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Village of Norton

Rural Plan

By-law 2017-21-00

Prepared by Regional Service Commission #8

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Table of Contents

Part A: Title, Area Designation, and Adoption	1
1.0 Introduction	1
1.1 Title	1
1.2 Area of Designation	1
1.3 Adoption	1
Part B: Objectives, Policies and Proposals	2
2.0 Objectives of the Rural Plan	2
2.1 Residential Uses	3
2.2 Commercial Uses	4
2.3 Industrial Uses	5
2.4 Institutional Uses	5
2.5 Recreational Facilities and Public Open Spaces	6
2.6 Heritage Buildings and Sites of Historical or Archeological Interest	6
2.7 Resource Uses	7
2.8 Transportation	8
2.9 Protection of Water Supplies	9
2.10 Conservation of the Physical Environment	10
Part C: Zoning Provisions	11
3.0 Definitions	11
4.0 Purpose, Administration, Classification & Conformity	18
5.0 General Provisions	21
5.1 Residential Development Near a Lagoon or Treatment Plant	21
5.2 Dwellings per Lot	21
5.3 Building and Structure Projections	21
5.4 Off-Street Parking	21
5.5 Vehicular Off-Street Loading and Unloading	22
5.6 Home Occupations	23
5.7 Home or Farm Industry	23
5.8 Stripping of Topsoil	24
5.9 Signs	24
5.10 Lighting Facilities and Illuminating Devices	25
5.11 Permits for New Pit and Quarry Operations	25
5.12 Operating and Rehabilitation Standards for Pit and Quarry Operations	26
5.13 Accessory Apartments	28

5.14	Access to a Public Street.....	28
5.15	Line of Vision at Intersection.....	28
5.16	Height Exceptions.....	28
5.17	Enclosures for Swimming Pools.....	28
5.18	Development Adjacent to a Wetland or Watercourse.....	29
5.19	Garden Suites	29
5.20	Agricultural Operations	30
5.21	Existing Buildings upon an Undersized Lot.....	30
5.22	Steep Slopes	30
5.23	Infill Development	30
5.24	Solar Collector Development	30
5.25	Wind Turbine Development	31
5.26	Vehicular Bodies.....	31
5.27	Size of Dwelling Units	31
5.28	Landscaping.....	32
5.29	Fences.....	32
5.30	Recreational Vehicles	32
6.0	Zones	33
6.1	Central Residential - "CR" ZONE.....	33
6.2	Single, Two-Family and Four-Family Residential - "R-1" ZONE	36
6.3	Multiple-Family Residential - "R-2" ZONE	38
6.4	Central Commercial – "CC" ZONE.....	39
6.5	Highway Commercial – "HC" ZONE	41
6.6	Institutional – "INST" ZONE	43
6.7	Park – "P" ZONE.....	45
6.8	Open Space – "OS" ZONE	45
6.9	Rural – "RU" ZONE.....	46
6.10	Rural Commercial - "RC" ZONE.....	48
6.11	Aggregate Extraction - "AE" ZONE	49
ENACTMENT	50

PART A: TITLE, AREA OF DESIGNATION, AND ADOPTION

1.0 Introduction

The Village of Norton is located in south-central New Brunswick. It sits on the banks of the Kennebecasis River which is situated within the Saint John River Valley, known for its gently rolling hills, rich farmland and sweeping forests.

The local region is made up of agriculture and forestry and aggregate extraction, giving the Village of Norton a distinctive rural character. It also offers a diversity of commercial enterprises as well as established residential areas along with the everyday conveniences such as general service shops and a range of recreational opportunities.

1.1 Title

This Rural Plan may be cited as the *Village of Norton Rural Plan*.

1.2 Area of Designation

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

1.3 Adoption

Under the *Community Planning Act*, the Village of Norton hereby adopts as a by-law the *Village of Norton Rural Plan - By-law 2017-21-00*. This by-law replaces the Village of Norton Rural Plan - Zoning By-Law No. 2004-17-00, enacted in 2004, and any amendment made to it, is hereby repealed.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.0 Objectives of the Rural Plan

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

- (a) To promote a pattern of growth and land use which will ensure orderly, efficient and equitable development in a sustainable manner;
- (b) To be aware of the variety of land use needs within the planning area while attempting separation of incompatible uses;
- (c) To ensure the efficient provision of a street network and water and sewer infrastructure as the basic framework around which the community will grow;
- (d) To ensure the provision of community facilities and services to all residents of the community;
- (e) To encourage the provision of a range of housing types in terms of size, type, and ownership status to meet the needs of all age groups and incomes;
- (f) To provide a full range of recreation facilities and programs to serve all areas and all age groups in the community;
- (g) To direct commercial and industrial uses that support the local economy and benefit the local community to appropriate locations;
- (h) To protect and enhance the natural environment and to encourage development methods which will help to mitigate impacts on environmentally sensitive areas; and
- (i) To provide for sustainable agricultural and resource-related activities in a manner compatible with existing urban-related uses and the natural environment.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.1 Residential Uses

Policies

It is a policy to encourage residential infilling and growth of subdivisions in areas where investment in infrastructure and community facilities has already been made.

It is a policy to allow for a range of housing types to meet a wide range of housing needs.

It is a policy to encourage the maintenance of properties.

Proposals

It is proposed that unserviced development (sewage disposal systems) will be permitted where there is a reliable source of potable water and where the development will not have a negative impact on the availability or quality of groundwater for surrounding uses.

It is proposed that higher density residential development (5 or more units, whether new units or conversion of existing single family dwellings) and commercial types of residential accommodations be subject to a rezoning to ensure the suitability of the location including but not limited to such matters as servicing, access, parking, buffering and setbacks.

It is proposed that mini-home parks will be subject to a rezoning to ensure the suitability of the location including but not limited to such matters as servicing, access, parking, buffering and setbacks.

It is proposed that garden suites will be permitted subject to zone provisions to ensure suitability of location and that the use does not become a second residence in the long term.

It is proposed to require land dedications for public purposes or cash in lieu of land, in the subdivision process.

It is proposed the maintenance of a high standard of housing will be encouraged through the enforcement of the municipal Dangerous and Unsightly Premises By-law.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.2 Commercial Uses

Policies

It is a policy to encourage the development and expansion of the central business area as the major focus of commercial activity in the Village.

It is a policy to provide for compatible local or neighbourhood commercial development in other areas of the Village to adequately serve the needs of neighbourhood residents.

It is a policy to allow for a range of commercial activities within the rural area of the Village that are compatible with and supportive of the rural character of the area.

It is a policy to provide opportunities for home-based commercial operations as a means of encouraging economic activity in the Village.

It is a policy to provide safe and suitable areas for highway commercial development catering to highway and tourist-related needs of residents and visitors.

Proposals

It is proposed to identify a Central Commercial Zone which will serve as the major focus of commercial development of the Village.

It is proposed to identify a Rural Commercial Zone which will accommodate existing larger scale commercial operations in the rural area.

It is proposed to identify a Highway Commercial Zone to which development catering to the traveling public will be directed and that any application for rezoning to a Highway Commercial zone will evaluate the following:

- (a) that the site has adequate access to arterial or collector streets;
- (b) that the site, in the opinion of the Village, can be adequately serviced by water and sewer services in accordance with provincial regulations covering development on individual wells and sewage disposal systems;
- (c) that the site is of sufficient size to meet all parking, loading, setback, lot coverage, landscaping and other requirements set out in this by-law;
- (d) that consideration be given to protection of adjacent residential development by:
 - (i) requiring an acceptable buffer strip of trees, shrubs or hedges;
 - (ii) specifying the size, type and location of signing and lighting to be used; and
- (e) any other criteria deemed appropriate by Council.

It is proposed that a range of home-based occupations will be permitted accessory to primary residences subject to provisions to ensure compatibility with surrounding residential uses.

It is proposed that bakeries and personal service shops be permitted in the Central Residential and Single-Family Residential Zone subject to provisions that will address compatibility with surrounding residential uses.

It is proposed that a cannabis retail store be considered as an amendment to this By-law.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.3 Industrial Uses

Policies

It is a policy to direct industrial development to locations that have easy access to major transportation routes, have minimal impact on the natural environment, and could be serviced in the future.

Proposals

It is proposed that an industrial zone will be established and that zone provisions address area, yard and height requirements, parking, loading, signing, and landscaping requirements.

It is proposed that only uses that do not require water in processing or manufacturing will be permitted until such time as municipal water services are available.

It is proposed that Council will strive to identify a suitable site for an Industrial Park.

It is proposed that the operation of an asphalt plant, either portable or permanent, would be considered as an amendment to this By-law.

2.4 Institutional Uses

Policies

It is a policy to encourage community use of school facilities, church and public halls.

Proposals

It is proposed that churches, cemeteries, playgrounds, parks and schools be permitted in the Rural Zone.

It is proposed that the rezoning of lands for institutional uses shall be based on consideration of the following:

- (a) that the site is located on, or has convenient access to an arterial or collector street;
- (b) that adequate provisions for any required pedestrian access has been incorporated;
- (c) that an adequate buffer as required by the zoning provisions be provided adjacent to any neighbouring residential uses; and
- (d) that off street parking has been provided in accordance with the provision outlined in the Rural Plan.

It is proposed that the continued use of public buildings and school facilities such as gymnasiums, sports fields and possibly classroom or meeting facilities for community activities and adult education courses be encouraged.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.5 Recreation Facilities and Public Open Spaces

Policies

It is a policy to provide neighbourhood recreation facilities to serve as many residents as possible.

It is a policy to provide and protect open spaces and natural areas for the enjoyment of all residents.

It is a policy to limit development in flood risk areas in order to reduce property loss and environmental damage.

