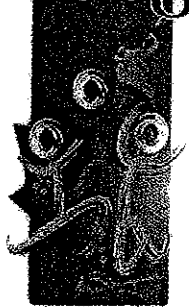


2008



CULTURAL CAPITALE
CAPITAL CULTURELLE
of CANADA du CANADA

Sackville

New Brunswick • Nouveau-Brunswick



Town of Sackville
Zoning By-law No.212

28103530

2009.12.01

9:32:23

**Town of Sackville Zoning By-law
By-law No. 212**

**Prepared by the Tantramar Planning District Commission
August 2009**

This instrument purports
to be a copy of the original
registered or filed in the
Westmorland County
Registry Office NB

28103530
number-numéro

Exemplaire présenté comme
copie conforme à l'instrument
enregistré ou déposé au
bureau d'enregistrement du
comté de Westmorland NB

hlc 1, 2009
date

**BY-LAW TO ADOPT A ZONING BY-LAW
BY-LAW NO. 212**

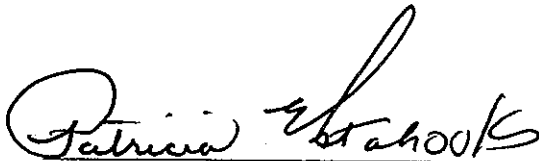
Under the Authority vested in by Section 34 of the Community Planning Act, the Municipal Council of the TOWN OF SACKVILLE enacts as follows:

1. This By-law may be cited as the "Town of Sackville Zoning By-law";
2. The document entitled "Town of Sackville Zoning By-law" attached hereto is adopted;
3. By-law No. 181 entitled "Town of Sackville Zoning By-law", enacted on the 2nd day of May, 2001, is repealed together with all amendments.


Read a first time this 10th day of August, 2009.

Read a second time this 14th day of September, 2009.

Read a third time and passed this 9th day of November, 2009.



Mayor



Assistant Clerk

SOLEMN DECLARATION

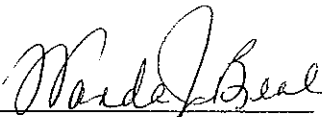
TOWN OF SACKVILLE ZONING BY-LAW, BY-LAW NO. 212

I, Mary Dixon, of the Town of Sackville, in the County of Westmorland and the Province of New Brunswick, Assistant Clerk, **DO SOLEMNLY DECLARE;**

1. THAT I am the Assistant Clerk of the Town of Sackville, a Municipal Corporation, and have personal knowledge of the facts herein declared;
2. THAT the requirements of Sections 66 and 68 of the *Community Planning Act* have been complied with in respect to By-law No. 212, a By-law to Amend By-law No. 181, Town of Sackville Zoning By-law, which was passed by the Common Council of the Town of Sackville on November 9, 2009;

AND, I make this solemn declaration conscientiously believing it to be true, and knowing that it of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

Declared before me at the
Town of Sackville, County of
Westmorland and Province of
New Brunswick, this 27th day
of November, A.D., 2009.



Commissioner of Oaths

WANDA J. BEAL
Commissioner of Oaths for N.B.
My Commission Expires Dec. 31, 2013



Assistant Clerk

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Figure 1: Town of Sackville Zoning Map

Figure 2: Town of Sackville Hydrographic Map

PART 1: TITLE AND DEFINITIONS

This By-law may be cited as the "Town of Sackville Zoning By-law".

1.1 Definitions

In this By-law all words shall have the meaning or meanings which are assigned to them in accepted English dictionaries except for the words which are defined as follows:

ABATTOIR, means the use of land, building or structure thereof in which animals are slaughtered;

ABUT, means where properties or lots share a common lot line or a common point along a lot line;

ACT, means the Community Planning Act;

AGRICULTURAL USE, means general farming and, without limiting the generality of the foregoing, shall include uses such as the general cultivation of land and associated production, conditioning, processing and storing of field crops, vegetables, fruit, nursery stock, pasturing of livestock and the selling of such produce on the premises and includes a farm dwelling, accessory buildings and uses. Such uses do not include a cannery or abattoir or the raising of fur bearing animals. Existing agricultural operations are permitted in all zones;

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

BOUTIQUE, means a small retail shop that specializes certain products (for example, wine, gifts, clothing, or food);

BUFFER, means a spatial separation or setback between a defined use and a property line;

BUILDING, means a type of structure, whether permanent or temporary which is roofed and which is used for shelter or accommodation of persons, animals, materials or equipment;

BUILDING, ACCESSORY, means a detached subordinate building, not used for human habitation, except where permitted in this By-law, 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;

BUILDING, MAIN, means a building in which the main or principal use of the lot is conducted;

BUILDING INSPECTOR, means a person appointed by Council under Section Six of the Building Regulation - Community Planning Act of New Brunswick;

COUNCIL, means the Council for the Town of Sackville;

COMMERCIAL, LIMITED, means business enterprises that require minimal parking, and can exist within the existing building such as: bed and breakfasts, studios, antique shops, boutiques, and professional offices.

COMMERCIAL VEHICLE, means any vehicle that is licensed as a commercial carrier as determined by the Register of Motor Vehicles;

COMMISSION, means the Tantramar Planning District Commission;

DAY CARE CENTRE, means a centre that provides early learning and care for children from infancy to school aged, including afterschool programs that is licensed under the New Brunswick Day care centre Act.

DWELLING, means a building containing one or more dwelling units and does not include a mobile home/mini home or motor home, travel trailer or recreational vehicle designed for seasonal and non-permanent occupation;

DWELLING, DETACHED, means a free-standing residential building, commonly called a single dwelling unit.

DWELLING UNIT, means one or more rooms used or intended for use by one or more individuals living as a single housekeeping unit, with a separate kitchen and sanitary facilities provided for the exclusive use of such individuals, and with a maximum of 40% of the dwelling floor area being dedicated to sleeping.

DWELLING UNIT, ACCESSORY - a secondary self-contained dwelling unit with a maximum of two bedrooms, that is either added to or contained within the structure of a detached dwelling unit, provided that it shall not exceed 25% of the main dwellings gross floor area, and the entrance must be on the side or rear of the structure.

DWELLING, VERTICALLY ATTACHED, means a building consisting of two to six dwelling units which are vertically attached by one or more common wall(s) and which the property is subdivided, with each unit having independent entrances to a front and rear yard. Each unit shall be serviced by independent municipal sewer and water connections.

ECOTOURISM, means an activity consisting of visiting natural environments to learn about and understand nature. Development for ecotourism initiatives may include, but shall not be limited to, trails, bridges, fences and interpretation centers.

ERECT, means to construct, build, assemble or relocate a building or structure, and includes any physical operations preparatory thereto;

FLOOD PROOFING, means that floodwaters of the described specified level or elevation are prevented from entering a structure by the placing of fill, or elevation of the structure, or having the sills of all doors above the specified level;

FRONTAGE, means the distance between the intersection of the side lot lines and measured from the front yard setback.

FORESTRY, means commercial silviculture and the production of timber or pulp;

HARD SURFACE means any surface on a lot that is impervious to water and shall include buildings, asphalt paving, concrete paving, brick paving, compacted granular surfaces, and any surface intended for the purpose of parking vehicles.

