

Town of St. Stephen

Zoning By-Law
May 2011

By-Law No. Z-1



Town of St. Stephen Zoning By-law (By-law No. Z-1)

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TOWN OF ST. STEPHEN

BY-LAW NO. Z-1

ZONING BY-LAW

The Town of St. Stephen under authority invested in it under Section 34 of the *Community Planning Act* enacts the following Zoning By-Law:

1.0 TITLE AND SCOPE

- (1) This By-Law may be cited as "The Town of St. Stephen Zoning By-Law".
- (2) This By-Law applies to the Town of St. Stephen municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.
- (3) This Zoning By-Law:
 - (a) divides the Municipality into zones as described on the Town of St. Stephen Zoning Map;
 - (b) prescribes, subject to powers reserved in the *Planning Advisory Committee*:
 - (i) the purpose for that land, *buildings* and *structures* in any zone may be used, and
 - (ii) standards that the land *use*, and the placement, *erection*, *alteration* and *use of building* and *structures* must conform; and
 - (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).
- (4) For the purposes of this By-Law, the Town is divided into zones as shown on the Town of St. Stephen Zoning Map attached as Schedule "A".
- (5) The Town of St. Stephen Zoning Map and amendments thereto form part of this By-Law.

1.1 Definitions

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

"Advisory Committee" means the *Planning Advisory Committee* established by Council.

"agricultural use" means the *use* of any land, *building*, or *structure* for the production of food, fiber, or flora, or the breeding and handling of animals, and includes a farm *dwelling* and *accessory buildings*, hatchery, and retail, or market outlets for the sale of perishable agricultural goods, or for the handling of animals except, for the purpose of this By-law, such shall not include a *kenel*.

"aisle" means the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access or egress driveway.

"alter or alteration" means, as applied to a *building* or *structure* or part thereof, a change or rearrangement in the structural parts or means of egress; or as an enlargement, whether by extending on a side or by increasing the *height*; or in the moving from one location or position to another.

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“amenity space” means the area situated within the boundaries of a residential development site intended for recreational purposes, and may include landscaped areas, patios, private amenity areas, balcony, communal lounges, *swimming pools*, play areas and similar *uses*, but does not include any area occupied at *grade* by a *building’s* service area, *parking lots*, *aisles* or access driveways.

“automobile service station” means an establishment where gasoline, oil, grease, anti freeze, tires and accessories for motor vehicles are stored and kept for sale, and where repairs to motor vehicles are performed. An “automobile service station” is a separate *use* from “automobile shop”.

“bachelor apartment or unit” means a *dwelling unit* in a multiple *dwelling building*, consisting of not more than one *habitable room* together with kitchen or kitchenette and sanitary facilities contained within the same apartment or *dwelling unit*.

“bed and breakfast” means an establishment in a private *dwelling* that supplies temporary accommodations and meals to transient travelers but does not include a *boarding or rooming house*, a *hotel*, a *motel* or an inn. A *bed and breakfast* operation is secondary in nature to the main *use* of the home which is to be a *single family residence*.

“buffer” means an area of land, including *landscaping*, berm, walls, fences and building setbacks, that is located between land *uses* of a different character and is intended to mitigate negative impacts of the more intense *use* on adjacent *lots* or the *street right-of-way*.

“building” means an edifice permanently affixed to the ground, having solid walls and covered by a roof, which is used or intended as a shelter for *persons*, animals, chattels or property.

“building, accessory” means a detached, subordinate *building*, not used as a residence, 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 to the main *use* of the land, *building*, or *structure*.

“building, main” means the *building* in which is carried on the principal purpose for which the *lot* is used.

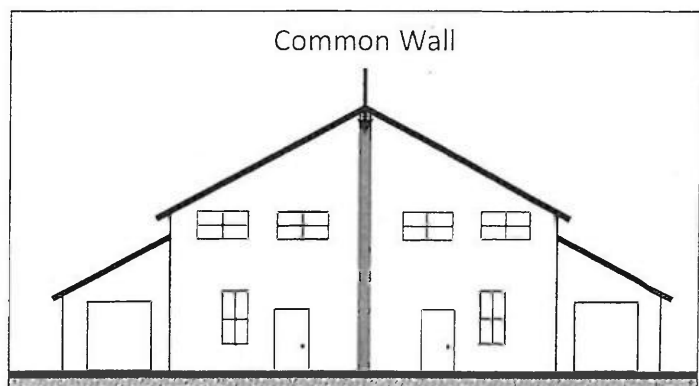
“Building Inspector” means the *Building Inspector* appointed by Council.

“carport” means a *building or structure* attached to a house that is designed for the parking and storage of motor vehicles and is open on at least two ends in order to provide unobstructed access to the *rear yard*.

“cemetery” means land primarily used for internment of human remains and where chapels, churches, funeral homes, crematoria and related facilities may be incorporated as *accessory uses*.

“commercial vehicle” means any vehicle that is licensed as a commercial carrier as determined by the *Registrar of Motor Vehicles*.

“common wall” means a vertical wall separating attached or *semi-detached dwelling units* above and below *grade*, mutually common to both *dwelling units* and where the *common wall* constitutes at least 50% of the vertical and adjacent plane between two adjacent *uses*.



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"conditional use (uses subject to terms and conditions)" means a *use* of a property, which is permitted within a zone so long as it can be implemented subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to section 34(4)(c) of the *Community Planning Act* of New Brunswick. Where compliance with such terms and conditions is not possible, the Planning Advisory Committee may prohibit the use.

"daycare centre or facility" means a *daycare centre* or community *daycare* home in which *daycare* services are provided for children as defined under the *Day Care Regulation* of the *Family Services Act*.

"dwelling" means a *building* or part of a *building*, occupied or capable of being occupied as a home or residence by one or more *persons*, and containing one or more *dwelling units* but shall not include a *hotel*, a *motel* or *hostel*.

"dwelling, accessory" means a *dwelling unit* that is secondary to the principal *dwelling unit* and contained in the same *building* such as an *in-law suite*.

"dwelling, converted" means a *building* originally built and designed as a single detached *dwelling unit* which contains two or more *dwelling units*. A *converted dwelling* can also be considered a *multiple unit dwelling*.

"dwelling, manufactured home" means either:

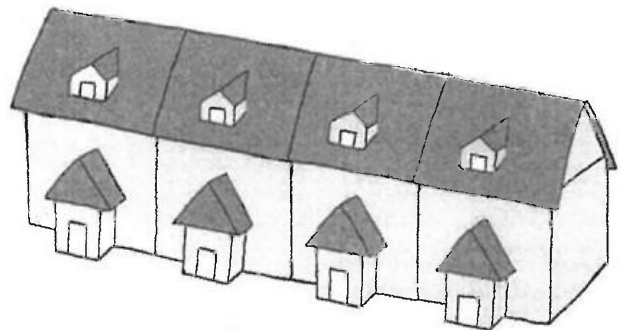
- (a) a 'modular *building*' designed for residential occupancy that leaves the factory on a flatbed truck in the form of complete modules or boxes which are joined together at the site to form a complete *dwelling*; or
- (b) a 'panelized component *building*' designed for residential occupancy that is constructed on site from a series of factory-produced wall, floor and roof panels.

and must be provided with a Canadian Standards Association approved stamp and number and/or meeting the requirements of the *National Building Code of Canada* and be of compatible appearance with conventional subdivision housing.

"dwelling, mobile home" means a transportable building designed for residential occupancy that must be moved over roads and is certified under the Z240 provisions of the Canada Standards Association for mobile homes.

"dwelling, multiple unit" means a *building* or portion thereof, other than a *rowhouse*, *hotel* or *motel*, containing three or more *dwelling units*.

"dwelling, rowhouse" is synonymous with "townhouse dwelling" and means a *building* that is divided vertically into three or more *dwelling units*, each of which is located on a separate *lot* and each of which has independent entrances to a *front* and *rear yard* immediately abutting the front and rear walls of the unit.



Rowhouse Dwelling Unit

"dwelling, semi-detached" means a *building* that is divided vertically by a *common wall* into two *dwelling units* side by side, under one roof, and each of which is located on a separate *lot* and has a separate entrance from the *front yard*.



Semi-Detached Dwelling

"dwelling, single family" means a detached *building* or portion thereof, other than a *tourist home*, a *mobile home*, travel trailer, or motor home designed and is used exclusively for residential purposes by one (1) *family*.

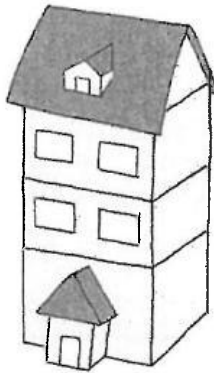
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“dwelling, triplex” means a detached *building* divided horizontally into three *dwelling units*.

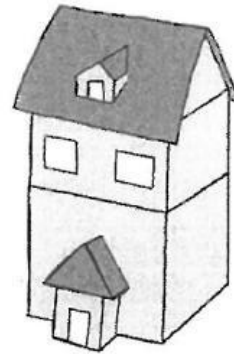
“dwelling, two-unit or two-family or duplex” means a detached *building* divided horizontally or vertically into two *dwelling units*.



Single Family Dwelling



Triplex



Two-Unit Dwelling

“dwelling unit” means one or more *habitable room(s)* designed, occupied, or intended for *use* by one or more *persons* as an independent and separate housekeeping establishment in which a kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such *persons*.

“entertainment use” means any activity carried on within a *building* or part of a *building* that involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing includes a tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall but does not include escort services, adult arcades, adult cabarets, adult motion picture theatres, adult retail outlet/book stores or massage parlours.

“erect” means to build, construct, reconstruct, *alter*, locate, or relocate, and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing *building* or *structure* by an addition, deletion, enlargement, or extension. This includes any physical operations preparatory thereto.

“established grade” means, with reference to a *building*, the average elevation of the finished surface of the ground where it meets the exterior of such *building*, and when used with reference to a *structure*, shall mean the average elevation of the finished *grade* of the ground immediately surrounding such structures.

“façade” means the exterior wall of a *building* or *structure* that is exposed to public view or that wall viewed by *persons* not within the *building*.

“family” means one (1) 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 *rooming house*.

“floor area” means the total *floor area* of all *storeys* contained within the exterior faces of the exterior walls of a *building*, but excluding any private garage, *carport*, porch, veranda, breezeway, sunroom, unfinished attic, basement, cellar or other room(s) not habitable at all season of the year.

“floor area, gross” means the aggregate of the *floor areas* of a *building* above and below *grade*, measured between the exterior faces of the exterior walls of the *building* at each floor level. Gross *floor area* does not include the area used for mechanical room, stairwells, garbage room, electrical room, elevators and car parking areas.

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“floor area, ground” means the maximum *ground floor area* of a *building* measured by the outside walls, excluding in the case of a *dwelling*, any private garage, *carport*, porch, veranda, breezeway, sunroom or other room(s) not habitable at all season of the year.

“forestry use” means commercial silviculture and the production of timber or pulp, and any *uses* associated with a silvicultural *use*, including sawmills, related vehicle and equipment storage and maintenance *buildings* and *yards*, and retail and *wholesale establishments* for wood and wood products.

“garage, portable or temporary” means a collapsible *structure* covered in plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of driveways.

“gas bar” means a *building* used for the retail sale of fuels and lubricating oils and may include the sale of automobile accessories and/or convenience items.

“grade” means the finished level of the ground at the exterior walls of a *building* or *structure*.

“grade, mean” is the average elevation of the finished ground level around the exterior walls of the *building* or *structure*.

“greenhouse” means a *building* with roof and walls, often heated, and used for growing flowers and plants that need warmth or for forcing early produce.

“gross leasable area” means the total *floor area* designed for tenant occupancy and exclusive use, measured from the centre lines of joint partitions and exterior of outside walls.

“ground floor” means the lowest full *storey* that is entirely located above the *established grade*; and with respect to the *street* façade, means the part of the façade that is within 4 m (13.1 ft) of the *established grade*.

“habitable room” means the space within a *dwelling unit* that living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, recreation rooms, and workshops and recreational rooms located in a basement or cellar.

“height” means, in relation to a *building* or *structure*, the vertical distance as measured from *mean grade* to the highest point of such *building* or *structure*.

“home occupation or home based business” means an occupation, trade, profession or craft carried on by the occupant of a residential *building* as a *secondary use* that is clearly subordinate and incidental to the main residential *use* of the property, and which does not change the character, thereof or have any exterior evidence of such *secondary use* other than a small *sign* not exceeding a size prescribed by the Zoning By-law.

“house, boarding” means a *dwelling* in which lodging and meals are regularly provided for compensation to three or more *persons* other than the owner or tenant thereof and members of his or her *family* but does not include a *bed and breakfast*, tourist establishment, *tourist home*, hospital, home for the aged or other establishment otherwise classified or defined in this by-law.

“house, rooming” means a *dwelling* or part thereof in which rooms are provided to lodgers for compensation and meals are not provided.

“hotel or motel” means a commercial *building* or *buildings* providing temporary accommodations for travelers or transients on a year-round basis, and may include a public dining room and convention room.

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“industrial use” means the *use* of land, *building* or *structures* for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related *accessory uses* and shall include the *use* of land, or *building*, or *structure* for one or more of the following operations:

- (a) the carrying on of any process of manufacture that may or may not result in a finished article;
- (b) the dismantling and separating into parts of any article, machinery, or vehicle;
- (c) the breaking up of any articles, goods, machinery, or vehicles;
- (d) the treatment of waste materials;
- (e) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof;
- (f) the repairing and servicing of all vehicles, machinery and *buildings*;
- (g) the storage of goods in connection with or resulting from any of the above operations;
- (h) the provision of amenities for *persons* engaged in such operations;
- (i) the sale of goods resulting from such operations; and
- (j) any work of administration or accounting in connection with the undertaking.

“institutional use” means the *use* of land, *buildings*, or *structures* for religious, educational, health, indoor recreational facilities, community centre, hospital, nursing home, seniors home, seniors congregate care facility, home for the aged or infirm, or a *residential care facility*.

“kennel” means a *building* or *structure* where dogs and other domestic animals excluding *livestock* are bred and raised, and are sold or kept for sale or boarded, with or without veterinary care.

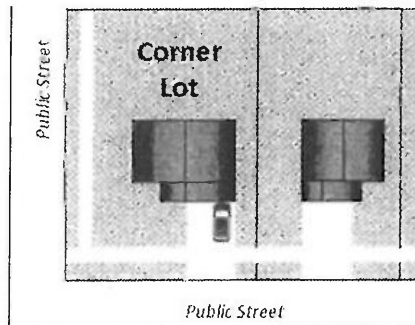
“landscaping” means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, gravelling, paving, *screening* or other architectural elements, all of which are designed to enhance the visual appearance of a property or to provide a screen to soften the linear appearance of a *structure*.

“livestock” means large animals such as cattle, horses, sheep, pigs, goats, mules, donkeys, game animals, lamas and alpacas. This definition also includes live fish, shellfish and poultry such as chickens, chicks, geese and turkeys and large quantities of rabbits. The definition of “livestock” does not include domestic pets such as cats, dogs, parrots, birds, mice, rats, gerbils, rabbits etc.

“loading space” means an off-street space or berth on the same *lot* as a *building* or contiguous to a *building* or group of *buildings*, for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public *street* by an appropriate access.

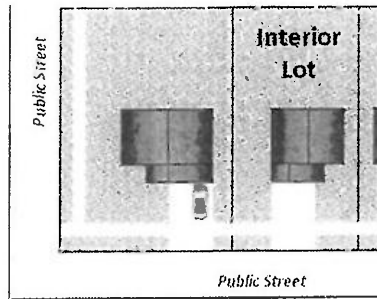
“lot” means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a *building* or an appurtenance thereto, whether or not such *lot* is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

“lot, corner” shall mean any *lot* situated at the intersection of, and abutting on, two or more *streets*.

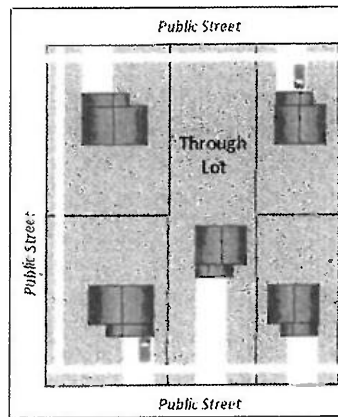


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“lot, interior” means a *lot* other than a *corner* or *through lot*.



