilities, performances, exhibitions, viewing and encounters, the principal characteristic of which is sex acts or exposure of genitalia of any person or of the breast of a female.

ADULT MOTION PICTURE means a motion picture of which the main attribute is sex acts, exposure of genitalia of any person or of the breast of a female.

ANIMAL UNIT means a measure based on land requirements used to determine an equivalent number of various classes of livestock according to size as set out in Schedule 'C'.

APARTMENT BUILDING means a multi-unit structure with individual apartment units but a common entrance and hallway.

ASSISTED LIVING FACILITY means a residential facility providing supervision or assistance with resident's daily needs, activities and chores, but not including facilities that provide 24-hour medical care.

BED & BREAKFAST means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation, in a maximum of 10 rooms, and meals for the travelling public.

BUFFER means plant materials characterized by dense growth, which forms an effective year-round screen, such as a row of coniferous trees or shrubs, and is perpetually maintained.

BUILDING AREA means the habitable floor space contained within a building which may be on one or more floors but excludes the basement, open air porches, verandas, steps, fire escapes, exterior stairways, breezeways, ramps and accessory buildings.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.

**CARD LOCK FUEL RETAILING** means the operation of a gas bar or a service station where access to the pump is self-service through the use of an access card or code and is intended to provide petroleum product for commercial vehicle operation.

**CINEMA** means a building or part of a building used for showing motion pictures but does not include the showing of adult motion pictures.

**CLINIC** means a place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons or animals and those who are in need of medical or surgical attention, but which does not provide overnight accommodation for persons or boarding of animals on the premises.

**CLUB FACILITY** means premises owned or occupied by members of a club within which the activities of a club are conducted.

**CLUB** means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality.

**COMMUNICATION ARTS CENTER** means a facility used for but not limited to broadcast studios, television services, publishing and printing facilities and telecommunication services.

**COMMUNITY HALL** means a building mainly used for recreational and cultural purposes.

**COMPOUND** means a portion of a side or rear yard used for outside storage within an opaque fence.

**CONDOMINIUM** means a building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are held in common.

**CONVENIENCE STORE** means a retail store not exceeding 200 square meters in gross floor area, which serves the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, hardware, magazines and newspapers and may include as subsidiary uses a postal outlet, bakery and video sales and rental where the space used for any subsidiary use does not exceed 10% of the total floor area of the retail operation; and does not include the sale of liquor or the operation of video lottery machines.

**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 one hundred and thirty-five (135) degrees.

**DAY CARE CENTRE** means an agency, business or institution offering or supplying group care to ten or more children, for a portion or all of a day and on a regular schedule more often than once a week.

**DAY CARE** means an individual offering or supplying group care to no more than nine children for a portion or all of the day and on a regular schedule more often than once a week.

**DEVELOPMENT** means any activity which changes or modifies the use of land or buildings or structures located upon land and which is not exempt from this By-law by provisions of an Act of the Legislature or Parliament; or the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure.

**DEVELOPMENT OFFICER** means the person appointed by Council in accordance with Section 16(2) of the Act.

**DISTURBED AREA** means any land that has been cleared of natural vegetation, built upon, covered in artificial surfaces, landscaped or graded.

**DOMESTIC ANIMALS** means any animal that would normally be considered a pet

and includes a dog or cat or exotic animal weighing less than 50kg.

**DORMITORY** means a building used as a group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery or other similar use.

**DUPLEX** means a dwelling divided horizontally into two dwelling units.

**ENTERTAINMENT FACILITY** means a facility for uses such as commercial entertainment, amusement, relaxation, water parks, mini golf, video games, pool tables and bowling carried on within a building or part of a building but not including adult entertainment, as defined in this by-law.

**FAMILY** means

- (a) a single person occupying a dwelling unit; or
- (b) two persons occupying a dwelling unit who are living together as a couple, together with such other persons who are otherwise related by kinship or adoption; or
- (c) a group of not more than three unrelated persons occupying a dwelling unit;
- (d) for the purposes of this By-law, Family is deemed to include
  - (i) one or more full-time domestic servants;
  - (ii) not more than two foster children placed with the family under the Family Services Act of New Brunswick;
  - (iii) not more than two related or unrelated persons whose status is that of paying boarders and who live with one person occupying a dwelling unit, or with two or more persons occupying a dwelling unit who are living together as a couple or otherwise related by kinship or adoption.
- (e) Family does not include a group of children or adults living together under the direct supervision of a government or private agency.

**FITNESS FACILITY** means a facility for organized and self-directed human fitness activities.

**FLANKAGE** means the side yard of a corner lot, which extends from the front yard to the rear yard between the lot line abutting the street and the nearest main wall of any main building or structure.

**FRONT LOT 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 lot line abutting a street shall be deemed the front lot line. Where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed the front lot line.

**FUNERAL HOME** means an establishment for the preparation of the deceased for burial or cremation and for holding funeral services and may incorporate a chapel as an accessory use.

**GARBAGE CONTAINER** means a portion of a property used for the temporary storage of garbage in a dumpster or similar receptacle.

**GAS BAR** means a building used for the retail sale of fuels and lubricating oils and may include the sale of automobile accessories and/or convenience items.

**GAS PUMP** means a device used to deliver or pump a petroleum product, from a storage tank in a petroleum handling system, and may include one to six dispensing hoses.

**GASOLINE RETAILING CANOPY** means a permanent unenclosed roof structure erected for the purpose of sheltering pumps and pump islands from the weather.

**GASOLINE RETAILING** means the operation of a gas bar or a service station.

**GARDEN HOME** means a development where homes and lots are owned by individuals but a portion of the development is owned and maintained by a management company.

**GROUP HOME** means a residential facility for up to six residents providing services to children or adults, but does not include congregate housing or a facility whose primary objective is medical care or educational or correctional services.

**HEIGHT** means in relation to a building or structure, the average vertical distance measured from grade to the highest point, excluding cupolas, chimneys, church steeples, heating, ventilation or air conditioning units, and elevator shafts, on such building or structure.

**HOME OCCUPATION** means an accessory use conducted in a portion of a dwelling unit that is incidental and secondary to the residential use of the dwelling unit.

**HOTEL/MOTEL** means a commercial building providing temporary accommodations for travellers or transients on a year-round basis, and may have a public dining room and convention meeting room.

**IMPERVIOUS SURFACE** means any artificial surface, including concrete, asphalt, or roofing tiles, that does not allow water or other liquids to pass through it.

**INTERIOR LOT** means a lot other than a corner lot.

**KENNEL** means a place where animals are bred, boarded or held.

**KIOSK** means a temporary seasonal structure of not more than 25 square meters for uses including but not limited to providing tourist information, vegetable sales or Christmas tree sales.

**LITTER RECEPTACLE** means a container for the disposal of litter and garbage.

**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 river bank or watercourse, or between the top and toe of the cliffs or embankment having a slope of thirty degrees or more from the horizontal.

**LOT COVERAGE** means the percentage of lot area covered by buildings and structures above established grade, but not including uncovered swimming pools, unenclosed porches, patios, sun decks and above ground pool decks.

**LOT DEPTH** means the average horizontal distance between the front and rear lot lines.

**LOT FRONTAGE** means the horizontal distance measured along a public street. Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage. For lots where the front lot line is a curved line or the side lot lines are not parallel lot frontage means the length of a horizontal line drawn between points on each side lot line that are setback from the front lot line a distance equal to the minimum front yard requirement.

**LOT LINE** means any boundary of a lot or the vertical projection thereof.

**LOT** means a parcel of land, whether or not it is shown as a lot on a filed plan of subdivision, which is occupied or to be occupied by one or more main buildings, structures or uses, and including all yards and landscaped open spaces required by this By-law.

**MAJOR ROAD** means an arterial or collector road as defined in the by-laws of Rothesay.

**MAJOR SIDE** means the larger of the side yards.

**MINOR ROAD** means a local road and private lane.

**MINOR SIDE** means the smaller of the side yards.

**MOTOR VEHICLE SALES** means an establishment for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday

trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories.

**NURSING HOME** means a residential facility providing supervisory, personal, nursing and 24-hour medical care for persons who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves, but does not include an institution operated under the Mental Health Act, the Hospital Services Act, the Hospital Act or the Family Services Act.

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

**OUTSIDE DISPLAY** means outdoor display and sale of merchandise typically for sale within a commercial retail unit.

**OUTDOOR RECREATION** means the use of a lot or parcel of land for a driving range, bicycle track, orienteering or paint ball, but does not include any activity utilizing any type or form of motorized vehicle except those used to maintain the facility.

**OUTSIDE STORAGE** means the storage in the open air of merchandise, goods, inventory, materials or equipment or other items and includes material covered by canvas only, excluding vehicle parking and loading.

**PARK** means an area of land set aside for public recreational purposes and may include playgrounds, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith.

**PARKING LOT** means an area used to park automobiles, including parking spaces and manoeuvring areas, but excludes residential driveways used by only one unit.

**PERSONAL SERVICE ESTABLISHMENT** means an establishment providing services for personal care and appearance; for the cleaning, servicing, altering and maintenance of personal wardrobe, articles and accessories.

**PICNIC AREA** means an area provided with picnic tables and park benches for the temporary or daily use of the public.

**PIT or QUARRY** means the use of land for the extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, limestone, or other deposit and any preparation, testing or related site work incidental thereto;

**PLANNING ADVISORY COMMITTEE (PAC)** means the Planning Advisory Committee and its successors appointed under By-law 1-99 and amendments thereto.

**PLAY COURT** means a facility with a hard surface such as clay, concrete or asphalt used for activities such as tennis, basketball, shuffleboard or other similar uses.

**PLAY FIELD** means a facility with a grass or artificial turf surface used for activities such as baseball, softball, soccer, rugby or other similar uses.

**PRIVATE LANE** means a right-of-way which has not been dedicated to Rothesay, and which provides access to a lot and/or parking or loading space to and from a public street.

**PUBLIC PROPERTY** means any property owned by the municipality or the Crown.

**PUMP ISLAND** means a concrete cast-in-place structure, which contains the pumps used in a petroleum handling system.

**REAR LOT LINE** means the lot line farthest from the front lot line.

**REAR YARD** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

**RESTAURANT** means an establishment where food is prepared and offered for sale to the public for consumption within the building or structure or to be taken off the premises.

**RESTAURANT, DRIVE-THROUGH** means an establishment where ready-to-eat food is served to the public through a service window.

**RETAIL STORE** means an establishment for the retail sale or rental of merchandise from within an enclosed building and may include supplementary postal services, film processing, repair of merchandise sold or rented by the store and food consumption areas each not exceeding 20% of the gross leasable area.

**RETIREMENT COMPLEX** means a facility that provides a variety of living arrangements and levels of medical care for retirees, including: independent living units; assisted living units; and nursing home care.

**ROTHERSAY** means the town of Rothesay as incorporated under New Brunswick Regulation 85-6

**SCREEN** means a continuous fence, wall or evergreen hedge that would effectively conceal the property from abutting properties.

**SEASONAL SALES** means the short-term display and sale of items such as but not limited to in-season produce, Christmas trees or bedding plants.

**SEDIMENT CONTROL PLAN** means a site plan showing grading, disturbed areas and sediment control methods, in addition to a written description of how these measures will be constructed and maintained to reduce erosion at the construction site and limit sedimentation.

**SEMI-DETACHED** means a dwelling divided vertically into two dwelling units.

**SERVICE STATION** means a building or part of a building used for the retail sale of fuels and lubricating oils and may include the sale of automobile accessories and the servicing and general repair of motorized vehicles.

**SETBACK** means the minimum horizontal distance between a lot line and the nearest point of the foundation or exterior wall of the building, whichever is the lesser, or another part of a building or structure if specified elsewhere in this By-law.

**SHELTERED WORKSHOP** means a facility providing services to disadvantaged children or adults for a portion or all of the day and on a regular schedule more often than once a week, but does not include a facility whose primary objective is medical care or educational or correctional services.

**SHOPPING CENTRE** means a development containing multiple units and one or more commercial uses that does not contain common interior areas, and is planned, developed, owned and managed as a single development

**SHOWROOM** means a space within a building for the display of products or materials assembled, manufactured or warehoused in the same building.

**SIDE LOT LINE** means a lot line other than a front or rear lot line.

**SIGHT TRIANGLE** means the triangle at a street intersection that is formed by connecting the following points: the point where the street edge or curbs meet at the apex of the intersection and a point on each street line that is 7.5 metres from the intersection.