HEIGHT, means the vertical distance on a building between the established grade and the highest point of the roof surface or the parapet, whichever is greater, but shall not include any construction used as an ornament or for the mechanical use of the building, chimney tower, steeple, solar collectors, antennae or satellite receiving dish;

HOME OCCUPATION, means a business activity carried on within a residence or accessory building of the owner or operator of the business. Without limiting the generality of the foregoing, a home occupation may include: office use, personal service shop, craft workshop, the repair of household appliances, catering, small engine repair, day care centre with a maximum of 6 children, an establishment teaching arts. Home occupations do not include the sale, rental, or repair of automobiles or recreational vehicles. But:

- shall be secondary to the use of the dwelling unit as a private residence;
- shall be no change to the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign erected in accordance with this By-law;
- shall not create or become a public nuisance with respect to noise, traffic, or parking;
- shall have no person other than members residing in the dwelling unit residence plus one employee engaged in such occupation.

HOMES, BED AND BREAKFAST, means part of a dwelling where the resident owner or resident provides accommodations with or without meals to the traveling public for financial remuneration;

HOUSE, BOARDING, means a dwelling in which the proprietor supplies room and board for monetary gain which consists of 6 bedrooms or more exclusive of the owner of the building.

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

INDUSTRIAL USE, means the use of land, building or structure designed for the purpose of manufacturing, assembling, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance or article and the storage of building equipment materials;

INN, means a dwelling that provides accommodations for financial remuneration and shall have a dining facility;

INSTITUTION, means land, building, structure or part of a structure used by any organization, group, or association for the promotion of charitable, educational or benevolent purpose and not for profit or gain;

LOT, means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Registry of Deeds;

MOBILE/MINI HOME, means a dwelling unit having a width of 5.5 m (18 ft.) or less, that is built on-site or manufactured in a factory with the wood floor system being an integral part of the structural integrity by way of design, and designed to be transported to a home site on a flatbed or steel frame. This definition does not include sectional homes transported in two or more sections and assembled on site;

MOBILE/MINI HOME PARK, means a parcel of land under single ownership which has been planned and improved for the placement for mobile/mini homes for non-transient use with a minimum of 10 mobile/mini home lots.

MOBILE/MINI HOME SUBDIVISION, means a parcel of land which has been planned and improved for the placement for mobile/mini homes, but subdivided into separate parcels for the purpose of locating individual mobile/mini homes on each individual parcel, with a minimum of 10 lots.

OPEN STORAGE, means storage not in a building or covered area and includes materials covered by a canvas, plastic or any other type of covering material;

PUBLIC UTILITY, means any building, structure, plant or equipment essential to the provision and operation of electricity, water, sewage disposal, telephone service, telegraph service, pipeline, railway telecommunications or cable television;

RECYCLING DEPOT, means a building, structure or land for the deposit, storage, compacting, baling, and transportation of recyclable materials limited to paper, cardboard, glass, metal cans and plastic;

RECREATION, means where entertainment is offered such as motion pictures or theater, public hall, billiard or pool rooms, electronic games, bowling alley, ice/roller skating, roller blades, sports fields, playgrounds and all other similar places of amusement;

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;

SERVICE INDUSTRY, means a use whose primary function is to provide products and services, and without limiting the generality of the forgoing, may include an engine and body repair shop, a printing business, a laundry or cleaning business, a wholesale bakery, professional trades, and similar uses;

SERVICE SHOP, PERSONAL, means a building or part of a building where persons are employed in furnishing services and otherwise administering to the individual needs of persons including establishments such as barber shops, shoe repair, the sale or repair of household articles or small motor repair and may include radio, television, computers, and appliance repair shops, plumbing, electrical establishments and other similar uses but does not include industrial manufacturing or motor vehicle repair shops;

SHOPPING CENTER, means land, planned and controlled as a unit, containing such retail stores, service shops and other establishments as permitted by this By-law, in a building or buildings;

SIGN, means any structure, device, light or natural object including the ground itself, or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, enterprise, organization, industry or business, or which shall display or include any device or representation intended to be seen from off the premises or from a parking lot;

SIGN AREA, means the area of the smallest triangle, rectangle, circle or semicircle which can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures, which are attached or painted on a surface, shall be the smallest triangle, rectangle, circle or semicircle, which can wholly enclose all of the letters, numbers or insignia.

SIGN HEIGHT, means the distance from ground level to the highest part of the sign, including the sign structure.

SIGN TYPES:

Banner sign is made of lightweight material such as cloth, paper or flexible plastic and is not enclosed in a rigid frame. Banner signs are often used as temporary signs to announce grand openings, open houses or to make some other special announcement. Banner signs are used to give the impression of something new or exciting happening.

Canopy Sign, A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

Construction Sign, A sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

Directional Sign, A sign which regulates or denotes the distance, function, and/or direction to the various parts of a building, structure, or premises including parking and traffic areas.

Free Standing Sign, A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

General Advertising Sign, A sign which displays the names of a shopping center, group of buildings, or a listing of the names of these businesses.

Home Occupation Sign, A sign containing only the name and occupation of a permitted home occupation.

Identification Sign, A sign which contains no advertising but is limited to the name, address, civic address or name of a building, institution or occupants of the premises.

Legally Non-Conforming Signs, A non-conforming sign, which lawfully exists at the time of the adoption of this By-law.

Memorial Sign, A sign, tablet, flag, pennant, or plaque memorializing a person, event, structure, or site.

Obsolete Sign, A sign, which advertises a product, or service, which is no longer sold or located on the premises.

Off-Premises Sign, A sign that advertises goods, products, sources or facilities or directs a person(s) to a different location from where the sign is installed or erected.

Political Sign, A sign announcing or supporting political candidates or issues in connection with any national, provincial or local election.

Portable Sign, Any sign designed to be transported from one display location to another, including but not limited to:

- signs designed to be transported by trailer or wheels,
- signs with chassis or support constructed without wheels,
- signs with wheels removed, and
- shall include any sign, which has been attached temporarily to the ground by more than two uprights.

Projecting Sign, Any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

Real Estate Sign, A sign located on a lot that advertises the sale, rental or lease of the premises or lot on which it is displayed.

Roof Sign, Any sign that is painted or applied in any way to a roof, or any sign which is attached to a roof or which is attached to the side of a building and extends above the roof.

Sandwich Sign, means a two sided "A" frame style self supporting sign which is not permanently affixed to the ground and designed to be moveable.

Temporary Sign, A sign, otherwise not permitted by this by-law, which is not permanently installed in the ground or permanently affixed to any structure, and not to exceed one (1) sign per calendar year.

Wall Sign, A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building but not be painted upon or covering a fence or roof.

SETBACK, INNER LOT, means the distance permitted between the attached side walls of a vertically attached dwelling.

SETBACK, OUTER LOT, means the distance permitted between the side yard line and the detached side wall of a vertically attached dwelling.

SMALL ENGINE REPAIR, means is an occupation that involves the maintenance and repair of low-power internal combustion engines (gasoline/petrol) or electric engines. Equipment repaired includes uses such as, but not limited to, chain saws, trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, snowmobiles, all terrain vehicles and motorcycles but does not include automobiles/passenger vehicles.

SPECIAL CARE HOMES means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical disabilities or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Service Act, or by any other provincial legislation, but does not include any public or private hospital or sanitarium, or a jail, prison or reformatory, or a hostel;

STOREY, means that portion of a building included between the surface of any floor and the surface of the floor, ceiling or roof structure next above it;

STREET LINE, means the common line between a street and a lot;

STRUCTURE, means a combination of materials which forms a construction that is intended to be safe and stable, but does not include:

- (i) a building, or
- (ii) a power or telephone pole.