Proposals

It is proposed that lands owned by the Village or Province and used for recreation purposes be zoned "Park".

It is proposed that Council develop a Recreation Plan to identify opportunities and priorities for protection of lands or acquisition of lands for public purposes.

It is proposed by Council that all areas zoned "Open Space" shall be reserved and protected to serve as passive recreation areas or merely left undisturbed to fulfill their naturally intended functions and enjoyed for their aesthetic appeal. These open spaces should include: government-owned parks and open areas, cemeteries, flood plains, and trails.

It is proposed that floodplains will be zoned as "Open Space" on the Rural Plan Zoning Map with the exception of those areas that are already developed and zoned otherwise on the Rural Plan. The delineation of the floodplains in the "Open Space" zone shall include those lands identified as the 1 in 20 year and 1 in 100 year flood levels as shown on the 1:5,000 scale map sheet (#FR05 456300 65672) and the 1:10,000 scale map sheets (#FR 21H/12-V4 and #FR 21H/12-V2) available from the province.

2.6 Heritage Buildings and Sites of Historical or Archeological Interest

Policies

It is a policy to protect buildings and sites of heritage or archaeological significance.

Proposals

It is proposed that the coordination of heritage initiatives be in cooperation with the Provincial and Federal Governments and non-governmental heritage organizations to assist in identifying and protecting the Village's most valuable heritage resources.

It is proposed that Council will designate under the Municipal Heritage Preservation Act, where appropriate, heritage preservation areas, including heritage structures, sites and streetscapes, to promote the cultural, educational and economic development of the Village.

It is proposed that Council implement an on-going heritage program to:

- (a) enhance public awareness of heritage resources and issues;
- (b) develop an inventory of heritage resources in the Village;
- (c) identify and prioritize heritage resources of particular significance; and
- (d) identify and pursue alternate incentives and methods to facilitate the preservation of valuable heritage resource.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.7 Resource Uses

Policies

It is a policy to protect undeveloped land within the Village which is currently used, or has potential to be used, for rural uses such as agriculture, forestry, fishing and mineral/aggregate resource extraction.

It is a policy to encourage sustainable development practices.

It is a policy to minimize conflicts between rural and urban uses.

It is a policy to allow a limited range of commercial activity that maintains the rural character of the area.

Proposals

It is proposed that a Rural Zone be established that allows for a range of uses including resource based activities, residential uses, recreation and tourism, some institutional uses, as well as commercial uses subject to provisions to ensure compatibility with surrounding uses and protection of the environment.

It is proposed that any terms and conditions that might be imposed on new commercial uses should address, but not be limited to, the maintenance of the rural landscape, compatibility with resource based uses, as well as potential impacts on neighbouring uses and the natural environment.

It is proposed that zone provisions be established to adequately separate livestock facilities and residential uses.

It is proposed that Council support the efforts of the agricultural and forestry industries to operate in a sustainable manner and address potential impacts of these resource activities on the environment.

It is proposed by Council that the operation of new pits will be a permitted use within the Rural Zone subject to the issuance of an excavation permit and compliance with zoning provisions addressing such matters as impact on the environment, neighbouring land uses, and public safety.

It is proposed that new quarry operations would be considered as an amendment to this By-law.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.8 Transportation

Policies

It is a policy to ensure that the Department of Transportation and Infrastructure continues the maintenance and upgrading of all Provincially-designated routes to provide for convenient and safe movement of vehicles and pedestrians through the Village.

It is a policy to upgrade and maintain existing streets to acceptable standards for right-of-way width, surface condition, drainage and safety considerations.

It is a policy to encourage development of subdivision streets off the main highways.

It is a policy to provide for the safe movement of pedestrians and bicycles along and across major arterial and collector streets as well as between subdivisions.

It is a policy to ensure provision of acceptable parking and loading areas in the Village.

Proposals

It is proposed that an annual inspection of all Village streets and roads is conducted with respect to roadway (surface and shoulder) conditions, drainage and ditching, and safety concerns.

It is proposed that Council develop a list of priorities for upgrading and maintenance, and undertake necessary improvements that are the Village's responsibility as finances become available.

It is proposed that these roadway improvements be coordinated with any future extension of the municipal sewer system.

It is proposed that sidewalks and bicycle routes be provided as funding permits and opportunities arise (such as the upgrading streets and highways or the constructing of water and sewer systems) along existing and future streets, with priority given to those streets linking on which community facilities such as schools, churches, recreation areas and shopping facilities are located.

It is proposed that the provision of pedestrian crosswalks at major intersections along Routes 124 and 121 and across all future collector streets be considered in order to provide safe access to community facilities such as schools, recreation and shopping areas. Pavement markings, overhead signs, and in some cases pedestrian activated walk lights, should be considered.

It is proposed that all future off-street parking and loading be provided in accordance with the zone provisions.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.9 Protection of Water Supplies

Policies

It is a policy to ensure protection of the ground water resources in the Village.

It is a policy to maintain and expand the municipal sewage collection and treatment system.

It is a policy to ensure that the water supply and sewage disposal system meets the minimum standards required by the Province of New Brunswick for development in unserved areas.

Proposals

It is proposed by Council to initiate a public education program with respect to the protection of individual wells.

It is proposed by Council to investigate the potential site for a future municipal well and undertake the necessary steps to protect surrounding lands from uses that might impact water quality.

It is proposed by Council to maintain the present sewage collection and treatment system and to expand the system as required to accommodate future subdivision growth.

It is proposed by Council, with respect to all development applications (building permits or subdivision applications) that require septic tanks, to ensure that requirements under Provincial regulations pertaining to lot sizes and sewage disposal systems are met.

It is proposed that in areas that are eventually proposed to be serviced by municipal water and sewer systems, new residences or structures shall be encouraged to locate on a front quarter of the lot to facilitate the potential for resubdivision at such time as full services are available.

It is proposed that innovative forms of residential development that provide environmentally-conscious communal services and which protect the natural environment will be encouraged subject to an amendment to the Rural Plan.

It is proposed that creation of new residential lots will be subject to approval by the Commission of a Water Supply Assessment as submitted by the proponent where 10 or more lots are being proposed, or if there is a cumulative total of 10 or more lots from an original lot in existence as of September 01, 1998, or where the lots proposed are in an area with documented drinking water quality or quantity problems.

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.10 Conservation of the Physical Environment

Policies

It is a policy to preserve and enhance the natural and built environment.

It is a policy to ensure suitable control over land uses which utilize hazardous chemicals and which have potential to contaminate the environment and cause health or safety problems.

Proposals

It is proposed that all future uses which utilize materials and chemicals which may be hazardous to human health if permitted to enter the soil, water or atmosphere, should be prohibited from any area except in an Industrial Zone.

It is proposed that Council should also urge the provincial government to initiate comprehensive legislation dealing with the use, transportation and storage of hazardous materials.

It is proposed that the preservation and enhancement of the natural and built environment shall be encouraged by:

- (a) protecting wetlands, marshes, and watercourses by restricting development within 30 metres of these features;
- (b) protecting and preserving existing trees and shrubs and instituting a tree planting program;
- (c) maintaining and landscaping public buildings and lands;
- (d) encouraging the maintenance and enhancement of the commercial areas through maintenance and paint-up campaigns, the control of the location, size and type of signs, as well as the provision of landscaping and street furniture where possible;
- (e) requiring the provision of buffer areas (green belt areas, strips of trees or shrubs and architectural screening such as walls or fences) around commercial or industrial uses, public parking lots or other visually unpleasant grounds or buildings as required in other policies and zone provisions of this plan; and
- (f) enforcing the Unsightly Premises By-law to enhance the residential environment.

PART C: ZONING PROVISIONS

3.0 Definitions

In this By-law,

“agricultural use” includes one or more of the following:

- the clearing, draining, irrigating or cultivation of land,
- the raising of livestock, including poultry,
- the raising of fur-bearing animals,
- the raising of bees,
- the production of agricultural field crops,
- the production of fruits, vegetables, and other specialty horticultural crops,
- the production of eggs and milk,
- the production of berry crops,
- the production of maple syrup and similar products,
- the operation of agricultural machinery and equipment, including irrigation pumps,
- the preparation of a farm product for distribution from the farm gate, including cleaning, grading, and packaging,
- the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- the storage, use or disposal of organic wastes for farm purposes,
- the operation of pick-your-own farms, roadside stands, farm produce stands, and farm tourist operations as part of a farm operation, or,
- any other agricultural activity or process prescribed by Provincial authorities, which is carried on for gain or reward or in the hope or expectation of gain or reward;

"alter" means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;

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

- (a) one horse, cow, steer, bull, pig, or mule, including offspring until weaning,
- (b) two llama, alpacas, or donkeys, including offspring until weaning,
- (c) five sheep, goats, or emu, including offspring until weaning,
- (d) eight turkeys or geese,
- (e) twenty-five chickens, ducks, or furbearing animals, excluding fox or mink;

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

"bachelor apartment" means a dwelling unit in a multiple dwelling, consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities;

“bed and breakfast” means a dwelling in which the resident owner or resident manager provides short-term overnight accommodation and meals, usually breakfast, to the public;

"building" means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels;

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

PART C: ZONING PROVISIONS

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

"business complex" means any building or part thereof in which one or more persons are employed in the management, direction or conducting of any agency, business, brokerage, labor or fraternal organization;

"campground" means establishments providing an area of land, other than a mobile home park, where trailers, camper trailers, tents, camping trucks, motor homes and/or other similar shelters are placed for the purpose of providing temporary sleeping accommodations;

"cannabis retail store" means a store where cannabis is sold by an authorized service provider under provincial legislation;

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

"commercial recreational facility" means a recreation establishment operated as a business and open to the public for a fee, but does not include a campground or motor sports facility;

"community recreational facility" means a not-for-profit facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities;

"Commission" means Regional Service Commission;

"confined livestock area" means an outdoor non-grazing area where livestock is confined by fences or other structures or topography, and includes a feedlot and an exercise yard;

"day care centre" means a facility in which daycare services are provided as defined by and operated in accordance with the *Family Services Act*.