**STORAGE LOCKER** means a facility where warehouse space in individual compartments accessible from the exterior is rented for a fee.

**STORMWATER BEST MANAGEMENT PRACTICE** means stormwater management methods that retain as much of the natural runoff characteristics and infiltration components of the undeveloped system as possible and reduce or prevent water quality degradation

**STRUCTURE** means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a

fixed location in or on the ground and shall include buildings, walls or any sign but does not include utility poles or sidewalks.

**SWIMMING AREA** means the area on the foreshore of a beach that accommodates activities such as parking, change houses and picnic areas.

**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 0.6 metres.

**TEMPORARY SUITE** means an apartment contained within a main single detached dwelling and internally accessible from the main dwelling unit, intended to provide accommodation to an elderly parent(s) or other elderly family member of the owner and permitted to exist for a limited amount of time in accordance with the provisions of the Act and this By-law,

**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.

**THEATRE** means a building, part of a building, area or structure used mainly for live dramatic, musical or similar performance but does not include adult entertainment.

**TOWNHOUSE** means a dwelling unit of between one to three floors attached to no more than eight similar dwelling units.

**UNIT** means one or more habitable rooms designed for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.

**UTILITY SERVICE** means a component of a water, sanitary sewage, storm water, solid waste disposal, cable television, electrical power or telecommunication system.

**WAREHOUSE** means an establishment for the storage and/or wholesale distribution of goods, where the warehouse component occupies at least 51% of the gross floor area and does not include a storage locker.

**WOODLOT MANAGEMENT PLAN** means a program designed by a qualified professional outlining the methods and techniques for the sustainable harvesting of timber on a woodlot.

**YARD** means an open, uncovered space on a lot appurtenant to a building.

**YARD, FLANKAGE** means a yard abutting a street extending from the front yard to the rear yard between the side lot line of the lot and the nearest wall of the main building on the lot.

**YARD, FRONT** means a yard extending across the full width of the lot between the front lot line and the nearest wall of the building on the lot.

**YARD, REAR** means a yard extending across the full width of the lot between the rear lot line and the nearest wall of the building on the lot.

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

### **3. GENERAL PROVISIONS**

#### **3.1. BUILDINGS PER LOT**

In all zones, except as otherwise provided in this By-law, no more than one main building may be placed or erected on a lot, and no building or structure may be altered to become a second main building on a lot. This section does not apply to property registered under the provisions of the Condominium Property Act, R.S.N.B. 1973, c. C-16.

#### **3.2. COMMON WALLS**

Dwellings with common party walls and occupying more than one lot shall be considered as one building occupying one lot for the purposes of calculating side yard, frontage, lot area and lot occupancy regulations. This includes semi-detached dwellings, duplex dwellings, townhouses and apartment dwellings.

#### **3.3. DESIGN AND APPEARANCE OF BUILDINGS AND STRUCTURES**

No residential building with a length to width ratio of greater than three may be erected or placed on any site.

Temporary or portable garages or shelters shall be permitted only in the rear yard from November 1<sup>st</sup> until April 30<sup>th</sup>.

#### **3.4. HEAT PUMPS AND AIR CONDITIONING UNITS**

Ground mounted heat pumps, air conditioning units or other mechanical equipment shall be placed in the side or rear yard and setback at least 7.5 meters from a side or rear property line unless they are in a structure or compound to control noise.

#### **3.5. LIGHTING OR ILLUMINATING DEVICES**

Exterior lighting in commercial zones shall be downcast lighting placed on light standards that do not exceed 6m in height.

#### **3.6. RESIDENTIAL DEVELOPMENT NEAR A SEWAGE LAGOON**

No dwelling may be located within 90 meters of a sewage lagoon or treatment plant. The development of existing approved lots within this distance is permitted.

#### **3.7. ANIMALS IN RESIDENTIAL ZONES**

Only domestic animals may be kept in any residential zone.

#### **3.8. SIGHT TRIANGLE AT INTERSECTIONS**

No building or structure shall be erected on a corner lot within the sight triangle, the triangle at a street intersection that is formed by connecting the following points: the point where the street edge or curbs meet at the apex of the intersection and a point on each street that is 7.5 metres from the intersection.

#### **3.9. ROADS IN ANY ZONE**

Notwithstanding any other conditions contained in this by-law any land may be used for the purpose of public streets.

**3.10. COMMERCIAL VEHICLE ACCESS TO RESIDENTIAL ZONES**

No vehicular access to any land in a Commercial or Industrial zone shall be permitted through a Residential zone other than by way of a public street.

**3.11. USE OF RECREATION VEHICLES, VEHICLE BODIES AND TRANSPORT TRUCK TRAILERS**

The use of a vehicle body, recreational vehicle or transport truck trailer as a permanent place of residence or for commercial activities, except temporarily at construction sites, shall not be permitted within any zone in Rothesay.

**3.12. FENCES AND WALLS**

To ensure fences and walls do not detract from neighbouring properties or create dangerous conditions a fence or wall may be located on any lot or in any yard and shall:

- i. not exceed in height.
  - 0.75 metres above the level of the curb, or the centre line of the street where no curb exists, if located within the sight triangle;
  - 2.0 metres, if located in a residential zone; or
  - 3.5 metres, if located in a zone other than a residential zone;
- ii. other than a fence or wall in excess of 2 metres and located in a zone other than a residential zone, not be constructed of barbed wire or have at the top thereof barbed wires, broken glass or other pointed objects;
- iii. shall be set back one (1) metre from the property line unless a documented mutual agreement with the abutting property owner is provided to the Town.

**3.13. SIGNS**

All signage erected or displayed within Rothesay must conform to By-law 03-10, the Sign By-law.

## **4. ZONES**

### **4.1. ESTABLISHMENT OF ZONES**

- (a) For the purpose of this By-law, zones are established and the lands included in each zone are shown on the Zoning Map appended hereto as Schedule A.
- (b) The zones established by this By-law are classified and referred to as follows:

	<b>ZONE</b>	<b>abbreviation</b>
(i)	Rural	RU
(ii)	Single Family Residential – Large Serviced	R1a
(iii)	Single Family Residential - Standard	R1b
(iv)	Single Family Residential - Unserviced	R1c
(v)	Single Family Residential - Traditional	R1d
(vi)	Single Family Residential – Small Lot	R1e
(vii)	Two Family Residential	R2
(viii)	Attached Residential	R3
(ix)	Multi-Unit Residential	R4
(x)	Special Area	SA
(xi)	Neighbourhood Commercial	NC
(xii)	Central Commercial	CC
(xiii)	General Commercial	GC
(xiv)	Millennium Park	MP
(xv)	Highway Commercial	HC
(xvi)	Institutional - Minor	INSmi
(xvii)	Institutional - Major	INSma
(xviii)	Light Industrial	LI
(xix)	Rural Industrial	RI
(xx)	Recreation	REC

- (c) R1a, R1b, R1c, R1d, R1e, R2, R3, R4 zones, collectively, are referred to as R zones or residential zones.
- (d) NC, CC, GC, MP, HC zones, collectively, are referred to as C zones or commercial zones.
- (e) INSmi, INSma zones, collectively, are referred to as INS zones or institutional zones.
- (f) LI, RI zones, collectively, are referred to as IND zones or industrial zones.



- (a) Front yards shall be maintained with a minimum area of 90% in natural vegetation, turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (b) No front yard may be used for outside storage unless it can be demonstrated to the satisfaction of the Development Officer that the site has extraordinary limitations such as slopes with a gradient in excess of 20%, mature vegetation, or other features that make storage on other parts of the lot impractical.

**4.3. SINGLE FAMILY RESIDENTIAL – LARGE SERVICED ZONE [R1A]**

This zone is intended to apply to established residential neighbourhoods and new neighbourhoods with larger, single family homes.

Permitted Uses:       -   **single family house**  
                               -   **public park**  
                               -   **public playground**

Uses subject to PAC conditions:   -   **temporary suite**       •   see section 5.1  
    -   **home occupation**       •   see section 5.3  
    -   **day care**                   •   as a secondary use, see section 5.2  
    -   **assisted living facility**   •   limited to 4 residents

Accessory Uses:       -   **detached garage**  
                               -   **gazebo**  
                               -   **greenhouse**  
                               -   **playhouse**  
                               -   **pool house**  
                               -   **shed**  
                               -   **swimming pool**       •   see section 5.5

Minimum Lot Area:   **2000 m<sup>2</sup>**

Minimum Lot Frontage:       **40 m**                   Minimum Lot Depth:       **45 m**

Minimum Yard  
     Front:                   **7.5 m**                   Major Side:   **6.0 m**  
     Rear:                    **7.0 m**                   Minor Side:   **5.0 m**  
     Flankage:               **7.5 m**

Building Height  
     Maximum:               **11 m**                   Minimum:       **4 m**

Building Area  
     Maximum:               **n/a m<sup>2</sup>**               Minimum:       **110 m<sup>2</sup>**

Max. Building Coverage       **30 %**

Accessory Building or Structure  
     Max. Number:           **2**                   Max. Total Coverage:   **10 %** included in lot coverage  
     Max. Height:           **6 m**                   Max. Bldg. Area:   **70 m<sup>2</sup>**

Driveway entrance:  
     Max. width              **5 m**                   Max. Number:       **2**

- (a) Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (b) No front yard may be used for outside storage unless it can be demonstrated to the satisfaction of the Development Officer that the site has extraordinary limitations such as slopes with a gradient in excess of 20%, mature vegetation, or other features that make storage on other parts of the lot impractical.



such as slopes with a gradient in excess of 20%, mature vegetation, or other features that make storage on other parts of the lot impractical.





**4.7. SINGLE FAMILY RESIDENTIAL – SMALL LOT ZONE [R1E]**

This zone is intended to provide opportunities for smaller lots and more compact housing forms in areas of Rothesay where this development type will not detract from the quality of existing residential neighbourhoods.

Permitted Uses:	-	<b>single family house</b>		
	-	<b>public park</b>		
	-	<b>public playground</b>		
Uses subject to PAC conditions:	-	<b>boat dock</b>	•	recommendations from NBDOE, Coast Guard and water lot permit
	-	<b>temporary suite</b>	•	see section 5.1
	-	<b>home occupation</b>	•	see section 5.3
Accessory Uses:	-	<b>garage</b>		
	-	<b>gazebo</b>		
	-	<b>greenhouse</b>		
	-	<b>playhouse</b>		
	-	<b>pool house</b>		
	-	<b>shed</b>		
	-	<b>swimming pool</b>	•	see section 5.5
Minimum Lot Area:	<b>700</b>	<b>m<sup>2</sup></b>		
Minimum Lot Frontage:	<b>20</b>	<b>m</b>	Minimum Lot Depth:	<b>30</b> <b>m</b>
Minimum Yard				
Front:	<b>7.5</b>	<b>m</b>	Major Side:	<b>5</b> <b>m</b>
Rear:	<b>6</b>	<b>m</b>	Minor Side:	<b>3</b> <b>m</b>
Flankage:	<b>7.5</b>	<b>m</b>		
Building Height				
Maximum:	<b>9</b>	<b>m</b>	Minimum:	<b>3</b> <b>m</b>
Building Area				
Maximum:	<b>n/a</b>	<b>m<sup>2</sup></b>	Minimum:	<b>90</b> <b>m<sup>2</sup></b>
Max. Building Coverage	<b>35</b>	<b>%</b>		
Accessory Building or Structure:				
Max. Number:	<b>1</b>		Max. Total Coverage:	<b>5</b> <b>%</b> , included in lot coverage
Max. Height:	<b>6</b>	<b>m</b>	Max. Bldg. Area:	<b>50</b> <b>m<sup>2</sup></b>
Driveway entrance:				
Max. width	<b>5</b>	<b>m</b>	Max. Number:	<b>1</b>
(a)	Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.			
(b)	No front yard may be used for outside storage unless it can be demonstrated to the satisfaction of the Development Officer that the site has extraordinary limitations such as slopes with a gradient in excess of 20%, mature vegetation, or other features that make storage on other parts of the lot impractical.			

**4.8. TWO FAMILY RESIDENTIAL ZONE [R2]**

This zone is intended to provide for two family housing and single family housing types integrated in various neighbourhoods.