SWIMMING POOL, means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, which has a depth greater than 91 cm. (36 in.) intended to be used for diving, swimming, or wading;

TOWN, means the municipality of the Town of Sackville;

USE, means the purpose for which any land, building or structure is utilized, occupied, maintained or leased;

UTILITY, means any agency, which under public franchise or ownership or under certificate of convenience provides the public with electricity, gas, heat, steam, communication, telephone, rail transportation, water or sewage or other similar services;

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 land, building or structure which is located on the same lot of the main use and which is not a secondary use;

USE, SECONDARY, means a use, other than a main or accessory use;

WIDTH, means the minimum straight line distance between the intersection of the side lot lines at the front yard setback line.

WIND TURBINE, means a machine for producing power by a flow of air.

WIND FARM, means a group of wind turbines which has a power generation capacity greater than 3 MW.

WIND TURBINE HEIGHT, means the height above grade to the tip of the rotor blade at its highest point.

WIND TURBINE, SMALL SCALE means a wind turbine which has a power generation capacity of no greater than 100kW.

YARD, means that part of a lot required to be unoccupied by buildings or structures;

YARD, FLANKAGE, means the side yard of a corner lot, which side yard abuts a street.

YARD, FRONT, means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure and minimum front yard means the minimum depth allowed by this by-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;

YARD, REAR, means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure and minimum rear yard means the minimum depth allowed by this by-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot;

YARD, SIDE, means the yard extending from the front yard to the rear yard on either side, between a side lot line and the nearest main wall of any building or structure and minimum side yard means the minimum depth allowed by this by-law of a side yard on a lot between the side lot line and the nearest main wall of any main building or structure on the lot.

PART 2: ADMINISTRATION

2.1 Purpose

The purpose of this By-law enacted under the provision of Section 34 of the Community Planning Act is to prohibit, regulate and control the use and development of lands and buildings within the Town of Sackville to facilitate the orderly and economic development of land in accordance with the policies set forward in the Municipal Plan for Sackville and includes the following:

- a) Divides the Municipality into zones as delineated on Figure 1 entitled the "Town of Sackville Zoning Map";
- b) Prescribes, subject to powers reserved in the Planning Commission:
 - i) The purposes for which land, buildings and structures in any zones may be used; and
 - ii) Standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform;
- c) Prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

2.2 Scope

- a) No buildings or structure shall be erected, or altered (including demolition), nor the use of any building, structure or lot be changed unless a building permit has been issued and no building permit shall be issued unless all the provisions of this By-law are satisfied.
- b) Nothing in this By-law shall exempt any person from complying with the requirements of the National Building Code, Building By-law, Subdivision By-law, or any other by-law in force within the Town or to obtain any license, permission, permit, authority or approval required by this or any other by-law of the Municipality, or other lawful authority.
- c) Where the provisions of this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes including regulations pertaining to onsite sewage disposal systems, the higher or more stringent requirements shall prevail.
- d) Where there is a conflict between a Municipal Plan and a Zoning or Subdivision By-law, the Municipal Plan prevails.

2.3 Powers of the Council

- a) No building may be erected in the Municipality where, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets and other services and facilities.
- b) Where, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may:
 - i) Require the improvement, removal or demolition of such building or structure at the expense of the owner; or
 - ii) Acquire the parcel of land on which such building or structure is located.
- c) Subject to Subsection 2.2 (a), the Council may, within any zone:
 - i) Designate the land to be used for the location or erection of any utility installation including, but not limited to, the supply of electricity, telephone, water, television, sanitary and storm drainage, and the disposal of sanitary wastes; and
 - ii) Use the land so designated for a purpose mentioned in clause (a).
- d) No land may be designated or used for the purposes mentioned in Subsection (c) unless, in the opinion of the Council:
 - i) Such land is essential to the operation of the service concerned; and
 - ii) Any development thereon in a residential zone is adequately buffered from public view.

2.4 Special Powers of the Planning Commission

- a) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this By-law when, in the opinion of the Planning Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- b) The Planning Commission may, subject to such terms and conditions as it considers fit:
 - i) Authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law; and
 - ii) Require the termination or removal of a development authorized under clause i) at the end of the authorized period.

2.5 Amendments

- a) A person who seeks to have this By-law amended shall:
 - i) Address a written and signed application form to the Commission; and
 - ii) Pay a fee to the Commission, not exceeding the maximum fee set in accordance with the Provincial regulations pursuant to the Community Planning Act of New Brunswick.
- b) An application under this Section shall include such information as may be required by the Commission for the purposes of adequately assessing the desirability of the proposal.
- c) Before giving its views to the Council with respect to an application under this Section, the Commission may carry out such investigations as it deems necessary.
- d) Unless, upon the advice of the Commission, the Council is of the opinion there is valid new evidence or a change in conditions, where an application under this Section has been refused by the Council, no further application may be considered by the Council for one year.

2.6 Building Permit -Excavation Quarries and Top Soil Removal

No commercial excavation, quarrying or stripping of topsoil may be undertaken or continued unless a building permit has been issued by the Development Officer in a form with such regulations as prescribed by this By-law.

2.7 Conversion

Where both the metric and imperial measurements have been used for convenience purposes the lowest measurement shall prevail.

PART 3: GENERAL PROVISIONS FOR ALL ZONES

3.1 Frontage on Street

- a) No building permit shall be issued unless the lot intended for development fronts on a publicly owned and maintained street, unless otherwise specifically provided for in a particular zone or a private street or access approved by the Planning District Commission. This provision does not apply to public or private utility facilities where a maximum of one access shall be provided to the lot, the access having a minimum width of 7.6 metres (25 ft).
- b) Frontage is determined based on the required front yard setback for that zone.

3.2 Height Restrictions

The maximum height of buildings and structures provided for in a particular zone in this By-law, unless otherwise indicated, shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, telephone or radio antennae, ventilators, chimneys, utility poles/structures, clock towers, or wind turbines.

3.3 Vehicle Bodies and Commercial Vehicles

- a) No automobile, truck, bus or coach shall be used for habitation by humans or animals, or as an accessory structure, within the Town of Sackville.

3.4 Uses

a) Permitted Uses

If a use is not listed as a permitted or accessory use in a particular zone, it is hereby deemed to be a prohibited use in that zone, unless deemed a similar or compatible use by the Commission.

b) Accessory Uses

Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose is deemed to include any use accessory or ancillary thereto, subject to the requirements of that zone.

c) Public Utilities

Public utilities may be permitted in any zone as of right.

d) Accessory Buildings

Accessory buildings shall be permitted in any zone but shall not:

- i) Be used for human habitation except where a dwelling is a permitted accessory use;
- ii) Be built closer to the front yard or flankage yard than the minimum distance required by this By-law for the main building of the lot;
- iii) Be located within 1.2 metres (4 ft) of any building or side or rear yard;
- iv) Exceed the maximum height of 6.7 metres (22 ft) in any Urban Residential zone unless noted otherwise within the zoning regulations and exclusive of agricultural use buildings and structures;
- v) May be placed or erected on a lot prior to the placement or erection of the main building or structure if:
 - a) A building permit for the main building or structure is obtained first;
 - b) The main building or structure will be completed within one year from the date of issuing of the permit; and
 - c) The accessory building is located as indicated on the plot plan so as not to interfere with the placement of the main structure;
- vi) May be placed on a vacant lot in the Rural (RU) Zone so as not to interfere with the placement of the main structure.