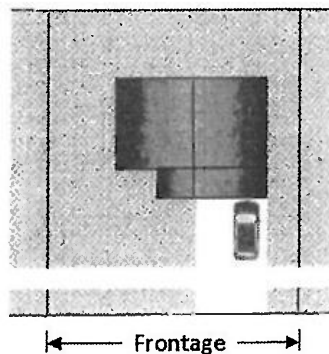
“lot, through” means a *lot* bounded on two opposite sides by *streets* or highways provided, that if any *lot* qualifies as being both a *corner lot* and a *through lot* as defined herein, such *lot* shall be deemed to be a *corner lot* for the purpose of this By-Law.



“lot area” means the area contained within the boundaries of a *lot* as shown on a plan of subdivision or described in a certificate of title.

“lot coverage” means that percentage of the *lot area* that is permitted to be covered by all *buildings* and *structures*, other than *swimming pools*, and shall not include that portion of such *lot area* that is occupied by a *building* or portion thereof that is completely below ground level, and for the purpose of this definition the maximum *lot coverage* in each zone shall be deemed to apply only to that portion of such *lot* that is located within said zone.

“lot frontage” means the horizontal distance between the *side lot lines* as measured along the *front lot line* and in the case of a *corner lot*, the front and *flankage lot lines* shall be deemed to extend to their hypothetical point of intersection.



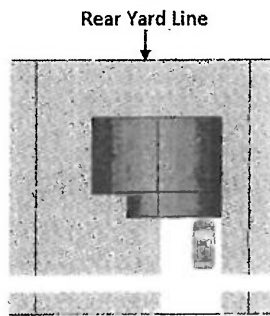
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"lot line" means the common line between two *lots*, between two or more *lots*, between a *lot* and a lane, between a lot and a body of water, or between a *lot* and any such line other than a *street line*.

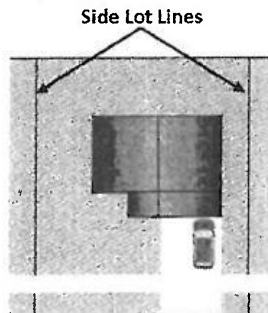
"lot line, front" means the line dividing the *lot* from the *street* or other means of access; and

- (a) in the case of a *corner lot*, the shorter boundary line abutting the *street* shall be deemed to be the *front lot line* and the longer boundary line abutting the *street* shall be deemed to be the *flankage lot line*; and where such *lot lines* are of equal length, the *front lot line* shall be the *lot line* abutting the *street* upon which the *building or structure erected or to be erected* has its principal entrance; or
- (b) in the case of a *lot*, that has as one of its boundaries the shoreline of a lake or the bank of a river, the *lot line* facing the access road shall be deemed to be the *front lot line*.

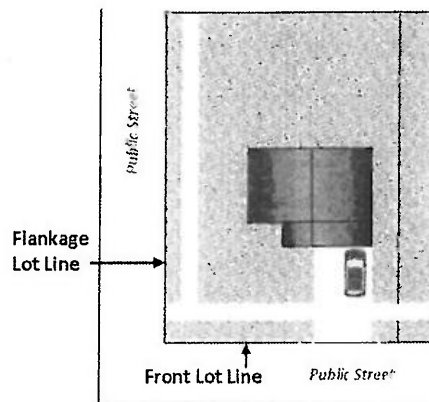
"lot line, rear" means the *lot line* farthest from or opposite to the *front lot line*.



"lot line, side" means a *lot line* extending from the *street line* to the rear of the *lot* or the line extending from the *front lot line* to the *rear lot line*.



"lot line, flankage" means a *side lot line* that abuts the *street* on a *corner lot*.



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“main wall” means the exterior front, side, or rear wall of a *building*.

“mixed-use development” means a *building* containing two or more main *uses*.

“mobile home site” means a parcel of land, outside of a land lease community,

- (a) intended as the location for residential purposes of one *mobile home*, or
- (b) upon which one *mobile home* is located for residential purposes.

“non-conforming use” shall have the same meaning as contained in the *Community Planning Act* as may be amended from time to time.

“nursery” means a place where young plants or trees are grown for subsequent transplanting and may include the associated retail sale of such plants.

“office” means a room or rooms where business may be transacted, a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

“open storage” means storage not in a *building* or covered area, and includes material covered by canvas only.

“outdoor display” means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an *outdoor display court*, by locating them on a *lot* exterior to a *building*, and includes material covered by canvas or other opaque or non-opaque material.

“outdoor display court” means an area of land where goods are displayed, which are available for sale to the general public from a retail outlet located on the same *lot*.

“outdoor storage” means the storage of merchandise, goods, inventory, materials or equipment or other items other than in an *outdoor display court*, by locating them exterior to a *building*.

“parking lot” means a *building* or *structure* or part of a *building* or *structure* or an open area containing parking spaces, other than a *street*, for two or more motor vehicles, which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a *street* or highway by means of driveways, *aisles* or maneuvering areas where no parking or storage of motor vehicles is permitted.

“parking space” means an area for the temporary parking, or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a *street* or highway by means of driveways, *aisles*, and or maneuvering areas.

“paved” means the use of tar and gravel, asphalt, Portland cement concrete, or other similar substances such as brick, or stone to create a smooth surface, including bituminous penetration, but does not include the use of clay, dirt, or slag.

“permit, building” a permit that is issued and monitored until the completion of a *building* or *structure* by the Town’s *Building Inspector*. In order to receive and retain a *building permit*, a *building* or *structure* must meet all applicable requirements of all Town By-laws to receive approval from the Town Development Officer.

“person” includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a *person* to whom the context can apply according to law.

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"personal service shop" means a *building* or part of a *building* in which *persons* are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of *persons*, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, salons, cosmetic application, massage therapy, physical therapy, spas, laser hair removal, nail studios, tanning salons, hairdressing shops, shoe repair and shoe shining, tailoring and many other services that relate to personal aesthetics, but excludes the manufacturing or fabrication of goods for retail or any form of distribution.

"recreational vehicles and equipment" means a unit intended as a temporary accommodation for travel, recreational or vacation *use*. Such units include one or more of a travel trailer, camper, motor home, a tent trailer, slide-in campers, chassis mounted campers, a boat, a boat trailer, containers used for transporting recreational equipment whether or not occupied by such equipment and any other non-commercial trailer.

"recycling depot" means a *building* that is used for the deposit, collection and handling of waste metal, paper, rags, tires, bottles, or other materials that are to be delivered wholesale to other off site operations for further processing, or salvage.

"renewable energy device" means a system that collects energy from the sun or wind for the purposes of converting to electricity for personnel use.

"residential care facility" means a residential *building* or part of a *building* in which accommodation and nursing, supervisory and/or physical 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 *Family Services Act*, or by other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

"restaurant" means a *building* or any portion thereof designed or used primarily for the serving of, and consumption of food by customers within such *building* or portion thereof, and includes a cafeteria.

"restaurant, drive-in" or "restaurant, drive through" means any land or *building* or any portion thereof

- (i) designed or used primarily for the service of food for consumption outside of the *building* or portion thereof, in automobiles or off the premises; or
- (ii) designed or used primarily for the service of food at a counter within the *building* or portion thereof, the food being served in a manner which allows the consumption thereof either at a table or counter on the premises, in automobiles, or off the premises.

"retail store" means a *building* or part of a *building* in which goods, wares, merchandise, substances, articles, or things are offered for sale directly to the public and shall include food preparation and consumption areas not exceeding 20% of the *gross leasable area*.

"salvage yard" means a *lot* or premises for the storage, handling, or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, used bicycles, vehicles, tires, metal, or other scrap material or salvage.

"screening" means the use of *landscaping*, fences, trees, or berms to visually and/or audibly separate areas or *uses*.

"senior citizen housing" means a *multiple unit residential building* designed primarily for residents in need of close proximity to urban amenities such as public transit services, retail, church, etc. and which includes common area(s) where residents can socially interact and may also include such *secondary uses* within the *building* as medical offices or clinics, *personal service shops* or a *retail store* not exceeding 16 m² (172.2 ft²), and similar *uses*. Common areas shall consist of a space equal to at least ten percent (10%) of the total *floor area* of each *dwelling unit* of which up to fifty percent (50%) may be exterior to the *building*.

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“service shop” means a *building* or part of a *building* used for the sale and repair of household articles and shall include glass replacement shops, and electronic and appliance repair shops but shall not include *industrial uses* or manufacturing, or motor vehicle or heavy equipment repair shops.

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

“shopping centre” means a commercial development of at least 5,575 m² (60,000 ft²) of land, consisting of one or more business establishment(s), which is designed, developed, operated or controlled by a single owner or tenant, or a group of owners or tenants containing such *retail stores*, *service shops* and other establishments as permitted by this By-Law, in a unitary type *building* or *buildings* at least 1,486 m² (16,000 ft²) in size and characterized by the sharing of common parking areas and driveways.

“sign” means any *structure*, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a *lot*, except any *signs* that are affixed to the inside of a window or glass door.

“sign, canopy” means a *sign* attached to or forming part of a permanent *building* projection, projecting or fixed structural framework which extends outward from the exterior wall of a *building*. *Canopy signs* include marquees.

“sign, fascia” means a *sign*, other than a *roof sign* or *projecting sign*, which is attached to and supported by a wall of a *building*.

“sign, freestanding” means a *sign*, other than a *portable sign*, supported independently of a *building* and securely fixed to the ground. The *sign* may display the name(s) of one or more businesses.

“sign, illuminated” means a *sign* lit internally with light(s) shining through a translucent or coloured material.

“sign, portable” means a *sign* greater than 1 m² in area and less than 4 m² in *sign area* that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a *sign* with one or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means. *Portable signs* include *signs* commonly known as mobile signs.

“sign, projecting” means any *sign*, other than a *canopy sign*, that is attached directly to a *building* wall, where the *sign face* is not parallel to the wall it is attached to.

“sign, roof” means any *sign* erected upon, or directly above a roof, or on top of, or above the parapet of a *building*.

“sign, sandwich board” means a *sign* less than 1 m² in area which is constructed of two boards connecting at one end and which can be readily taken on and off a site.

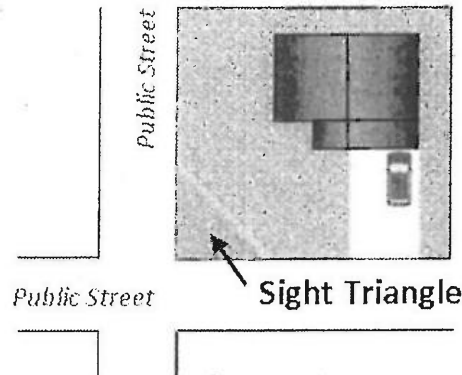
“sign area” means the area per side of the smallest triangle, square, rectangle, circle or semi-circle that can wholly enclose the surface area of the *sign*. In the case of *fascia signs* featuring individual letters affixed to a *building*, *sign area* shall be the product of the combined areas of the smallest triangles, squares, rectangles, circles or semi-circles that can wholly enclose each individual letter.

“sign box” means a box contained within a *freestanding sign* that contains the name, logo or other insignia of a business or other use.

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"sign face" means each individual side or face of a *freestanding, projecting, sandwich board, portable sign(s)*.

"sight triangle" means the triangular shaped area of land formed by measuring from the point of intersection of *street lines* on a *corner lot* the distance required by this by-law.



"solar collector system, small scale" means any system that collects heat energy from the sun for the purposes of capturing heat or converting to electricity for personnel use.

"storey" means that portion of a *building* included between the surface of any floor and the 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.

"street" means the whole and entire right-of-way of every highway, *street*, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of St. Stephen.

"street line" means the boundary line of a *street* right-of-way.

"structure" means anything that is *erected*, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other *structure*. A *structure* shall include *buildings*, walls, *signs*, fences exceeding 2.5 m (8.2 ft) in *height* and other similar erections. It does not include *utility* lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

"suite, garden" means an additional single *dwelling unit* that is one *storey*, free standing, temporary, portable, containing bathroom and cooking facilities and is equipped for year round occupancy. A *garden suite* shall not include a recreational vehicle or any other trailer. A *garden suite* shall only be occupied by:

- (a) the parents or grandparents of the owner of the *single family dwelling*;
- (b) a child of the owner of the *single family dwelling*, including the spouse and dependent children;
- (c) a sister or brother of the owner of the *single family dwelling*, including the spouse and dependent children; or
- (d) a *person* who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner of the *single family dwelling*, including the spouse and dependent children of the *person* so employed.

"suite, in-law" means a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, which is contained within the *structure* of a one-unit *dwelling*, but functions as a separate unit. An *in-law suite* shall only be occupied by:

- (a) the parents or grandparents of the owner of the *single family dwelling*;
- (b) a child of the owner of the *single family dwelling*, including the spouse and dependent children;
- (c) a sister or brother of the owner of the *single family dwelling*, including the spouse and dependent children; or

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- (d) a *person* who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner of the *single family dwelling*, including the spouse and dependent children of the *person* so employed.

"suite, rental" means an apartment contained within a main single detached *dwelling* and features a separate entrance from the main *dwelling unit* and is rented to someone outside of the family unit residing in the main *dwelling*.

"swimming pool" means any structure intended for swimming, wading or recreational bathing that is designed to contain a capacity of 0.6 meter (2 feet) or greater of water in depth and/or is not required to be drained (being serviced by a filtration/ pump system to address health and safety) but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

"tourist home" means any *single family* home operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities with which sleeping accommodation is provided.

"Town" means the Town of St. Stephen.

"traditional building materials" means materials consistent with construction techniques and architecture of the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, shingle or stucco; but does not include vinyl, plastic, metallic or enameled metallic finishes.

"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*, and which is located on the same *lot* as the main *use*, but which does not include a *secondary use*.

"use, secondary" means a *use*:

- (a) other than a main or *accessory use*;
- (b) secondary to a main *use*; or
- (c) conducted, unless otherwise provided (expressly or by definition) entirely within a *building* containing the main *use* on the *lot*; other than a main or *accessory use*, permitted in a *building*.

"utility" means any component of a water, sewerage, storm water, or solid waste disposal, cable television, electric power, natural gas, or telecommunication system.

"veterinary clinic" means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as *kennels*, pet/pen runs and enclosures.

"warehouse" means a *building* used primarily for the storage of goods and materials and may include the wholesaling and distribution of goods.

"watercourse" means the full width and length, including the bed, banks, sides and shoreline, or any part of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch, or other natural or artificial channel, open to the atmosphere, the primary function of which is to convey or contain water whether the flow is continuous or not.

"wholesale establishment" means a *building* in which commodities in quantity are offered for sale mainly to industrial, institutional, and commercial users, or to retailers or other merchants mainly for resale or business *use*.

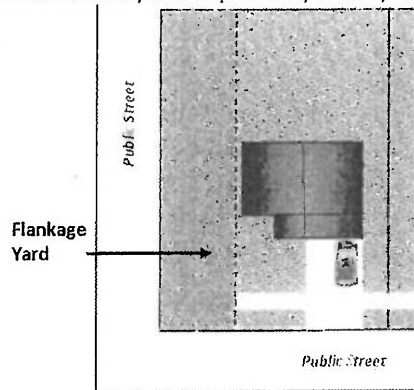
Town of St. Stephen Zoning By-law (By-law No. Z-1)

“wind turbine, small scale” means a *wind turbine* that collects energy from the wind that is converted to produce electrical energy, is owned and operated for the owner’s use and having a capacity of less than 10 kW.

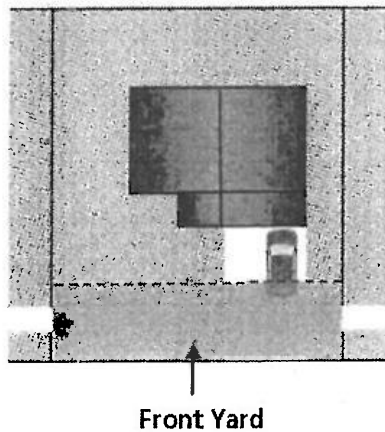
“yard” means an open, uncovered space on a *lot* appurtenant to a *building*, except a court bounded on two or more sides by *buildings*. In determining *yard* measurements, the minimum horizontal distance between such *building* and the respective *lot lines* shall be used.

“yard/garage sale” means the outdoor sale of used personal or household items.

“yard, flankage” means the *side yard* of a *corner lot*, which *side yard* abuts a street, and “required *flankage yard*” or “minimum *flankage yard*” means the minimum side yard required by this By-law where such yard abuts a street.