Permitted Uses:	<ul style="list-style-type: none"> <li>- <b>single family house</b></li> <li>- <b>duplex dwelling</b></li> <li>- <b>semi-detached dwelling</b></li> <li>- <b>public park</b></li> <li>- <b>public playground</b></li> </ul>	<ul style="list-style-type: none"> <li>• lot area, yards, height, building area, accessory buildings as required in R1B Zone</li> </ul>
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Uses subject to PAC conditions:	<ul style="list-style-type: none"> <li>- <b>temporary suite</b></li> <li>- <b>home occupation</b></li> </ul>	<ul style="list-style-type: none"> <li>• see section 5.1</li> <li>• see section 5.3</li> </ul>
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Accessory Uses:	<ul style="list-style-type: none"> <li>- <b>garage</b></li> <li>- <b>gazebo</b></li> <li>- <b>greenhouse</b></li> <li>- <b>playhouse</b></li> <li>- <b>pool house</b></li> <li>- <b>shed</b></li> <li>- <b>swimming pool</b></li> </ul>	<ul style="list-style-type: none"> <li>• see section 5.5</li> </ul>
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Minimum Lot Area:	<b>1200 m<sup>2</sup></b>	Min. Lot Frontage:	<b>30 m</b>	Min. Lot Depth:	<b>30 m</b>
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Minimum Yard					
Front:	<b>7.5 m</b>	Major Side:	<b>5 m</b>	Rear:	<b>7.5 m</b>
		Minor Side:	<b>5 m</b>	Flankage:	<b>7.5 m</b>

Dwellings with common party walls and occupying more than one lot shall be considered as one building occupying one lot for the purpose of calculating side yard, frontage, lot area and lot occupancy regulations.

Building Height					
Maximum:	<b>9 m</b>	Minimum:	<b>3 m</b>		

Building Area					
Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>185 m<sup>2</sup></b>		
Max. Building Coverage	<b>35 %</b>				

Accessory Building or Structure					
Max. Number:	<b>2</b>	Max. Total Coverage:	<b>10 %</b>	included in lot coverage	
Max. Height:	<b>6 m</b>	Max. Bldg. Area:	<b>70 m<sup>2</sup></b>		

- Driveway entrance:
- |            |            |              |          |
|------------|------------|--------------|----------|
| Max. width | <b>5 m</b> | Max. Number: | <b>2</b> |
|------------|------------|--------------|----------|
- (a) Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
  - (b) No front yard may be used for outside storage unless it can be demonstrated to the satisfaction of the Development Officer that the site has extraordinary limitations

such as slopes with a gradient in excess of 20%, mature vegetation, or other features that make storage on other parts of the lot impractical.

**4.9. ATTACHED RESIDENTIAL ZONE [R3]**

This zone is intended for development of somewhat higher densities and attached housing forms in areas of Rothesay where this development type will not detract from the quality of existing residential neighbourhoods. Multiple buildings per lot may be permitted subject to PAC approval and appropriate access to the public road right of way.

- Permitted Uses:
- **duplex dwelling** • lot area, yards, height, building area, accessory bldgs. as required in R2 Zone
  - **semi-detached dwelling**
  - **single family house** • lot area, yards, height, building area, accessory bldgs as required in R1e Zone
  - **townhouse** • including condominium ownership
  - **garden home**
  - **public park**
  - **public playground**

- Uses subject to PAC conditions:
- **home occupation** • see section 5.3

- Accessory Uses:
- **garage**
  - **gazebo**
  - **greenhouse**
  - **playhouse**
  - **pool house**
  - **shed**
  - **swimming pool** • see section 5.5

Minimum Lot Area: **1200 m<sup>2</sup>** or **400 m<sup>2</sup>** per residential unit, whichever is greater

Minimum Lot Frontage: **40 m** Minimum Lot Depth: **30 m**

Minimum Yard

Front: **7.5 m** Major Side: **5 m**  
 Rear: **7.5 m** Minor Side: **5 m**  
 Flankage: **7.5 m**

Dwellings with common party walls and occupying more than one lot shall be considered as one building occupying one lot for the purpose of calculating side yard, frontage, lot area and lot occupancy regulations.

More than one condominium building may be permitted per lot, provided that no building shall be within 5 metres of the property line, or within 5 metres of another building.

Building Height

Maximum: **9 m** Minimum: **3 m**

Building Area

Maximum: **n/a m<sup>2</sup>** Minimum: **80 m<sup>2</sup>**

Max. Building Coverage **40 %**

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Accessory Building or Structure:

Max. Number:	<b>1</b> per unit	Max. Total Coverage:	<b>3</b> % included in lot coverage
Max. Height:	<b>6</b> m	Max. Bldg. Area:	<b>10</b> m <sup>2</sup>

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Driveway entrance:

Max. width	<b>5</b> m	Max. Number:	<b>1</b>
Min. Floor Area/Unit	<b>90</b> m <sup>2</sup>	Number of Units designed to be barrier free:	1 for every 30 units in the project

- (a) Development of garden homes or townhouses may only be approved where the development is connected to municipal water and sewer.
- (b) No more than eight (8) units may be constructed in a single building.
- (c) Where attached housing is to be constructed on a common lot, provision must be made for maintenance of all common areas through an agreement registered against the property.
- (d) Front yards shall be maintained with a minimum area of 40% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (e) Storage of boats, vehicles, firewood, compost carts and similar items is not permitted in the landscaped portion of front yards.
- (f) Parking requirements are as set out in section 5.6. Parking lots shall be screened from abutting lower density residential zones.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.



No building shall be within 7.5 metres of the property line, or within 7.5 metres of another building.

Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.

**Building Height**

Maximum: **15 m** Minimum: **6 m**

**Building Area**

Maximum: **n/a m<sup>2</sup>** Minimum: **n/a m<sup>2</sup>**

**Max. Building Coverage** **35 %**

**Accessory Building or Structure**

Max. Number: **2** Max. Total Coverage: **5 %** included in lot coverage

Max. Height: **6 m** Max. Bldg. Area: **n/a m<sup>2</sup>**

**Driveway**

**entrance:**

Max. width **5 m** Max. Number: **2**

**Parking**

The number of parking spaces shall be calculated as set out in Section 5.6. The following standards are in addition to the standards found in Section 5.6:

- a) Off-street parking shall not be provided in the front yard; parking shall be placed in side or rear yards;
- b) Parking areas shall be screened from abutting lower density residential zones;
- c) No parking spaces, aisles or manoeuvring areas shall be placed within 2 metres of any property line; and
- d) No property shall have more than two driveway entrances.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule A.

**Storage**

Storage of boats, waste receptacles, vehicles, firewood, compost carts and similar items is not permitted in front yards.

**4.11. SPECIAL AREA ZONE [SA]**

This zone applies to the areas around the Rothesay Common and James Renforth Drive. This zone is intended to preserve these areas for similar style buildings and provide for limited mixed-use development.

Permitted Uses:     -   **single family house**  
                           -   **park**  
                           -   **playground**

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Uses subject to PAC conditions:	<ul style="list-style-type: none"> <li>-   <b>uses permitted in Recreation Zone</b></li> <li>-   <b>attached housing</b></li> <li>-   <b>place of worship</b></li> <li>-   <b>community hall</b></li> <li>-   <b>banking/ financial services</b></li> <li>-   <b>clubhouse</b></li> <li>-   <b>assisted living facility</b></li> <li>-   <b>day care</b></li> <li>-   <b>day care centre</b></li> <li>-   <b>two family housing</b></li> <li>-   <b>home occupation</b></li> <li>-   <b>office</b></li> <li>-   <b>retail use</b></li> <li>-   <b>school</b></li> <li>-   <b>temporary suite</b></li> </ul>	<ul style="list-style-type: none"> <li>• combined requirements of both Zones as applicable</li> <li>• requirements as in the R3 zone</li> <li>• requirements for parking, max floor area, height as in the Institutional Minor zone</li> <li>• requirements for parking, max floor area, height as in the Institutional Minor zone</li> <li>• requirements for parking, max floor area, height as in the Central Commercial zone</li> <li>• requirements for parking, max floor area, height as in the Recreation zone</li> <li>• requirements for parking, max floor area, height as in the Institutional-Minor zone</li> <li>• as a secondary use, see section 5.2</li> <li>• see section 5.2</li> <li>• requirements for parking, max floor area, height as in the R2 zone</li> <li>• see section 5.3</li> <li>• requirements for parking, max floor area, height as in the Central Commercial zone</li> <li>• requirements for parking, max floor area, height as in the Central Commercial zone</li> <li>• requirements as for parking, max floor area, height in the Institutional-Minor zone</li> <li>• in single family dwelling only, see section 5.1</li> </ul>
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Accessory Uses:	- <b>garage</b>	• with primary use as residential only
	- <b>gazebo</b>	
	- <b>greenhouse</b>	
	- <b>playhouse</b>	
	- <b>pool house</b>	
	- <b>shed</b>	
	- <b>swimming pool</b>	• see section 5.5
Minimum Lot Area:	<b>Avg. in block</b>	
Minimum Lot Frontage:	<b>Avg. in block</b>	Minimum Lot Depth: <b>25 m</b>
Minimum Yard		
Front:	<b>Avg. in block</b>	Major Side: <b>Avg. in block</b>
Rear:	<b>5 m</b>	Minor Side: <b>3 m</b>
Flankage:	<b>5 m</b>	
Building Height		
Maximum:	<b>Avg. in block</b>	Minimum: <b>3 m</b>
Building Area		
Maximum:	<b>n/a m<sup>2</sup></b>	Minimum: <b>n/a m<sup>2</sup></b>
Building Coverage	<b>30 %</b>	
Accessory Building or Structure:	see section 5.4	
Max. Number:	<b>3</b>	Max. Total Coverage: <b>15 %</b>
Max. Height:	<b>6 m</b>	Max. Bldg. Area: <b>100 m<sup>2</sup></b>
Driveway entrance:		
Max. width	<b>5 m</b>	Max. Number: <b>2</b>
<p>(a) Conditional uses in this zone shall be limited in scale and designed to fit within the context of the existing architecture. Buildings in this zone will be reviewed for compatibility with architectural character of adjacent development and the Heritage Preservation Review Board may impose conditions on building design required to ensure compatibility.</p> <p>(b) The development of conditional uses in this zone will generally be subject to additional conditions regarding building location, landscaping, architectural style, amount and location of parking and such other conditions as are deemed necessary by the Planning Advisory Committee to ensure compatibility with existing development.</p> <p>(c) The maximum floor area per level or storey of new office and retail uses shall be 140m<sup>2</sup>.</p> <p>(d) Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.</p> <p>(e) Outside storage of boats, vehicles, firewood, compost carts and similar items is not permitted in front yards.</p> <p>(f) Parking requirements are as set out in section 5.6. Parking lots shall be screened from abutting lower density residential zones.</p>		

**4.12. NEIGHBOURHOOD COMMERCIAL ZONE [NC]**

This zone is intended to apply to local commercial uses associated with residential neighbourhoods throughout Rothesay.

Permitted Uses: - **convenience store** • at least 1,000 meters, in a straight line, from any similar facility

Uses subject to PAC conditions: - **apartment** • secondary use only  
 - **outside seasonal sales** • secondary use only

Accessory Uses: - **detached garage**  
 - **shed**

Minimum Lot Area: **1,500 m<sup>2</sup>** Maximum lot area: **4,000 m<sup>2</sup>**

Min. Lot Frontage: **30 m** Min. Lot Depth: **45 m**

**Minimum Yard**

Front: **7.5 m** Major Side: **6.0 m**

Rear: **6 m** Minor Side: **6.0 m**

Flankage: **6 m**

**Building Height**

Maximum: **9 m** Minimum: **4 m**

**Building Area**

Maximum: **200 m<sup>2</sup>** Minimum: **90 m<sup>2</sup>**

Max. Lot Coverage **20 %**

**Accessory Building or Structure:**

Max. Number: **2** Max. Total Coverage: **5 %** included in lot coverage

Max. Height: **4.5 m** Max. Bldg. Area: **45 m<sup>2</sup>**

**Driveway entrance:**

Max. width **8 m** Max. Number: **2**

- (a) Except where crossed by an access driveway, a perimeter buffer area at least 3 m in depth and maintained in turf or other landscaping material such as trees, planting beds, hedges and walkways shall abut all property boundaries.
- (b) Outside storage of boats, vehicles, firewood, compost carts and similar items is not permitted in front or flankage yards.
- (c) Parking requirements are as set out in section 5.6. Parking lots shall be screened from abutting residential zones.
- (d) Driveway entrances shall be separated by a minimum distance of 15 meters measured at the centrelines.
- (e) Neighbourhood commercial uses shall provide at least one litter receptacle within 5 metres of the main entrance door for each 100 m<sup>2</sup> of floor area or part thereof.
- (f) There shall be a garbage container provided with a solid screen two metres in height for any property in this zone.