3.5 Multiple Uses

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied and if more than one standard applies, the more stringent shall prevail.

3.6 Temporary Construction Uses

The use of land for the temporary location of a building or structure, or for other purposes incidental to a main construction project, is permitted to continue up to sixty (60) days following completion of the main construction project.

3.7 One Dwelling Per Lot

No developer shall construct more than one dwelling on a lot in the R1 zone. More than one dwelling on a lot will be permitted in the R2 and R3 zones provided that:

- i) The number of combined units do not exceed the maximum number set in the zone;
- ii) The minimum zone requirements are complied with; and
- iii) The dwellings maintain a minimum separation distance of 3.0 metres (10 ft).

3.8 Special Uses

Nothing in this By-law shall prevent uses for special occasions and events such as midways, circuses, fairs or festivals, but not including vehicular events, provided that such uses remain in place no longer than fourteen (14) days. For these special uses, no building permit shall be required.

3.9 Existing Conditions

a) Existing Buildings

Where a building has been constructed on a lot having less than the required frontage or area, or having less than the minimum setback or side yard or rear yard required in this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- i) The enlargement, reconstruction, repair or renovation does not further reduce the front yard, flankage yard, side yard or rear yard that does not conform to this By-law; and
- ii) All other applicable provisions of this By-law are satisfied.

b) Existing Undersized Lots

Notwithstanding anything else in this By-law, a lot held in separate ownership from adjoining parcels in existence prior to the registration of this By-law, having less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a building permit may be issued, and a building may be erected on the lot provided that all other applicable provisions in this By-law are satisfied. Where a vacant lot is increased in size but remains undersized, it is deemed to be an existing undersized lot.

c) Existing Buildings in the Downtown Business District

Where an existing structure constructed prior to the enactment of this By-law in the Downtown Business District has been damaged and/or requires reconstruction:

- i) The building and its uses may be replaced; and
- ii) It shall be reconstructed with a design architecturally compatible with other buildings in the downtown core.

3.10 Conformity With Existing Front Yards

In an in-filling situation where a front yard line has been established within 48.8 metres (160 ft) of the proposed in-fill that is less than the required front yard setback, the existing line may apply for new construction and/or expansions and extensions so long as it does not intrude into the corner sight line as outlined in 3.23 of this By-law.

3.11 Permitted Encroachments

Unless otherwise indicated in a particular zone, every part of any yard setback required by this by-law shall be open and unobstructed by any structure subject to the following:

- i) There may be constructed in any yard projections of sills, cornices, eaves, gutters, chimney breasts, pilasters, canopies, or other architectural features provided that no such feature shall project more than 0.6 metres (2 ft) into a side yard setback;
- ii) Window bays and solar collectors may be permitted to project a maximum of 0.9 metres (3 ft) into a required front, rear or major side yard setback;
- iii) Uncovered patios shall not be located closer than 0.8 metres (2 ft 6 in) into a required major side yard setback;
- iv) Wheelchair ramps and lifting devices may be located in any yard;
- v) Steps providing access at the first storey level may be located in any required front, rear or flankage yard;
- vi) Exterior stair cases providing access to the basement or any floor, balconies, veranda and sun decks shall be permitted to project a maximum of 0.61 metres (2 ft) into any required front, rear or flankage yard; and

- vii) Unless otherwise indicated in this By-law, with the exception of the sight triangle provision, the provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard.

3.12 Parking

a) General Provisions

The following general provisions will apply to all parking requirements:

- i) Parking requirements shall be in conformity with the parking provisions as provided in this By-law;
- ii) Parking shall be provided upon the same lot as the use for which the parking is required. Parking in the Downtown Business District for new structures shall be provided upon the same lot as, or within 152.4 metres (500 ft) of the use for which the parking is required;
- iii) Where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use;
- iv) Individual parking spaces shall have minimum dimensions of 2.8 metres (9 ft) by 5.5 metres (18 ft);
- v) Within the Downtown Business District, as defined on the Zoning map, parking requirements will be waived for existing structures and the reconstruction of previously existing structures, presently being used for purposes other than a detached dwelling unit. Any expansions will be required to meet the parking standards as set out in this By-law; and
- vi) All home occupations will be required to meet the parking standards of this By-law.

b) Parking Space Requirements by Use

- i) For one and two unit dwellings and mobile/mini homes, one (1) space for each dwelling unit.
- ii) For multiple units, one space per dwelling unit plus one (1) additional space for each four dwelling units.
- iii) For assembly buildings, one (1) space for each four persons including arenas, auditoriums, churches, funeral parlors, public congregations therein; halls, theaters, rinks or any buildings (such as a school) containing a similar usage.

- iv) For hospitals, sanitarium, nursing homes or clinics, one (1) space for each 5 bed patients and one space for every 2 staff at the peak employment period.
- v) For rooming/boarding houses and bed and breakfast establishments, one (1) space for each 2 guest rooms.
- vi) For licensed taverns, one (1) space for each 3 patrons comprising capacity patronage.
- vii) For motels, or hotels one (1) space for each habitable unit.
- viii) For office buildings or offices, one space for each 46.5 square metres (500 sq ft) of gross floor area.
- ix) For restaurants, one (1) space for 4 guests.
- x) For social clubs or fraternities, one (1) space for each 23.2 square metres (250 sq ft) of gross floor area or fraction thereof.
- xi) For sports or recreation fields, one (1) space for each 6 persons for whom seating arrangements may be provided.
- xii) For stores, including retail, wholesale or service establishments, one (1) space for each 36.1 square metres (388 sq ft) of gross floor area, or fraction thereof.
- xiii) For warehousing, wholesale, industrial or manufacturing building, one (1) space for each 3 employees or fraction thereof.

c) Reserved Spaces for Physically Disabled Persons

- i) A minimum of one (1) additional parking space shall be provided for physically disabled persons for all uses requiring barrier-free access under the National Building Code of Canada; and one (1) additional space provided for every 25 parking spaces.
- ii) The parking space(s) closest to a facility shall be reserved for parking for physically disabled persons.
- iii) Each parking space reserved for physically disabled persons shall have the minimum dimensions of 4.0 metres by 5.5 metres (13 ft by 18 ft).
- iv) Each parking space reserved for physically disabled persons shall be clearly identified by a ground or facial sign.

- v) Where a parking area is defined by curbing, a ramped curb shall be provided so as to allow a physically disabled person to easily travel through or over such curbing.

d) Loading Standards

Off-street spaces not less than 9.2 metres (30 ft) long and 3.7 metres (12 ft) wide and overhead clearance of 4.3 metres (14 ft) shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, as set out below. Loading spaces are not required for existing businesses.