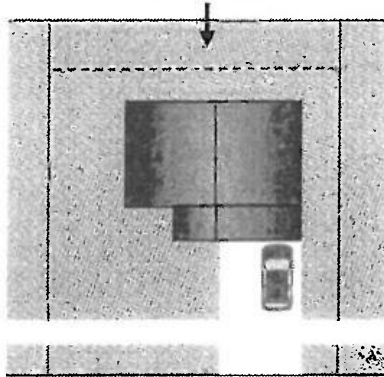
“yard, front” means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of any *main building* or *structure* on the *lot*; and “required *front yard*” or “minimum *front yard*” means the minimum distance required by this By-law between the *front lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*.



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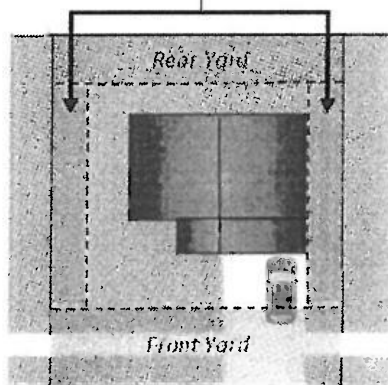
“yard, rear” means a *yard* extending across the full width of a *lot* between the *rear lot line* and nearest wall of any *main building* or *structure* on the *lot*; and “required rear yard” or “minimum rear yard” means the minimum distance required by this By-law between a *rear lot line* and the nearest *main wall* of any *building* or *structure* on the *lot*.

Rear Yard



“yard, side” means a *yard* extending between the *front yard* and the *rear yard* between a *side lot line* and the nearest *main wall* of any *building* on the *lot*; and “required side yard” or “minimum side yard” means the minimum distance required by this By-law between a *side yard line* and the nearest *main wall* of any *building* or *structure* on the *lot*.

Side Yards



2.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES

2.1 Zoning Classifications

- (1) For the purposes of this By-Law, the municipality is divided into zones as delineated on the map attached hereto, entitled "Town of St. Stephen Zoning Map" dated April 2009.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

(a) One and Two Family Residential	R-1 Zone;
(b) Residential Mix	R-2 Zone;
(c) Multiple Unit Residential	R-3 Zone;
(d) Central Commercial	CC Zone;
(e) Large Format Commercial	LFC Zone;
(f) Neighbourhood Commercial	NC Zone;
(g) Heavy Industrial	I-1 Zone;
(h) Light Industrial	I-2 Zone;
(i) Institutional	INS Zone;
(j) Downtown	DT Zone;
(k) Park and Open Space	OS Zone;
(l) Utility	U Zone; and
(m) Future Development	FD Zone.
- (3) R-1, R-2 and R-3 zones, collectively, are referred to as Residential Zones.
- (4) CC, LFC and NC zones, collectively, are referred to as Commercial Zones.
- (5) I-1 and I-2 zones are collectively referred to as Industrial Zones.
- (6) INS can be referred to as Institutional Zones.
- (7) DT, OS, H and U Zones are collectively referred to as Special Zones.

2.2 Interpretation

2.2.1 Zone Boundaries

- (1) A zone boundary shown approximately at a *lot line* is deemed to be at the boundary of the *lot line*.
- (2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in the bank.
- (3) Where zone boundaries are indicated as following an existing or a proposed *street line*, alley line, public *utility* right-of-way or an easement line, the zone boundary shall be constructed as the boundaries of such streets, alleys, right-of-ways or easements.
- (4) In the event that a dedicated *street*, as delineated on the zoning map, hereby, is closed, the property formerly within such *street* shall be included within the zone of the adjoining property on either side of such closed *street*. Where a closed *street* is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed *street*.

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- (5) Where an electrical transmission line right-of-way or *watercourse* is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or *watercourse* and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; or
- (6) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.

2.2.2 Metric Measurements

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

- (a) meters or m;
- (b) feet or ft;
- (c) square meters or m²;
- (d) square feet or ft²;
- (e) inches or in;
- (f) centimeters or cm; and
- (g) millimeters or mm.

2.2.3 Uses Permitted

Uses permitted within any zone shall be determined as follows:

- (a) If a *use* is not listed as a *use* permitted within any zone, it shall be deemed to be prohibited in that zone;
- (b) If any *use* is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements; and

2.2.4 Interpretation in this By-law

- (a) the word "shall" is mandatory and not permissive;
- (b) words used in the present tense shall include the future, words used in the singular number shall include the plural and words used in the plural number shall include the singular;
- (c) the use of he does not preclude she;
- (d) the use of she does not preclude he;
- (e) the use of him does not preclude her; and
- (f) the use of her does not preclude him.

2.2.5 Diagrams

Diagrams are provided to enhance the ease-of-use of the Zoning By-law. They should be used in conjunction with the definitions. In case of any discrepancy between the diagram and the definitions, the definitions shall prevail.

2.3 Powers of Council

- (1) 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.
- (2) Where, in its opinion, a *building* or *structure* is dilapidated, dangerous or unsightly, the Council may acquire the parcel of land that such *building* or *structure* is located.

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- (3) Subject to subsection (4), the Council may, within any zone mentioned in section 2.1,
 - (a) designate land to be used for the location or erection at any installation for the supply of electricity, telecommunication services, water, sanitary and storm drainage, and the disposal of sanitary wastes; and
 - (b) use the land so designated for the erection, installation or use mentioned in clause (a).
- (4) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council such land is essential to the operation of the service concerned.
- (5) A *non-conforming use* may continue notwithstanding the Zoning By-Law but, where a Zoning By-law makes a property non-conforming the *Community Planning Act* shall apply. The provisions of this section shall not exempt the owner of a *non-conforming use* from the obligation for proper maintenance and minimum occupancy standards of such use. Council may also impose standards regarding the maintenance of a non-conforming *building* or *structure* in accordance with the *Community Planning Act*.

2.4 Special Powers of the Planning Advisory Committee

The *Planning Advisory Committee* (PAC) is an appointed body under Section 12(2) of the *Community Planning Act*. The role of the PAC is to advise and make recommendations to Council on matters of community planning in accordance with Section 13 of the *Community Planning Act*.

- (1) 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 Advisory Committee*, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The *Planning Advisory Committee* may, subject to such terms and conditions as it considers fit:
 - (a) authorize, for a temporary period in accordance with the *Community Planning Act*, a development otherwise prohibited by this By-Law; and
 - (b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.
- (3) Where *uses* are listed as being subject to any terms and conditions that may be imposed by the *Planning Advisory Committee* (PAC) no development permit for such *use* shall be issued unless written application and supporting information for such *use* has been submitted to the PAC and the PAC has reviewed the application and approved it as proposed or subject to specific terms and conditions or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the PAC to protect:
 - (a) properties within the zone or in abutting zones, or
 - (b) the health, safety and welfare of the general public.
 - (c) the integrity of the objectives and policies
- (4) The *Planning Advisory Committee* may permit, subject to such terms and conditions as it considers fit:
 - (a) a proposed *use* of land or a *building* that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed *use* is sufficiently similar to or compatible with a *use* permitted in the By-law for the zone in which the land or *building* is situated; or
 - (b) such reasonable variance from the requirements of the Zoning By-law as provided by the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a *building* or *structure* and is in accord with the general intent of the By-law and any plan or statement affecting such development.
- (5) Where requested to permit a proposed *use* or variance under subsection (4) above, the *Planning Advisory Committee* may give notice to owners of land in the immediate neighborhood:

Town of St. Stephen Zoning By-law (By-law No. Z-1)

- (a) describing the land;
 - (b) describing the *use* proposed or variance requested; and
 - (c) giving the right to make representation to the *Planning Advisory Committee* in connection therewith within the time limit set out in the notice.
- (6) Where permitted under the *Community Planning Act*, powers of the *Planning Advisory Committee* may be delegated to the Development Officer or his/her delegate.

2.5 Amendments

- (1) A *person* who seeks to have this By-Law amended:
 - (a) shall address a written and signed application to Town Council;
 - (b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
 - (i) a statement as to the ownership thereof;
 - (ii) the signature of at least one owner of each parcel of land therein; and
 - (c) shall pay a fee of \$400, payable to the Town of St. Stephen.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or the *Planning Advisory Committee* for the purpose of adequately assessing the desirability of the proposal.
- (4) The Council may refuse to consider an application under this section that seeks to rezone an area of land from one type of zone to another that has not been signed by one or more owners of each property.
- (5) Before giving its views to the Council with respect to an application under this section, the *Planning Advisory Committee* may carry out such investigation, as it deems necessary.
- (6) Where an application for rezoning of a property has been refused within the previous twelve months, Town Council will not entertain an application to rezone the same property unless the proposed *use* is substantially different from the previous application.

3.0 GENERAL PROVISIONS

3.1 Accessory Buildings or Structures Erected Prior to Main Building

- (1) An *accessory building or structure* 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 the issuing of the permit therefore; and
 - (c) the *accessory building or structure* is located as indicated on the plot plan.
- (2) No more than two (2) *accessory buildings* are permitted per lot.

3.2 Building and Structure Projections / Permitted Encroachments

The requirements of this By-Law with respect to the placing *erecting or altering* of a *building or structure* in relation to a *lot line* or *street line* apply to all parts of the *building or structure* except for:

- (a) cornices, eaves and steps that project not more than 0.6 m (2 ft);
- (b) sills, leaders, belt courses and similar ornamental or structural features that project not more than 15 cm (6 in);
- (c) the ordinary projection of skylights;
- (d) window or door awnings which project not more than 1 m (3 ft);
- (e) open or lattice-enclosed fire balconies or fire escapes which project not more than 1 m (3 ft);
- (f) chimneys, smoke stacks or flues, which project not more than 0.5 m (1.5 ft);
- (g) balconies of upper stories of multiple *dwelling*s or *building*s, which incorporate multiple *dwelling*s, provided they are not enclosed above a parapet of normal *height*, which project not more than 1.8 m (6 ft) into a *front* or *rear yard* or not more than 1.2 m (4 ft) into a *side yard*;
- (h) floors in the *main building* above the first floor, which project not more than 1.8 m (6 ft) into a *front yard* or *rear yard* or not more than 1.2 m (4 ft) into a *side yard*;
- (i) wheelchair ramps and lifting ramps may be located in any *yard*;
- (j) steps providing access at the first *storey* level may be located in any *front yard, rear* or *flankage yard*;
- (k) window bays and solar collectors may be permitted to project not more than 0.9 m (3 ft) from the *main wall* into a required *front, rear* or *flankage yard*;
- (l) *swimming pools* may encroach within 1.2 m (4 ft) of the property line in any *rear* or *side yard* but never encroach on any required *front* or *flankage yard*;
- (m) air conditioning or heat pump units may project up to 0.6 m (2 ft) into a required *side yard*; and
- (n) exterior staircases providing access to the basement or any floor above the first *storey* level, balconies, porches, verandas and sun decks shall be permitted to project a maximum of 2 m (6.5 ft) into any required *front, rear* or *flankage yard*, except that;
- (o) no exterior staircase giving access to any floor above the first *storey* level shall be permitted between the *facade* of any *building* and the *street line*, except subject to such terms and conditions as the Planning *Advisory Committee* considers necessary.

3.3 Distance From Watercourses

No development shall be permitted within 30 m (98 ft) of a *watercourse* or water body unless a Watercourse and Wetland Alteration Permit has been issued by the Department of Environment.

3.4 Divided Ownership of Lots Along Common Walls

- (1) A *lot* which contains a *dwelling unit* on each side of a *common wall*, may be subdivided into “part lots” at that *common wall*, provided that:
 - (a) Each *dwelling unit* shall continue to be used as a single unit within the *building*, and any rebuilding of either *dwelling unit* shall be to the *common wall*, and
 - (b) Any *lot* created as a result of the subdivision must meet the minimum *lot area* and *lot width* requirements for the zone in which they are located.
- (2) No detached *dwelling* may be placed or *erected*, and no *building* or *structure* may be *altered* to become a detached *dwelling*, on any *lot* resulting from the subdivision unless both resultant *lots* meet the minimum *lot area* and *lot width* requirements for the zone in which they are located, where a *lot* or other piece of land is subdivided either:
 - (a) Into two or more *lots* along the *common walls* of attached *dwellings*; or
 - (b) For the purpose of placing or erecting *dwelling units* of attached dwellings on separate *lots*.

3.5 Drainage

- (1) All *building permit* holders who are infilling in any zone will be responsible for any drainage problems created on adjacent properties by infilling or changing the *grades* of the *lot*. All permits requiring more than 1 m (3 ft) of infilling shall submit a drainage plan as outlined in 3.10(2) and 3.10(3).

3.6 Enclosures for Swimming Pools

- (1) No land may be used for purposes of a *swimming pool* capable of containing a depth in excess of 0.6 m (2 ft) of water unless the pool is enclosed by a fence, or by a wall of a *building* or *structure*, or by a combination of walls and fences, at least 1.5 m (5 ft) in *height* and meeting the requirements of this section.
- (2) Where a portion of a wall of a *building* forms part of an enclosure mentioned in 3.6(1),
 - (a) no main or service entrance to the *building* may be located therein; and
 - (b) any door therein, other than a door to a *dwelling* or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 m (5 ft) above the bottom of the door.
- (3) An enclosure mentioned in 3.6(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (4) A fence mentioned in 3.6(1):
 - (a) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - (b) shall be located:
 - (i) at least 1 m (3.3 ft) from the edge of the *swimming pool*;
 - (ii) at least 1 m (3.3 ft) from any condition that would facilitate its being climbed from the outside; and
 - (iii) so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above *grade/ground level*.
- (5) The design and construction of a fence under this section shall provide
 - (a) in the case of chain link construction,
 - (i) no greater than 38 mm (1.5 in) diamond mesh,

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- (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - (iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.
 - (b) in the case of wood construction,
 - (i) vertical boarding, not less than 19 mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.5 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
 - (ii) supporting wood posts at least 10 cm (4 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below *grade* treated with a wood preservative, and with a top horizontal rail at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
 - (c) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- (6) Gates forming part of an enclosure mentioned in 3.6(1):
- (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 at least 1.3 m (4.2 ft) above the bottom of the gate.
- (7) The vertical walls of a permanent above-ground pool can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.5 m (5 ft) in *height* above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground pool, must be enclosed by a pool enclosure as defined within this section.
- (8) No *swimming pool* enclosure may be located within the front or *flankage yard* of a *lot*.
- (9) No water shall be placed in the pool until a closure has been completed and inspected by the *Building Inspector*.
- (10) The installation of a *swimming pool* and/or enclosure is not to *alter* the existing *grade* or drainage pattern otherwise approved by the Town of St. Stephen.
- (11) No *person* is to *alter* or replace a *swimming pool* enclosure without a permit.
- (12) No *person* shall allow sections of the *swimming pool* enclosure to be removed or become dilapidated so that it no longer conforms to this By-law; and
- (13) No *person* is to allow materials to be placed, piled, attached, hung or leaned against or near the *swimming pool* enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

3.7 Excavation

- (1) No *person* may undertake or continue the excavation of sand, gravel, clay, shale, limestone or other deposit for purposes of the sale or other commercial *use* of the excavated material unless such *use* has been approved by Town Council through a rezoning.
- (2) In addition to the information required for the zoning amendment under Section 2.5, the following information shall be provided to Council:

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- (a) the name and address of the applicant and the location of the proposed excavation;
 - (b) a plan drawn to a scale not less than 1:1000 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) the means to be employed by that *person* named in the proposed permit to maintain accesses to the excavation, and public *streets* over which excavated materials are transported, in a dust-free condition by paving, sweeping, or the application of calcium chloride;
 - (e) the anticipated date of commencement of work involved in the excavation; and
 - (f) a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed the lime limit therefore..
- (3) Operation of the *use* under this section is subject to the following terms and conditions:
 - (a) that no excavation take place below the base agreed to pursuant to clause 3.7(2)(c);
 - (b) that accesses to the excavation and public *streets* over which excavated material is transported are maintained by the *person* named in the permit in a dust-free condition, as by paving, sweeping or the application of calcium chloride;
 - (c) that the excavation, and any work related thereto, is carried on only between the hours of 7:00 a.m. and 8:00 p.m. and only on days other than Sundays and holidays as defined by the *Interpretation Act*;
 - (d) that no operation in relation to the excavation is conducted in such a manner as:
 - (i) to be apt to create a hazard to human life, life, to cause injury to a *person* or to damage adjoining property,
 - (ii) to permit ponding of water in excess of 0.61 meters (2 feet) in depth,
 - (iii) to lower the water table on neighbouring properties, or
 - (iv) to prejudice proposed or required rehabilitation of the land.
 - (e) that adequate measures are taken to prevent surface water from damaging the face of the excavation;
 - (f) that neither the top or toe of the slope of the excavation, or any *building* or *structure*, is within 15 meters (50 ft) of an abutting property line;
 - (g) that, annually at the end of operations for the summer, the slope of the excavation is not steeper than 1.5 Horizontal to 1 Vertical for the full depth thereof; and
 - (h) that the land of the site of the excavation is rehabilitated as provided herein.
- (3) Rehabilitation mentioned in 3.7(2)(f) shall include the following:
 - (a) where an excavation is over 6 meters (20 feet) deep, a terrace shall be provided not less than 6 meters (20 feet) in width at each 6-meter (20 feet) interval of the depth;
 - (b) except for terraces provided pursuant to clause (a), slopes of the excavation shall be not steeper than 1.5 Horizontal to 1 Vertical;
 - (c) all plant equipment, *buildings* or *structures*, placed or *erected* on the site for purposes of the excavation shall be removed;
 - (d) all stock piles, earth, sand, gravel or other excavated material shall be removed from the site, backfilled into the excavation where feasible, or brought to a common *grade* with the rest of the land; and
 - (e) the site shall be cleared of debris and, except for areas under water or on rock faces, covered with a layer of soil, capable of supporting vegetation, to a depth of at least 15 cm (6 inches) and seeded with grass or other ground cover to prevent erosion.
- (6) Where an owner mentioned in 3.7(3) fails to meet the requirements of that subsection, the Council may cause the required rehabilitation to be done and may recover all cost connected therewith from the owner.