"day care home" means an owner-occupied single-detached dwelling in which day care services are provided and includes community day care home or family day care home as defined by and operated in accordance with the *Family Services Act*;

"dwelling" means a main building, or a portion thereof, containing one or more dwelling units;

"dwelling, multiple-family" means a dwelling containing more than two dwelling units;

"dwelling, single-family" means a dwelling containing only one dwelling unit, but shall not include a mini-home;

"dwelling, terrace" means a dwelling containing at least three and no more than six dwelling units, such units being constructed adjointly with common walls, and not one above the other, with individual entrances from the street level directly;

"dwelling, two-family" means a dwelling containing two dwelling units;

"dwelling unit" means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family and does include modular home but not a mini-home or mobile home;

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

PART C: ZONING PROVISIONS

"family" means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;

"forestry use" means the general growing and harvesting of trees and without limiting the generality of the foregoing shall include silviculture activities, the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other primary forest products as well as the portable milling and sawing of wood;

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

"garden suite" means a portable or demountable one storey, one or two bedroom, self-contained dwelling, intended to be occupied by an individual or a couple who, by reason of age, infirmity, or mental or physical disability, are not fully able to care for themselves, and where the main dwelling on the same lands is occupied by family members or relatives of the occupant of the garden suite;

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

"grade" means the finished level of the ground at the exterior walls of a building or structure;

"heavy equipment sales or service operation" means an establishment having as its main use the open and closed storage of heavy machinery for sale, rent, or lease and may include a building or part of a building or structure in which such machinery is maintained or repaired;

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

"heritage property" means features in or on the land or underwater and considered to be a consultable record of past human activities, endeavours or events (i.e., buildings, street furniture, engineering works, plantings and archaeological sites);

"home occupation" means a secondary use conducted in a dwelling, or an accessory building or structure where permitted and on the same lot as the dwelling unit, for gain or support, which is compatible with a domestic household and which is carried on by at least one member of the household residing in that dwelling;

"home or farm industry" means a gainful occupation, trade or service for which purpose an accessory building or structure may be used, and, without limiting the foregoing, would include the production of arts and crafts, a shop for carpentry, electric equipment repair, woodworking, window framing, welding, plumbing, machine or auto repair, and a service shop;

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

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

"institutional use" means the use of land, building, or structures for a public non-profit purpose and without limiting the generality of the foregoing, may include such buildings as a school, places of

PART C: ZONING PROVISIONS

worship, public hospitals, park and rides, medical clinics, emergency service facilities, municipal and provincial works departments, libraries, and government buildings;

“kennel” means any premises on which five (5) or more animals over the age of six (6) months are boarded, bred, trained or cared for in return for remuneration or are kept for the purposes of sale;

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

“light manufacturing, sales, or service operation” means a building or structure in which component parts are manufactured, assembled, processed or repaired to produce a finished product that can be sold on-site but does not include an industry that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property;

“livestock” means adult cattle, horses, mules, donkeys, sheep, pigs, goats, alpacas, llamas, emu, or poultry;

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes a structure or area used or intended to be used to store manure.

“lot” means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

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

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

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

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

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

“mini-home” means a building unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres (20 feet) throughout its entire length exclusive of steps or porches, that it not fitted with facilities for towing or to which towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“mobile home” means a dwelling unit so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked up or its running gear removed;

“modular home” means any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mini-home or mobile home as defined herein;

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

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

PART C: ZONING PROVISIONS

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

“passive recreational use” means a recreational activity that generally does not require a developed site and may include, but is not limited to: trails used for hiking, cross-country skiing, bicycling, or horseback riding, nature interpretation or observation activities, and gardening;

“permanent asphalt plant” means a permanent facility with equipment designed to mix aggregate with liquid asphalt to produce asphalt-paving material and includes stockpiling and storage of bulk materials used in the process;

“personal service shop” means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shop, hairdressing establishments, workrooms for shoe repair and shoe shining shops, and photographic studios;

“petting zoo” a collection of farm animals, such as goats, alpacas, ducks, and sheep for children to feed and pet;

“pit” means a disturbance of the ground or an excavation for the purposes of removing a quarriable substance without the use of explosives, and does not include a portable asphalt plant;

“portable asphalt plant” means a facility with equipment designed to mix aggregate with liquid asphalt to produce asphalt-paving material and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but which is to be dismantled at the completion of the construction project;

“public garage” means any building, space or enclosure in which motor vehicles or power boats are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire;

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

“quarry” means a disturbance of the ground or an excavation for the purpose of removing quarriable substance with the use of explosives, but does not include a portable asphalt plant;

“quarriable substance” means ordinary stone, building or construction stone, sand, gravel, clay and soil;

“recreational vehicle” means any trailer, camper trailer, camping truck, motor home and/or other similar shelters for the purpose of providing seasonal accommodation;

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

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

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

PART C: ZONING PROVISIONS

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

"service station" means a building or space where gasoline, oil, grease, anti-freeze, tires and accessories for motor vehicles are stored or kept for sale and where minor repairs of motor vehicles are performed;

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

“solar collector, attached” means any solar collector system that is mounted onto an existing building or structure;

“solar collector, free-standing” means any solar collector system that is ground installed;

“solar collector system” means any solar energy system that is building mounted, or any ground installed facilities for personnel use;

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

"storey" means

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

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

“structure” means an erection other than a building or a power or telephone pole or lines;

“swimming pool” means any accessory structure, including an inflatable container, construction, basin or tank above or below grade, which is designed to hold water and intended for swimming, wading, diving, or soaking, and having the capacity to contain water to a depth of 60 cm or more at any point.

“swimming pool, above-ground” means any swimming pool whose framework is installed primarily above ground elevation;

“swimming pool, in-ground” means any swimming pool that is constructed with its pool walls more than 90% below ground level;

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

“turbine, wind” means a structure that produces power by capturing the kinetic energy in winds and converting it into energy in the form of electricity and includes the wind turbine tower, rotor blades, and nacelle;

PART C: ZONING PROVISIONS

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

“use, accessory” means a use, other than human habitation, of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;

“use, secondary” means a use, other than a main use permitted in a dwelling;

“veterinary clinic” means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and less than twenty animals are lodged or kept overnight, and where limited laboratory and other diagnostic services may be offered on an outpatient basis;

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

“width” means, in relation to a lot,

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line from the mid-point of and perpendicular to the line to which it is parallel;

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

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

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

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

PART C: ZONING PROVISIONS

4.0 Purpose, Administration, Classification & Conformity

4.1 Purpose

- (1) The purpose of Part C:
 - (a) to divide the village into zones;
 - (b) to prescribe, subject to powers reserved to the Commission:
 - (i) the purpose for which land, buildings and structures in any zone may be used; and
 - (ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
 - (c) to prohibit:
 - (i) land use; and
 - (ii) use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in paragraph (b).

4.2 Powers of Council

- (1) No building may be erected in the Village in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewage, streets or other services or facilities.
- (2) Where in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may:
 - (a) require the improvement, removal or demolition of such building or structure at the expense of the owner; or
 - (b) acquire the parcel of land on which such building or structure is located.
- (3) Notwithstanding any other provision of this by-law, the Council may allow a developer of a building or structure to pay the Village the sum of \$1000.00 per parking space in lieu of providing off street parking required hereunder.

4.3 Powers of Commission

- (1) 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 Commission, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.
- (2) The Commission may, subject to such terms and condition as it considers fit;
 - (a) authorize, for a temporary period not exceeding a year, a development otherwise prohibited by this By-law;
 - (b) authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this By-law if:
 - (i) the application holds an authorization under paragraph (a) that is to expire or has expired; and
 - (ii) an application with respect to the land has been made to amend this By-law, and the Commission has received a resolution from the Village Council confirming the Council will consider the application referred to in subparagraph (ii); and

PART C: ZONING PROVISIONS

- (c) require the termination or removal of a development authorized under paragraph (a) or (b) at the end of the authorized period.
- (3) The Commission may:
- (a) delegate its authority under paragraph (2)(a) to the development officer; and
 - (b) authorized a delegate under paragraph (a) to further delegate his or her authority under paragraph (2)(a) to any person.
- (4) Subject to terms and conditions as may be imposed by the Commission in consultation with Council, private and public utilities shall be permitted in all zones and are exempt from the zone provisions of the lot upon which they are located including the use of land for the purposes of the supply of:
- (a) electric power;
 - (b) natural gas;
 - (c) water supply and storage;
 - (d) sanitary sewage disposal and treatment of sewage ;
 - (e) drainage, including storm sewers;
 - (f) streets; or
 - (g) all other public or private utilities.

including the location or erection of any structure or installation for the supply of any of the above-mentioned services

4.4 Amendments

- (1) A person who seeks to have this By-law amended shall:
- (a) address a written and signed application to the Commission; and
 - (b) shall pay a fee as prescribed in section 4.5.
- (2) On the advice of the Council, the Commission may return all or any part of the fee mentioned in paragraph(1)(b).
- (3) An application under this section shall include such information as may be required by the Council or Commission for the purpose of adequately assessing the desirability of the proposal.
- (4) Unless, upon the advice of the Commission, the Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been previously refused by the Council, no further application may be considered by the Council for one year if such application:
- (a) in the case of rezoning, is respect of the same area of land with which the original application was concerned; or
 - (b) not being in relation to rezoning is similar to the original application.