Total Floor Area	Number of Spaces
Up to 1,858.0 sq m (20,000 sq ft)	1
1,858.1 to 4,645.0 sq m (20,000 to 50,000 sq ft)	2
For each additional 4,645.1 sq m (50,000 sq ft)	1

3.13 Floodplain Development

No development shall be permitted within the Floodplain Area as shown on the “Town of Sackville Hydrographic Map”, Figure 2, unless the structure meets the following floodproofing requirements:

- a) The minimum lower elevation of all openings shall be the established flood elevation plus a free board height of 10.2 cm (4 in):
 - i) Fill shall be placed around the perimeter of the building to a height equal to the minimum opening elevation for a distance of 3.1 metres (10 ft); and
 - ii) The fill shall have a perimeter slope of 1:1;
- b) No fill will be permitted within the floodplain area except where the placement of the soil is for the purpose of floodplain management or for flood proofing purposes;
- c) A building permit shall be required for the placement of soil in areas susceptible to flooding except within the Agriculture/Conservation Zone and for the purposes permitted within that zone;
- d) Prior to the issuance of a building permit, the Planning Commission may require proof of adequate flood proofing from a professional engineer licensed to practice in New Brunswick; and

- e) The degree of flood protection required by this section is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive flood water heights may be experienced due to man-made and natural causes, such as ice jams, dyke failures and accumulated debris in bridge openings. This section shall not imply that uses permitted within such areas, shall remain free from flooding or flood damages. The applicant must supply a waiver which will indemnify the Town of Sackville, the Planning Commission, employees and agents from any possible damage that may result from development within the designated floodplain as shown on the "Town of Sackville Hydrographic Map" (Figure 2). Where a conflict occurs between the flood plain limits mapped in Figure 2 and field observation, the developer shall have a topographic survey by a licensed New Brunswick Land Surveyor completed to eliminate any discrepancies.

3.14 Zone Boundaries

Boundaries between zones shall be determined as follows:

- a) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway; and
- b) Where a railroad or railway right of way, electrical transmission line right-of-way or watercourse is included on the Zoning Map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse shall be considered the boundary between zones unless specifically indicated otherwise.

3.15 Development Near A Water Course or Lake

No development shall be permitted within 30 metres (100 ft) of a watercourse or from the high water mark of a lake or the top of a sloped embankment unless approved by the Department of Environment.

3.16 Fences

Notwithstanding any other provisions of this By-law, a fence may be located in a yard in any zone subject to the following:

- a) Except for a security fence of chain link construction and as noted in Section 3.23, no fence in a required front yard setback may exceed 1.5 metres (5 ft) in height. A security fence is permitted a maximum of 3.1 metres (10 ft) in any yard;

- b) Subject to the requirements of Subsection a) and the other regulations contained in this By-law, other fences or walls shall not exceed 2.4 metres (8 ft) in height; and
- c) Fences may be located on the lot line where all owners affected by the proposed fence have signed the building permit application; otherwise a fence must be located 0.6 metres (2 ft) from any lot line.

3.17 Landscaping and Drainage

All grading shall be done to divert surface water from the building and from adjacent properties and insofar as possible, to contour the yard to the surrounding terrain.

3.18 Home Occupations

In addition to all other requirements, the following shall apply to home occupations:

- a) Home occupations will occupy no more than 50 percent of the dwelling floor area of a residential unit, or 25 percent of the sum of the dwelling floor plus the gross floor area of an accessory structure involved in the home occupation;
- b) No exterior changes will be made which would change the architectural appearance of the dwelling;
- c) The home occupation will meet the parking and signage requirements as set out in this By-law; and
- d) The following are not deemed to be home occupations:
 - i) automotive repair shops
 - ii) retail stores
 - iii) restaurants
 - iv) service industries.

3.19 Environmental Standards for Home Occupations

- a) There shall be no emission of odorous gases or matter in such magnitude as to be readily discernible by the casual observer at the lot line.
- b) There shall be no production of noise in excess of normal street traffic experienced at the lot boundary.

- c) There shall be no physical hazard by reason of fire, explosion, toxic waste, radiation or similar cause to adjacent property.
- d) There shall be no discharge of any waste material whatsoever on the property, adjacent property or into any watercourse.
- e) There shall be no dissemination of glare or vibration beyond the immediate building.

3.20 Enclosure for Swimming Pools

Where a swimming pool is located it shall:

- a) Be enclosed by a fence, or by a wall of a building or a combination thereof, having a minimum height of 1.5 metres (5 ft) measured at grade;
- b) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (a):
 - i) No main or service entrance to the building may be located therein; and
 - ii) Any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device not less than 1.1 metres (3 ft 8 in) above the ground.
- c) A fence mentioned in subsection (a):
 - i) Shall be constructed of chain link material with galvanized, vinyl or other coating approved by the Canadian Standards Association or of wood or of other materials, in the manner described in subsection (d); and
 - ii) Shall be located:
 - a) At least 1.2 metres (4 ft) from the edge of the swimming pool; and
 - b) At least 1.2 metres (4 ft) from a structure or ground elevation that would facilitate being climbed from the outside;
 - iii) In the case of chain link construction:
 - a) No greater than 3.9 cm (1.5 in) diamond mesh;

- b) Steel wire not less than No. 12 gauge, or a minimum No. 14 gauge with coating forming a total thickness equivalent to No. 12 gauge wire; and
 - c) At least 3.9 cm (1.5 in) diameter steel posts, set below frost and spaced not more than 3 metres (10 ft.) apart, with a top horizontal rail of at least 3.2 cm (1.25 in) diameter steel;
- iv) In the case of wood construction:
- a) Vertical boarding, not less than 2.5 cm by 10.28 cm (1 in by 4 in) nominal dimensions spaced not more than 3.9 cm (1.5 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside;
 - b) Supporting posts at least 10.3 cm (4 in) square or round with 10.3 cm (4 in) diameter, set below frost and spaced not more than 2.4 metres (8 ft) apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 5 cm by 15.2 cm (2 in by 6 in) nominal dimensions; and
 - c) In the case of construction with materials and in a manner other than described in paragraphs iii) or iv) hereof, the material used and construction shall be of a rigidity and design equal to the specifications set forth in paragraphs iii) and iv) and approved by the building inspector;
- v) Gates forming part of an enclosure mentioned in subsection (a):
- a) Shall be equivalent to the fence in content, manner of construction and height;
 - b) Shall be supported on substantial hinges; and
 - c) Shall be self-closing and equipped with a self-latching device not less than 1.1 metres (3 ft 8 in) above the ground.
- c) The enclosure shall not have rails, bracing or other attachments on the outside or be constructed in a manner that would facilitate climbing;
 - d) Be setback a minimum of 2 metres (6 ft 6 in) from any lot line notwithstanding any other provision of this By-law that abuts a street right-of-way;

- e) A swimming pool shall not be filled or partially filled with water or any other liquid until any required enclosure of this By-Law is constructed.

3.21 Structure To Be Moved

No structure shall be moved within or into the area covered by this By-law without first obtaining a building permit from the Development Officer.

3.22 Illumination

No person shall illuminate any area or erect any illuminated sign unless all glaring lights are directed away from adjoining properties and any adjacent street.

3.23 Corner Sight Line

On a corner where yards are required, no fence, sign, hedge, bush or tree or any other structure, vehicle or vegetation shall be placed or permitted to grow higher than 0.6 metres (2 ft) above the grade of the center line of the streets that abut the lot within the triangular area included within the street lines for a distance of 6.1 metres (20 ft) from their point of intersection.

3.24 Conversion of Certain Types of Residences to Apartments

- a) Notwithstanding any other provision of this By-Law, subject to Subsection (b), a building in a residential zone which was erected prior to January 1, 1930, as a one or two unit dwelling containing 10 or more habitable rooms may be converted into a two unit dwelling, multiple dwelling or Bed and Breakfast guesthouse subject to the following:
 - i) The number of dwelling units in the converted building does not exceed a total of 6 units.
- b) The use of a converted building mentioned in Subsection a) for the purposes of a dwelling is permitted only if approved by the Planning Commission and only in compliance with such terms and conditions as may be imposed by the Planning Commission.
- c) Where all the requirements of this Section other than that of lot area are met, a dwelling unit may be provided on each habitable floor.