3.8 Existing Buildings

Where a *building* has been *erected* on or before the effective date of this By-law, on a *lot* having less than the minimum *lot frontage*, area, or having less than the minimum *lot frontage* or *flankage yard* or *side yard* or *rear yard* required by this By-law, the *building* may be enlarged, reconstructed, repaired, or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the *front*, *side*, *flankage*, or *rear yard* that does not conform to this By-law; and
- (b) all other applicable provisions of this By-law are satisfied.

3.9 Fences, Walls and Hedges

Notwithstanding any other provision of this By-law, a fence, wall or hedge may be placed or located in any *yard*, however:

- 1. Except for a security fence of chain link construction in any Commercial, Industrial, Institutional or Special zone, no fence or wall located within the required *front* and *flankage yard* shall exceed 1 meter in *height*.
- 2. No fence or wall shall exceed 2.5 meters (8.2 feet) in *height*.
- 3. No fence in any Residential zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.
- 4. Fences, walls and hedges must be set back either:
 - (i) a minimum of 18 inches (.46 metres) from the property line; or
 - (ii) on the property line if a documented mutual agreement with the abutting property owner is provided to the Town.
 - (iii) Any fence in the front yard of a house running parallel with the street line shall be set back 1.5 metres (5 feet) from the property line.

3.10 Finished Floor Above Grade

- (1) Subject to 3.10(2) where any habitable *building* is to be constructed within 30 m (98 ft) of a public *street*, the top of the foundation wall shall not be less than 0.5 m (1.6 ft) above the crown of the *street* to which the development gains access.
- (2) Notwithstanding 3.10(1) where the elevation of the *lot* to be developed is significantly below the adjacent roadway elevation and a *building* is to be constructed within 30 m (98 ft) of a public *street*, a *lot-grading* plan shall be prepared showing:
 - (a) existing and final ground elevations;
 - (b) floor and top of foundation wall elevations of any *buildings* and *structures*;
 - (c) all measures for the control and management of surface water;
 - (d) all vegetation to be preserved; and
 - (e) areas to be landscaped.
- (3) The *lot-grading* plan shall provide a means of directing surface drainage to an acceptable storm sewer system or other acceptable dispersal point.

3.11 Frontage on Street

No development permit shall be issued except where the *lot* intended to be used, or upon which the *building* or *structure* is to be *erected*, abuts and fronts upon a public *street*, or a legally created private *street* except where specifically provided for within this By-law.

3.12 Garbage Storage

In any commercial, industrial, or *multiple unit* residential zone where any area of the *lot* exterior to the *building* is to be used for the storage of garbage, including areas for the location of compactors or commercial waste bins, such areas shall conform to the following standards:

- (a) be fully screened by a surrounding fence at least 2 m (6.5 ft) in *height* designed so as to be opaque;
- (b) no garbage storage area shall be located in any required *yard*, nor shall it be located within 6 m (20 ft) of a public *street* or within 2 m (6.56 ft) of a residential *use*;
- (c) no garbage shall be stored between a *building* or *structure* and a public *street*;
- (d) no garbage shall be stored in any garbage storage area so as to exceed the *height* of the surrounding fence;
- (e) materials used to screen and surround the garbage storage unit or dumpster must be made of materials similar to that of the *building*; and
- (f) garbage must be stored within the specified setback and *yard* requirements for the applicable zone.

3.13 Height Regulations

The *height* regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television, or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills, monuments, lightning rods, or solar collectors attached to the principle *structures* except where specifically regulated, provided that such *buildings* or *structures* conform to all restrictions of other Government authorities having jurisdiction.

3.14 Keeping of Chickens

Notwithstanding 3.15 or any other provision of this by-law, the keeping of chickens may be permitted as an *accessory use* in a Residential Zone, subject to the following conditions:

- (a) chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes and the slaughtering of chickens is prohibited;
- (b) only female chickens are permitted and the maximum number of chickens allowed is four per lot;
- (c) a minimum lot size of 8,000 square metres (2 acres) is required;
- (d) chickens must be kept in an enclosure or fenced area at all times and shall be secured within an enclosed structure during non-daylight hours;
- (e) the enclosure and structure mentioned in (e) must be located in the rear yard and be located at least 10 metres (33 feet) from any side or rear lot line;
- (f) chickens must not be kept in, upon or under any structure used for human habitation; and
- (g) chickens shall be kept in such a manner to ensure that they do not create a nuisance and that all lands and premises where chickens are kept is maintained in a sanitary condition at all times so that excrement or other chicken-related substances are not permitted to accumulate and cause an objectionable odour or nuisance.

3.15 Keeping of Livestock

With the exception of the FD (Future Development) zone, no land or any portion thereof may be used for the keeping or breeding of *livestock*.

3.16 Lesser Horizontal Dimension

No *main building* may be placed, *erected* or *altered* on a *lot* so that the lesser horizontal dimension thereof is less than 6 m (19.7 ft).

3.17 Licenses, Permits and Compliance With Other By-Laws

Nothing in this By-law shall exempt any *person* from complying with the requirements of the Building By-law or any other By-law in force within the Town, or to obtain any license, permission, permit, authority, or approval required by any other By-law of the Town, or statute and regulation of the Province of New Brunswick or Government of Canada. Where the provisions in this By-law conflict with those of any other municipal, provincial or federal regulation, By-law or code, the more stringent requirement shall prevail.

3.18 Lighting or Illumination Devices

No *person* within a residential zone shall *erect* any *illuminated sign* or illuminate an area outside any *building* unless such illumination is directed away from adjoining properties and any adjacent *streets*.

3.19 Loading Standards

- (1) Off-street spaces not less than 9.1 m (30 ft) long, 3.7 m (12 ft) wide and 4.3 m (14 ft) high, with access thereto, 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, in the following numbers:

Floor Area of Building	Number of Loading Spaces
Up to and including 1,860 m ² (20,000 ft ²)	One (1)
Over 1,860 m ² (20,000 ft ²) up to and including 4,645 m ² (50,000 ft ²)	Two (2)
Each additional 1,860 m ² (20,000 ft ²) or fraction thereof in excess of the first 4,645 m ² (50,000 ft ²) to a maximum of four (4) spaces.	One (1)

- (2) An off -street *loading space* referenced in 3.18(1) above shall:
- (a) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - (b) be provided with adequate facilities for ingress and egress and unobstructed maneuvering *aisles*; and
 - (c) have a *paved* surface.

3.20 Manufactured Homes

- (1) *Manufactured home* construction may be used for *single-family*, *semi-detached*, or *garden suite dwellings* that are allowable uses in any zone, provided that it is of compatible appearance with conventional subdivision housing.

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- (2) Each *manufactured home* shall:
- (a) be constructed and placed in compliance with requirements of the *Town of St. Stephen Building Bylaw*;
 - (b) be certified under the appropriate provisions of the Canadian Standards Association (CSA) for manufacturing modular housing or panelized component housing; and
 - (c) be installed on a foundation in the same manner as conventionally constructed housing.

3.21 One Main Building on a Lot

- (1) Except where provided for in this By-law, no more than one *main building* may be placed or *erected* and no *building* or *structure* may be *altered* to become a second *main building* on a *lot*.
- (2) Notwithstanding 3.20(1), where a proposed *use* is to consist of more than one *building* on the *lot*, such *use* shall be subject to such terms and conditions as the Planning *Advisory Committee* (PAC) may impose and the PAC may prohibit the *use* where compliance with the terms and conditions imposed cannot reasonably be expected.

3.22 Outdoor Storage and Outdoor Display Courts

- (1) Subject to 3.21(2), where any permitted *use* involves the *outdoor storage*, other than an *outdoor display court*, the land used for storage shall be screened from the *street* by an opaque fence not less than 2 m (6.5 ft) and not more than 2.5 m (8 ft) in *height*, and no material shall be piled higher than the *height* of the surrounding fence.
- (2) Notwithstanding 3.21(1), where a zone contains specific requirements with respect to *outdoor storage*, the specific provisions of the zone shall apply.
- (3) No development shall be permitted nor shall any land be used for the purposes of *outdoor display* of goods or merchandise, unless an *outdoor display court* is expressly permitted, by definition or otherwise.
- (4) An *outdoor display court* shall be separated from any public *street* by a landscaped strip of at least 2 m (6.5 ft) horizontal depth.

3.23 Parking Requirements

- (1) For every *building* or *structure* to be *erected* or enlarged, off-street parking located within the same zone as the *use* and having unobstructed access to a public street shall be provided and maintained in conformity with Table 3.22, except where any parking requirement is specifically included elsewhere in this By-law.
- (2) Where there is a combination of uses on a lot, the minimum parking space requirement shall equal the combined total of the minimum requirements for each use.
- (3) Subject to subsection (4), the owner of each *building* or *structure erected*, extended or *altered*, in whole or in part, for any of the usages listed herein, shall provide and maintain on lands appurtenant to, or within 152.4 m (500 ft) of, such *building* or *structure* not less than the following number of accessible off-street vehicular parking spaces:

Table 3.22: Schedule of Minimum Parking Requirements	
USE	PARKING SPACES REQUIRED
Any dwelling except as specified below	One (1) space per dwelling unit;
Multiple unit dwellings / apartment buildings	One and a quarter (1.25) spaces per dwelling unit;

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Table 3.22: Schedule of Minimum Parking Requirements	
USE	PARKING SPACES REQUIRED
Senior citizen apartments	One half (0.5) spaces per <i>dwelling unit</i> ;
<i>Boarding and rooming houses</i>	One (1) space per bedroom;
Assembly <i>buildings</i> including arenas, auditoriums, churches, funeral parlours, public halls, theatres, rinks, or any <i>building</i> containing a like usage	One (1) space for each four (4) <i>persons</i> comprising a capacity audience or congregation therein;
Hospital or sanatorium	The greater of one (1) space per 2 beds or one space per 37 m ² (400 ft ²) of <i>gross floor area</i> ;
<i>Hotels, motels, boarding or rooming houses</i>	One (1) space per guest room;
Licensed <i>restaurants, lounges, taverns and beverage rooms</i>	The greater of one (1) space per each three (3) patrons comprising capacity patronage or 1 space per 10 m ² (107.6 ft ²) of <i>gross floor area</i> ;
Institutional <i>uses</i> except as specified herein	The greater of one (1) space per four (4) seats where there are fixed seats, or one (1) space per 10 m ² (107.6 ft ²) of <i>gross floor area</i> where there are no fixed seats;
Schools	One (1) space per classroom for an elementary or junior high school; four (4) spaces per classroom for a high school; Additional spaces to accommodate auditorium seating shall be provided in accordance with the provisions for an institutional <i>use</i>
Sports or recreation fields	One (1) space for each six (6) <i>persons</i> for whom seating arrangements may be provided;
Stores, including retail, <i>wholesale</i> or service establishments with a <i>gross floor area</i> of 1000 m ² (10,800 ft ²) or greater	One (1) space per 30 m ² (320 ft ²) of <i>gross floor area</i> ;
Stores, including retail, <i>wholesale</i> or service establishments with a <i>gross floor area</i> not exceeding 1000 m ² (10,800 ft ²)	One (1) space per 20 m ² (320 ft ²) of <i>gross floor area</i> ;
Homes for the aged and nursing homes	One (1) space per three (3) beds;
Day care facilities	One (1) space per 25 m ² (270 ft ²) of <i>gross floor area</i> ;
Funeral homes	The greater of fifteen (15) spaces per viewing room or, where a chapel is provided, one (1) space per four (4) fixed seats;
Office <i>buildings, offices</i> or consulting rooms in a residence or elsewhere, financial institutions, public libraries, art galleries or museums	Three spaces per 93 m ² (1000 ft ²) of <i>gross floor area</i> ;
<i>Warehouse, wholesale, industrial or manufacturing buildings, transport terminals and general industrial use</i>	The greater of one (1) space per 50 m ² (540 ft ²) of <i>gross floor area</i> , or one (1) space per four (4) employees;
Any <i>use</i> not specified above	One (1) space per 30 m ² (320 ft ²) of <i>gross floor area</i> ;

- (4) Except for parking spaces for a *hotel or motel*, no parking space is permitted nearer than 1.8 m (6 ft) from a wall containing windows to *habitable rooms*.

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- (5) Each off-street parking space shall:
- (a) have an area of at least 13.2 m² (142 ft²) measuring 5.5 m (18 ft) in length and not less than 2.4 m (8 ft) in width, exclusive of driveways thereto;
 - (b) shall be readily accessible from a public *street*; and
 - (c) shall be located on the *lot* containing the *use* for which the spaces are provided.
- (6) Notwithstanding Section 3.22(3) above, reserved parking spaces for the mobility disabled shall be provided for all *uses* requiring barrier-free access under the *National Building Code of Canada*, in conformity with the following schedule:
- (a) one parking space for the mobility disabled for each 25 spaces or less required;
 - (b) where the required number of parking spaces exceeds 200, there shall be 1 parking space for the mobility disabled for each 50 required parking spaces;
 - (c) notwithstanding 3.22 (6)(a), no parking spaces for the mobility disabled shall be required where the proposed development requires less than 4 parking spaces.
 - (d) each reserved parking space shall contain an area of not less than 28 m² (300 ft²) measuring at least, 4.6 m (15 ft) in width;
 - (e) where the limits of the *lot* are defined by a curb, the *lot* shall have a ramped curb which shall be located as close as possible to the location which it is intended to serve and in no case shall it be more distant than 90 m (295 ft) from the location which it is intended to serve;
 - (f) each reserved parking space shall be located as close as possible to the location it is intended to serve; and
 - (g) each reserved parking space shall be clearly identified by a permanently affixed ground *sign*.
- (7) Where a *lot* for more than six (6) vehicles is required or proposed the following provisions apply:
- (a) lights used for illumination of the *lot* shall be arranged in order to divert the light away from *streets*, adjacent *lots* and *buildings*;
 - (b) no gasoline pumps or other *service station* equipment shall be located or maintained on the *lot*;
 - (c) approaches or driveways to the *lot* shall have a curbing radius of 10 m (33 ft) where they meet a public *street*; shall be defined by a curb of asphaltic concrete or Portland Cement concrete; and the limits of the *lot* shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - (d) the location of approaches or driveways shall not be closer than 15 m (49 ft) from the limits of the right-of-way at a *street* intersection;
 - (e) entrance and exit driveways to the *lot* shall not exceed two (2) in number at the *street line* and edge of pavement except in the case of a corner lot, which shall have no more than two (2) driveways on any one frontage and a total of no more than three driveways for the entire property;
 - (f) notwithstanding 3.22(7)(f), the Planning *Advisory Committee* may consider the creation of more than two driveways, subject to terms and conditions;
 - (g) the width of a driveway leading to a *lot* or *loading space*, or of a driveway or *aisle* in a *lot* leading to or from a *lot* or *loading space* shall:
 - (i) in the case of a one-way driveway for traffic entering the *parking lot*, have a width of at least 3.5 m (11.5 ft);
 - (ii) in the case of a one-way driveway for traffic exiting the *parking lot*, have a width of at least 3.2 m (10.5 ft) when the number of parking spaces on the lot exceeds 12;
 - (iii) in the case of a two-way driveway for traffic entering and exiting the *parking lot*, have a width of at least 6.7 m (22 ft); and
 - (iv) not exceed a maximum width of 7.6 m (24.9 ft) except in any Commercial or Industrial zone, where it shall not exceed a maximum width of 12 m (39 ft);
 - (h) the *parking lot* shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring lands or on to the traveled way or sidewalk of any public *street*.