**4.13. CENTRAL COMMERCIAL ZONE [CC]**

This zone is intended to apply to local commercial activity primarily focused on the Hampton Road area of Rothesay.

- Permitted Uses:
- **bank or financial institution**
  - **funeral home**
  - **office**
  - **personal service establishment**
  - **medical clinic**
  - **public park**
  - **public playground**
  - **recreational use**
  - **retail store**
    - not exceeding 2,500 m<sup>2</sup>
  - **veterinary clinic**
  - **apartment**

- 
- Uses subject to PAC conditions:
- **assisted living facility**
    - limited to 15 residents
  - **carwash**
    - subject to water availability
  - **day care centre**
    - upon provision of adequate play yard and drop off area, Provincial licensing
  - **gasoline retailing**
    - see section 5.7
  - **greenhouse**
    - secondary use only to a retail use or shopping centre
  - **hotel/motel**
  - **licensed establishment**
  - **restaurant**
    - including drive-thru
  - **seasonal sales**
    - secondary use only
  - **shopping centre**
    - not exceeding 4,500 m<sup>2</sup>
  - **taxi stand**
    - in accordance with the Taxi By-law
  - **single family dwelling**

- 
- Accessory Uses:
- **gazebo**
  - **detached garage**
  - **picnic area**
  - **playhouse**
  - **shed**

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Minimum Lot Area: **1,350 m<sup>2</sup>**

Minimum Lot Frontage: **30 m**      Minimum Lot Depth: **45 m**

Minimum Yard Front: **4 m**      Major Side: **6.0 m**

Rear:	<b>7.0 m</b>	Minor Side:	<b>3.0 m</b>
Flankage:	<b>7.5 m</b>		
<b>Building Height</b>			
Maximum:	<b>11 m</b>	Minimum:	<b>4 m</b>
<b>Building Area</b>			
Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>110 m<sup>2</sup></b>
Max. Lot Coverage	<b>30 %</b>		
<b>Accessory Building:</b>			
Max. Number:	<b>1</b>	Max. Total Coverage:	<b>5 % included in lot coverage</b>
Max. Height:	<b>5 m</b>	Max. Bldg. Area:	<b>70 m<sup>2</sup></b>
<b>Driveway entrance:</b>			
Max. width	<b>10 m</b>	Max. Number:	<b>1 see clause (d)</b>
<p>(a) Except where crossed by an access driveway or walkway, a perimeter buffer area at least 3 m in depth and maintained in turf or other landscaping material such as trees, planting beds, hedges and walkways shall abut the front and side property boundaries.</p> <p>(b) A solid fence or a hedge at least two metres high shall be erected on any property line which abuts a residential or institutional zone.</p> <p>(c) Driveway entrances shall be separated from the nearest driveway entrance by a minimum distance of 14 meters measured at the driveway centrelines. Driveways may be shared with an abutting commercial property.</p> <p>(d) Where a property has more than one frontage, shares a driveway or the length of the frontage exceeds 40m, a second driveway may be approved.</p> <p>(e) Parking requirements are as set out in section 5.6. Parking lots shall be screened from abutting residential zones.</p> <p>(f) A use in a Central Commercial zone shall provide at least one litter receptacle within 5 metres of the main entrance door for each 200m<sup>2</sup> of floor area or part thereof.</p> <p>(g) There shall be a garbage container provided with a solid screen two metres in height for each development in a Central Commercial zone.</p> <p>(h) Outside storage is prohibited in the Central Commercial Zone except for litter receptacles and a maximum of 2 delivery or service vehicles each with a dead weight not exceeding 4,000 kilograms.</p>			

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

**4.14. GENERAL COMMERCIAL ZONE [GC]**

This zone is intended to apply to larger commercial operations with an emphasis on automobile access and service to the Kennebecasis Valley. This area is generally in the vicinity of Marr Road and Campbell Drive.

Permitted Uses:	<ul style="list-style-type: none"> <li>- <b>bank or financial institution</b></li> <li>- <b>cinema</b></li> <li>- <b>fitness facility</b></li> <li>- <b>funeral home</b></li> <li>- <b>medical clinic</b></li> <li>- <b>office</b></li> <li>- <b>personal service establishment</b></li> <li>- <b>public park</b></li> <li>- <b>public playground</b></li> <li>- <b>restaurant</b> <ul style="list-style-type: none"> <li>• including drive-through</li> </ul> </li> <li>- <b>retail store</b> <ul style="list-style-type: none"> <li>• not exceeding 7,500m<sup>2</sup></li> </ul> </li> <li>- <b>veterinary clinic</b></li> </ul>
Uses subject to PAC conditions:	<ul style="list-style-type: none"> <li>- <b>day care centre</b> <ul style="list-style-type: none"> <li>• with adequate play yard and drop off area</li> </ul> </li> <li>- <b>retail building supply outlet</b> <ul style="list-style-type: none"> <li>• including ancillary assembly and light manufacturing of building components</li> </ul> </li> <li>- <b>entertainment facility</b></li> <li>- <b>hotel/motel</b></li> <li>- <b>licensed establishment</b> <ul style="list-style-type: none"> <li>• subsidiary to a restaurant, hotel/motel, shopping centre or entertainment facility</li> </ul> </li> <li>- <b>gasoline retailing</b> <ul style="list-style-type: none"> <li>• see section 5.7</li> </ul> </li> <li>- <b>motor vehicle sales</b> <ul style="list-style-type: none"> <li>• see special provisions, section 5.7</li> </ul> </li> <li>- <b>storage locker</b> <ul style="list-style-type: none"> <li>• in a compound with screening, landscaping, limited height</li> </ul> </li> <li>- <b>shopping centre</b> <ul style="list-style-type: none"> <li>• not exceeding 10,000m<sup>2</sup></li> </ul> </li> <li>- <b>taxi stand</b> <ul style="list-style-type: none"> <li>• in accordance with the Taxi By-law</li> </ul> </li> </ul>
Accessory Uses:	<ul style="list-style-type: none"> <li>- <b>gazebo</b></li> <li>- <b>greenhouse</b></li> <li>- <b>picnic site</b></li> <li>- <b>playhouse</b></li> <li>- <b>pool house</b></li> <li>- <b>shed</b></li> <li>- <b>swimming pool</b> <ul style="list-style-type: none"> <li>• see section 5.5</li> </ul> </li> </ul>
Minimum Lot Area:	<b>1,500 m<sup>2</sup></b>
Minimum Lot Frontage:	<b>30 m</b>
Minimum Lot Depth:	<b>45 m</b>

Minimum Yard

Front:	<b>5.0 m</b>	Major Side:	<b>6.0 m</b>
Rear:	<b>6.0 m</b>	Minor Side:	<b>3.0 m</b>
Flankage:	<b>5.0 m</b>		

Building Height

Maximum:	<b>10 m</b>	Minimum:	<b>4 m</b>
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Building Area

Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>90 m<sup>2</sup></b>
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Max. Lot Coverage	<b>35 %</b>
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Accessory Building:

Max. Number:	<b>2</b>	Max. Total Coverage:	<b>5 %</b> included in lot coverage
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Max. Height:	<b>6 m</b>	Max. Bldg. Area:	<b>70 m<sup>2</sup></b>
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Driveway entrance:

Max. width	<b>6 m</b>	Max. Number:	<b>2</b>
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- (a) The development of multiple buildings on one parcel of land may be permitted where it can be demonstrated that there is an adequate internal circulation system that provides for the safe and efficient movement of vehicles and pedestrians on the site. Such a system must be designed to meet the requirements of the National Building Code as adopted by the Province of New Brunswick.
- (b) Setback distances shall be maintained with a minimum area of 30% in turf or other landscaping material such as trees, planting beds, hedges and walkways where a property boundary abuts a residential zone or a street.
- (c) Parking requirements are as set out in section 5.6.
- (d) A solid fence or hedge at least two metres high shall be established along any property line which abuts a Residential or Institutional zone.
- (e) Outside storage is prohibited in the General Commercial Zone other than in a compound screened from public view to the satisfaction of the Development Officer except for a maximum of two (2) delivery or service vehicles each with a dead weight not exceeding 4,000 kilograms and one litter container.
- (f) Outside display is permitted only in areas specifically designated and approved for such purposes.
- (g) There shall be a garbage container provided with a solid screen two metres in height for each development in a General Commercial zone.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

**4.15. MILLENIUM PARK ZONE [MP]**

This zone allows for commercial, residential and institutional uses in an integrated development area. The zone is specific to the area bounded by the northern edge of Millennium Drive, the eastern edge of Campbell Drive and the residential properties along Wedgewood Drive and Donlyn Drive.

All proposed developments will be subject to a public presentation. Development is subject to a Development Agreement pursuant to Section 101 of the Community Planning Act.

**Permitted Uses:**

Commercial	<ul style="list-style-type: none"> <li>- <b>retail store</b></li> <li>- <b>restaurants</b></li> <li>- <b>professional services</b></li> <li>- <b>personal service establishment</b></li> <li>- <b>hotel</b></li> <li>- <b>shopping centre</b></li> <li>- <b>office</b></li> </ul>	<ul style="list-style-type: none"> <li>• to a maximum floor area of 3000m<sup>2</sup></li> <li>• to a maximum floor area of 9000m<sup>2</sup></li> </ul>
Residential	<ul style="list-style-type: none"> <li>- <b>moderate density (up to 10 units/acre)</b></li> <li>- <b>higher density (10 to 20 units/acre)</b></li> <li>- <b>assisted living facility</b></li> </ul>	
Institutional	<ul style="list-style-type: none"> <li>- <b>places of worship</b></li> <li>- <b>schools</b></li> <li>- <b>retirement complex</b></li> <li>- <b>nursing home</b></li> <li>- <b>libraries</b></li> </ul>	
Public Space and Parkland	<ul style="list-style-type: none"> <li>- <b>pedestrian walkways</b></li> <li>- <b>municipal trail system</b></li> <li>- <b>parks</b></li> </ul>	

**Development Standards**

Placement of Land Uses	Institutional and commercial uses shall have vehicular access only from Millennium Drive.  Only moderate density garden homes or town houses shall be developed adjacent to residentially zoned properties.
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**Commercial and Institutional**

**Building Height**

Maximum: **12 m**      Minimum: **3 m**

**Lot Size**

Minimum: **1500 m<sup>2</sup>**

**Building Area**

Minimum: **150 m<sup>2</sup>**

**Residential**

**Building Height**

Maximum: **10 m**      Minimum: **3 m**

**Lot Size and Building Area**

Equivalent to R3 standards

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**Building Placement**

Buildings shall have at least one entrance that faces the nearest public street and is accessible to pedestrians from that street.

Buildings shall be set back minimally from the street, subject to a development agreement.

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**Landscaping**

The following landscaping requirements will be required per lot for each development:

- High density residential development (10-20 units/acre) - A minimum of 30% landscaped area
- Moderate density residential development (up to 10 units/acre) - A minimum of 30% landscaped area
- Commercial development - A minimum of 30% landscaped area
- Institutional development - A minimum of 40% landscaped area

The following landscaping is required, and counts towards the minimum landscaping requirements:

- A minimum landscape buffer of 10 m shall be provided adjacent to all residentially zoned properties. Mature trees and existing vegetation shall be maintained in this buffer.
- A 6 m landscaped buffer shall be required between residential and non-residential uses.

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**Parking**

Parking requirements are set out as in Section 5.6.

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**Pedestrian Connections**

- Sidewalks shall be provided on both sides of all public streets, except for Millennium Park Drive, where a sidewalk shall be provided only on the north side of the street.
- Large blocks (over 400 m in length along any side) shall require pedestrian connections between adjacent streets.
- For large parcels with multiple buildings, pedestrian walkways shall connect all buildings to each other, to parking areas and to public sidewalks; pedestrian walkways shall connect to neighbouring properties where possible.