3.25 Signs

a) Placement Standards

- i) Unless otherwise permitted by another Section of this by-law, a sign shall not extend onto a public right-of-way. The owner must provide the Commission with proof of adequate liability insurance for any sign that extends over a public right-of-way, such as but not limited to a sidewalk.
- ii) No sign, together with any supporting framework, shall extend to a height above the maximum building height allowed in a zone.
- iii) Signs shall not cover significant architectural details such as, but not limited to, arches, sills, molding, cornices, and transom windows.
- iv) All electrical work associated with signs must meet CSA standards or be approved by a licensed electrician.
- v) Metal supports or braces shall be adequate for wind loading and climatic conditions.
- vi) The Building Inspector may require drawings and specifications of a proposed sign, location and supporting structure. In certain circumstances the Building Inspector may require these to be prepared by a professional engineer licensed in the Province of New Brunswick.

b) Safety Standards

- i) No person shall erect or maintain a sign which:
 - a) Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation, or abandonment.
 - b) Obstructs site line visibility of vehicles using public streets, highways, or detracts from the effectiveness of any traffic sign or control device.
 - c) Is not erected by, or under the direction of, a government body and which makes use of words such as "Stop", "Look", "Danger", "One Way", or "Yield" or other similar words, phrases, symbols, lights, or characters used in a manner which may mislead, confuse, or otherwise interfere with traffic along a public road.
 - d) Obstructs free entrance or exit from a required door, window, or fire escape.

- e) Obstructs light, air, or interferes with the proper functioning of a building or structure.

c) Sign Permit

- i) Except for the signs referred to in Section 3.25 h) no sign as defined in this by-law shall be erected, displayed, altered, or enlarged until a Permit has been issued.
- ii) At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, support systems, and location on land or buildings, with all relevant measurements.
- iii) Where liability insurance is a requirement of this By-law, the Building Inspector may require proof of this liability insurance as a requirement of an application.
- iv) Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises.
- v) Any permit issued for a sign, as defined by this By-law, shall be valid for the placement of the sign from one (1) year of the date of issuance after which time the permit is void and a new application must be made under this By-law if the proposed sign has not been erected.

d) Enforcement

The Development Officer shall be authorized to enforce this Section of the By-law, and to order the repair or removal of any sign and its supporting structure which the Development Officer determines to be dangerous or in disrepair or which is erected or maintained contrary to the provisions of this By-law.

e) Maintenance

A sign shall be maintained in a safe and secure condition. If the Development Officer is of the opinion that a sign is not safe, secure, or in a good state of repair, written notice of this fact shall be given to the person, firm, or agency responsible for the sign. If the defect in the sign is not corrected within the time permitted by the Development Officer, the Development Officer may revoke the Sign Permit and/or take possession of the sign until the sign owner pays the cost of removal.

f) Number of Signs

- i) Unless otherwise permitted within another Section of this By-law, no more than two (2) signs may be erected on any premises at any one time.

- ii) For the purpose of this Subsection of the By-law, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be separate premises.

g) Prohibited Signs

The following signs shall not be permitted:

- i) Off-premises signs unless erected by a government body;
- ii) Any progressive signs where messages on more than one sign must be read to obtain the full message or meaning;
- iii) Any sign which incorporates flashing, pulsating, oscillating, traveling or moving parts;
- iv) A sign which displays any obscene, indecent, or immoral matter;
- v) A sign erected or placed on a government right-of-way unless erected by a government body or with the permission of the Council;
- vi) Any inflatable sign, banner, streamer, or spinner except for occasions such as grand openings, fairs, and public festivals for a period not to exceed twenty-one (21) calendar days;
- vii) A roof sign;
- viii) An obsolete sign;
- ix) A portable sign.

h) Signs Permitted In All Zones

The following signs are permitted in all zones and no permit shall be required:

- i) A directional sign which has an area of no more than 0.2 square metres (2.5 sq ft);
- ii) An identification sign which has an area of no more than 0.2 square metres (2.5 sq ft);
- iii) Any sign which has an area of no more than 0.2 square metres (2.5 sq ft) and which regulates the use of property, such as but not limited to a "No Trespassing" sign;

- iv) Any real estate sign, which has an area of no more than 0.6 square metres (6 sq ft) in any residential zone for a single lot or building or 3.0 square metres (32 sq ft) for advertising five (5) or more residential lots in a subdivision;
- v) Any construction sign which has an area of no more than 3.0 square metres (32 sq ft) and must be removed upon completion of construction;
- vi) Any sign which has an area of no more than 0.6 square metres (6 sq ft) and which indicates hazardous or dangerous areas, machinery, or signs necessary for the safety of public utility, gasoline storage, bulk storage of materials, or warehousing of materials;
- vii) Any flag, insignia, notice, or advertising on a building of any charitable, religious, or fraternal organization provided the sign face does not exceed 1.7 square metres (18 sq ft) in area;
- viii) Any memorial sign of the municipal, provincial, or federal governments;
- ix) Any political sign for a municipal, provincial, or federal election with the sign not to be erected prior to the date on which the Writ of Election is issued and to be removed within five (5) days of the election, and any one sign shall not exceed an area of 3.0 square metres (32 sq ft);
- x) Any sign on the inside of a window.

i) Conditional Signs

The following signs may be permitted in all zones subject to terms and conditions:

- i) A Temporary Sign subject to terms and conditions as may be imposed by the Commission.

j) Specific Sign Provisions

- i) **Canopy Signs** are permitted in all commercial zones, the Institutional Zone, and the Industrial Zone provided that:
 - a) The length of the canopy or awning does not extend beyond the length of the building face;
 - b) The canopy or awning does not project more than 1.1 metres (3.5 ft) out over the public sidewalk, or public right-of-way; and

- c) The canopy or awning is placed on the building a minimum of 2.1 metres (7 ft) above the sidewalk or 3.1 m (10 ft) above a passage where vehicles travel.
- ii) **General Advertising Signs** are permitted in all commercial zones, the Institutional Zone, and the Industrial Zone provided that:
- a) They shall not exceed 18.6 square metres (200 sq ft) in area;
 - b) They do not exceed the maximum height of a building or structure allowed in the zone;
 - c) Where there are more than two (2) premises, buildings, or businesses on a lot, there may be one general advertising sign per lot; and
 - d) Where multiple buildings are located on adjoining lots and share common parking facilities, one group advertising sign may be placed on one of the lots to advertise the businesses located within the buildings that use the shared facilities.
- iii) **Wall Signs** are permitted in all commercial zones, the Institutional Zone, and the Industrial Zone provided that:
- a) They do not exceed the length of the wall of the building upon which the sign is displayed;
 - b) They shall not exceed 18.6 square metres (200 sq ft) in area;
 - c) Home occupation signs may be placed in all zones provided that:
 - i) They shall not exceed 0.7 square metres (6 sq ft).
- iv) **Free Standing Signs** are permitted in the Mixed Use Zone, Highway Commercial Zone, the Institutional Zone, and the Industrial Zone provided that:
- a) They shall not exceed 18.6 square metres (200 sq ft) in area;
 - b) They do not exceed the maximum height of a building or structure allowed in the zone;
 - c) The applicant must carry adequate liability insurance;