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- (8) Notwithstanding the provisions of Section 3.22(7) above, access to *parking lots* shall be designed to generally accepted engineering criteria and information provided in the Geometric Design Guidelines for Canadian Roads, published by the Transportation Association of Canada.
- (9) Within a residential zone, required parking must be located beyond the required *front yard* setback of a single detached *dwelling*, *semi-detached dwelling* or *duplex dwelling*. *Paved* areas and/or driveways shall not occupy more than 40% of the required *front yard*.
- (10) Notwithstanding any other provision of this By-law, for properties located in the DT (Downtown) Zone and Central Commercial (CC) Zone, Council may at its discretion, allow a development which would not otherwise meet the requirements of this Section 3.22, if the applicant pays to the Town a sum equivalent to \$200 for each parking space by which the required total will be reduced. This sum shall be payable on such terms and conditions as Council may determine.
- (11) Where the total required spaces for any *use* is not a whole number, the total spaces required by this sub-section, or by other specific sections, shall be the next largest whole number.

3.24 Power Lines Over Swimming Pool

No overhead electrical power line shall be placed over that area of a *swimming pool* enclosed by a fence or *structure* as provided in Section 3.6. Similarly, no *swimming pool* shall be placed or *erected* underneath an existing overhead electrical power line.

3.25 Prohibition Regarding Yards and Other Open Space

No portion of any *yard* or other open space on a *lot* may:

- (a) be considered as providing a *yard* or open space for a *building* or *structure* on another *lot*; or
- (b) if such portion is required by this By-Law in respect of an existing *building* or *structure*, be considered as providing a *yard* or open space for another *building* or *structure* on the same *lot*.

3.26 Queuing Spaces

Queuing spaces shall be provided for drive-thru businesses (including *drive-thru restaurants* and car washes, *gas bars*, automotive *service stations*, and drive-in business), as follows:

- (a) for drive-thru businesses, including drive-thru *restaurants*, banks and car washes:
 - (i) six (6) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window; and
 - (ii) one (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- (b) for drive-in businesses, automotive, *gas bar* and automotive repair outlets:
 - (i) five (5) in-bound spaces shall be provided; and
 - (ii) one (1) out-bound space shall be provided.
- (c) all queuing spaces shall be a minimum of 6.5 m (21 ft) long and 3 m (10 ft) wide; and
- (d) queuing lanes shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a designated fire lane.

3.27 Reduced Frontage on a Curve

Where the *front lot line* of any *lot* is a curved line or when the side lines of a *lot* are not parallel, a minimum *lot* width that is equal to the minimum *lot frontage* required by this By-law shall be required in lieu of such

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minimum *lot frontage*. For the purpose of this sub-section, such minimum *lot* width shall be measured along a horizontal line between the *side lot lines*, whose end points are defined by the intersection of said side lines with the minimum or *flankage yard* as required by the applicable provision of this By-law.

3.28 Renewable Energy Devices

- (1) A *renewable energy device* may not be located in a front or side yard abutting a street.
- (2) Notwithstanding any other provision of this by-law, a *small scale solar collector system* is permitted as an *accessory use* in all zones and subject to the following conditions:
 - (a) the *small scale solar collector system* is located on the same property as the *main use*;
 - (b) if located on a *main building*, the *small scale solar collector system* must:
 - (i) comply with all the minimum setback requirements for a *main building*; and
 - (ii) have no part of the device more than 2.0 metres higher than the maximum height permitted for a *main building* excluding any other permitted encroachments into the height limit.
 - (c) if not located on a *main building*, the *small scale solar collector system* must comply with all zoning by-law regulations applicable to an *accessory building or structure*.
 - (d) the *small scale solar collector system* must be removed if electricity is not generated for a period of two years; and
 - (e) the *small scale solar collector system* must meet all other terms and conditions that may be set by the Planning Advisory Committee.
- (3) Notwithstanding any other provision of this by-law, a *small scale wind turbine* is permitted as an *accessory use* in all zones and subject to the following conditions:
 - (a) the *small scale wind turbine* is located on the same property as the *main use*;
 - (b) all parts of the *small scale wind turbine* must comply with the minimum setback requirements for a *main building* on the lot where the device is located;
 - (c) No parts of the *small scale wind turbine* may exceed the maximum height permitted for a *main building* by more than:
 - (i) 3.0 metres if on a lot that abuts a lot in a Residential Zone category; or
 - (ii) the maximum height permitted for a main building or structure in all other cases.
 - (d) the *small scale wind turbine* must be removed if electricity is not generated for a period of two years; and
 - (e) the *small scale wind turbine* must meet all other terms and conditions that may be set by the Planning Advisory Committee.

3.29 Satellite Dishes and Communication Towers

Satellite dishes greater than 1.5 m (5 ft) in diameter and communication towers shall not be permitted between the *main building* and the *street line*.

3.30 Setbacks

- (1) No *building* shall be *erected* or *altered* so that it is closer to a *street line* than 7.5m (24.6 ft) unless otherwise provided for in this By-law.
- (2) Notwithstanding 3.28(1), a *building* may be placed, *erected*, or *altered* so that it is as close to the *street line* as:

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- (a) where there is a *building* on both sides and within 30 m (98 ft) thereof, the mean of the distance between the *street line* and the adjacent *buildings*; and
 - (b) where there is a *building* within 30 m (98 ft) of one side only thereof, the mean of the *front* or *flankage yard* distance and the distance between the *street line* and the adjacent *building*.
- (3) Notwithstanding 3.28(1), a *structure* may be placed, *erected*, or *altered* so that it is as close to the *street line* as follows:
 - (a) where there is a *building* or *structure* on both sides within 30 m (98 ft) thereof, the mean of the distance between the *street line* and the adjacent *buildings* or *structures*; and
 - (b) where there is a *building* or *structure* within 30 m (98 ft) of one side only thereof, the mean of the *front* or *flankage yard* distance and the distance between the adjacent *building* or *structure* and the *street line*.

3.31 Sewage Disposal and Water Systems

Where municipal sewerage and water services are available, no permit shall be issued except where the development is provided with such services.

3.32 Sight Triangle

On a *corner lot* a fence, *sign*, hedge, shrub, bush, or tree, or any other *structure* or *building* shall not be *erected* or permitted to grow to a *height* more than 1 m (3 ft) above *grade* of the *streets* that abut the *lot* within the triangular area included within the *street lines* for a distance of 4.6 m (15 ft) from their point of intersection.

3.33 Special Requirements for Service Stations and Gas Bars

Within any zone where a *service station*, *gas bar*, or an automobile sales and/or service outlet is a permitted main *use* of land, any development of land not used for such purpose on the effective date of this by-law is subject to the following conditions:

- (a) no *lot* shall be developed for such *uses* unless the *lot* has a minimum *lot frontage* of at least 34 meters (112 ft) for an *interior lot* and 38 meters for a *corner lot*;
- (b) notwithstanding Section 3.36 no portion of any pump island or canopy shall be located closer than 15 meters (50 ft) from any *street line* and no portion of any underground storage tank shall be located closer than 6 meters (20 ft) from any *street line*;
- (c) no driveway shall be located within 9 meters (30 ft) of another driveway;
- (d) no portion of any driveway shall be within 15 meters (50 ft) of a *street* intersection;
- (e) the angle of intersection between a driveway and a *street line* shall be not less than 45 degrees nor greater than 135 degrees; and
- (f) notwithstanding Section 3.22 no driveway shall have a width less than 6 meters (20 feet) nor greater than 9 meters (30 feet).

3.34 Stripping of Topsoil

- (1) Subject to subsection (2), 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*.

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- (3) Notwithstanding subsection (1), the farming of sod may be carried out where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for rehabilitation of the land.
- (2) Notwithstanding 3.33(1) any *building*; principal or accessory, *main* or secondary associated with a public or private *utility use* described above will be subject to the provisions of this bylaw.

3.35 Utility Uses

- (1) Public and private *utility uses* such as water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines shall be a development permitted in any zone. No permit shall be required, when such installations are to be developed in a manner which is compatible with surrounding properties, but if adjacent to public rights-of-ways, will require the approval, subject to terms and conditions, of the Town.

3.36 Vehicle Bodies

A motor vehicle, tractor trailer, *recreational vehicles and equipment*, tractor engine, container designed for commercial transport, farm tractor, road *building* machine and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels have been removed, shall not be used, in any zone, as a *dwelling unit* or commercial *main building* nor be used as an *accessory building* or *structure* in any residential zone except as specifically permitted by other legislation and this By-law.

3.37 Yard/Garage Sales

- (1) Yard/Garage sales may be undertaken on any site provided the sale is conducted by:
 - (a) A resident of the *dwelling* on the subject site; or
 - (b) A non-profit group associated with a place of worship, public school, community organization or other similar organization.
- (2) No more than two (2) sales may be conducted on any site in any one calendar year and no sale may last more than two (2) consecutive days.

3.38 Yards

Notwithstanding any other provision of this By-Law,

- (a) with respect to a *corner* or *through lot* in a Commercial or Industrial zone abutting a Residential zone, no *building* or *structure* may be placed, *erected* or *altered* thereon so that it has a *front yard* on the *street* along which the Residential zone is located;
- (b) where a *side yard* of a *lot* in a Commercial or Industrial zone abuts a Residential zone,
 - (i) no *building* or *structure* may be placed, *erected* or *altered* on such *lot* so that it is closer to the Residential zone than a distance equal to the greater of:
 - (A) one-half the *height* of the *structure* or *building* or
 - (B) 3 m (10 ft), and
 - (ii) such *yard* shall be landscaped with a *screening* facility such as a hedge or fence or a combination thereof having a minimum *height* of a one meter is provided and maintained along the common property lines; and
 - (iii) such *yard* shall not be used as a driveway or for purposes of storage.

4.0 RESIDENTIAL ZONES

4.1 General Provisions for all Residential Zones

4.1.1 Conditional Uses

All *conditional uses* are required to meet the requirements of the specific zone and *dwelling* type as established for that zone.

4.1.2 Requirements for Rowhouse Dwellings

- (1) Townhouses or *rowhouses* in a series or group are subject to the further requirements that:
 - (a) no series or group contains more than:
 - (i) 6 *dwelling units* with the same or approximately the same *front lot line*,
 - (ii) exceeds 68.5 m (225 ft) in continuous length;
 - (b) no side wall of a series or group is placed, *erected* or *altered* so that any part of such wall is closer to a sidewall of another series or group than a distance equal to the *height* of the higher of such walls;
 - (c) no front wall of a series or group is placed, *erected* *altered* so that any part of such wall is closer to:
 - (i) the front wall of another series or group than 21 m (70 ft), or
 - (ii) the side wall of another series or group than 7.6 m (25 ft) plus the average *height* of the two series or groups;
 - (d) it is designed so that the setback of adjacent units are varied by at least 0.6 m (2 ft) from each other along the front of the *lot*.
 - (e) no townhouse unit shall have direct vehicular access to Milltown Boulevard, King Street, Union Street or Queen Street.

4.1.3 Private Garages and Carports

Where a private garage or *carport* is attached to or incorporated in a *dwelling*, it becomes part of the *building* for purposes of determining the required *yards* on the *lot*.

4.1.4 Uses Prohibited in Certain Yards

On a *lot* developed for three or more *dwelling units*, the required *front* or *flankage yard* shall not be used for the storage or display of any vehicle, boat, or other chattel.

4.1.5 Landscaping

- (1) Except in the Future Development (FD) Zone, on any *lot* developed for the purpose of a *dwelling*, the following areas must be landscaped:
 - (a) the *front yard*;
 - (b) any required *yard* that abuts a *street*;
 - (c) subject to 4.1.5 (3), any *side yard*;
 - (d) any party of the *rear yard* within 4.5 m (15 ft) of any *building*; and
 - (d) the entire area of the *lot* not devoted to *buildings*, *structures*, walkways or driveways.

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- (2) For the purposes of this section, *landscaping* shall include:
- (a) all grading necessary to divert surface water from the *dwelling* and in so far as is reasonably possible, to contour the *front yard* to the surrounding terrain, together with the installation of a lawn having a minimum of 7.5 cm (3 in) of topsoil; and
 - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs or stones, vines and flowers as are not prohibited by this or any other By-law, rule or regulation.
- (3) Notwithstanding 4.1.5(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*.
- (4) The *landscaping* under this section shall be completed not later than one year from the date of the granting of the development permit for the *main building* located thereon.

4.1.6 Residential Development Near a Lagoon or Treatment Plant

Notwithstanding any other provision of this By-Law, the minimum distance between a *dwelling* and a sewage lagoon or treatment facility shall be in accordance with Provincial Guidelines and Regulations.

4.1.7 Portable or Temporary Garages

Notwithstanding section 4.1.9, any setback or *yard* requirements in this by-law, *portable garages* may be permitted on any residential *lots*.

4.1.8 Minimum Floor Area of Multiple Unit Dwellings

- (1) In the case of *multiple unit dwellings*, *dwelling units* therein shall have the following minimum *floor areas* exclusive of stairways and approach halls:

Type of Dwelling Unit	Square Meters of Floor Area
<i>Bachelor apartment</i>	28 m ² (300 ft ²)
1 bedroom unit	35 m ² (380 ft ²)
2 bedroom unit	53 m ² (570 ft ²)
3 or more bedroom unit	63 m ² (680 ft ²)
4 bedroom unit	82 m ² (880 ft ²)
5 or more bedroom unit	82 m ² (880 ft ²) plus 9 m ² (97 ft ²) per bedroom in addition to the first four bedroom units

4.1.9 Accessory Buildings and Structures in a Residential Zone

- (1) *Accessory uses, buildings and structures* shall be permitted in zone but shall not:
- (a) exceed one *storey* or 4.9 m (16 ft) in *height* or in the case of a *garden suite*, exceed 6 m (20 ft) in height or in the case of a *single family dwelling*, the *height* of the *main building*;
 - (b) except for a *garden suite*, be used as a *dwelling*;
 - (c) be placed, *erected* or *altered* so that it is within the *front yard* of the *main building*;
 - (d) be placed, *erected* or *altered* so that it is closer to the *front lot line* than the minimum setback distance required for the *main building*;
 - (e) be placed, *erected* or *altered* so that it is closer to the side or *rear lot line* than the minimum setback requirement;
 - (f) exceed more than 84 m² (904 ft²) in *gross floor area* or 10% of the area of the *lot*;
 - (g) be used for *agricultural uses*; and
 - (h) be used for the keeping of *livestock*.
- (2) Common *semi-detached* garages may be centered on the mutual *side lot line*.

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4.1.10 Special Requirements for Residential Care Facilities

Where permitted in a residential zone, a *residential care facility* shall:

- (a) be located at least 250 m (820 ft) from any other *residential care facility* or community home;
- (b) subject to 4.1.18 (a) and (d), have a minimum *rear yard* amenity area of 18.5 m² (200 ft²) per resident of the *residential care facility*, not including staff and/or receiving family;
- (c) occupy the whole of:
 - (i) a single detached *dwelling unit*;
 - (ii) a *semi-detached dwelling unit* (both units);
 - (iii) a *duplex* (both units); and
 - (iv) a *building* constructed as a community home.
- (d) the minimum *ground floor area* shall be 18 m² (193 ft²) of *gross floor area* per resident inclusive of staff and/or receiving family.

4.1.11 Daycare Centres

Where permitted in a residential zone, a *Daycare Centre* shall:

- (a) be designed to accommodate not more than six (6) children at any one time;
- (b) have no *sign* in connection with the use shall be *illuminated* nor shall any *sign* exceed 0.75 m² (8 ft²) in area nor exceed one in number; and
- (c) comply with all Provincial regulations as stated in the *Family Services Act* of New Brunswick.

4.1.12 Home Occupations

- (1) Subject to 4.1.12(2), where a *home occupation* is permitted under this By-Law, one of the following occupations may be conducted as a *home occupation*:

- (a) a business *office* or home *office* or studio;
- (b) a home *personal service shop*;
- (c) a home instructional service, which may include, without limiting the generality of the forgoing, the teaching of music, arts and crafts or dance;
- (d) a home domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys, and a caterer's establishment;
- (e) a home trades business which may include, without limiting the generality of the forgoing, plumber, electrician, carpenter, painter or other similar *uses*;
- (f) a home repair shop, which may include, without limiting the generality of the forgoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, auto body shop;
- (g) a *bed and breakfast*;
- (h) professional services such as a doctor, dentist, lawyer, engineer, planner, architect or other similar professions; and
- (i) Notwithstanding (a) through (h), *service station*, the repair of motor vehicles, construction equipment, recreation vehicles or motorcycles; metal fabrication shops; and auto body shops are specifically excluded from the definition of a *home occupation*.