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**Outside Storage/Display**

- Outside storage shall only be permitted in enclosed compounds, located away from residential areas and not in the front yard of any property
- Outside display will be permitted in commercial areas

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**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

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**4.16. HIGHWAY COMMERCIAL ZONE [HC]**

This zone is intended to apply to commercial activity oriented to serve the travelling public using major highways.

Permitted Uses:	-	<b>convenience store</b>	
	-	<b>gasoline retailing</b>	• see section 5.7
	-	<b>hotel or motel</b>	
	-	<b>restaurant</b>	
	-	<b>card lock fuel retailing</b>	• see sections 5.7 (d) and (e)
	-	<b>kiosk</b>	• secondary use only, seasonal retailing
	-	<b>office</b>	• secondary use only, limited to floor area of 200 m <sup>2</sup>

Accessory Uses:	-	<b>picnic area</b>	
	-	<b>pool house</b>	
	-	<b>shed</b>	
	-	<b>swimming pool</b>	• see section 5.5

Minimum Lot Area:	<b>4,000 m<sup>2</sup></b>		
Minimum Lot Frontage:	<b>54 m</b>	Minimum Lot Depth:	<b>74 m</b>

Minimum Yard			
Front:	<b>15 m</b>	Major Side:	<b>10 m</b>
Rear:	<b>10 m</b>	Minor Side:	<b>10 m</b>
Flankage:	<b>15 m</b>		

Building Height			
Maximum:	<b>11 m</b>	Minimum:	<b>4 m</b>

Building Area			
Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>110 m<sup>2</sup></b>

Max. Lot Coverage	<b>30 %</b>		
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Accessory Building or Structure			
Max. Number:	<b>2</b>	Max. Total Coverage:	<b>10 %</b> included in lot coverage
Max. Height:	<b>5 m</b>	Max. Bldg. Area:	<b>70 m<sup>2</sup></b>

- Driveway entrance:
- |            |             |              |          |
|------------|-------------|--------------|----------|
| Max. width | <b>10 m</b> | Max. Number: | <b>4</b> |
|------------|-------------|--------------|----------|
- (a) Outside storage shall be completely contained in an enclosure screened by an opaque fence at least 2m high.
  - (b) Except where crossed by an access driveway, a perimeter buffer area at least 3 m in depth and maintained in turf or other landscaping material such as trees, planting beds, hedges and walkways shall abut the front and side property boundaries.
  - (c) Parking requirements are as set out in section 5.6.
  - (d) A highway commercial use shall have all parking areas screened from view from abutting residential or institutional zones.

- (e) Driveways entrances shall be separated by a minimum distance of 20 meters measured at the driveway centrelines.
- (f) Highway Commercial uses shall provide at least one litter receptacle within 5 metres of the main entrance door for each 200 m<sup>2</sup> of floor area or part thereof.
- (g) There shall be a garbage container provided with a solid screen two metres in height for each Highway Commercial development.

**4.17. INSTITUTIONAL – MINOR ZONE [INSMI]**

This zone reflects the smaller institutional uses found throughout Rothesay.

Permitted Uses:	-	<b>places of worship</b>	
	-	<b>community hall</b>	
	-	<b>elementary or middle school</b>	
	-	<b>daycare</b>	
	-	<b>fire hall</b>	
	-	<b>park</b>	
	-	<b>playground</b>	
	-	<b>police station</b>	
	-	<b>library</b>	
Uses subject to PAC conditions:	-	<b>assisted living facility</b>	• limited to 15 residents
	-	<b>daycare centre</b>	• as a secondary use with not more than thirty children
	-	<b>single family house</b>	• as a secondary use
	-	<b>group home</b>	• at least 500 meters, in a straight line, from any similar facility
Accessory Uses:	-	<b>garage</b>	
	-	<b>gazebo</b>	
	-	<b>greenhouse</b>	
	-	<b>playhouse</b>	
	-	<b>pool house</b>	
	-	<b>office</b>	
	-	<b>shed</b>	
	-	<b>swimming pool</b>	• see section 5.5
Minimum Lot Area:	<b>1,500 m<sup>2</sup></b>	Maximum Lot Area:	<b>4500 m<sup>2</sup></b>
Minimum Lot Frontage:	<b>45 m</b>	Minimum Lot Depth:	<b>30 m</b>
Minimum Yard			
Front:	<b>7.5 m</b>	Major Side:	<b>7.5 m</b>
Rear:	<b>10 m</b>	Minor Side:	<b>7.5 m</b>
Flankage:	<b>7.5 m</b>		
Building Height			
Maximum:	<b>13 m</b>	Minimum:	<b>3 m</b>
Building Area			
Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>90 m<sup>2</sup></b>
Max. Lot Coverage	<b>30 %</b>		
Accessory Building or Structure			
Max. Number:	<b>1</b>	Max. Total Coverage:	<b>5 %</b> , included in lot coverage
Max. Height:	<b>6 m</b>	Max. Bldg. Area:	<b>50 m<sup>2</sup></b>

Driveway entrance:

Max. width                    **6 m**            Max. Number:            **2**

- (a) Setback distances shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (b) Outside storage is not permitted in this zone.
- (c) Parking requirements are as set out in section 5.6.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

**4.18. INSTITUTIONAL – MAJOR ZONE [INSMA]**

This zone reflects the larger institutional properties found in Rothesay.

- Permitted Uses:
- arena
  - art gallery
  - places of worship
  - daycare
  - fire hall
  - gymnasium
  - museum
  - park
  - playground
  - police station
  - school
  - theatre
  - library

- Uses subject to PAC conditions:
- office
  - daycare centre
    - connected to municipal services and on major road
  - nursing home
    - connected to municipal services and on major road
  - retirement complex
    - connected to municipal services and on major road
  - community hall
    - limited as to size
  - medical facility
    - connected to municipal services and on major road
  - single family house
    - as secondary use only
  - two-unit dwelling
    - as secondary use only
  - dormitory
    - as secondary use only
  - assisted living facility
    - limited to 15 residents
  - cemetery
    - meets the Provincial regulations
  - crematorium
    - meets the Provincial regulations
  - club facility
    - no outside storage
  - sheltered workshop
  - group home
    - at least 500 meters, in a straight line, from any similar facility

- Accessory Uses:
- garage
  - gazebo
  - greenhouse
  - office
  - playhouse
  - playing field
  - pool house
  - shed
  - swimming pool
    - see section 5.5

Minimum Lot Area: **10,000 m<sup>2</sup>**  
 Minimum Lot Frontage: **54 m**      Minimum Lot Depth: **54 m**

Minimum Yard

Front:	<b>10 m</b>	Major Side:	<b>9 m</b>
Rear:	<b>15 m</b>	Minor Side:	<b>9 m</b>
Flankage:	<b>10 m</b>		

Building Height

Maximum:	<b>15 m</b>	Minimum:	<b>3 m</b>
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Building Area

Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>90 m<sup>2</sup></b>
Max. Building Coverage	<b>35 %</b>		

Accessory Building or Structure

Max. Number:	<b>none</b>	Max. Total Coverage:	<b>5 %</b> included in lot coverage, playing fields are excluded from calculation
Max. Height:	<b>6 m</b>	Max. Bldg. Area:	<b>500 m<sup>2</sup></b>

Driveway entrance:

Max. width	<b>6 m</b>	Max. Number:	<b>2</b>
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- (a) The development of multiple buildings on one parcel of land may be permitted where it can be demonstrated that there is an adequate internal circulation system that provides for the safe and efficient movement of vehicles and pedestrians on the site. Such a system must be designed to meet the requirements of the National Building Code as adopted by the Province of New Brunswick.
- (b) Front yards shall be maintained with a minimum area of 60% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (c) Storage of boats, vehicles, firewood, compost carts and similar items is not permitted in the landscaped portion of front yards.
- (d) Parking requirements are as set out in section 5.6.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

**4.19. LIGHT INDUSTRIAL ZONE [LI]**

This zone reflects the Light Industrial uses found in Rothesay.

Permitted Uses:	-	<b>nursery or greenhouse operation</b>	
	-	<b>light manufacturing and assembly</b>	
	-	<b>warehousing and distribution facilities</b>	
<hr/>			
Uses subject to PAC conditions:	-	<b>contractors yards</b>	• screening, landscaping, limited height
	-	<b>uses permitted in Minor Institutional Zone</b>	• with buffering as required
	-	<b>motor vehicle repair</b>	• see section 5.7 where gasoline sales are included
	-	<b>gasoline retailing</b>	• not more than 25% of main building
	-	<b>showroom</b>	• in a compound with screening, landscaping, limited height
	-	<b>storage locker</b>	
<hr/>			
Accessory Uses:	-	<b>garage</b>	
	-	<b>greenhouse</b>	
	-	<b>office</b>	
	-	<b>shed</b>	
	-	<b>storage compound</b>	• with screening, landscaping, limited fence height
<hr/>			
Minimum Lot Area:	<b>2,000</b>	<b>m<sup>2</sup></b>	
Minimum Lot Frontage:	<b>35</b>	<b>m</b>	Minimum Lot Depth: <b>45</b> <b>m</b>
<hr/>			
Minimum Yard			
Front:	<b>10</b>	<b>m</b>	Major Side: <b>7.5</b> <b>m</b>
Rear:	<b>greater of 10 metres or 2x the height of building</b>		Minor Side: <b>7.5</b> <b>m</b>
<hr/>			
Flankage:	<b>10</b>	<b>m</b>	
<hr/>			
Building Height			
Maximum:	<b>10</b>	<b>m</b>	Minimum: <b>3</b> <b>m</b>
<hr/>			
Building Area			
Maximum:	<b>n/a</b>	<b>m<sup>2</sup></b>	Minimum: <b>90</b> <b>m<sup>2</sup></b>
Max. Building Coverage	<b>35</b>	<b>%</b>	
<hr/>			
Accessory Building or Structure:			
Max. Number:	<b>1</b>	Max. Total Coverage:	<b>5</b> <b>%</b> , included in lot coverage
Max. Height:	<b>6</b>	Max. Bldg. Area:	<b>70</b> <b>m<sup>2</sup></b>
<hr/>			
Driveway entrance:			
Max. width	<b>6</b>	Max. Number:	<b>2</b>

- (a) The development of multiple buildings on one parcel of land may be permitted where it can be demonstrated that there is an adequate internal vehicle circulation system that provides for the safe and efficient movement of vehicles on the site. Such a system must be designed to meet the requirements of the National Building Code and shall be maintained by the property owner.
- (b) Outside storage is prohibited in the Light Industrial Zone other than in a compound screened from public view except for a maximum of two (2) delivery or service vehicles each with a dead weight not exceeding 4,000 kilograms and one garbage container.
- (c) Setback distances shall be maintained with a minimum area of 40% in turf or other landscaping material such as trees, planting beds, hedges and walkways.
- (d) A solid fence or a hedge at least two metres high shall be erected on any property line which abuts a residential or institutional zone.

**Stormwater Management**

Sites, stormwater management infrastructure and drainage shall be designed according to the guidelines in Section 5.9 and standards in Schedule D.

**4.20. RURAL INDUSTRIAL ZONE [RI]**

This zone reflects the Rural Industrial Uses found in Rothesay.

Permitted Uses: - **greenhouse**  
 - **nursery**  
 - **composting facility**  
 - **contractor's yard**

Uses subject to PAC conditions: - **uses permitted under Light Industrial zone**  
 - **outdoor recreation**  
 - **pit** • see section 5.8  
 - **quarry** • see section 5.8

Accessory Uses: - **garage**  
 - **greenhouse**  
 - **office**  
 - **shed**  
 - **storage compound**

Minimum Lot Area: **10,000 m<sup>2</sup>**

Minimum Lot Frontage: **100 m** Minimum Lot Depth: **100 m**

Minimum Yard  
 Front: **15 m** Major Side: **10 m**  
 Rear: **15 m** Minor Side: **10 m**  
 Flankage: **15 m**

Building Height  
 Maximum: **11 m** Minimum: **3 m**

Building Area  
 Maximum: **n/a m<sup>2</sup>** Minimum: **50 m<sup>2</sup>**

Building Coverage **20 %**

Accessory Building or Structure  
 Max. Number: **4** Max. Total Coverage: **1 %**, included in lot coverage  
 Max. Height: **6 m** Max. Bldg. Area: **70 m<sup>2</sup>**

Driveway entrance:  
 Max. width **8 m** Max. Number: **1**

- (a) Setback distances shall be maintained with a minimum area of 60% in natural vegetation or other landscaping material such as trees, planting beds, hedges and walkways on any property line which abuts a residential or institutional zone.
- (b) Outside storage is prohibited in a front yard in a Rural Industrial Zone.