- d) The following free standing signs may be placed on a property used for an agricultural use:
 - i) One (1) sign not exceeding 3.0 square metres (32 sq ft) in area indicating the name of a farm and identifying the nature of the agricultural activity may be placed in all zones;
 - e) Home occupation signs may be placed in all zones provided that:
 - i) They shall not exceed 0.6 square metres (6 sq ft).
- v) **Projecting Signs** are permitted in all commercial zones, the Institutional Zone, and the Industrial Zone provided that:
 - a) They shall not exceed 1.9 square metres (20 sq ft) in area;
 - b) They do not project more than 1.1 metres (3.5 ft) from the building wall and be at least 2.1 metres (7 ft) from the ground;
 - c) They may project over a public right-of-way but not project over adjoining property lines;
 - d) The applicant carries adequate liability insurance;
 - e) Home occupation signs may be placed in all zones provided that:
 - i) They shall not exceed 0.6 square metres (6 sq ft).
- vi) **Sandwich Signs** are permitted in all commercial zones, the Institutional Zone, and the Industrial Zone provided that:
 - a) They may be placed in a Town public right-of-way provided it does not obstruct pedestrian or vehicular traffic or impede visibility of pedestrians or traffic accessing the lot and must be removed when business is closed;
 - b) Only one sandwich sign is permitted for each business;
 - c) The single-faced area shall not exceed 0.6 square metres (6 sq ft).

3.26 Detached Dwelling Units

- a) Shall have a minimum width and length of 6.1 metres (20 ft).

3.27 Wind Energy Systems

- a) Where a wind energy system is a permitted use the following provisions shall apply:
 - i) All wind energy systems shall be subject to site plan control;
 - ii) Small Scale Wind Turbines shall be setback a minimum 1.5 times the turbine height from any road, public right-of-way and the property boundary;
 - iii) Small Scale Wind Turbines and Wind Farms shall not produce more than 40 dBA of sound pressure at the nearest residence;
 - iv) Wind Farms shall be setback a minimum of 750 metres from an existing dwelling;
 - v) Where any of the requirements of this section conflict, the higher or more stringent requirement shall prevail.

3.28 Residential Density and Infilling

a) Flag Lots

Flag lots will be permitted in all residential (R) zones subject to the following conditions:

- i) After subdividing, all lots are capable of meeting all other minimum lot size and setback requirements of this By-law;
- ii) That a flag lot for a detached dwelling unit or two unit dwelling has a minimum of 6.1 metres (20 ft) road frontage;
- iii) That a flag lot created for a multiple unit development has a minimum of 12.2 metres (40 ft) road frontage;
- iv) That no flag lot shall abut another flag lot.

b) Intensification

Medium and high density residential developments will be permitted in Urban Residential areas on streets identified in the Municipal Plan By-law No. 211 subject to the following conditions:

- i) The parcel is an existing vacant lot at the time of Ministerial approval of the Municipal Plan By-law No. 211;

- ii) The parcel is within the municipal servicing area and is located south of the Trans Canada Highway exits.

3.29 Extraction of Aggregates

- a) The use of land for the purposes of a gravel pit or rock quarry is a particular purpose in respect of which the Planning Commission may, subject to subsection 34(4)(c) of the Community Planning Act, impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.
- b) Issues to be considered under terms and conditions include:
 - i) Hazard to human life;
 - ii) Damage to any adjacent property;
 - iii) Impact on a public and private water main or well, a sewer, a watercourse or a street;
 - iv) Geological stability;
 - v) Flood hazard;
 - vi) Dust control;
 - vii) Hours of operation.
- c) The maximum depth of accumulated water permitted in all extraction sites is 61 cm (2 ft).
- d) No extraction sites shall be permitted to serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues or any other material likely to be harmful to the environment.
- e) No extraction may be done within 250 metres (820 ft) of any watercourse, lake or pond.
- f) The top of the slope of the excavation, or any building or structure shall be located a minimum of 250 metres (820 ft) from a public highway.
- g) A minimum distance of 250 metres (820 ft) shall be maintained between blasting and crusher operations and adjacent residential uses, and

- i) A mound or trench shall be used to absorb the noise caused by the crusher; and
 - ii) Appropriate devices shall be used to prevent dust emission from the site.
- h) The following setbacks shall apply to excavation sites where there is no blasting or crusher operations:
 - i) A minimum distance of 152 metres (500 ft) shall be maintained between the site of a quarry, and a residence;
 - ii) 6.1 metres (20 ft) shall be maintained between the site of a quarry and the property line of a quarry.
- i) Where an excavation site is not fenced, the following terracing or sloping standards apply:
 - i) Where the excavation is less than 6.1 metres (20 ft) in depth, it shall have a slope of not more than 30 degrees;
 - ii) Where the excavation is over 6.1 metres (20 ft) in depth, it shall have a terrace of not less than 6.1 metres (20 ft) in width and at each 6.1 m (20 ft) interval of the depth.
- j) Fencing for excavation sites will comply to the following standards:
 - i) A fence at least 3.0 metres (10 ft) in height shall surround the extraction site and have a lockable gate, and bear a sign with the word "danger" in letters at least 15.2 cm (6 in) high, installed at the entrance of the quarry or sandpit;
 - ii) Shall be located at least:
 - a) 4.0 metres (13 ft) from the edge of the extraction site; and
 - b) 1.2 metres (4 ft) from any condition that would facilitate its being climbed from the outside;
 - iii) The construction of fences and gates shall comply with section 3.29.
- k) Where the extraction operations have ceased for more than 2 years, or such period as determined by the Planning Commission, the land shall be restored as follows:
 - i) The plant, equipment, buildings or structures installed on the site for excavation purposes shall be removed;

- ii) All stockpiles, earth, sand, gravel or other material shall be placed back in the excavation, spread out on the site or removed from the site;
- iii) The site must be leveled or sloped in such a manner that would allow less than 60 cm (23.5 in) of accumulated water; and
- iv) All debris shall be removed from the site.

PART 4: ZONE CLASSIFICATION

For the purpose of this By-law, the following zones are established and the lands included in each Zone are shown on the Town of Sackville Zoning Map (Figure 1):

- Part 5 Mixed Use Zone - MU
- Part 6 Highway Commercial Zone - HC
- Part 7 Neighborhood Commercial Zone - NC
- Part 8 Residential Historic Commercial Zone - RHC
- Part 9 Urban Residential 1 Zone - R1
- Part 10 Urban Residential 2 Zone - R2
- Part 11 Urban Residential 3 Zone - R3
- Part 12 Rural Residential Zone - RR
- Part 13 Mobile/Mini Home Zone - MH
- Part 14 Institutional Zone - I
- Part 15 Industrial/Business Park Zone - IND
- Part 16 Agriculture/Conservation Zone - A/C

PART 5: MIXED USE ZONE: MU

5.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose one or more of the following main uses:

- i) Existing residential
 - ii) Multiple Unit Dwelling
 - iii) Veterinarian clinics and hospitals
 - iv) Bed and Breakfast
 - v) Building for public assembly, cultural and social activities
 - vi) Financial institutions
 - vii) Government buildings
 - viii) Home occupations
 - ix) Hotels or motels
 - x) Hospitals and clinics
 - xi) Offices
 - xii) Personal service shops
 - xiii) Recreation, amusement or entertainment
 - xiv) Restaurant and liquor licensed establishments
 - xv) Retail stores
 - xvi) Boarding houses
 - xvii) Senior citizens housing
 - xviii) Service shops
 - xix) Service station or public garages
 - xx) Educational uses
 - xxi) Bus and taxi stations
 - xxii) Funeral homes
 - xxiii) Day care centre
 - xxiv) Automotive sales agencies
- 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.

c) Uses Subject to Conditions:

The following main, secondary and/or similar uses are subject to such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Dwelling units located on the street front of the ground floor of buildings located in the Downtown Business District.