4.5 Fees for Planning Services

- (1) The following fees will be applied to the services noted:
- (a) zoning confirmation letter, \$100;
 - (b) zoning compliance letter, \$200;
 - (c) processing and considering all variances (temporary uses, dimensional, similar use), \$250; and

PART C: ZONING PROVISIONS

- (d) processing and considering requests for rezoning, \$1500.
- (2) All fees are submitted and payable as follows:
 - (a) at the time of application or request, the proponent shall pay the fee as prescribed in 4.5(1); and
 - (b) payments shall be made to the Regional Service Commission.

4.6 Classification

- (1) For the purposes of this By-law, the municipality is divided into zones delineated on the plan attached as Schedule "A", entitled "Village of Norton Zoning Map".
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

(a) Central Residential	CR Zone
(b) Single- and Two-family and up to Four-Family Residential	R-1 Zone
(c) Multiple-Family Residential	R-2 Zone
(d) Central Commercial	CC Zone
(e) Highway Commercial	HC Zone
(f) Institutional	INST Zone
(g) Park	P Zone
(h) Open Space	OS Zone
(i) Rural	RU Zone
(j) Rural Commercial	RC Zone
(k) Aggregate Extraction	AE Zone
- (3) In any zone, all land shall be used, and all buildings or structures, or parts thereof, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the part of this By-law pertaining to such zone.

4.7 Boundaries of the Zones

- (1) Where the boundary of any zone is uncertain and
 - (a) the boundary, as shown on the zoning map relating to this by-law substantially follows a street, lane or watercourse, the center line of such feature is the boundary; or
 - (b) the boundary, as shown on the zoning map relating to this by-law substantially follows property lines, shown on the registered plan of subdivision or registered document, such are the boundary lines; or
 - (c) the boundary as shown on the zoning maps runs substantially parallel to a street line or property line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such a street line and the distance from the street line shall be determined according to the scale shown on the zoning maps.

4.8 Rural Plan Review

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

PART C: ZONING PROVISIONS

5.0 General Provisions

5.1 Residential Development Near a Lagoon or Treatment Plant

- (1) No dwelling may be located within 150 metres (500 feet) of a sewage lagoon or treatment plant.

5.2 Dwellings per Lot

- (1) No more than one building containing one or more dwelling units shall be erected on any lot, except:
- (a) a garden suite where permitted; and
 - (b) a multi-unit dwelling in which the lots cannot be subdivided along a party wall.

5.3 Building and Structure Projections

- (1) The requirements of this By-law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of,
- (a) 15 centimetres (6 inches), for sills, leaders, belt courses or similar ornamental features;
 - (b) 45 centimetres (18 inches), for chimneys, smoke stacks or flues;
 - (c) 60 centimetres (24 inches), for cornices or eaves;
 - (d) 100 centimetres (40 inches), for window or door awnings, solar collectors, or open or lattice-enclosed fire balconies or fire escapes; or
 - (e) subject to subsection (2),
 - (i) 1.25 metres (4 feet), for steps or unenclosed porches, or
 - (ii) 1.8 metres (6 feet), for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.
- (2) Projections mentioned in clause (e) of subsection (1) may not extend into a required side yard to a greater extent than one-half the required width of the yard.

5.4 Off-Street Parking

- (1) Subject to this section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.
- (2) The number of spaces to be provided for off-street vehicular parking shall be in accordance with Table 5.1 below:

Use	Spaces Needed
For a dwelling	One (1) space for each dwelling unit.
Multiple unit dwelling / apartment building	One (1) space for every dwelling unit.
Seniors complex	One half (0.5) space per dwelling unit.

PART C: ZONING PROVISIONS

Business or professional office, medical or dental clinic	One space (1) for every 36 square metres of floor area.
Retail store	One space (1) for every 18 square metres of retail sales space.
Hotel, motels, bed and breakfast, boarding house, rooming house	One space (1) per guest room.
Restaurant and taverns	One space (1) per 4 seats.
Places of assembly including recreational, entertainment buildings, institutional buildings, or any building containing a similar use	One space (1) for 10 seats, or not less than one space for each 9 square metres.
Industrial buildings, warehouse, storage yards or buildings, and service shop and repair establishment	One space (1) for every 36 square metres of floor area or storage space;
School	One space (1) for every classroom and, where an auditorium or place of assembly is included therein, and additional space for every 9 square metres of auditorium or assemble area.
Day care centre, special care home, day care home	One space (1) space for every 30 square feet of floor area.
Other uses	One space (1) space per 30 square metres of floor area
Disabled Parking	As per NB Regulation 2011-61

- (3) A parking space shall be
- (a) an area of not less than 6 metres (20 feet) in length and not less than 3 metres (10 feet) in width;
 - (b) readily accessible from the nearest street;
 - (c) not more than 150 metres (500 feet) from the building which it serves;
 - (d) be designed as such by a sign or other marking; and
 - (e) in accordance with NB Regulation 2011-61.
- (4) Notwithstanding this section, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of \$1,000 per space in lieu of providing the off-street parking required hereunder.

5.5 Vehicular Off-Street Loading and Unloading

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

Floor Area of Building	Loading Spaces Needed
Up to and including 455 m ²	One (1)
Over 455 m ² up to and including 2,272 m ²	Two (2)
Over 2,272 m ²	One (1) space for each 2,272 m ² , or fraction thereof in excess of the first 2,272 m ²

- (2) An off-street loading space referenced in subsection (1) shall:

PART C: ZONING PROVISIONS

- (a) be not less than 10 metres in length and not less than 4 metres in width, with a 5 metre overhead clearance;
- (b) be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (c) be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles; and
- (d) be surfaced with a durable and dustproof material.

5.6 Home Occupations

- (1) Where permitted, a home occupation may be conducted in a residential dwelling or accessory building subject to the following provisions:
 - (a) the home occupation is clearly secondary to the main residential use;
 - (b) that the home occupation shall not consist of a convenience store, eating establishment, automotive sales or rental establishment, salvage yard, machine and weld shop, or any industrial use;
 - (c) unless the home-occupation is conducted completely within the residential dwelling, the lot is to be not less than 0.4 hectares (1 acre) in size;
 - (d) there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-occupation, except a sign in accordance with section 5.9.
 - (e) with the exception of a day care home, the floor area used for all home occupations conducted in the dwelling unit shall not in total exceed the greater of:
 - (i) 20% of the floor area of a dwelling unit; or
 - (ii) 28 square metres (300 square feet);
 - (f) the floor area of the home occupation conducted on the lot in all accessory buildings or structures does not exceed 80 square metres (860 square feet);
 - (g) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
 - (h) no equipment or material used therein is stored other than in dwelling unit or accessory building;
 - (i) the use shall not generate significant additional vehicular traffic beyond that normal to the neighbourhood in which it is located; and
 - (j) sufficient off-street parking spaces shall be available for clients or customers visiting the premises.

5.7 Home or Farm Industry

- (1) Where permitted, a Home or Farm Industry may be conducted subject to the following provisions:
 - (a) the minimum size of lot used for a home or farm industry shall be 1.2 hectares (3 acres);
 - (b) the scale of the Home or Farm Industry shall not exceed the capabilities of the family residing on the premises plus 5 people to operate it;
 - (c) there shall be no external display of advertising other than a sign not more than 1 square metre in area, notwithstanding the provisions of section 15.9;
 - (d) the Home or Farm Industry shall be clearly accessory to the main use and not change the residential or agricultural character of the premises;
 - (e) no accessory building used for a home or farm industry shall be located in the front yard;

PART C: ZONING PROVISIONS

- (f) the minimum side and rear yards for any accessory building used for the home or farm industry shall be 15 metres (50 feet);
- (g) no goods, wares or merchandise shall be offered or exposed to sale or rent on the premises unless such goods, wares and merchandise are either,
 - (i) incidental to the Home or Farm Industry,
 - (ii) arts and crafts produced on the premises,
 - (iii) field crops, vegetable, fruits or horticultural crops produced on the lot, or
 - (iv) sample articles not for direct purchase, but this shall not be construed to mean a model home or other building.

5.8 Stripping of Topsoil

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

5.9 Signs

- (1) Other than a traffic control device as defined by the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only on compliance with such terms and conditions as may be imposed by the Commission.
- (2) Subject to subsection (3), in any zone, a non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign
 - (a) advertises the sale, rental or lease of such land, building or structure;
 - (b) identifies by name the property or the residents thereof;
 - (c) indicates a home occupation permitted hereunder; or
 - (d) warns against trespass.
- (3) Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed
 - (a) in number, one for each purpose mentioned therein; or
 - (b) in size,
 - (i) 1.2 square metres (13 square feet), for a sign mentioned in clause (a) thereof, or
 - (ii) 0.37 square metres (4 square feet), for a sign mentioned in clause (b), (c) or (d) thereof.
- (4) In a “CC” or “INST” zone, the following signs may be placed, erected or displayed:
 - (a) a sign placed flat against the front of a building indicating the ownership or nature of the operation carried on therein, provided the gross surface area of such sign does not exceed

PART C: ZONING PROVISIONS

- (i) the product of the of the front lot line on which the building is located, multiplied by 0.25 metres (0'10"), in the case of a non-illuminated sign; or
 - (ii) one-half the size permitted under subclause (i), in the case of an illuminated sign; or
 - (b) a free-standing sign not exceeding 3 square metres (32 square feet) in gross surface area.
- (5) In the "HC", "RU", "AE", and "RC" zones the following signs may be placed, erected or displayed;
- (a) one sign not exceeding 3 square metres (32 square feet) in gross surface area indicating the name of a farm or the business; and
 - (b) one sign not exceeding 1.2 square metres (13 square feet) in gross surface area indicating the sale or rental of the property on which it is placed.
- (6) No sign may
- (a) be an imitation of a traffic control device or contain the words "stop", "go", "go slow", "caution", "danger", "warning", or similar words;
 - (b) have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or
 - (c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

5.10 Lighting Facilities and Illuminating Devices

- (1) No lighting facilities or illuminating device for any purpose may be arranged in such manner as to cause a nuisance.