**4.21. RECREATION ZONE [REC]**

This zone reflects the recreation and park uses found in Rothesay.

- 
- Permitted Uses:
- **boat house**
  - **boat launch**
  - **marina**
  - **outdoor rink**
  - **open space**
  - **park**
  - **play field**
  - **playground**
  - **play court**
  - **swimming area**
  - **trail system**
- 

- Uses subject to PAC conditions:
- **arena**
    - with screening, landscaping, access to major road and municipal services
  - **boat storage**
    - as secondary use to marina or boat club
  - **clubhouse**
    - as secondary use to a golf club, marina, playing court, play fields, park
  - **golf course**
    - access to major road and subject to environmental impact review
  - **gymnasium**
    - with screening, landscaping, access to major road and municipal services
  - **lagoon**
    - with screening and landscaping,
- 

- Accessory Uses:
- **change house**
  - **garage**
  - **gazebo**
  - **greenhouse**
  - **picnic area**
  - **playhouse**
  - **pool house**
  - **shed**
  - **swimming pool**
    - see section 5.5
  - **washroom**
- 

Minimum Lot Area: **1,500 m<sup>2</sup>**  
 Minimum Lot Frontage: **30 m**      Minimum Lot Depth: **30 m**

Minimum Yard

Front:	<b>7.5 m</b>	Major Side:	<b>6 m</b>
Rear:	<b>6 m</b>	Minor Side:	<b>6 m</b>
Flankage:	<b>6 m</b>		

Building Height

Maximum:	<b>11 m</b>	Minimum:	<b>3 m</b>
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Building Area

Maximum:	<b>n/a m<sup>2</sup></b>	Minimum:	<b>n/a m<sup>2</sup></b>
Max. Building Coverage	<b>20 %</b>		

Accessory Building or Structure

Max. Number:	<b>2</b>	Max. Total Coverage:	<b>1 %</b> , included in lot coverage
Max. Height:	<b>6 m</b>	Max. Bldg. Area:	<b>70 m<sup>2</sup></b>

Driveway entrance:

Max. width	<b>6 m</b>	Max. Number:	<b>2</b>
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- (a) The development of multiple buildings and facilities on one parcel of land may be permitted where it can be demonstrated that there is an adequate internal vehicle circulation system that provides for the safe and efficient movement of vehicles on the site. Such a system must be designed to meet the requirements of the National Building Code and shall be maintained by the property owner.
- (b) Only storage of equipment and supplies used on the site for recreation are permitted.
- (c) Parking requirements are as set out in section 5.6.

## **5. SPECIAL PROVISIONS**

### **5.1. TEMPORARY SUITE**

- (a) Where permitted under this By-law, a temporary suite is subject to the following requirements:
  - i. not result in more than two dwelling units contained in any converted single detached dwelling,
  - ii. be secondary to the main dwelling unit and not exceed 75 square metres, or 35% of the dwelling's gross floor,
  - iii. contain a maximum of 2 bedrooms with the floor area of each bedroom not exceeding 20 square metres, and
  - iv. provide a direct internal connection to the main unit.
- (b) One parking space shall be required in addition to the parking required for the main use of the lot.
- (c) The driveway access to the street must be common to both the principal dwelling and the temporary suite.
- (d) A temporary suite may not be occupied other than by the person(s) named in the permit and if the person named in the development permit is no longer living in the temporary suite, the temporary suite shall be incorporated into the main building.

### **5.2. DAY CARE**

- (a) Where permitted in a residential zone, a Day Care shall:
  - i. comply with all provincial regulations as set out in the Family Services Act of New Brunswick,
  - ii. not be located on any corner lot,
  - iii. be located at least 0.5 kilometres from any other Day Care,
  - iv. be located on a local street that permits on-street parking,
  - v. provide on-site parking as follows:
    - 1 parking space per dwelling unit
    - 1 parking space per employee
- (b) The owner/operator of the Day Care shall reside on the subject property.
- (c) In a residential zone, daycares of greater than six children may be permitted, subject to PAC approval and a Development Agreement.
- (d) A Day Care shall not be operated on a property containing a Home Occupation or Temporary Suite.

### **5.3. HOME OCCUPATION**

- (a) These home occupation standards are intended to permit the establishment of certain incidental and accessory home occupation uses in residential neighbourhoods under conditions that will ensure their compatibility with the residential character of the neighbourhood and ensure that home occupations do not adversely affect the integrity of residential areas. A person occupying a dwelling as a principal place of residence may carry on a home occupation where permitted by this By-law under the following conditions:

- i. not more than one person is engaged in all home occupations operating on the premises other than members of the family residing in the dwelling unit in which the home occupation is located,
  - ii. in an R4 Zone, employment in a home occupation is limited to members of the family residing in the dwelling unit in which the home occupation is located,
  - iii. no part of any home occupation is located in accessory buildings or structures,
  - iv. all equipment or material is kept exclusively in the dwelling unit,
  - v. no outside animal enclosures are permitted,
  - vi. the floor area devoted to home occupations does not exceed the greater of
    - 20% of the dwelling unit floor area, or
    - 40 square metres,
  - vii. no separate street-side entrance for the exclusive use of the home occupation shall be permitted.
- (b) A home occupation is subject to the requirement that there shall be no change in the exterior appearance of the dwelling unit or other visible evidence of the conduct of the home occupation.
- (c) A home occupation shall not create noise, dust, heat, smoke, odour, vibration, electrical interference, glare, light or radio or television transmission interference that exceeds levels normally associated with single-family dwellings. The production, dumping or storage of combustible, toxic or other hazardous substances shall be expressly prohibited on the site of the home occupation.
- (d) In order not to increase traffic in residential areas, a home occupation shall not:
- generate more than 12 round-trip vehicular trips per day,
  - attract business-related vehicular and pedestrian visits between the hours of 8:00 P.M. and 8:00 A.M,
  - result in parking in the public right of way.
- (e) No commercial vehicle or equipment and no vehicle bearing a sign with respect to the home occupation shall be parked in the front or flankage yard.
- (f) One off-street parking space is provided for the purposes of the home occupation in addition to those required under Section **Error! Reference source not found.Error! Reference source not found.Error! Reference source not found.** of this By-law for the other uses on the lot.
- (g) The development permit for a home occupation may be revoked at any time by Council upon determination that the home occupation is in violation of the standards of this By-law.

**5.4. ACCESSORY BUILDINGS OR STRUCTURES**

Accessory buildings and structures are deemed appropriate in residential zones and in some other zones. In order to ensure that accessory buildings remain subordinate to the main use in the zone the following are required in addition to the specific requirements of the applicable zone.

- (a) No accessory building, structure or use may be placed in the required front or flankage yard of the main building.
- (b) Accessory buildings, structures or uses may be placed or erected on a lot prior to the placement or erection of the main building or structure if:
  - a building permit for the main building or structure is obtained first, and
  - the main building or structure is intended to be completed within one year from the date of the issuing of the permit.

- (c) Accessory buildings shall not be located in a front or flankage yard.
- (d) Accessory buildings shall be located at least 2 metres from any property line plus an additional metre for every metre in height in excess of 4 metres unless otherwise set out in this By-law.
- (e) Accessory buildings housing animals shall be located in the rear yard and those housing animals in the Rural Zone shall be set back a minimum of 10 metres from any property line.
- (f) A gatehouse may be located within the front yard of an industrial zone but may not exceed one storey in height or 40 square metres in area.

**5.5. SWIMMING POOLS AND HOT TUBS**

- (a) Private swimming pools or hot tubs shall be allowed in any residential zone or for a permitted residential development in a commercial zone, as an accessory use subject to the following conditions and requirements:
  - i. the use of the pool or hot tub is accessory only to the principal use of the property on which it is located;
  - ii. the pool or hot tub shall be located in the side or rear yard at least 3 metres from any property line as measured from the water's edge,
  - iii. an outdoor swimming pool or hot tub or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Such fence or wall shall:
    - not be less than 1.5 metres nor more than 2 metres in height;
    - not have rails, bracing or other attachments on the outside thereof that would facilitate climbing;
    - be constructed so as not to allow a 10 cm diameter sphere to pass through or under the fence; and
    - be maintained in good condition with a self latching gate and lock at least 1.5m above the bottom of the gate.
- (b) Where a portion of a building wall forms part of a swimming pool enclosure:
  - i. no main or service entrance to the building may be located therein; and
  - ii. any door, therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 metres above the bottom of the door,
- (c) Rigid hot tub covers, latched in place when not in use, shall be permitted in lieu of required fencing.
- (d) No swimming pool or any portion thereof shall be located directly under any electrical service wires.
- (e) The surface area of the swimming pool or hot tub shall not exceed the main floor area of the dwelling unit.
- (f) Swimming pools for a club, hotel or motel shall comply with the following conditions and requirements:
  - i. the pool is solely for the use of the association, club, hotel or motel under whose ownership or jurisdiction the pool is operated,
  - ii. no pool may be located in any front, side or rear yard setback,
  - iii. no swimming pool shall be placed closer than 12 metres to any lot line where the adjacent land is in a residential zone,
  - iv. an outdoor pool and accessory structures thereto, including the areas used by the bathers, shall be at least 3 metres from any property line, and

- v. an outdoor swimming pool and all of the area used by the bathers shall be walled or fenced in accordance with subsection (a)iii.
- (g) No pool pumps, heaters or filters shall be permitted unless contained in a structure or compound to control noise or installed at least 7.5 meters from a side or rear property line.

**5.6. QUEUING, PARKING AND LOADING**

**5.6.1 Location of Parking Spaces**

- (a) No development to erect, alter or use any building or structure shall be permitted except where vehicular off-street parking spaces are provided on the same property or site as the building or structure, or where the property owner has entered into a shared parking agreement with the town of Rothesay and adjacent property owners, as per Section 5.6.5.
- (b) Parking lots, in any zone created after the coming into force of this By-law shall not be located between the front wall of any building and the front lot line.

**5.6.2 Dimensions of Parking Spaces**

All off-street parking shall have dimensions in metres not less than:

	Perpendicular	Angle	Parallel
Space width	2.75	2.75	2.75
Space depth	5.5	6.0	6.5
Aisle width	7.5	6.0	4.0

**5.6.3 Number of Spaces per Use or Activity**

The town of Rothesay requires developments to provide a minimum number of parking spaces for each land use to prevent spill-over parking onto public streets. The following parking standards allow flexibility in parking provisions, while still ensuring that developments provide an acceptable amount of parking to prevent spill-over onto town streets:

- (a) Parking spaces shall be provided for each use in accordance with Table 1.
- (b) Where parking calculations result in a number that is not an integer, the number of required parking spaces shall be rounded to the nearest integer.
- (c) Where a proposed use is not listed below, a similar use contained in the list, as determined by the Development Officer, may be used to calculate the required number of parking spaces.
- (d) When Table 1 provides two or more methods for calculating the number of spaces required for a single use, the average number shall be used.
- (e) When there is more than one use with different parking requirements, the parking spaces required for the property shall be calculated using Tables 1 and 2, as described in Section 5.6.4.
- (f) Where a significant variance from the minimum parking requirement is proposed (greater than 20%) the proponent shall provide a contingency plan to provide additional spaces if necessary. A parking contingency plan may include reserving a portion of the site as a landscaped and unpaved area to be used to meet future parking demand or a shared parking agreement with neighbouring land owners, as described in Section 5.6.5.