- (2) Where permitted under this By-Law, a *home occupation* is subject to the following requirements:

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- (a) not more than the greater of 25 percent or 40 square meters of the *gross floor area* of the *dwelling unit* shall be devoted to the *home occupation*;
 - (b) no change shall be made to the external appearance of the *dwelling* which will *alter* the residential character of the *building*;
 - (c) no goods or services other than those directly pertaining to the *home occupation* shall be supplied or sold therein or there from;
 - (d) the *home occupation* may have one (1) business identification *sign* advertising the business; however, no such *sign* shall be *illuminated* nor shall it exceed 0.6 square meters in *gross surface area*.
 - (e) there shall be no external or outside storage or display of materials, equipment or containers in connection with a *home occupation* which would indicate that any part of the property is being used for any purpose other than a single unit *dwelling*;
 - (f) no *home occupation* shall generate off-site electrical interference, dust, noise or smoke;
 - (g) two off-street parking spaces are provided, in addition to the parking space requirements of the zone; and
 - (h) no more than one commercially licensed vehicle in connection with the *home occupation* shall be parked on the premises.
- (3) Where permitted in this By-law, *bed and breakfasts* shall conform to the following requirements as well as any prescribed in subsection 4.1.12(2) and (3):
- (a) the *use* of a home as a *bed and breakfasts* is an *accessory use* to a *dwelling unit* occupied by a resident of the property;
 - (b) a *bed and breakfasts* establishment shall occupy not more than three bedrooms as sleeping rooms for guests;
 - (c) the preparation of food may be permitted within a *bed and breakfasts* establishment for sale to the guests of the *bed and breakfasts* only;
 - (d) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
 - (e) the owners of every *building* hereafter *erected* or *altered* for use as a *bed and breakfasts* establishment shall, therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for *use* by the guests of such *bed and breakfasts*.

4.1.13 Standards for Boarding and Rooming Houses

The *use* of a *dwelling* as a *boarding or rooming house* is subject to the requirements that:

- (a) the *dwelling unit* still remains as an owner-occupied *dwelling*;
- (b) accommodations for compensation are provided for no more than four *persons*;
- (c) cooking equipment is not permitted in a room used for sleeping accommodation;
- (d) the exterior of the *building* is not *altered*;
- (e) required parking is provided at the rear or the side of the *building*; and
- (f) no *sign* advertising the existence of the *boarding or rooming house* shall be displayed except a *sign* permitted in a residential zone under Section 9.

4.1.14 Garden Suites

- (1) A *garden suite* shall in any case be considered an *accessory building* and not a second *main building*.
- (2) Where permitted under this By-law, a *garden suite* is subject to the following requirements:
 - (a) notwithstanding the *yard* requirements for the zone in which it is to be located, it shall be located not less than 1.2 m (4 ft) from any *side lot line* or 2.5 m (8 ft) from the *rear lot line*;
 - (b) it shall not exceed 6 m (20 ft) in *height*;

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- (c) it shall be located on a *lot* that is occupied by and where the main *use* is a detached *single family dwelling*;
- (d) it shall not exceed 75 m² (807 ft²) of *gross floor area*;
- (e) the *lot* shall be fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
- (f) one parking space shall be required in addition to the parking required for the main *use* of the *lot*;
- (g) it shall not be placed, *erected* or *altered* so that it is closer to the *front lot line* than the minimum setback distance required for the *main building*;
- (h) it shall not be placed, *erected* or *altered* so that it is closer to the side or *rear lot line* than the minimum setback requirement;
- (i) the driveway access to the *street* must be common to both the principal *dwelling* and the *garden suite*;
- (j) it shall not be rented for monetary purposes to a *person(s)* who is not a member of the *family* residing in the main *dwelling unit*; and
- (k) it shall be removed from the *lot* if no longer being occupied by a member of the *family* residing in the main *dwelling unit* or if the *lot* is sold.

4.1.15 In-law and Rental Suites

Where permitted under this By-law, an *in-law* or *rental suite* is subject to the following requirements:

- (a) it shall be located on a *lot* that is occupied by and where the main *use* is a detached *single family dwelling*;
- (b) it shall be contained in the main *dwelling unit*;
- (c) it shall not result in more than two *dwelling units* contained in any *converted* single detached *dwelling*;
- (d) it shall contain a maximum of 2 bedrooms with the *floor area* of each bedroom not exceeding 20 m² (215 ft²);
- (e) it shall be secondary to the main *dwelling unit* and not exceed thirty-five percent (35%) of the *dwelling's gross floor area*;
- (f) the *lot* shall be fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system;
- (g) one parking space shall be required in addition to the parking required for the main *use* of the *lot*; and
- (h) the driveway access to the *street* must be common to both the principal *dwelling* and the *in-law suite*.

4.1.16 Special Requirements for Converted Dwellings

- (1) A *converted dwelling* shall be considered synonymous with a *multiple unit dwelling* in terms of permitted *uses* and *lot* requirements.
- (2) In addition to all other regulations, an existing *structure* in a residential zone may be converted to between two and four *dwelling units* subject to the requirements of the zone and following special requirements:
 - (a) no *alteration* may be undertaken which changes the roof line or increases the *height* of the *structure* except for the addition of dormers;
 - (b) no *alteration* may be undertaken which will extend into the *front* or *side yard* of the *lot*;
 - (c) the total *lot coverage* shall not exceed 50 %;
 - (d) parking for *converted dwellings* shall be provided in the *side* or *rear yard* of the *lot*;
 - (e) no *alteration* may be undertaken to increase the number of entrances in the front or sides of the *dwelling*; and
 - (f) the minimum *floor area* requirements established in Section 4.1.8 are met.

4.1.17 Standards for Multiple-Unit Dwellings

Notwithstanding any other provision of this by-law, no *building* containing, or modified so as to contain two or more *dwelling units*, except for townhouse or rowhouse dwellings in any zone, shall be *erected* unless:

- (a) not more than 35% of the gross *lot area* is devoted to surface parking spaces and parking *aisles*;
- (b) *landscaping* is carried out in conformity with section 4.1.5;
- (c) any part of the *building facade* within 4 m (13 ft) of the *established grade* and facing a public *street* or approved access in the Downtown (DT) Zone or along King Street is finished with *traditional building materials*;
- (d) there is at least one public entrance to the *building* on the *facade* of the *building* facing at least one public *street*;
- (e) no part of any parking stall is located in any *front* or *flankage yard*;
- (f) where a multiple-unit *building* contains more than two (2) units and abuts any other residential *use*, no portion of any parking space shall be located within any required *side* or *rear yard* except where an opaque fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within 1.5 m (5 ft) of the side or *rear lot line*; and
- (g) *amenity space* be provided in accordance with 4.1.18.

4.1.18 Amenity Space Requirements for Multiple Unit Dwellings

No land shall be developed for the purpose of a *multiple unit dwelling* in excess of 3 units unless useable *amenity space* is provided on the same *lot* or contiguous to it in accordance with the following:

- (a) the *amenity space* shall not encroach upon, nor be encroached upon by any parking or driveway area;
- (b) the *amenity space* shall not be located any closer to any public *street* than the *main building*;
- (c) the *amenity space* shall have an area not less than 56 m² (600 ft²), plus an additional 7 m² (75 ft²) for every *dwelling unit* in excess of three; and
- (d) the *amenity space* shall have no horizontal dimension measuring less than 6 m (20 ft).

4.1.19 Community and Institutional Uses in Residential Zones

Community and institutional *uses* may be permitted *uses* subject to such terms and conditions as the Planning *Advisory Committee* deems appropriate to address safety issues related to traffic circulation, parking and off-street parking issues, as well as any other appropriate matter related to the health, safety and welfare of the general public. The Planning *Advisory Committee* may prohibit the *use* where compliance with the terms and conditions cannot reasonably be expected.

4.2 R-1 (Single and Two Family Residential) Zone

4.2.1 R-1 Zone Permitted Uses

Any land, *building* or *structure* may be used for the purposes of:

(a) One of the following main *uses*:

- (i) a *single family dwelling*; and
- (ii) a park or playground.

(b) One of the following *secondary uses*:

- (i) a *home occupation*;
- (ii) a *daycare centre*;
- (iii) a *garden suite*; or
- (iv) an *in-law* or *rental suite*.

(c) Subject to 4.1.11, any *accessory building, structure* or *use* incidental to the main *use* of the land, *building* or *structure* if such main *use* is permitted in this Section.

4.2.2 R-1 Zone Uses Subject to Terms and Conditions (Conditional Uses)

(a) Subject 4.2.1, one of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (i) a *semi-detached dwelling*;
- (ii) a *two family dwelling*;
- (iii) a *converted dwelling* of not more than 2 units;
- (iv) a *residential care facility*;
- (v) a *home daycare centre*;
- (vi) a *tourist home*;
- (vii) a *bed and breakfasts* establishment; or
- (viii) a *boarding* or *rooming house*.

4.2.3 R-1 Zone Standards

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any R-1 (Single and Two Family Residential) Zone unless the *lot* is serviced with municipal sewer and water and the following standards are met:

Table 4.3.1: R-1 Zone Lot Requirements – Serviced Lots		
Lot Component	Dwelling Type	Requirement
Minimum lot area	Single Family Dwellings	Interior lots: 540 m ² (5,800 ft ²) Corner lots: 697 m ² (7,500 ft ²)
	Two family and Converted Dwellings	650 m ² (7,000 ft ²)
	Semi-Detached Dwelling	325 m ² (3,500 ft ²)

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Table 4.3.1: R-1 Zone Lot Requirements – Serviced Lots		
Lot Component	Dwelling Type	Requirement
Minimum lot frontage	Single Family Dwellings	Interior lots: 18 m (60 ft) Corner lots: 30 m (100 ft)
	Two family and Converted Dwellings	
	Semi-Detached Dwelling	10.5 m (34 ft)
Minimum front/flankage yard	All	7.5 m (25 ft)
Minimum rear yard	All	7.5 m (25 ft)
Minimum side yard	Single Family and Manufactured Dwellings	At least 1.8 m (6 feet) on one side and 3 m (10 feet) on the other side
	Two family and Converted Dwellings	
	Semi-Detached Dwelling	0 m on the common wall side and 3.5 m (11.5 ft) on the other side
Maximum Height	All	15 m (50 ft)
Maximum lot coverage	All	45% of the lot's total area

4.3 R-2 (Residential Mix) Zone

4.3.1 R-2 Permitted Uses

Any land, *building* or *structure* may be used for the purposes of:

(a) One of the following main *uses*:

- (i) subject to the requirements of Section 4.2, a single or two *family (duplex) dwelling*;
- (ii) a *semi-detached dwelling*;
- (iii) a *rowhouse dwellings* of not more than 4 consecutively attached units;
- (iv) a *converted dwelling*; and
- (v) a *residential care facility*.

(b) One of the following *secondary uses*:

- (i) *uses* permitted in the R-1 Zone are permitted to have one of the *secondary uses* outlined in Section 4.2.1 (b).

(c) Any *accessory building, structure* or *use* incidental to the main *use* of the land, *building* or *structure* if such main *use* is permitted in this section.

4.3.2 R-2 Zone Uses Subject to Terms and Conditions

(a) One of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (i) attached housing (*rowhouse*) of not more than 5 consecutively attached units; and
- (ii) subject to the provisions of Section 4.4, a *multiple unit dwelling* of not more than 4 units.

4.3.3 R-2 Zone Standards

- (1) The provisions of Section 4.2.3 with respect to *lots* for main *uses* permitted in the R-1 Zone apply.
- (2) The provisions of Section 4.2.3 apply with respect to *converted dwellings*.
- (3) No development shall be undertaken nor shall any land, *building* or *structure* be used within the R-2 (Residential Mix) Zone unless the following standards are met:

Table 4.3.3: R-2 Zone Lot Requirements		
Lot Component	Dwelling Type	Requirement
Minimum lot area	<i>Semi-Detached Dwelling</i>	315 m ² (3,400 ft ²)
	<i>Rowhouse Dwellings</i>	200 m ² (2,150 ft ²)
Minimum lot frontage	<i>Semi-Detached Dwelling</i>	10.5 m (34 ft)
	<i>Rowhouse Dwellings</i>	7.5 m (25 ft) per unit
Minimum front / flankage yard	<i>All</i>	6 m (20 ft)
Minimum rear yard	<i>All</i>	4.5 m (15 ft)
Minimum side yard	<i>Semi-Detached Dwelling</i> <i>Rowhouse Dwellings</i>	0 m on the <i>common wall</i> side and 3.5 m (11.5 ft) on the other side

Town of St. Stephen Zoning By-law (By-law No. Z-1)

Table 4.3.3: R-2 Zone Lot Requirements		
Lot Component	Dwelling Type	Requirement
Maximum <i>Height</i>	<i>All</i>	10.5 m (34 ft)
Maximum <i>lot coverage</i>	<i>All</i>	50%

4.4 R-3 (Multiple Unit Residential) Zone

4.4.1 R-3 Zone Permitted Uses

- (1) Any land, *building* or *structure* may be used for the purposes of:
- (a) One of the following main *uses*:
 - (i) a *multiple unit dwelling* to a maximum of 24 units;
 - (ii) a *residential care facility*;
 - (iii) subject to the provisions of Section 4.2, a *use* permitted in the R-1 Zone; and
 - (iv) subject to the provisions of Section 4.3, a *use* permitted in the R-2 Zone.
 - (b) Any *accessory building, structure* or *use* incidental to the main *use* of the land, *building* or *structure* if such main *use* is permitted in this Section.
 - (c) *Uses* permitted in the R-1 Zone are permitted to have one of the *secondary uses* outlined in Section 4.2.1 (b).

4.4.2 R-3 Zone Uses Subject to Terms and Conditions (Conditional Uses)

One of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (i) a *multiple unit dwelling* to a maximum of 32 units

4.4.3 R-3 Zone Standards

- (1) The provisions of Section 4.2.3 with respect to *lots* for *uses* permitted in the R-1 Zone apply.
- (2) The provisions of Section 4.3.3 with respect to *lots* for *uses* permitted in the R-2 Zone apply.
- (3) No development shall be undertaken nor shall any land, *building* or *structure* be used within any R-3 (Multiple Unit Residential) Zone unless the *lot* is serviced by municipal sewer and water and the following standards are met:

R-3 Lot Requirements	
Lot Component	Requirement
Minimum <i>lot area</i>	800 m ² (8,600 ft ²)
Minimum <i>lot frontage</i>	20 m (65 ft)
Minimum <i>front / flankage yard</i>	7.5 m (25 ft)
Minimum <i>rear yard</i>	7.5 m (25 ft)
Minimum <i>side yard</i>	The greater of 7.6 m (25 ft) or half the <i>height</i> of the <i>building</i>
Maximum <i>Height</i>	15 m (50 ft)

4.5 RLL (LAND LEASE RESIDENTIAL) ZONE

4.5.1 RLL Permitted Uses

- (1) Any land, *building* or *structure* may be used for the purposes of:
- (a) The following main use:
 - (i) a land lease community consisting of not fewer than 10 *manufactured homes* and not more than 100 *manufactured homes* with private communal infrastructure.
 - (b) One of the following *secondary uses*:
 - (i) personal *office space* for the purpose of telecommuting.
 - (c) One of the following *conditional uses*:
 - (i) one convenience store with a maximum *gross floor area* of 100 square metres (1075 ft²);
 - (ii) one laundromat;
 - (iii) one community *building* for the exclusive use of the residents of the manufactured home development, with a maximum *floor area* of 300 square metres (3230 ft²).
 - (d) Any *accessory building, structure* or *use* incidental to the main *use* of the land including a residence for the *use* of the land lease community manager.