5.11 Permits for New Pit and Quarry Operations

- (1) No person may establish a new pit or quarry operation unless an excavation development permit has been issued by the Development Officer pursuant to this section.
- (2) A person seeking to obtain an excavation development permit under this section shall make application in writing to the Development Officer in a form prescribed by that officer.
- (3) An application mentioned in subsection (2) shall
- (a) state the name and address of the applicant and the location of the proposed excavation;
 - (b) be accompanied by a contoured plan drawn to a scale not less than 1 to 1000 indicating the boundaries of the land involved in the proposal and the boundaries of that part proposed to be excavated;
 - (c) indicate the proposed base or lowest level of the proposed excavation;
 - (d) set out the means to be employed by the person named in the proposed permit to maintain accesses to the excavation, and public streets over which excavated sand or gravel is transported, in a dust-free condition as by paving, sweeping, or watering;
 - (e) include a proposal for rehabilitation of the site of the excavation.
- (4) Subject to subsections (7), where
- (a) an application under subsection (2) has been received;
 - (b) the proposed excavation and the proposal for rehabilitation of the site meet the requirements of subsection (3); and
 - (c) the fee set out in subsection (5) has been paid;

PART C: ZONING PROVISIONS

the Development Officer shall issue the excavation development permit requested.

- (5) A onetime permit fee of \$200.00.
- (6) An excavation permit shall;
 - (a) be in a form prescribed by the Development Officer;
 - (b) set out information pursuant to subsection (3) contained in the application therefore; and
 - (c) be signed by the Development Officer.
- (7) No permit may be issued under this section if;
 - (a) the land of the site is or would be subject to geological instability or flood hazard to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the instability or hazard.
 - (b) the proposed work would be apt to
 - (i) create a hazard to human life,
 - (ii) cause injury to a person,
 - (iii) damage adjoining property, or
 - (iv) adversely affect a public water main or sewer, or a water course or street;

5.12 Operating and Rehabilitation Standards for Pit and Quarry Operations

- (1) A pit operation shall be subject to:
 - (a) No excavation shall take place below the level of the water table;
 - (b) Have a minimum lot size of 5 acres;
 - (c) Have gates at all entrances and exits to their operating sites and these shall be closed and locked when the site(s) is not operating.
 - (d) Accesses to the excavation and public streets over which excavated material is transported are maintained by the owner of the property in a dust-free condition;
 - (e) The excavation, and any work related thereto, will be 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 as defined by the *Interpretation Act*;
 - (f) No building or structure or storage will be within 15 metres (50 feet) of an abutting property line;
 - (g) A barricade such as a fence or berm shall be put in place around a pit perimeter that has:
 - (i) a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 m in height; and
 - (ii) more than 60 cm of standing water.
 - (h) The final perimeter of all sites of an excavation use shall not be located within:
 - (i) 30 metres (100 feet) of a public road, street, highway, easement or right-of-way,
 - (ii) 150 metres (490 feet) of the foundation of any existing building,
 - (iii) 150 metres (490 feet) of an existing private water supply well,
 - (iv) 50 metres (165 feet) of an abutting property boundary.
 - (i) All sites of an excavation use shall have adequate signage posted around the perimeter and visible from any access, warning people of any dangerous situations with the operation.

PART C: ZONING PROVISIONS

- (j) The site of an excavation use shall not serve as a storage place for a dump of toxic materials, scrap iron, domestic wastes, construction residue of any other material likely to be harmful to the environment.
 - (k) The actively-worked area of the site, not including stockpiles of aggregate, stationary equipment and processing equipment such as crushing equipment, at any one time to no more than 3 hectares, while all other areas are maintained as either undisturbed or rehabilitated.
 - (l) An undisturbed buffer strip shall be maintained at least 15 metres wide between the final perimeter of a pit and a public highway, or a non-residential property
 - (m) An undisturbed buffer strip shall be maintained at least 50 metres wide between the final perimeter of a pit and any residential boundary.
- (2) A quarry shall be subject to the following:
- (a) No excavation shall take place below the level of the water table.
 - (b) Have gates at all entrances and exits to their operating sites and these shall be closed and locked when the site(s) is not operating.
 - (c) Accesses to the excavation and public streets over which excavated material is transported are maintained by the owner of the property in a dust-free condition;
 - (d) The excavation, and any work related thereto, will be 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 as defined by the *Interpretation Act*;
 - (e) No building or structure or storage will be within 15 metres (50 feet) of an abutting property line;
 - (f) Where an excavation site has a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 m in height a combination of boulders, cement barriers, or chain link fence along with signage shall be spaced along the perimeter of the slope. The boulders or cement barriers shall be no smaller than 1 metre in size and spaced at maximum intervals of 2 metres. Signage warning of the danger shall be placed at 15 meter intervals along the perimeter of the slope.
 - (g) The final perimeter of all sites of an excavation use shall not be located within:
 - (i) 30 metres (100 feet) of a public road, street, highway, easement or right-of-way,
 - (ii) 150 metres (490 feet) of the foundation of any existing building,
 - (iii) 150 metres (490 feet) of an existing private water supply well,
 - (iv) 50 metres (165 feet) of an abutting property boundary.
 - (h) The site of an excavation use shall not serve as a storage place for a dump of toxic materials, scrap iron, domestic wastes, construction residue of any other material likely to be harmful to the environment.
 - (i) The actively-worked area of the site, not including stockpiles of aggregate, stationary equipment and processing equipment such as crushing equipment, at any one time is to be limited to no more than 3 hectares, while all other areas are maintained as either undisturbed or rehabilitated.
 - (j) An undisturbed buffer strip shall be maintained at least 15 metres wide between the final perimeter of a quarry and a public highway, or a non-residential property
 - (k) An undisturbed buffer strip shall be maintained at least 50 metres wide between the final perimeter of a quarry and any residential boundary.

PART C: ZONING PROVISIONS

5.13 Accessory Apartments

- (1) Where permitted, accessory dwelling units shall:
 - (a) not result in more than two dwelling units contained in any converted single detached dwelling, subject to the lot area being not less than 545 square metres (5,866 square feet);
 - (b) be secondary to the main dwelling unit, and not exceed 60 square metres (645 square feet) in size;
 - (c) be completely self-contained and conform to the standards of the National Building Code; and
 - (d) require one (1) parking space, in addition to the normal requirement of the zone.

5.14 Access to a Public Street

- (1) No person shall erect or use a building or structure or use any lot of land regulated by this by-law, unless the lot of land to be used or the lot of land upon which the building or structure is situated or to be situated abuts or fronts on a public street or such other access as deemed to be satisfactory by the Commission in consultation with Council.

5.15 Line of Vision at Intersection

- (1) Notwithstanding the provisions of this by-law, on a corner lot within the triangular space formed by the street lot lines for a distance of 6 metres (20 feet) back from their point of intersection, no building or structure shall be erected. Furthermore, no shrubs or foliage shall be planted or maintained within the triangle so formed that would obstruct the view of a driver of a vehicle approaching the intersection.

5.16 Height Exceptions

- (1) The height restrictions of this by-law shall not apply to church towers, chimneys, silos, water storage tanks, or to structures housing mechanical equipment.

5.17 Enclosures for Swimming Pools

- (1) No land shall be used for the purpose of an in-ground swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls or fences, at least 1.52 metres in height and meeting the requirements of this section.
- (2) All enclosures shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing. All enclosures shall be located at least 1.22 metres from the edge of the swimming pool and 1.22 metres from any structure that would facilitate its being climbed from the outside. All fences shall not be electrified and shall not incorporate barbed wire or other dangerous material.
- (3) Where a portion of the wall of a building forms part of an in-ground swimming pool enclosure:
 - (a) no main service entrance to the building shall be located therein; and
 - (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device.

PART C: ZONING PROVISIONS

- (4) A fence under this section shall be made of chain link construction, wood, or of other materials in the manner prescribed by section (5);
- (5) A fence under this section shall be designed and constructed:
 - (a) in the case of a fence made of chain links, with
 - (i) no greater than 4 centimetre diamond mesh and of minimum 12-gauge thickness, and
 - (ii) steel posts spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetres diameter steel or 38mm x 89mm lumber.
 - (b) in the case of a fence made of wood, with
 - (i) vertical boarding spaced not more than 4 centimetres apart; and,
 - (ii) supporting posts spaced not more than 2.4 metres with a horizontal rail of minimum 38mm x 89mm;
 - (c) in the case of a fence constructed with materials and in a manner other than described in this subsection, it must be designed in a manner that is not easily climbable and will ensure rigidity equal to the design and construction prescribed by this subsection.
- (6) Gates forming part of an in-ground swimming pool enclosure shall:
 - (a) be equivalent in height and manner of construction to the fence;
 - (b) shall be supported on substantial hinges; and
 - (c) shall be self-closing and equipped with a self-latching device at least 1.52 metres above the bottom of the gate.

5.18 Development Adjacent to a Wetland or Watercourse

- (1) Notwithstanding compliance with provincial regulations and any provision of this by-law, no person shall erect a building or structure within 30 metres (100 feet) of the high water mark of a stream or watercourse or within 30 metres (100 feet) of a wetland.