**Table 1 - Number of Required Parking Spaces by Land Use**

<b>Zone</b>	<b>Use or activity</b>	<b>Spaces required</b>
<b>Residential</b>	Single family	2
	Two family	2
	Townhouse	2
	Multit-unit (bachelor)	1.1 per unit
	Multi-unit (1/2 bdrm.)	1.3 per unit
	Multit-unit (over 2 bdrm.)	1.5 per unit
	<b>Institutional</b>	Place of worship
School		1 per employee plus 1 for every 30 students
Assisted Living Facility		1 per every three units plus 1 per every three employees
Day care		1 space per every 20 m <sup>2</sup> of gross floor area plus 1 space per employee
Medical facility		1 per every three beds plus 1 for every three employees
Nursing home		1 for every three beds plus 1 for every three employees
<b>Commercial</b>		Convenience store
	Doctor or dental office	1 for every 25 m <sup>2</sup> of gross floor area
	Entertainment facility	1 for every 4 seats or 1 for every 30 m <sup>2</sup> of gross floor area
	Hotel/motel	1 per unit
	Office	0.9 per employee
	Other commercial uses not listed	1 for each 20 m <sup>2</sup> of gross floor area
	Personal service establishment	1 for every 15 m <sup>2</sup> of gross floor area
	Restaurant	1 for every 3 seats
	Retail	1 for every 20 m <sup>2</sup> of leasable floor area
	<b>Industrial</b>	Contractors yards, Motor vehicle repair, Assembly, Light manufacturing, Warehousing and Distribution
<b>Recreation</b>	Arena or Gym	1 space for every 60m <sup>2</sup>
	Athletic field	1 space for every 150m <sup>2</sup> of field
	Marina, golf course or club	1 space for every 25 m <sup>2</sup> of floor area
<b>Rural</b>	Single family	2
	Other uses	2
<b>Uses not listed</b>		1 space for every 25 m <sup>2</sup> of gross floor area

**5.6.4 Parking Requirements for Mixed-use Properties**

Many land uses have peak parking requirements at different times throughout the day and can efficiently share parking. The following parking requirements respond to differing peak parking requirements for different land uses.

For properties that contain a mix of land uses with peak parking demands at different times, Table 2 shall be used to calculate the minimum parking requirements for the entire property, using the following methodology:

1. Minimum parking requirements for each land use shall be calculated using Table 1.
2. For each applicable category of use found in Table 2 the total peak parking requirement shall be the sum of the minimum parking requirements for each land use within that category.
3. The total peak parking requirement for each applicable category shall be multiplied by the corresponding percentage of peak demand in Table 2 to provide each category of use’s parking demand by time of day.
4. The total parking demand for each time of day shall be the sum of each category’s parking demand for that time of day.
5. The minimum parking requirement for the property will be the highest total parking demand for any time of day.

**Table 2. Parking Demand as a Percentage of Peak Demand**

CATEGORY OF USE	Percentage of Peak Demand				
	WEEKDAY			WEEKEND	
	Night Midnight t 6 a.m.	Day 9 a.m. 4 p.m.	Evening 6 p.m. Midnight	Day 9 a.m. 4 p.m.	Evening 6 p.m. Midnight
<b>Residential</b>	100%	60%	90%	80%	90%
<b>Office, Bank, Light Industrial</b>	5%	100%	10%	10%	5%
<b>Retail</b>	5%	70%	90%	100%	70%
<b>Hotel/Motel</b>	80%	80%	100%	80%	100%
<b>Restaurant</b>	10%	50%	100%	50%	100%
<b>Entertainment</b>	10%	40%	100%	80%	100%
<b>Places of Worship</b>	0%	20%	10%	100%	20%
<b>Others</b>	100%	100%	100%	100%	100%

**5.6.5 Shared Parking**

Shared parking between properties may be considered in the following situations:

- a) the shared parking spaces are on a property adjacent to the property they will serve;
- b) the shared parking spaces are within 100 metres of the entrance to the property they will serve;

- c) there are no public roads between the shared parking spaces and the property they will serve;
- d) an acceptable pedestrian connection, as determined by the Development Officer, is established between the shared parking spaces and the property they will serve; and
- e) both parties enter into a shared parking agreement with the town of Rothesay.

The parking requirements for both properties entering into a shared parking agreement will be calculated as described in Section 1.1.4. A party entering into a shared parking agreement shall only provide to another party those spaces that are in excess of their minimum parking requirements.

**5.6.6 Parking Lot Design**

Parking lots and driveways must be designed to ensure safe access to public streets and safe operation for both motorists and pedestrians. Additionally parking lots must be designed to manage stormwater runoff. Therefore, all permanent parking lots and access driveways required or proposed for more than four (4) vehicles for commercial, industrial and institutional development, and residential development of 3 units or greater, shall be designed to the satisfaction of the Development Officer according to the following standards, in which parking lots shall:

- a) be placed to the side or behind buildings wherever possible;
- b) not have parking spaces accessed directly from a public road right-of-way;
- c) be surfaced with a durable, all-weather, dust free surface sufficient to support vehicular traffic;
- d) be efficiently designed, to the satisfaction of the Development Officer, to limit the lot area that is covered in asphalt; aisles shall be double loaded with parking stalls wherever possible and the size of manoeuvring areas, aisles and driveways shall be minimized;
- e) for parking lots with greater than 18 spaces the minimum amount of landscaping, developed as landscaped island areas distributed throughout the parking area to define major circulation aisles and driving lanes, shall be calculated as:
  - 3 m<sup>2</sup> of landscaped area and one shade tree for every 6 parking spaces
  - 3 m<sup>2</sup> of landscaped area and one shade tree for every 4 parking spaces in excess of the minimum parking requirement
- f) provide pedestrian walkways between parking areas, public sidewalks and building entrances, to the satisfaction of the Development Officer; for multi-tenant commercial buildings, a pedestrian walkway must be provided connecting the entrances of all ground floor units to a public sidewalk.
- g) not have more than 20 parking spaces arranged in a row unless a vehicle driveway, pedestrian walkway or a landscaped strip of at least one-meter in width breaks the row;
- h) not have parking spaces or manoeuvring areas located any closer than 1 metre to any wall of a residential development of 3 units or greater;
- i) be graded or drained to ensure that surface water will not escape to neighbouring lands, any sidewalk or any public road right-of-way, but instead be directed into appropriate stormwater management infrastructure; and

- j) have downcast lights of 6 metres or less in height, arranged to divert the light away from streets, adjacent lots and buildings.

**Millennium Park**

In addition to the above standards, the following standards for parking lot design apply specifically to the Millennium Park Zone:

- a) Parking lots shall be placed to the side or to the rear of buildings; parking lots shall not be situated between buildings and the street;
- b) Parking lots shall support a minimum of 30% in vegetative cover, such as lawns, planting beds and shade trees, subject to Development Officer approval;
- c) Parking lots shall be constructed including a stormceptor or comparable stormwater management best practices that remove sediment and pollutants; and
- d) Parking lots shall be designed to act as a retention system in the event of heavy rainfall.

**5.6.7 Queuing**

Queuing spaces shall be provided for any drive-through business such as but not limited to a drive-through restaurant or bank, car wash, gasoline retail outlet, as follows:

- i. in-bound: 3 in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window,
- ii. out-bound: 1 out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle,
- iii. all queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide, and
- iv. any lanes used for queuing shall provide sufficient space for turning and manoeuvring.

**5.6.8 Vehicular Off-street Loading and Unloading**

- (a) In addition to the parking requirements of this By-law, whenever a building or structure is erected, converted or altered to be used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise, the owner shall provide and maintain on the lot, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

Floor Area of Building or Use	Number of Loading/ Unloading Spaces
up to 500 m <sup>2</sup>	1
501 to 3000 m <sup>2</sup>	2
for each additional 2000 m <sup>2</sup>	1 additional

- (b) Each space shall
  - i. be not less than 9 meters in length and 3 meters wide, with 4 meters overhead clearance,
  - ii. be so located that merchandise or materials are loaded or unloaded on the premises being served, and
  - iii. be provided with adequate facilities for entrance and exit and unobstructed manoeuvring aisles.

**5.6.9 Additional Conditions for Mobility Disabled Parking Spaces**

- (a) Mobility disabled parking spaces shall be provided for all uses in accordance with the following standards:

Total Spaces Required	Mobility Disabled Spaces Required
20 or fewer	1
20 to 50 spaces	2
50 to 100 spaces	4
every additional 100 spaces	5

- (b) Reserved parking spaces for the mobility disabled shall have an area of not less than 22 square meters and a width of at least 4.0 meters.
- (c) Each space shall be located as close as possible to the location it is intended to serve and in no case shall it be more than 40 meters from an accessible doorway to the location it is intended to serve.

**5.7. GASOLINE RETAILING**

Gasoline retailing is a discretionary use as approved by the Planning Advisory Committee upon compliance with the relevant zone provisions and the conditions of this section. Any development of land not used for such purpose on the effective date of this by-law is subject to the following conditions.

**5.7.1 Environmental Approval**

The development, construction, installation, alteration, modification, change in the capacity of or reactivation of a petroleum handling system is not permitted until an approval is obtained from the Minister under the Clean Environment Act and Regulations as amended.

**5.7.2 Proximity to other Gasoline Retailing Facility**

No new gasoline retailing facility shall be permitted within a distance of one (1) kilometer of any existing or approved gasoline retailing facility measured in a straight line from the closest property line of an existing site to the closest property line of a proposed site.

**5.7.3 Access and Driveways**

- (a) No portion of any driveway shall be within 15 meters of the right-of-way of a street intersection.
- (b) A gasoline retailing facility on a corner lot shall have no more than two-driveway access points on any one frontage and a total of no more than three driveways for the entire property.

**5.7.4 Lot Area and Frontage**

- (a) No lot shall be developed for gasoline retailing unless the lot contains a minimum frontage of 60 meters on a major street.
- (b) When a corner lot is used for gasoline retailing the minimum depth must be 40 meters.
- (c) No lot shall be developed for gasoline retailing unless the lot contains a minimum area of 4000 square meters.
- (d) No card locked gasoline retailing operation shall be developed unless the lot contains a minimum frontage of 150 meters on a major street.

- (e) No card locked gasoline retailing operation shall be developed unless the lot contains a minimum area of 22,500 square meters.

**5.7.5 Pump Islands**

All pump islands shall be located at least 9 meters from any property line of the site and from any parking spaces on the site.

**5.7.6 Pumps**

- (a) The total number of pumps permitted at a service station or gas bar in a Central Commercial, General Commercial or Highway Commercial zone is limited to eight.
- (b) Card lock pumps are only permitted in a highway commercial zone and are limited to a total of four in addition to the number permitted in subsection (a).

**5.7.7 Gasoline Retailing Canopies**

A gasoline retailing canopy over a pump island may extend to within 7.5 meters of the property line of the site and shall not constitute part of the site coverage for the purpose of this section.

**5.8. PIT AND QUARRY OPERATION**

**5.8.1 Location of Activity**

Pit and Quarry operations are permitted only on lands zoned as Rural Industrial in the Rothesay Zoning By-law.

**5.8.2 Requirement for Permit**

A person seeking to operate or continue the operation of a pit or quarry in Rothesay shall make an application for an Industrial Use Permit in writing, which shall contain the following information:

- i. the name and address of the applicant and the location of the proposed excavation,
- ii. a statement indicating the purpose of the work to be carried on and the portion of land where excavation will commence or is in progress and the order of sequence for excavating the balance of the land,
- iii. a statement of the estimated volume of material in cubic meters proposed to be excavated during the term of the permit,
- iv. the estimated dates of commencement of activity on the site,
- v. the probable maximum depths and maximum slopes of the proposed excavation at the end of the term of the permit for which the application is made,
- vi. the controls and methods to be employed in preventing the emission of smoke, dust, odors, toxic materials, vibrations and noise;
- vii. one or more plans drawn to a scale of not less than 1 to 1000 indicating:
  - the boundaries of the property with respect to which the application is made, and its relation to existing streets and other properties,
  - existing topography including that on adjacent properties at no more than 2 meter contour intervals, or spot elevations or cross sections with a vertical scale of 1 to 100, or a combination thereof, where 2 meter contour intervals are not available,
  - location of existing natural watercourses and drainage,
  - location of existing structures or land use within 250 meters of the site;
  - an outline of the area to be excavated,

- the location of proposed drainage, including lakes, ponds and retention areas,
- the proposed location of any buildings, scale house, equipment, equipment storage area and equipment repair sheds or areas,
- the location of protective fencing,
- the location of entrances and exits to the site of the proposed excavation and any gates,
- the location of traffic routes to and from the area to be excavated, and
- any additional information required to evaluate the proposal.