5.2 Zone Requirements

Any permitted use in the Mixed Use (MU) Zone must comply with the following regulations (with the exception of residential dwellings which shall conform with the provisions of **Residential Zone Sections 9, 10 and 11**):

Mixed Use - MU	All uses in the DBD	MU	Service Stations
Minimum Lot Size	540 sq m (5812.6 sq ft)	540 sq m (5812.6 sq ft)	1800 sq m (19375.2 sq ft)
Minimum Lot Frontage	18.3 m (60 ft)	18.3 m (60 ft)	37.4 m (122.7 ft)
Minimum Front or Flankage Yard	0	7.6 m (25 ft)	10.6 m (35 ft)
Minimum Side Yard:			
a) General	0	3 m	6.1 m
b) Common Wall	0	3 m (10 ft)	6.1 m (20 ft)
Minimum Rear Yard	0	7.6 m (25 ft)	10.6 m (35 ft)
Maximum Lot Coverage	100%	50%	50%
Building/Structure height	15.25 m (50 ft)		

5.3 Lot Occupancy

- a) Subject to the provisions of side and rear yards for accessory buildings and structures and the provision of off-street parking and loading and unloading spaces, the total area of a lot may be occupied by buildings and structures in the Downtown Business District.
- b) Notwithstanding Subsection (a), an out-swinging exterior door of a building shall be set back or set in from a street line or property line a distance at least equal to the width of the door.

PART 6: HIGHWAY COMMERCIAL ZONE: HC

6.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose one or more of the following main uses:

- i) Automotive service station
 - ii) Automotive sales agencies and related activities
 - iii) Retail and service shops
 - iv) Places of amusement, assembly and recreation
 - v) Convenience store
 - vi) Restaurants
 - vii) Tourist accommodations and related facilities
 - vii) Shopping centre
 - viii) Existing residential
 - ix) Day care centres
- 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.
- c) Any development occurring in the Main Street/Exit 504 Highway Commercial area must have heritage lights of a uniform type and style.
- d) Any lot being developed in this Zone shall be landscaped. For the purposes of this section, landscaping:
- i) shall include all grading necessary to divert surface water from the structures, and in so far as is reasonably possible;
 - ii) shall include storm water management; and
 - iii) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other by-law, rule or regulation.

6.2 Zoning Requirements

- a) Any permitted use in any Highway Commercial (HC) Zone must comply with the following regulations:

Highway Commercial Zone	
Minimum Lot Size	901.2 sq m (9700 square ft)
Minimum Lot Frontage	30.4 m (100 ft)
Minimum Front or Flankage Yard	7.6 m (25 ft)
Minimum Side Yards	3.1 m (10 ft)
Minimum Rear Yard	7.6 m (25 ft)
Maximum Lot Coverage	50%
Building/Structure height	9.1 m (30 ft)

PART 7: NEIGHBOURHOOD COMMERCIAL: NC

7.1 Uses

a) Permitted Uses

Subject to Subsection (3), any land, building or structure may be used for the purposes of, and for no other purpose, one or more of the following uses:

- i) Convenience store,
 - ii) Retail store (maximum of 55.7 square metres (600 sq. ft))
 - iii) Personal service shop
 - iv) Detached dwelling unit w/accessory unit
- 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.

7.2 Zone Requirements

- a) Any permitted use in any Neighbourhood Commercial (NC) Zone must comply with the following regulations:

Neighbourhood Commercial	
Minimum Lot Size	538.8 sq m (5800 sq ft)
Minimum Lot Frontage	18.3 m (60 ft)
Minimum Front or Flankage Yard	7.6 m (25 ft)
Minimum Side Yard	
a)Major	2.7 m (9 ft)
b)Minor	1.2 m (4 ft)
Minimum Rear Yard	7.6 m (25 ft)
Maximum Lot Coverage	50%
Building/Structure height	9.1 m (30 ft)

PART 8: RESIDENTIAL HISTORIC COMMERCIAL: RHC

8.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose:

- i) Detached dwelling unit with accessory dwelling unit
 - ii) Churches
 - iii) Parks or Playgrounds
 - iv) Boarding Houses
 - v) Home Occupations contained within the main structure
 - vi) Bed and Breakfast
 - x) Restaurants
 - viii) Professional Offices
 - ix) Art Galleries
 - x) Museums
 - xi) Inn
 - xii) Funeral homes
 - xiii) Antique stores
 - xiv) Day care centres
 - xv) Boutiques
 - xvi) Dwelling units in an accessory building for Bed and Breakfast and Inns
- b) Any external renovations or new structures must be architecturally compatible with the general character of the existing residential neighbourhood.
- c) All parking must be provided off street and buffered from adjacent neighbours and the street.
- d) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this Subsection.

e) Uses Subject to Conditions

The following main, secondary and/or similar uses are permitted subject to such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Home occupations in accessory buildings
- ii) Special Care

8.2 Zone Requirements

- a) Any permitted use in any Residential Historic Commercial (RHC) Zone must comply with the following regulations:

Residential Historic Commercial	RHC Uses, except for Institutional	Institutional Uses
Minimum Lot Size	540 sq m (5813 sq ft)	660 sq m (7104 sq ft)
Minimum Lot Frontage	18.3 m (60 ft)	22.0 m (72 ft)
Minimum Front or Flankage Yard	7.6 m (25 ft)	7.6 m (25 ft)
Minimum Side Yard		
a)Major	2.7 m (9 ft)	3 m (10 ft) or 1/2 height
b)Minor	1.2 m (4 ft)	3 m (10 ft) or 1/2 height
Minimum Rear Yard	7.6 m (25 ft)	7.6 m (25 ft)
Maximum Lot Coverage	50%	35%
Building/Structure height	9.1 m (30 ft)	

PART 9: URBAN RESIDENTIAL ZONE: R1

9.1 Uses

a) Permitted Uses

Any land, building or structure may be used for the purposes of, and for no other purpose:

- i) Detached dwelling unit with accessory dwelling unit
 - ii) Churches
 - iii) Parks or Playgrounds
 - iv) Home Occupations contained within the main structure
- 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.

c) Uses Subject to Conditions

The following main, secondary uses are permitted subject to such terms and conditions as may be imposed by the Commission and Municipal Plan policy:

- i) Home occupations in accessory buildings
- ii) Boarding houses
- iii) Bed and Breakfast
- iv) Special Care

9.2 Zone Requirements

- a) Any permitted use in any Urban Residential (R1) Zone must comply with the following regulations:

Urban Residential 1 R1 Zone	Detached dwelling unit	Churches
Minimum Lot Size	540 sq m (5813 sq ft)	See Institutional Zone requirements
Minimum Lot Frontage	18.3 m (60 ft)	
Minimum Front or Flankage Yard	7.6 m (25 ft)	
Minimum Side Yard		
a)Major	2.7 m (9 ft)	
b)Minor	1.2 m (4 ft)	
Minimum Rear Yard	7.6 m (25 ft)	
Maximum Lot Coverage	50%	
Building/Structure height	9.1 m (30 ft)	