4.5.2 RLL Zone Standards

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any RLL Land Lease Residential zone unless the *lot* is serviced by municipal sewer and water and the following standards are met:

Table 4.3.3: Land Leased Community Development Standards		
	Front-On Sites (longer dimension of the home is parallel to <i>street</i>)	End-On Sites (shorter dimension of the home is parallel to <i>street</i>)
Maximum Subdivision Density	20 <i>manufactured homes</i> per gross hectare	17 <i>manufactured homes</i> per gross hectare
Maximum Number of <i>Dwelling Units</i> per Site	1	
Minimum <i>lot frontage</i>	27 m (89 ft)	15 m (49 ft)
Minimum Site Depth	15 m (49 ft)	31 m (102 ft)
Minimum Site Area	405 m ² (4400 ft ²)	465 m ² (5000 ft ²)
Minimum <i>front yard</i>	4.5 m (15 ft)	6.0 m (20 ft)
Minimum <i>rear yard</i>	4.5 m (15 ft)	3.0 m (10 ft)
Minimum <i>side yard</i>	<i>Interior lot</i> : 3.6 m (12 ft) on driveway side and 1.5 m (5 ft) on opposite side	<i>Interior lot</i> : 3.6 m (12 ft) on driveway side and 1.5 m (5 ft) on opposite side
	<i>Corner lot</i> : 4.5 meters (15 ft) abutting side <i>street</i> and 1.5 m (5 ft) on opposite side	<i>Corner lot</i> : 6.0 (20 ft) meters abutting side <i>street</i> and 1.5 m (5 ft) on opposite side

Town of St. Stephen Zoning By-law (By-law No. Z-1)

- (2) Off-Street Parking shall be provided in accordance with the parking provisions of this by-law.
- (3) All land leased communities must have *dwelling*s located on individual sites approved by the Town of St. Stephen, and subject to the issuance of a *building permit*
- (4) 8% of the gross land area of a development shall be provided as parks, playgrounds or landscaped open space and shall be maintained to the satisfaction of the Town.

Where a manufactured home park is being expanded, Council may require that up to 8% of the gross area of the existing development and 8% of the gross area of the expansion be provided as parks, playgrounds, or landscaped open space.

Where a public land dedication is required pursuant to the Subdivision bylaw or is deemed preferable by Town Council, 8% of the gross area of the development may be conveyed to the municipality as public open space.

- (5) In addition to the above landscaped open space requirements, a 6 m (20 ft) wide landscaped strip must be maintained along all property lines, planted with coniferous trees and shrubs; such vegetation shall be a minimum 1.5 m (5 ft) tall at the time of planting and shall be spaced no more than 5 m (16 ft) apart, to the satisfaction of the Development Officer.
- (6) *Streets* shall have a minimum surface width of 7.3 m (24 ft) and be surfaced with asphalt or chipseal.
- (7) The entire undercarriage of a manufactured home shall be skirted with an opaque material.
- (8) Stormwater in the development shall be managed through the use of a storm sewer system, ditching, or other method, subject to a site drainage plan, to the satisfaction of the Town

4.6 RMH (MOBILE HOME RESIDENTIAL) ZONE

4.5.1 RMH Permitted Uses

- (1) Any land, *building* or *structure* may be used for the purposes of:
 - (a) The following main *use*:
 - (i) a mobile home for the purposes of a residential dwelling.
 - (b) One of the following *secondary uses*:
 - (i) personal office space for the purpose of telecommuting.
 - (d) Any *accessory building, structure* or *use* incidental to the main *use* of the land

4.5.2 RMH Zone Standards

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any MH Mobile Home zone unless the *mobile home site* is fully serviced by municipal sanitary sewer and water systems or an on-site sewage disposal system
- (2) Where the *mobile home site* is to be serviced by a municipal sanitary sewer system but not by a water system for public use, the *mobile home site* must have a minimum *area* of 690 m² (7,427 ft²) and minimum *lot frontage* of 23 m (75 ft).
- (3) Where the *mobile home site* is to be serviced by an on-site sewage disposal system, the *mobile home site* must have a minimum *area* of 4,000 m² (1 acre) and minimum *lot frontage* of 23 m (75 ft).
- (4) No development shall be undertaken nor shall any land, building or structure be used within any MH Mobile Home zone unless the following standards are met:

MH Zone Mobile Home Site Requirements -	
Lot Component	Requirement
Minimum <i>front / flankage yard</i>	7.5 m (25 ft)
Minimum <i>rear yard</i>	7.5 m (25 ft)
Minimum <i>side yard</i>	The greater of 7.5 m (25 ft) or half the <i>height</i> of the <i>building</i>
Maximum <i>height</i>	4.5 m (14.7 ft)

- (5) A mobile home site shall
 - (a) Except abut a publicly-owned street; and
 - (b) Not contain any dwelling house or more than one mobile home
- (6) A mobile home shall be installed in conformity with the following standards:
 - (a) Wheel shall be removed;
 - (b) The entire undercarriage of each unit shall be skirted with opaque material; and
 - (c) No mobile home appurtenance may be placed or erected on a mobile home site except:
 - (i) A canopy, awning, expansion unit, accessory structure, carport or porch, if factory build, designed for, attached to and harmonizing with the mobile home;
 - (ii) A porch or entry if the floor area thereof does not exceed 2.5 square metres and it is designed for and attached to and harmonizing with the mobile home; or
 - (iii) A clothes drying line.

5.0 COMMERCIAL ZONES

5.1 General Provisions for all Commercial Zones

5.1.1 Commercial Landscaping Requirements

- (1) A *lot* shall not be developed for a commercial purpose unless the total area of the *lot*, except for that part devoted to *buildings* and structures:
 - (a) is paved, in the case of driveways and off-street parking areas; and
 - (b) is landscaped, in the case of that part of the *lot* other than driveways and off-street parking stalls and *aisles*, except in the case of *lots* having significantly surplus area.
- (2) The required landscaped area shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of one (1) tree or shrub for each 93 m² (1000 ft²) of the minimum landscaped area.
- (3) Where a Commercial *use* or zone abuts a Residential zone or *use*, such *lot* shall not be developed for commercial *use* unless a minimum of a 1 m high *screening* facility, such as a hedge or fence or a combination thereof, is provided and maintained along the common property lines.
- (4) *Landscaping* in any commercial zone shall consist of:
 - (a) at least 15 cm (6 in) of topsoil after compaction and the seeding or sodding thereof; and
 - (b) may include partial devotion to driveways and walkways.
- (5) No *signs*, *accessory buildings*, driveway nor parking areas shall be located in any required landscaped area abutting a residential, park or institutional zone and any *landscaping* shall be completed no later than one year from the date of the granting of the development permit for the *main building* located thereon.

5.1.2 Accessory Buildings and Structures in Commercial Zones

No *accessory building* or *structure* may:

- (a) exceed one *storey* or 4.6 m (15 ft) in *height*;
- (b) be used for a residential *use*;
- (c) be placed, *erected* or *altered* so that it is within the *front yard* of the *main building*;
- (d) be placed, *erected* or *altered* so that it is closer to the *front lot line* than the *main building*;
- (e) be placed, *erected* or *altered* so that it is closer to the side or *rear lot line* than the required side or *rear yard* setback for that specific zone;
- (f) exceed more than 57 m² (624 ft²) in *gross floor area* or 10% of the area of the *lot*;
- (g) be finished by anything except *traditional building materials*;
- (h) be used for *agricultural uses*; and
- (i) be used for the keeping of *livestock* or domestic animals.

5.2 DT (Downtown)

5.2.1 DT Zone Permitted Uses

(1) A lot shall not be developed for any other purpose than:

(a) One of the following main uses:

- (i) Business *use*.
- (ii) Communications *use*;
- (iii) Church;
- (iv) Cultural *use*;
- (v) Office;
- (vi) Daycare centre;
- (vii) Entertainment *use*;
- (viii) Financial institution
- (ix) Government *use*
- (x) Health services *use*
- (xi) Hotel;
- (xii) Personal service shop;
- (xiii) Post-secondary educational facility (iii)
- (xiv) Restaurant;
- (xv) Retail store;
- (xvi) Service shop;
- (xvii) Any main *use* permitted in the I (Institutional) Zone;
- (xviii) Any main *use* permitted in the P (Park) Zone; and
- (xix) Multiple unit residential *use* of up to 24 units, subject to 4.1.5, 4.1.8, 4.1.17, 4.1.18 and 5.2.6.

(b) Any accessory building, structure or use normally incidental to the permitted main or secondary use of the land, building or structure, unless such accessory use is prohibited by definition or otherwise.

5.2.2 DT Zone Uses Subject to Terms and Conditions (Conditional Uses)

One of the following main uses may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (a) Automobile service station;
- (b) Automobile repair shop;
- (c) Community or institutional use;
- (d) Bar; and
- (e) Multiple unit residential use of up to 32 units, subject to 4.1.5, 4.1.8, 4.1.17, and 4.1.18 and 5.2.6.

The Planning Advisory Committee may prohibit the use where compliance with the terms and conditions cannot reasonably be expected.

5.2.3 Requirements for Mixed-Use Developments

Any development consisting of both commercial and residential uses is required to have at least the ground floor dedicated to the commercial use.

Town of St. Stephen Zoning By-law (By-law No. Z-1)

5.2.4 DT Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within the DT (Downtown) Zone unless the following standards are met:

DT Zone Lot Requirements	
Lot Component	Requirement
Minimum <i>lot frontage</i>	6 m (20 ft)
Maximum <i>front / flankage yard</i>	Subject to 5.2.8, the <i>lot</i> has a <i>front yard</i> no greater than 3 m
Maximum <i>Height</i>	19 m (63 ft)

5.2.5 Design Guidelines for DT Zone

Within the DT (Downtown) Zone, no development shall be permitted and no *main building* or *structure* may be used unless:

- (a) no less than 40% of the first floor façade of the *main building* of the *main building* fronting a *street* is composed of windows and doors;
- (b) no less than 25% of the *main building facades* above the first floor fronting a *street* is composed of windows;
- (c) there is at least one public entrance to the *building* facing any public *street*;
- (d) the maximum *height* of the *main building* is 19 m (63 ft);
- (e) the minimum *height* of the *building* is two stories;
- (f) no less than 90% of the façade is finished with *traditional building materials*; and
- (g) all mechanical, electrical, air conditioning or other similar equipment located on the roof of a *building* is screened from view from the adjacent public *street*.

5.2.6 Location of Multiple Unit Dwellings

No *building* or *structure* used for the sole purpose of a *multiple unit dwelling* may be located so that it is closer than 20 m to another *building* used for the sole purpose of a *multiple unit dwelling* on the same side of the *street*.

5.2.7 Grandfathered Buildings

In the case of a change of *use*, 5.2.5 does not apply to existing *buildings*.

5.2.8 Variations in Front Yard Requirements

Notwithstanding the maximum *front* and *flankage yard* requirements established in 5.2.4, the *building* façade may be extended further than 3 m (10 ft) from the *street line* if the area is used to accommodate space for outdoor seating, patios or other amenity features but shall be subject to terms and conditions as imposed by the Planning *Advisory Committee*.

5.3 CM (Commercial Mix)

5.3.1 CM Zone Permitted Uses

- (1) A *lot* shall not be developed for any other purpose than:
- (a) One of the following main *uses*:
- (i) Arts and Crafts and Antique Shops;
 - (ii) Bakery Shops;
 - (iii) Banks and Financial Institutions;
 - (iv) Business and Professional *Offices*;
 - (v) Commercial recreational establishments conducted within wholly enclosed *buildings* and including such *uses* as health clubs, billiards, dance clubs, music schools and theatres;
 - (vi) Commercial Schools;
 - (vii) Confectionary or candy stores;
 - (viii) Delicatessens, *restaurants* and snack bars provided all dining facilities are within a wholly enclosed *building*;
 - (ix) Dressmaking and Tailoring;
 - (x) Drug stores;
 - (xi) Florist shops;
 - (xii) Funeral Homes;
 - (xiii) Gift Shops;
 - (xiv) Government Buildings;
 - (xv) Hardware stores;
 - (xvi) *Hotels* and *motels*;
 - (xvii) Ice cream shops;
 - (xviii) Jewelry Stores;
 - (xix) Medical and Dental Clinics;
 - (xx) *Multiple unit Dwellings* as permitted and regulated in the R-3 Zone.
 - (xxi) News and magazine stands;
 - (xxii) Private clubs and fraternal organizations;
 - (xxiii) Photography studios ;
 - (xxiv) Printing establishments;
 - (xxv) Service and *personal service shops*;
 - (xxvi) Subject to 4.1.5, 4.1.8, 4.1.17, 4.1.18 and 5.3.4, a *multiple unit* residential *use* of up to 24 units;
 - (xxvii) Taxi and bus stations; and
 - (xxviii) Tobacco shops
- (b) Subject to Section 4.1 a *secondary use* as a *dwelling unit* not located on the *ground floor*; and
- (c) Any *accessory building, structure* or *use* incidental to the main *use* of the land, *building* or *structure*.

5.3.2 CM Zone Uses Subject to Terms and Conditions (Conditional Uses)

One of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (a) an *automobile service station*;
- (b) an automobile repair shop;
- (c) a *gas bar*; and
- (d) subject to 4.1.5, 4.1.8, 4.1.17, and 4.1.18, a *multiple unit* residential *use* of up to 32 units;

Town of St. Stephen Zoning By-law (By-law No. Z-1)

5.3.2 CM Zone *Lot* Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any CM (Commercial Mix) Zone unless the following standards are met:

CM Zone Lot Requirements	
Lot Component	Requirement
Minimum <i>lot area</i>	280 m ² (3,00 ft ²)
Minimum <i>lot frontage</i>	6 m (20 ft)
Minimum <i>front / flankage yard</i>	3.5 m (11.5 ft)
Minimum <i>rear yard</i>	6 m (20 ft)
Maximum <i>Height</i>	19 m (62 ft)

5.3.3 Lot Occupancy

Subject to the provisions of off-street parking and *loading spaces*, the total area of a *lot* may be occupied by *buildings* and *structures*.

5.3.4 Location of Multiple Unit Dwellings

No *building* or *structure* used for the sole purpose of a *multiple unit dwelling* may be located so that it is closer than 20 m to another *building* used for the sole purpose of a *multiple unit dwelling* on the same side of the *street*.

5.4 NC (Neighbourhood Commercial)

5.4.1 NC Zone Permitted Uses

A *lot* shall not be developed for any other purpose than:

- (a) One or more of the following main *uses*:
 - (i) *Daycare centre*;
 - (ii) *Greenhouse/nursery*;
 - (iii) *Nursery or greenhouse operation*;
 - (iv) Religious or secular institution or educational *use* and related facilities;
 - (v) Retail bakery;
 - (vi) Retail *use* of not more than 1,000 m² (16,150 ft²); and
 - (vii) *Service shop or personal service shop*.
- (b) living accommodations provided that not more than 50% of the total *floor area* of the *building* is used for residential purposes and that the provisions of sections 4.1.5, 4.1.8, 4.1.17, 4.1.18 are met;
- (c) any *accessory building, structure or use*, incidental to the permitted main *use* of the land, *building* or *structure*.

5.4.2 NC Zone Uses Subject to Terms and Conditions (Conditional Uses)

One of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:

- (a) an automobile repair shop; and
- (b) a funeral home.

5.4.2 NC Zone Uses over 1,000 m²

Any permitted *use* within the NC zone that is larger than 1,000 m² (16,150 ft²) in *gross floor area* shall be subject to such terms and conditions as the Planning Advisory Committee (PAC) deems appropriate and the PAC may prohibit the *use* where compliance with the terms and conditions cannot be reasonably expected.

5.4.3 NC Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within the NC (Neighbourhood Commercial) Zone unless the following standards are met:

NC Zone Lot Requirements	
Lot Component	Requirement
Minimum <i>lot area</i>	675 m ² (7,300 ft ²)
Minimum <i>lot frontage</i>	22.5 m (74 ft)
Minimum <i>front / flankage yard</i>	7.5 m (25 ft)
Minimum <i>rear yard</i>	Interior lot: 6 m (20 ft) Corner lot: 1.2 m (4 ft)
Minimum <i>side yard</i>	1.2 m (4 ft) on one side of the <i>lot</i> and 2.5 m (8 ft) on the other side
Maximum <i>Height</i>	9 m (29.5 ft)
Maximum <i>lot coverage</i>	Main Building or Structure 50% Accessory Buildings and structures 5%

- (2) No *lot* may be used for a purpose mentioned in Section 5.4.1 or 5.4.2 unless such *lot* is serviced by municipal water and sewer facilities.

5.5 LFC (Large Format Commercial) Zone

5.5.1 Permitted Uses

- (a) Any land, *building* or *structure* may be used for the purpose of, and for no other purpose than:
- (i) Animal hospitals, shelters and *veterinary clinics*;
 - (ii) Automobile sales and rental;
 - (iii) *Automobile service station*;
 - (iv) Automobile repair shop;
 - (v) *Gas bar*;
 - (vi) Banks and financial institutions;
 - (vii) Boats, trailer, snowmobile and bicycle sales and/or rentals;
 - (viii) Building supply outlets;
 - (ix) Car Wash
 - (x) Clubs whether fraternal or operated for profit;
 - (xi) Day Care Centres;
 - (xii) Dry cleaning and laundry operations;
 - (xiii) Funeral homes;
 - (xiv) *Garden centres*;
 - (xv) *Hotels, motels* and other tourist establishments and related amenities;
 - (xvi) Indoor recreational establishments;
 - (xvii) Medical and Dental Clinics;
 - (xviii) *Personal service shops*;
 - (xix) *Office*;
 - (xx) Places of recreation, entertainment and assembly (indoor);
 - (xxi) Public garages, *restaurants* and *drive-in-restaurants*;
 - (xxii) *Restaurants*;
 - (xxiii) *Retail* store;
 - (xxiv) Service industries;
 - (xxv) *Shopping centre* or mini mall;
 - (xxvi) *Warehouse*;
 - (xxvii) *Wholesale establishment*.
- (b) Any *accessory building, structure* or *use* incidental to the main *use* of the land, *building* or *structure* if such main *use* of the land is permitted by this subsection.