**5.8.3 Rehabilitation Plan**

- (a) An application for a pit or quarry permit shall be accompanied by one or more plans, drawn to a scale of not less than 1 to 1000 indicating the proposed method of rehabilitation of the site and setting out:
  - i. the proposed grading at not more than 2 meter contour intervals or by cross-sections with a horizontal scale of 1 to 1000 and a vertical scale of 1 to 100 or any combination of these including the slopes for the end of the term for which the permit is being sought,
  - ii. the location, quantity and type of trees, plantings, grass or other ground cover materials to be used to control erosion,
  - iii. details of all items and features pertaining to improvement and preservation of the land, such as:
    - retaining walls
    - buffers
    - fencing
    - erosion control structures
  - iv. details concerning the removal of all plants or equipment, or buildings or structures, placed or erected on the site for purposes of the excavation,
  - v. details concerning how all stock piles, earth, shale or other excavated material will be removed from the site, back-filled into the excavation where feasible, or brought to a common grade with the rest of the land, and
  - vi. the estimated dates of commencement and completion of such rehabilitation, the portion of land on which it will commence and the order and the time schedule for rehabilitation of the balance of the site.
- (b) The remediation plan set out in accordance with subsection (a) may be approved or the developer may be required to revise the plan and resubmit it to the Town when in the opinion of the Planning Advisory Committee the work set out in the plan is inadequate to satisfactorily restore the site to a pleasing appearance and an environmentally sound condition.

**5.8.4 Conditions of Operation**

A permit issued under this section is subject to the following terms and conditions of operation:

- i. the slope of the excavation is not steeper than one and one-quarter (1¼) meters horizontal to one (1) meter vertical for the full depth of the excavation. When this condition is not present the owner of the land being excavated shall bring or have the slope brought to at least that prescribed within forty-eight (48) hours after notice to that effect from the Building Inspector,
- ii. any land which extends, projects or juts over or beyond the top, face or slope of the excavation shall be knocked down and left in such condition at the end of each working shift as to prevent the danger of a fall by natural or other causes,

- iii. that the top or toe of the slope of the excavation is not within 20 meters of an abutting property line,
- iv. that accesses to the pit or quarry and any public streets over which excavated/reclamation material is transported are maintained by the person named in the permit in a dust-free condition, as by paving, sweeping or the use of water,
- v. that the excavation/reclamation, and any work related thereto, is carried on only between the hours of 7:00 A.M. and 8:00 P.M. and only on days other than Sundays and holidays except as allowed by motion of Council in cases of emergency,
- vi. that no excavation of land is performed in such a manner as to lower the water table on neighboring properties,
- vii. the Building Inspector may request that the owner:
  - have the property lines staked or marked, and
  - provide one or more reference benchmarks for elevation,
- viii. that the site be rehabilitated in accordance to this section.

**5.8.5 Posting of Security**

No permit may be issued under this section until the applicant has deposited a sum of money, certificate of deposit, letter of credit or guarantee in an amount determined by the Development Officer to be adequate to cover the estimated cost of rehabilitation of the site in accordance with the terms and time limits specified on the permit.

**5.8.6 Use of Explosives**

All matters pertaining to the use of explosives in the operation of a pit or quarry including handling, storing, drilling, placing, blasting cover, warning and signals, and pre-blast surveys shall be arranged and conducted strictly in accordance with applicable governmental regulations.

**5.8.7 Enforcement**

Where a person violates any of the terms and conditions mentioned in this section, the Development Officer may suspend or revoke the pit and quarry permit, and may, if a violation is rectified, reinstate the suspended permit.

**5.9. STORMWATER MANAGEMENT**

**5.9.1 Stormwater Guidelines**

The following guidelines apply to all development:

- (a) Natural vegetation, mature trees and natural topography shall be retained wherever possible. Clearing and grading of the land should be confined to areas to be built upon or which provide access.
- (b) The use of impervious materials, such as concrete and asphalt shall be minimized.
- (c) Wherever possible surface runoff from impervious surfaces shall drain across pervious areas such as yards, planting beds, and naturally vegetated areas before entering the storm sewer system, or before being released onto a public street.
- (d) Rooftop runoff from downspouts shall be directed across pervious areas such as yards, planting beds, and naturally vegetated areas before entering the storm sewer system, or before being released onto a public street.

- (e) Swales, dry wells and other stormwater controls may be required, at the discretion of the Development Officer, to control surface runoff and direct it away from neighbouring properties.
- (f) Commercial, institutional, industrial and multi-unit residential properties shall be designed to meet the performance-based goals for stormwater quality and peak surface runoff rates found in Schedule D.
- (g) Any commercial, industrial or multi-unit residential property that is reconstructed, redeveloped or renovated such that the property's impervious surface cover is altered by 10% or more, or where a parking area is rebuilt or repaved, shall meet the appropriate stormwater standards in Schedule D.

**5.10. LANDSCAPING**

The following features will count towards landscaping requirements in any zone:

- a) Mature trees and naturally vegetated areas that are retained
- b) Walking paths and trails
- c) Lawns, planting beds and trees
- d) Parks, plazas, playing fields or playgrounds
- e) Rooftop gardens or green roofs
- f) Rain gardens, swales, bioretention cells or other vegetated stormwater best management practices
- g) Parking lot vegetative cover

**5.11. LIGHTING**

All lights shall be downcast lighting. Light standards in the Millennium Park Zone are to be decorative and be 6m or less in height

**5.12. ENVIRONMENTAL MANAGEMENT**

**5.12.1 Development Adjacent to a Stream or Watercourse**

No person shall erect a building or structure within 30 meters of the high water mark of a stream or watercourse unless approval is obtained under the relevant Provincial and Federal regulations.

**5.12.2 Development in a Flood Risk Area**

No person shall erect, modify or renovate a building or structure below the flood risk line of 6.5 meters above sea level as shown on Schedule 'A', unless the habitable living space is flood proofed to the satisfaction of the Building Inspector.

**5.12.3 Development on Steep Slopes**

- (a) Where a person proposes to carry out any development where the average slope of the land on which the development is to be placed is greater than 10 percent, the person shall submit engineering and landscaping plans that set out in detail measures for drainage, erosion control and structural integrity of the development to the satisfaction of the Building Inspector.
- (b) No person shall undertake any development on a slope with a gradient greater than 30 percent unless the development is to the satisfaction of the Development Officer and Town Engineer and is approved by a Professional Engineer.
- (c) For the purposes of this section the slope of a lot on which a development is to be carried out shall be calculated for an area extending 5 metres beyond the outside

edge of the proposed structure or building, or for the portion of the lot where the grade is to be changed from the existing grade by more than .5 metres.

**5.12.4 Development near an Environmentally Significant Area**

No person shall undertake any development activity within 30 meters of a location identified as an Environmentally Significant Area in the Rothesay Municipal Plan.

**5.12.5 Water Supply and Watershed Protection**

- (a) No development shall be commenced within the Carpenter Pond Watershed or near a municipal water supply or source in contravention of the relevant Provincial regulations designed to protect drinking water sources, supplies or watersheds.
- (b) No raising of or caring for livestock nor any other agricultural operation may be carried out in the Carpenter Pond Watershed or the Wellfield Protection Area.

**5.13. LOT GRADING AND EXCAVATING**

Natural vegetation, mature trees and natural topography shall be retained wherever possible. Clearing and grading of the land should be confined to areas to be built upon or which provide access; all other land should remain undisturbed and not compacted. A tree retention plan shall be prepared for all attached and multi-family residential developments, commercial developments and industrial developments, to the satisfaction of the Development Officer.

**5.13.1 Stripping of Topsoil**

- (a) No person may strip, excavate or otherwise remove topsoil from a lot or other parcel of land unless in connection with the construction of a building or structure.
- (b) Where there is an excess of topsoil other than that required for grading and landscaping on a lot, such excess may be removed on presentation of a site grading plan.

**5.13.2 Grading Plan**

- (a) Where the surface of the land is to be altered, no development or building permit shall be issued for a lot or other parcel of land unless a site grading plan is presented which indicates to the satisfaction of the Development Officer or Building Inspector:
  - i. existing and final ground elevations,
  - ii. floor elevations for any buildings and structures,
  - iii. all measures for control and management of surface water,
  - iv. vegetation to be preserved,
  - v. areas to be landscaped.
- (b) An acceptable grading plan shall contain the following:
  - i. surface drainage directed to acceptable existing storm sewer system, stormwater management infrastructure or other acceptable dispersal point, as required by Section 5.9.1,
  - ii. any potable water well location to be at least 25 feet from any public road right-of-way,
  - iii. the proposed floor elevation for all buildings and structures to be higher than the surface of the land within 1.5m of the building, and

- iv. for all development adjacent to a watercourse, or adjacent to a drainage course that may potentially affect a water course, an erosion and sediment control plan must be prepared to the satisfaction of the Development Officer.
- (c) Where the Development Officer is satisfied that the grading plan complies with this By-law and provides for adequate and appropriate drainage control, they may issue a Grading Plan permit as set out in Section 1.2.3(e).

## **6. Repeal and Enactment**

The following By-Law is hereby repealed:

Rothesay By-law 2-02, the Rothesay Zoning By-law. enacted by Rothesay Council on 10 June, 2002.

FIRST READING BY TITLE:	8 November 2010
SECOND READING BY TITLE:	8 November 2010
READ BY SECTION NUMBER*:	13 December 2010
(*Advertised as to content on the Rothesay website in accordance with Section 12	
<u>Municipalities Act</u> , R.S.N.B. (1973) Chapter M-22)	9 November 2010
THIRD READING AND ENACTMENT:	13 December 2010

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William J. Bishop  
Mayor

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Mary Jane E. Banks  
Clerk

**SCHEDULE “A” – ZONING MAP**

**Rothesay Zoning By-law 02-10**  
**Schedule B – Fee Schedule**

<b>Item</b>	<b>Fee (\$)</b>
Development Permit	100
Development Officer Variance	250
PAC Application:	
Variance	250
Temporary Use	250
Similar or Compatible Use	250
Conditional Use	250
Pit and Quarry	1000
Zoning By-law Amendment	1500
Municipal Plan Amendment	2000
Development Agreement Amendment	800
Zoning Inquiry	25

**Rothesay Zoning By-law No. 02-10**

**SCHEDULE “C” – Animal Units**

<u>Animal</u>	<u>Equivalent Units</u>
Horse	2
Dairy cow	1
Beef cow	2
Hog	5
Weaner Hog	25
Chicken	100
Turkey	70
Sheep	5
Sow	5
Fox	50
Rabbit	50
Mink	100
Other	To be determined by PAC

## **Schedule “D” – Stormwater Standards**

### **Commercial, Industrial, Institutional and Multi-Unit Residential**

#### **Total Suspended Solids**

Total Suspended Solids concentrations in the stormwater discharge from any type of development, either during or following construction, is not to exceed 25 mg/L. The effective opening size of the sieve or filter medium that is to be used in determining this concentration is 1.0  $\mu$ m.

Commercial, institutional, industrial and multi-unit residential development with a property size in excess of 2,000m<sup>2</sup> (approximately 0.5 acres) and impervious areas in excess of 50% of the property, are required to have stormwater treatment facilities that will trap all particles with a diameter in excess of 75  $\mu$ m during a flow that equals the magnitude of 30% of the two (2) year return period flow event. This requirement may be waived, at the discretion of the Director, for development with a low traffic turnover.

#### **Hydrocarbons**

Commercial, institutional, and industrial development with a property size in excess of 6,075 m<sup>2</sup> (approximately 1.5 acres) is required to have stormwater treatment facilities that will limit the discharge of hydrocarbons (expressed as total hydrocarbons) to less than 1 ppm or 1 mg/L.

#### **Stormwater Quantity**

Controlling the quantity of stormwater implies reductions in the total amount and/or the rate of runoff. Control of the rate of runoff (peak stormwater flow) from areas of new development (commercial, industrial, institutional or residential) will be required. For all development, peak post-development flows should not exceed pre-development flows for all storms (1, 2, 5, 10, 25, 50 and 100-year storms) up to the major drainage system design storm.

### **Stormwater Management for Millenium Park Zone**

Developments shall have stormwater management systems designed by a professional engineer so that the peak surface runoff rates discharged from a site subsequent to development shall not exceed pre-development peak discharge rates **OR** developments shall contribute, based on their estimated volume of post-development stormwater discharge and peak surface runoff rates, to the cost of common stormwater management infrastructure built and maintained by the town. Compliance with this peak surface runoff standard shall be documented by a professional engineer through analysis of runoff resulting from the one (1)-, two (2)-, ten (10)-, and one hundred (100)-year return period twenty-four (24)-hour rainfall events.