5.19 Garden Suites

- (1) Where permitted, a garden suite shall
 - (a) have a gross floor area less than 110 square metres (1184 square feet);
 - (b) be accessory to the principle dwelling on the same lot;
 - (c) be no closer to the street line than the principle dwelling if located in a CR or R-1 Zone;
 - (d) comply with all setback and yard requirements of this Regulation;
 - (e) have adequate and available water and sewer services in accordance with provincial regulations;
 - (f) be constructed, erected or placed in such a manner as to be easily removed from the lot;
 - (g) share a common access with the principle dwelling; and
 - (h) be removed from the property or converted to a use permitted in the zone in which it is located within six months of being vacated.

PART C: ZONING PROVISIONS

5.20 Agricultural Operations

- (1) In the "RU" zone, the keeping of livestock is subject to terms and conditions as may be imposed by the Commission except where the operation is subject to the provisions of the Livestock Operations Act, and has a license or is exempted under the Livestock Operations Act, or on those lots where all three of the following requirements are met:
 - (a) three (3) or less animal units are kept,
 - (b) the property has an area of at least 20,000 square metres (5 acres),
 - (c) any livestock facilities are setback 20 metres from any lot line and 30 metres from any watercourse, and 75 metres from any well, or inhabited dwelling, other than those on the subject property.

5.21 Existing Buildings upon an Undersized Lot

- (1) Where a building has been erected on or before the effective date of this Plan, on a lot having less than the minimum frontage, area or depth, or having less than the minimum setback or side yard or rear yard required by this Plan, the building may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this Plan; and
 - (b) all other applicable provisions of this Plan are satisfied.

5.22 Steep Slopes

- (1) Buildings are prohibited on slopes greater than 30%.
- (2) Buildings are prohibited on slopes greater than 20% and less than or equal to 30%, unless demonstrated by a professional engineer or architect that the land can safely accommodate the proposed buildings, and approval, if necessary, is obtained from the appropriate government department for sewage disposal.

5.23 Infill Development

- (1) Notwithstanding the appropriate sections of this by-law, where a main building or structure is to be erected in any zone as an infill development, such building or structure may be erected closer to the street line than required by the applicable zone, provided that
 - (a) the average setback does not exceed that of at least three existing buildings on any one side of the lot to be infilled; and
 - (b) the nearest side of each existing building or structure immediately adjacent thereto will be within thirty metres of the nearest side of the building or structure to be placed, erected or altered.

5.24 Solar Collector Development

- (1) Solar collector systems are permitted as an accessory use in all zones subject to the following:
 - (a) be located on the same property as the main use;
 - (b) not to exceed a total height of 1.5 metres from the highest peak of the structure upon which it is located;

PART C: ZONING PROVISIONS

- (c) freestanding solar collectors are setback, at minimum, 1.5 times the total height of the solar collectors from the rear, front, and side lot lines, dwellings, transmission lines, and public right of ways;
- (d) freestanding solar collectors must be removed if the system does not produce electricity for a period of greater than one year;
- (e) attached solar collectors must be removed if electricity is not generated for a period of two years.

5.25 Wind Turbine Development

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

5.26 Vehicular Bodies

- (1) No truck, bus, semi-trailer, freight container, other vehicle body, or a structure of any similar nature, shall be used for human habitation in any zone.
- (2) No truck, bus, semi-trailer, freight container, other vehicle body, or a structure of any similar nature shall be used as an accessory building or structure.

5.27 Size of Dwelling Units

- (1) No single family dwelling may be placed, erected or altered so that it has a ground floor area less than
 - (a) 55 square metres in the case of a one (1) storey dwelling;
 - (b) 44 square metres in the case of a one-half (1.5) storey dwelling; or
 - (c) 44 square metres in the case of a two-storey (2) dwelling.
- (2) No terrace dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than 65 square metres (700 square feet) and a width of less than 6 metres (20ft).
- (3) No multiple dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than
 - (a) 32 square metres (344 square feet), in the case of a bachelor apartment containing a combination living room and bedroom with no separate bedroom;
 - (b) 45 square metres (484 square feet), in the case of a one-bedroom dwelling unit;
 - (c) 55 square metres (592 square feet), in the case of a two-bedroom dwelling unit; or
 - (d) 64 square metres (689 square feet), in the case of a dwelling unit containing three or more bedrooms.
- (4) For the purposes of this section, ground floor area or floor area does not include garages, carports, balconies, porches, verandas, breezeways, approach halls or except, for those completely contained within the dwelling unit, stairways.

PART C: ZONING PROVISIONS

5.28 Landscaping

- (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape
 - (a) the front yard of the main building; and
 - (b) that part of the lot within 1.5 metres (5 feet) of any building thereon.
- (2) The content of landscaping required under subsection (1)
 - (a) is a minimum of lawn; and
 - (b) may include paths, patios, walkways and trees.
- (3) Notwithstanding subsection (1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.

5.29 Fences

- (1) Except for a security fence of chain link construction in a Commercial or Aggregate Extraction zone, no fence in a front yard may exceed 0.8 m in height.
- (2) Subject to subsection (1), no fence may exceed a height of
 - (a) 1.9 metres in a residential zone; or
 - (b) 2.4 metres in any other zone.
- (3) No fence in a residential zone may incorporate barbed wire or other dangerous material in its construction.

5.30 Recreational Vehicles

- (1) A travel trailer or motorhome or other such recreational vehicle may be stored on a property, subject to the following conditions:
 - (a) a maximum number of one such travel trailer, motorhome or vehicle per property;
 - (b) shall not be stored on a vacant property;
 - (c) no travel trailer, motorhome or other such recreational vehicle shall be used as a dwelling unit for more than 30 days;
 - (d) no travel trailer, motorhome or other such recreational vehicle shall be leased or rented out as a dwelling unit; and
 - (e) any travel trailer, motorhome or other such recreational vehicle shall be stored at a minimum setback of 1.5 metres from the property lines.

PART C: ZONING PROVISIONS

6.0 Zones

6.1 CENTRAL RESIDENTIAL – “CR” ZONE

- (1) In a CR zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
- (a) one of the following main uses:
 - (i) a single-family dwelling;
 - (ii) a two-family dwelling;
 - (iii) a multiple-family dwelling (up to 4 units) or terrace dwelling (up to six units);
 - (iv) a park;
 - (v) a bakery, subject to subsections 6.1(2) and 6.1(3);
 - (vi) a personal service shop, subject to subsections 6.1(2) and 6.1(3); and
 - (b) one of the following secondary uses;
 - (i) an accessory apartment, subject to section 5.13;
 - (ii) a home occupation, subject to section 5.6;
 - (iii) a garden suite, subject to section 5.19;
 - (iv) a bed and breakfast operation; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) No building may be used for the purpose of a bakery or personal service shop unless
- (a) the floor area thereof devoted to such use is between 28 and 56 square metres (300 and 600 square feet); and
 - (b) where a dwelling unit is also contained therein, the two uses are separate with separate entrances.
- (3) Notwithstanding subsection (1), where the requirements of subsection (2) are satisfied, any land or building may be used for the purposes of both a single-family dwelling and a bakery or personal service shop.
- (4) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements listed in the Table 6.1 below.

Table 6.1 – Lot Requirements					
Services	Lot Component	Single-family and Non-residential	Two-family dwelling	Thee-family dwelling	Four-family dwelling
Municipal Water And Sewage	Minimum Lot Width	18 m	23 m	27 m	36 m plus 1.5 m for each additional dwelling unit in excess of four (4)
	Minimum Lot Depth	30 m	30 m	30 m	30 m

PART C: ZONING PROVISIONS

	Minimum Lot Area	540 m ²	818 m ²	1090 m ²	1272 m ² plus 68 m ² for each additional dwelling unit in excess of four (4).
Municipal Sewage Only	Minimum Lot Width	23 m	27 m	32 m	36m plus 1.5 m for each dwelling unit in excess of four (4)
	Minimum Lot Depth	30 m	30 m	30 m	30 m
	Minimum Lot Area	690 m ²	1072 m ²	1363m ²	1545 m ² plus 102 m ² for each dwelling in excess of four (4)
No Municipal Sewage	Minimum Lot Width	54 m	59 m	63 m	68 m
	Minimum Lot Depth	38 m	38 m	38 m	38 m
	Minimum Lot Area	4000 m ²	5350 m ²	6700 m ²	8050 m ²

- (a) A lot containing a terrace dwelling shall not be sub-divided along a party wall unless the newly created lots are serviced by a water system for public use.
- (b) A two-family or multiple dwelling shall not be placed, erected or altered, and no building or structure may be altered to be a two-family or multiple dwelling, on a lot that is not serviced by the municipal sewer system.
- (5) No main building or structure may be placed, erected or altered in a “CR” zone unless the following provisions are met:

Table 6.2: Main Building Requirements	
Lot Component	Main Building or Structure
Minimum front yard setback	7.5 m
Minimum side yard setback	3 m
Minimum rear yard setback	7.5 m
Maximum height	9 m (15 m for the main portion of a church) *for spires, belfries and other accessory features, a distance equal to twice the height of the main portion

PART C: ZONING PROVISIONS

- (6) No accessory building or structure may be placed, erected or altered in a “CR” zone unless the following provisions are met:

Table 6.3: Accessory Building Requirements	
Lot Component	Accessory Building
Minimum front yard setback	Front yard of main building or structure
Minimum side yard setback	0.9 m
Minimum rear yard setback	0.9 m
Minimum setback from main building or structure	2.4 m
Maximum height	7.5 m
Maximum area	84 square metres (904 square feet) in area or have a horizontal dimension greater than 10 metres (33 feet).

- (7) Notwithstanding the provisions of section 6.1, the lands zoned in the **CR-1** as shown on Schedule “A” may also be used for a restaurant, subject to the following conditions:
- (a) that all other provisions of Section 6.1 that do not conflict this subsection shall apply.

PART C: ZONING PROVISIONS

6.2 SINGLE, TWO-FAMILY AND UP TO FOUR-FAMILY RESIDENTIAL – “R-1” ZONE

- (1) In a R-1 zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
 - (a) one of the following main uses:
 - (i) a single-family dwelling;
 - (ii) a mini-home;
 - (iii) a two-family dwelling;
 - (iv) a multiple-family dwelling (up to 4 units) or terrace dwelling (up to six units);
 - (v) a park;
 - (vi) a bakery, subject to subsections 6.2(2) and 6.2(3);
 - (vii) a personal service shop, subject to subsections 6.2(2) and 6.2(3); and
 - (b) one of the following secondary uses;
 - (i) an accessory apartment, subject to section 5.13;
 - (ii) a home occupation, subject to section 5.6;
 - (iii) a garden suite, subject to section 5.19;
 - (iv) a bed and breakfast operation; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) No building may be used for the purpose of a bakery or personal service shop unless
 - (a) the floor area thereof devoted to such use is between 28 and 56 square metres (300 and 600 square feet); and
 - (b) where a dwelling unit is also contained therein, the two uses are separate with separate entrances.
- (3) Notwithstanding subsection (1), where the requirements of subsection (2) are satisfied, any land or building may be used for the purposes of both a single-family dwelling and a bakery or personal service shop.
- (4) No building or structure may be built, located or re-located, altered or replaced on a lot in the “R-1” zone unless the requirements listed in Table 6.1 are met.
- (5) No main building or structure may be placed, erected or altered in a “R-1” zone unless the requirements listed in Table 6.2 are met.
- (6) No accessory building or structure may be placed, erected or altered in a “R1” zone unless the requirement listed in Table 6.3 are met.
- (7) Notwithstanding the provisions of section 6.2(1), the lands zoned In the **R-1.1** as shown on Schedule “A” may also be used for the keeping of horses subject to the following conditions,
 - (a) that a maximum of three horses may be housed and kept in the accessory building, that all manure be stored in a leak-proof building located at least 30 metres (100 feet) from any watercourse and from wells and parallel to the back edge of the accessory building;
 - (b) that the manure storage facility be located away from water sources and natural drainage ways and that any surface water be diverted way from the storage facility;

PART C: ZONING PROVISIONS

- (c) that the subject property or the perimeter of the field for the horses be fenced;
- (d) that the horses shall not have direct access to the Almshouse Brook;
- (e) that the owner of the property shall follow and meet all provincial government requirements and provide a copy of said permits or approvals to the Council of the Village of Norton;
- (f) that if the building or structure is developed or used contrary to the provisions above, that Council may undertake a review of the Rural Plan in accordance with the Community Planning Act and initiate the rezoning of the property to a R-1 zone; and
- (g) that all other provisions of Section 6.2 that do not conflict this subsection shall apply.

PART C: ZONING PROVISIONS

6.3 MULTIPLE-FAMILY RESIDENTIAL – “R-2” ZONE

- (1) In a R-2 zone, any land, building or structure may be used for the purpose of, and for no other purpose than,
 - (a) the following main use:
 - (i) a multiple-family dwelling; and
 - (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements list in Table 6.1.
- (3) A two-family or multiple dwelling shall not be placed, erected or altered, and no building or structure may be altered to be a multiple dwelling, on a lot that is not serviced by the municipal sewer system.
- (4) No building or structure may be placed, erected or altered in a “R-2” zone unless the following provisions are met:

Table 6.4: Main Building Requirements	
Lot Component	Main Building or Structure
Minimum front yard setback	11 metres (36 feet), in the case of an arterial or collector street, or 7.5 metres (25 feet) in all other cases.
Minimum side yard setback	6 m
Minimum rear yard setback	9 m
Maximum height	11 m

- (5) No accessory building or structure may be placed, erected or altered in a “R-2” zone unless the following provisions are met:

Table 6.5: Accessory Building Requirements	
Lot Component	Accessory Building
Minimum front yard setback	Front yard of main building or structure
Minimum side yard setback	0.9 m
Minimum rear yard setback	0.9 m
Minimum from main building or structure	2.4 m
Maximum height	7.5 m
Maximum area	84 square metres (904 square feet) in area or have a horizontal dimension greater than 10 metres (33 feet).

PART C: ZONING PROVISIONS

6.4 CENTRAL COMMERCIAL – “CC” ZONE

- (1) In a CC zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
 - (a) one or more of the following main uses:
 - (i) a single-family dwelling;
 - (ii) a two-family dwelling;
 - (iii) an office;
 - (iv) a hotel or motel;
 - (v) an institutional use;
 - (vi) a multiple-family dwelling;
 - (vii) a retail store;
 - (viii) a park;
 - (ix) a restaurant;
 - (x) a general service, sales, and repair shop;
 - (xi) a personal service shop;
 - (xii) a community recreational facility;
 - (xiii) a special care home;
 - (xiv) a daycare home;
 - (xv) a daycare centre;
 - (xvi) a bed and breakfast operation;
 - (xvii) a senior citizen complex; and
 - (b) one or more of the following main or secondary use, subject to terms and conditions as may be set by the Commission in consultation with Council:
 - (i) a public transportation terminal;
 - (ii) a laundromat;
 - (iii) a drive-thru restaurant;
 - (iv) an automobile sales or rental establishment; and
 - (c) a secondary dwelling unit in a commercial building, subject to subsection 6.4(2); and
 - (d) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this subsection.
- (2) Secondary dwelling units are permitted provided:
 - (a) they are contained either within the main building constituting the commercial use; and
 - (b) they are located above, behind or below the permitted commercial use.
- (3) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements list in Table 6.1.

PART C: ZONING PROVISIONS

- (4) No main building or structure may be placed, erected or altered in a “CC” zone unless the following provisions are met:

Table 6.6: Main Building Requirements	
Lot Component	Main Building or Structure
Minimum front yard setback	7.5 m
Minimum side yard setback	1.5 m
Minimum rear yard setback	3 m
Maximum height	10.5 m

- (5) No main commercial building or structure may be placed or erected unless the yard adjoining a residential zone or use has a landscaped buffer area of trees, shrubs, hedges, or fence, or a combination thereof.
- (6) No accessory building or structure may be placed, erected or altered in a “CC” zone unless the following provisions are met:

Table 6.7: Accessory Building Requirements	
Lot Component	Accessory Building
Minimum front yard setback	Front yard of main building or structure
Minimum side yard setback	1.5 m
Minimum rear yard setback	1.5 m
Minimum from main building or structure	2.4 m
Maximum height	7.5 m

- (7) Notwithstanding the provisions of section 6.4, the lands zoned **CC-1** as shown on “Schedule A” may also be used for the operation of a dining room lounge subject to the following conditions:
- (a) that no adult entertainment will be permitted;
 - (b) that the dining room lounge is permitted under requirements of the Liquor Control Act of New Brunswick Chapter L-10 and other applicable acts and regulations;
 - (c) that if the building or structure is developed or used contrary to the provisions above, that Council may undertake a review of the Rural Plan in accordance with Community Planning Act and initiate the rezoning of the property to a CC zone; and
 - (d) that all other provisions of Section 6.4 that do not conflict this subsection shall apply.

PART C: ZONING PROVISIONS

6.5 HIGHWAY COMMERCIAL – “HC” ZONE

- (1) In a HC zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
- (a) one or more of the following main uses:
 - (i) an automobile sales or rental establishment;
 - (ii) a heavy equipment, sales, or service operation;
 - (iii) a hotel or motel;
 - (iv) a drive-thru restaurant;
 - (v) a general service, sales, and repair shop;
 - (vi) a service station or public garage;
 - (vii) a retail store;
 - (viii) a laundromat;
 - (ix) a warehouse; and
 - (b) the following secondary use:
 - (i) a single-family dwelling; and
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements list in Table 6.1.
- (3) No main building or structure may be placed, erected or altered in a “HC” zone unless the following provisions are met:

Lot Component	Main Building or Structure
Minimum front yard setback	7.5 m
Minimum side yard setback	3 m
Minimum rear yard setback	3 m
Maximum height	10.5 m

- (4) No main commercial building or structure may be placed or erected unless the yard adjoining a residential zone or use has a landscaped buffer area of trees, shrubs, hedges, or fence, or a combination thereof.

PART C: ZONING PROVISIONS

- (5) Except for a gatekeeper-security office not exceeding 9 square metres (97 square feet) in size, no accessory building or structure may be placed, erected or altered in a “HC” zone unless the following provisions are met:

Table 6.9: Accessory Building Requirements	
Lot Component	Accessory Building
Minimum front yard setback	Front yard of main building or structure
Minimum side yard setback	3 m
Minimum rear yard setback	3 m
Minimum from main building or structure	2.4 m

PART C: ZONING PROVISIONS

6.6 INSTITUTIONAL – “INST” ZONE

- (1) In an INST zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
- (a) one or more of the following main uses:
- (i) a funeral home;
 - (ii) a day care centre;
 - (iii) a senior citizen complex;
 - (iv) a park;
 - (v) a community recreational facility;
 - (vi) a passive recreation use;
 - (vii) an institutional use; and
- (b) one or more of the following main uses, subject to terms and conditions as may be set by the Commission in consultation with Council:
- (i) a sewage treatment facility;
 - (ii) a personal service shop; and
- (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.
- (2) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements list in Table 6.1.
- (3) No building or structure may be placed, erected or altered in an “INST” zone unless the following provisions are met:

Table 6.10: Main Building Requirements	
Lot Component	Main Building or Structure
Minimum front, side, and rear yard setback	7.5 m
Maximum height	10.5 m (21 m for the main portion of a church) *for spires, belfries and other accessory features, a distance equal to twice the height of the main portion

- (4) No main building or structure may be placed or erected unless the yard adjoining a residential zone or use has a landscaped buffer area of trees, shrubs, hedges, or fence, or a combination thereof.

PART C: ZONING PROVISIONS

- (5) No accessory building or structure may be placed, erected or altered in an “INST” zone unless the following provisions are met:

Table 6.11: Accessory Building Requirements	
Lot Component	Accessory Building
Minimum front yard setback	Front yard of main building or structure
Minimum side and rear yard setback	7.5 m
Minimum from main building or structure	2.4 m
Maximum height	The lesser of (i) two storeys or 9 metres (30 feet), or (ii) the height of the main building or structure to which it is accessory.

- (6) In addition to the permitted uses listed in subsection 6.6(1)(a), the lands zoned **INST-1** as shown on “Schedule A” may also be used for a business complex, subject to the following conditions:
- (a) that all other provisions of Section 6.6 that do not conflict this subsection shall apply.

PART C: ZONING PROVISIONS

6.7 PARK – “P” ZONE

- (1) In a P zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
- (a) one or more of the following main uses:
 - (i) a community recreation facility;
 - (ii) a park;
 - (iii) a passive recreational use; and
 - (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this subsection.

6.8 OPEN SPACE – “OS” ZONE

- (1) In an OS zone, subject to the provisions of section 5.18, any land, building or structure may be used for the purpose of, and for no other purpose than,
- (a) one or more of the following main uses:
 - (i) a park;
 - (ii) a passive recreational use;
 - (iii) a cemetery; and
 - (b) any accessory buildings, structure or use incidental to the main use of the land, building or structure if such use is permitted by this section and subject to such terms and conditions as may be imposed by the Commission in consultation with Council.

PART C: ZONING PROVISIONS

6.9 RURAL – “RU” ZONE

(1) In an RU zone, any land, building or structure may be used for the purpose of, and for no other purpose than,

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

- (i) a single-family dwelling;
- (ii) a mini-home;
- (iii) a park;
- (iv) an agricultural use, subject to section 15.20;
- (v) an institutional use;
- (vi) a retail store;
- (vii) a personal service shop;
- (viii) a pit, subject to Sections 5.11 and 5.12;
- (ix) a forestry use;
- (x) a general service, sales, and repair shop;
- (xi) a veterinary clinic;

(b) one or more of the following main uses, subject to terms and conditions as may be set by the Commission in consultation with Council:

- (i) a commercial recreational facility;
- (ii) a public transportation terminal; and

(c) one or more of the following secondary uses:

- (i) an accessory apartment subject to section 5.13;
- (ii) a home occupation, subject to section 5.6;
- (iii) a home or farm industry, subject to section 5.7;
- (iv) a bed and breakfast operation;
- (v) a day care home;
- (vi) a special care home;
- (vii) a garden suite, subject to section 5.19; and

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

(2) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements listed in the Table 6.1.

(3) No main building or structure may be placed, erected or altered in a “RU” zone unless the following provisions are met:

Table 6.12: Main Building Requirements	
Lot Component	Main Building or Structure
Minimum front yard setback from Collector Road	15 m
Minimum front yard setback from Local Road	7.5 m (15 m for an agriculture, forestry, pit)
Minimum rear yard setback	7.5 m (15 m for an agriculture, forestry, pit)
Minimum side yard setback	3 m (7.5 m for an agriculture, forestry, pit)

PART C: ZONING PROVISIONS

- (4) No accessory building or structure may be placed, erected or altered in a “RU” zone unless the following provisions are met:

Table 6.13: Lot Requirements for Accessory Buildings and Structures				
Lot Component	Single Family Dwelling, Individual Mini-home site	Agriculture, Forestry, Pit	Institutional Use, Park	Commercial Recreation, Retail Use, General Service & Sales Repair Shop, Personal Service Shop, Vet Clinic.
Minimum front yard setback from Collector Road	Not permitted in front yard of the main building	15 metres (50 feet)	Not permitted in front yard of the main building	Not permitted in front yard of the main building
Minimum front yard setback from Local Road	Not permitted in front yard of the main building	7.5 metres (25 feet)	Not permitted in front yard of the main building	Not permitted in front yard of the main building
Minimum rear yard setback	3 metres (10 feet)	7.5 metres (25 feet)	7.5 metres (25 feet) or one half the height of the accessory building or structure	7.5 metres (25 feet)
Minimum side yard setback	3 metres (10 feet)	7.5 metres (25 feet)	7.5 metres (25 feet) or one half the height of the accessory building or structure	7.5 metres (25 feet)

- (5) Notwithstanding the provisions of the RU zone and section 6.9(1), the lands zoned **RU-1** as shown on Schedule “A” may also be used for the following secondary uses:
- (a) a petting zoo
 - (b) the keeping of a maximum of three (3) animal units, subject to the following conditions:
 - (i) the maximum size for a livestock facility is 27 m² (290ft²); and
 - (ii) in the spring of each year of operation, livestock manure is to be either spread onto pasture or removed from the site.
 - (c) a home and farm industry, subject to the following conditions:
 - (i) the scale of the Home of Farm Industry shall not exceed the capabilities of the family residing on the premises plus 5 people to operate it;
 - (ii) there shall be no external display of advertising other than a sign not more than 1 square metre in area, notwithstanding the provisions of section 5.9
 - (iii) the Home or Farm Industry shall be clearly accessory to the main use and not change the residential or agricultural character of the premises;
 - (iv) the minimum side and rear yards for any accessory building used for the home or farm industry shall be 7.5 metres (25 feet);
 - (v) no goods, wares or merchandise shall be offered or exposed to sale or rent on the premises unless such goods, wares and merchandise are either,
 - (1) incidental to the Home or Farm Industry,
 - (2) arts and crafts produced on the premises,
 - (3) field crops, vegetable, fruits or horticultural crops produced on the lot, or
 - (4) sample articles not for direct purchase, but this shall not be construed to mean a model home or other building.

PART C: ZONING PROVISIONS

6.10 RURAL COMMERCIAL - "RC" ZONE

- (1) In an RC zone, any land, building or structure may be used for the purposes of, and for no other purpose than,
- (a) one of the following main uses:
 - (i) a light manufacturing, sales, or service operation;
 - (ii) a warehouse;
 - (iii) a commercial recreation facility;
 - (iv) a drive-thru restaurant; and
 - (b) one of the following secondary uses:
 - (i) a single-family dwelling; and
 - (c) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this subsection.
- (2) No main or accessory building or structure may be placed, erected or altered in a "RC" zone unless the following provisions are met:

Lot Component	Main/Accessory Building or Structure
Minimum front, side and rear yard setback	7.5 m
Maximum height	9 m

- (3) No building or structure may be built, located or re-located, altered or replaced on a lot unless the lot meets the requirements list in Table 6.1.
- (4) Notwithstanding the provisions of the RC zone, the lands zoned **RC-1** as shown on Schedule "A" are subject to those provisions indicated in the Agreement on Terms and Conditions for the D.B. Rezoning, dated the 13th of June, 2007.

PART C: ZONING PROVISIONS

6.11 AGGREGATE EXTRACTION - "AE" ZONE

- (1) In an AE zone, any land, building or structure may be used for the purpose of, and for no other purpose,
- (a) the following main uses:
 - (i) a quarry, subject to subsection 5.11 and 5.12; and
 - (ii) a pit, subject to subsection 5.11 and 5.12.
 - (b) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this subsection.
- (2) No main or accessory building or structure may be placed, erected or altered in an "AE" zone unless the following provisions are met:

Table 6.15: Building Requirements	
Lot Component	Main Building or Structure
Minimum front yard from Collector or Local Road	15 m
Minimum rear and side yard setback	15 m

- (3) Notwithstanding the provisions of the AE zone, the lands zoned **AE-1** as shown on Schedule "A" may also be used for the secondary use of a portable asphalt plant, subject to terms and conditions that may be set out by the Commission in consultation with Council, and the following conditions:
- (a) that a portable asphalt plant shall not be located within:
 - (i) 30 metres (100 feet) of a public road, street, highway, easement or right-of-way,
 - (ii) 150 metres (490 feet) of the foundation of any building,
 - (iii) 150 metres (490 feet) of a private water supply well,
 - (iv) 50 metres (165 feet) of an abutting property boundary.
 - (b) that all other provisions of Section 6.11 that do not conflict with Section 6.11(3) shall apply.

7.0 Enactment

The Council of the Village of Norton, under authority vested in it by the *Community Planning Act*, enact as follows:

- (1) A Rural Plan for the physical development and improvement of the municipality is hereby adopted.
- (2) The document, entitled "Village of Norton Rural Plan - By-law 2017-21-00" and the appended Schedule A "Village of Norton Zoning Map" dated November 2017, constitutes the Rural Plan mentioned in subsection (1).
- (3) By-law No. 2004-17-00 and all amendments thereto are hereby repealed.

FIRST READING BY TITLE

January 10, 2018

SECOND READING BY TITLE

January 10, 2018

THIRD READING AND ENACTMENT

February 7, 2018



Juditha Brath
MAYOR

APPROVED pursuant to the
Community Planning Act

APPROUVÉ En application de la
loi sur l'urbanisme

Paul Gault
for - Minister / pour le/la Ministre
Environment and Local Government
Environnement et Gouvernements locaux

March 2, 2018
Date