5.5.2 LFC Zone Requirements

- (a) No development shall be undertaken nor shall any land, *building* or *structure* be used within the LFC (Large Format Commercial) Zone unless the following standards are met:

Table 5.5.1: LFC Zone Lot Requirements	
Lot Component	Requirement
Minimum lot area	1,000m ² (10,800 ft ²)
Minimum lot frontage	30 m (100 ft)
Minimum front / flankage yard	7.5 m (25 ft)
Minimum rear yard	7.5 m (25 ft)
Minimum side yard	4 m (13 ft)
Maximum Height	15 m (49 ft)
Maximum lot coverage (main building)	50%

Town of St. Stephen Zoning By-law (By-law No. Z-1)

Maximum <i>lot coverage</i> (<i>accessory building</i>)	10%
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- (b) No *lot* may be used for a purpose mentioned in section 5.5.1 unless such *lot* is serviced by municipal water and sewer facilities.

5.5.3 Abutting Yard Requirements

In addition to the requirements of subsection 5.5.3, where a *yard* on a property in the Large Format Commercial (LFC) Zone abuts a residential or community *use* zone the required abutting *yard* shall:

- (a) be double the applicable *yard* requirement specified in subsection 5.5.3 and consist of undeveloped open space free of any parking, loading area, driveways, or *open storage*; or
- (b) be entirely landscaped with a combination of existing trees and planted trees which are:
 - (i) spaced in a staggered manner at intervals of 3 m (10 ft) on centre over the entire area;
 - (ii) be a minimum of 1.5 m (5 ft) in *height* at the time of planting;
 - (iii) be at least 75% coniferous trees indigenous to the area;
- (c) contain a built up berm at least 1.8 m (6 ft) in *height* with a base of 7.3 m (24 ft) in width at any section and which is landscaped with trees and bushes of at least 30 cm (1 ft) in *height* at the time of planting and spaced at least 6 m (20 ft) on centre; or
- (d) contain a fence that shall be *erected* along the abutting property line which:
 - (i) has the finished side facing the abutting property;
 - (ii) is of a residential design;
 - (iii) forms an opaque visual barrier from *grade* to 1.5 m (5 ft) high; and
 - (iv) is a minimum of 2 m (6.5 ft) high from ground to the top horizontal member.

5.5.4 Outdoor Storage and Display

- (a) No development permit will be issued for the *outdoor storage* of goods or materials not intended for immediate sale to the general public unless the *outdoor storage*:
 - (i) is accessory to a permitted *use* in the Large Format Commercial (LFC) Zone;
 - (ii) Is not located in a *front yard* or a *flanking yard*;
 - (iii) covers less than 75% of the *lot area*; and
 - (iv) is not located in a required *side* or *rear yard*;
- (b) No development permit will be issued for the *outdoor display* of goods or materials intended for immediate sale to the general public unless the *outdoor display*:
 - (i) covers less than 75% of the *lot area*; and
 - (ii) is accessory to a permitted *use* in the Large Format Commercial (LFC) Zone; or

6.0 INDUSTRIAL ZONES

6.1 General Provisions for all Industrial Zones

6.1.1 Buffering

- (1) Where a permitted *use* in the I-1 or I-2 zone abuts a Residential, Commercial, Institutional or Special Zone:
 - (a) the part of the abutting property that is being used for industrial purposes including any *structures*, parking, display, or storage area, shall be buffered with a solid wall or opaque wooden fence no less than 2 m (6.5 ft) in *height*; or
 - (b) an opaque natural hedge no less than 2 m (6.5 ft) in *height*; or
 - (c) a combination of 6.1.1 (a) and (b).
- (2) When a permitted *use* in the I-1 and I-2 Zone abuts a Residential, Commercial or Institutional Zone it shall be only be permitted subject to the following:
 - (a) there are no obnoxious odours, noxious gases, dust, smoke, or fumes therefrom;
 - (b) noise from the *use* is muffled so as not to be objectionable due to intermittence, beat, volume or shrillness; and
 - (c) there be no obnoxious vibrations emitted from the *use* or operation.

6.1.2 Outdoor Storage and Display

- (1) Notwithstanding section 3.17, the *outdoor storage* of goods and materials shall be subject to the following requirements:
 - (a) *open storage* shall not be permitted in the *front yard* of any *industrial use*;
 - (b) *open storage* shall be permitted in the *rear yard* only of a *lot* within the I-2 Zone;
 - (c) *open storage* shall not be permitted along the *side yard* of a I-1 property line that abuts a Residential, Commercial, Institutional or Special Zone;
 - (d) a *yard* used for *open storage* that abuts a public right-of-way shall be buffered along the abutting property line corresponding to the extent of the storage area with an opaque fence a minimum of 2 m (4.9 ft) or an evergreen hedge a minimum of 2 m (5 ft) in *height*, sufficient to screen the storage area from public view; and
 - (e) no portion of any *lot* in an Industrial Zone shall be used for the collection or storage of refuse unless the refuse container is screened by an opaque wooden fence a minimum of 1.5 m (5 ft) in *height*.
- (2) Notwithstanding 6.1.2(1), *outdoor display* of goods and materials shall be permitted provided that any *yard* used for *outdoor display* that abuts a public right-of-way is buffered with an opaque fence a minimum of 2 m (6.5 ft) in *height* or solid evergreen hedge a minimum of 2m (6.5 ft).

6.1.3 Salvage Yard or Recycling Depot

Where land is used for the exterior storage of scrap, recycling, or automotive materials, the following standards shall apply:

- (a) the whole of the storage area shall be surrounded by a solid fence, not less than 3 m (10 ft) and not greater than 5 m (16 ft) in *height*, unpierced except for gates necessary for access;

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- (b) the fence shall be located at least 6 m (20 ft) from the *front lot line* and 1.5 m (5 ft) from the side or *rear lot lines*, and the land between the fence and any *lot line* not required for entrance and exit driveways shall be landscaped and maintained; and
- (c) no material shall be piled higher than the *height* of the surrounding fence.

6.1.4 I-1 and I-2 Zone Landscaping Requirements

- (1) A *lot* shall not be developed for an industrial purpose unless the total area of the *lot*, except for that part devoted to *buildings* and *structures*:
 - (a) is paved, in the case of driveways and off-street parking areas; and
 - (b) is landscaped, in the case of that part of the *lot* other than driveways and off-street parking stalls and *aisles*, except in the case of *lots* having significantly surplus area.
- (2) The required landscaped area shall include grass, trees and/or shrubs. Trees and shrubs shall be planted at a minimum rate of 1 tree or shrub for each 93 m² (1000 ft²) of the minimum landscaped area.
- (3) *Landscaping* in any industrial zone shall consist of:
 - (a) at least 15 cm (6 in) of topsoil after compaction and the seeding or sodding thereof; and
 - (b) notwithstanding 6.1.4(2), may include partial devotion to driveways and walkways.
- (4) No *signs*, *accessory buildings*, driveway nor parking areas shall be located in any required landscaped area abutting a Residential, Commercial Institutional or Special Zone and any *landscaping* shall be completed not later than one year from the date of the granting of the development permit for the *main building* located thereon.

6.1.5 Lighting or Illumination Devices

Where an *industrial use* abuts a residential zone, outside illumination shall be directed away from such residential zone. Glare guards, lower wattage lights and other measures may be required by the Development Officer to rectify any light pollution infraction.

6.1.6 Larger Industrial Uses Subject to Terms and Conditions

For the purposes of this By-law any *industrial use* larger than 4,700 m² (50,600 ft²) in *gross floor area* shall be considered to be a development subject to such terms and conditions as the Planning Advisory Committee (PAC) deems appropriate and the PAC may prohibit the *use* where compliance with the terms and conditions cannot be reasonably expected.

6.2 I-1 (Heavy Industrial) Zone

6.2.1 I Zone Permitted Uses

- (1) Subject to subsection (2), no development shall be undertaken nor shall any land, *building* or *structure* be used within any I-1 (Heavy Industrial) Zone for any purpose other than:
- (a) one or more of the following main *uses*:
 - (i) Contractor's establishment, including a storage yard;
 - (ii) Machine shop;
 - (iii) *Office use* directly connected with a *use* permitted by this section;
 - (iv) Railway track or a spur line;
 - (v) Service or sales industry;
 - (vi) Trucking and transport depot and *warehouse*;
 - (vii) Trucking establishment;
 - (viii) *Warehouse* or storage establishment; or
 - (ix) Subject to subsection (2), a manufacturing and/or processing establishment; and
 - (x) Subject to subsection (2), an industrial establishment.
 - (b) a *secondary use* as *outdoor storage* for a *use* mentioned in clause (a); 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) One of the following main *uses* may be permitted subject to terms and conditions applied by the Planning Advisory Committee:
- (a) Manufacturing and/or processing establishment; and
 - (b) Industrial establishment.

The Planning Advisory Committee may prohibit the *use* where compliance with the terms and conditions cannot reasonably be expected.

6.2.2 I Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within the I-1 (Heavy Industrial) Zone unless the *lot* is serviced by municipal water and sewer and the following standards are met:

Table 6.2.1: I-1 Lot Requirements (Serviced Lots)	
Lot Component	Requirement
Minimum lot area	1,400 m ² (15,000 ft ²)
Minimum lot frontage	30 m (100 ft)
Minimum front / flankage yard	9 m (30 ft)
Minimum rear yard	9 m (30 ft)
Minimum side yard	Main Building or Structure: 9 m (30 ft)
	Accessory Building: 6 m (20 ft)
Maximum Height	Main Building or Structure: 15 m (50 ft)
	Accessory Building: Two storeys or 7.6 m (25 ft)
Maximum lot coverage	50%

6.3 I-2 (Light Industrial) Zone

6.3.1 Permitted Uses

- (1) The following main *uses* of land are permitted only if approved by the *Planning Advisory Committee* and only on compliance with such terms and conditions as may be imposed by the *Planning Advisory Committee*.
- (a) one or more of the following main *uses*:
 - (i) business services;
 - (ii) commercial services;
 - (iii) fabrication and processing;
 - (iv) *restaurant*;
 - (v) *warehouse* or storage establishment.
 - (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.

6.3.2 I-2 Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within the I-2 (Light Industrial) Zone unless the *lot* is serviced by municipal water and sewer and the following standards are met:

Table 6.3.1: I-1 Lot Requirements (Serviced Lots)	
Lot Component	Requirement
Minimum <i>lot area</i>	1,400 m ² (15,000 ft ²)
Minimum <i>lot frontage</i>	30 m (100 ft)
Minimum <i>front / flankage yard</i>	9 m (30 ft)
Minimum <i>rear yard</i>	9 m (30 ft)
Minimum <i>side yard</i>	<i>Main Building or Structure:</i> 9 m (30 ft) <i>Accessory Building:</i> 6 m (20 ft)
Maximum <i>Height</i>	<i>Main Building or Structure:</i> 15 m (50 ft) <i>Accessory Building:</i> Two storeys or 7.6 m (25 ft)
Maximum <i>lot coverage</i>	50%

7.0 INSTITUTIONAL ZONES

7.1 INST (Institutional Zone)

7.1.1 INST Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any INST (Institutional) zone for any purpose other than:
- (a) One of more of the following main *uses*:
 - (i) *Building* intended for public assembly or for social, cultural or recreational activities;
 - (ii) *Cemetery*;
 - (iii) Educational *building*;
 - (iv) Hospital or health *building*;
 - (v) Government or municipal *building*
 - (vi) Religious or secular institution;
 - (vii) Day care centre for more than 3 children, subject to PAC approval; approval of a day care *use* for more than 6 children will by PAC including conditions to cover fire safety, access, parking health and other conditions PAC may see fit.
 - (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.

7.1.2 INST Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any INST (Institutional) zone unless the following standards are met:

Table 7.1.2: INS Zone Requirements		
Lot Component	Requirement	
Minimum <i>lot area</i>	560 square meters (6,000 sq ft)	
Minimum <i>lot frontage</i>	15 meters (49 ft)	
Minimum <i>front / flankage yard</i>	7.5 m (25 ft)	
Minimum <i>rear yard</i>	7.5 m (25 ft)	
Minimum <i>side yard</i>	7.5 m (25 ft)	
Maximum <i>Height of Main Building</i>	15.24 m (50 ft) for the main portion and twice the main <i>height</i> of the <i>building</i> for spires, belfries or other subsidiary features.	
Maximum <i>Height of Accessory Building</i>	Two stories or 9 m (30 feet) or the <i>height</i> of the <i>main building</i> or <i>structure</i> to which it is accessory.	
Maximum <i>lot coverage</i>	Main Building or Structure	50%

- (2) No *lot* may be used for a purpose mentioned in section 7.1.1 unless such *lot* is serviced by municipal water and sewer facilities.

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- (3) No *accessory building* or *structure* may:
- (a) be used for a residential use;
 - (b) be placed, *erected* or *altered* so that it is within the *front yard* of the *main building*;
 - (c) be placed, *erected* or *altered* so that it is closer to the *front lot line* than the *main building*;
 - (d) be placed, *erected* or *altered* so that it is closer to the side or *rear lot line* than the required *side* or *rear yard* setback for that specific zone;
 - (e) exceed more than 57 m² (624 ft²) *gross floor area* or 10% of the area of the *lot*;
 - (f) be used for *agricultural uses*;
 - (g) be used for the keeping of *livestock* or domestic animals.

8.0 SPECIAL ZONES

8.1 OS (Park and Open Space) Zone

8.1.1 OS Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any OS (Open Space) zone for any purpose other than:
 - (a) one or more of the following main *uses*:
 - (i) Areas of natural or scientific interest;
 - (ii) Boat landing;
 - (iii) Buffer areas along *watercourses*.
 - (iv) Park, pathway or playground;
 - (v) Protection of environmentally sensitive areas; and
 - (vi) Public open space for the aesthetic or other *use* of the general public;
 - (b) An *accessory building, structure* or *use* incidental to the main *use* of the land if such main *use* is permitted by this section.

8.2 FD (Future Development) Zone

8.2.1 FD Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any FD (Future Development) Zone for any purpose other than:
- (a) one of the following main *uses*:
 - i. Agricultural *use*;
 - ii. Commercial *kennel*;
 - iii. *Forestry use*;
 - iv. *Nursery* or *greenhouse* operation;
 - v. Private or public stable; or
 - vi. Recreational *use* including a sports field.
 - (b) a *single family dwelling* as a *secondary use*; and
 - (c) any *accessory building, structure* or *use*, including a *farm dwelling* incidental to the main *use* of the land, *building* or *structure* if such main *use* is permitted by this section.

8.2.2 FD Zone Requirements

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any FD (Future Development) Zone unless the following standards are met:

FD Zone Lot Requirements	
Lot Component	Requirement
Minimum <i>lot area</i>	4050 m ² (43,600 ft ²)
Minimum <i>lot frontage</i>	55 m (180 ft)
Minimum <i>lot depth</i>	38.1 m (125 ft)
Minimum <i>front / flankage yard</i>	7.5 m (25 ft)
Minimum <i>rear yard</i>	7.5 m (25 ft)
Minimum <i>side yard</i>	(i) for <i>uses</i> mentioned in sub clause (ii) of clause (a) of section 8.2.1 (1), 1.22 m (4 ft) on one side of the <i>building</i> or <i>structure</i> and 39.01 m (128 ft) on the other side (ii) for all other <i>uses</i> 3.048 m (10 ft)
Maximum <i>Height</i>	12.2 m (40 ft)
Maximum <i>lot coverage</i>	25%

- (2) No *accessory building* or *structure* may:
- (a) exceed two stories or 7.3 m (24 ft) in *height*; or
 - (b) be placed, *erected* or *altered* so that it is within:
 - (i) except for a *farm dwelling*, the *front yard* of the *main building* or *structure*, or
 - (ii) 3 m (10 ft) of a side or *rear lot line*.

8.3 U (Utility) Zone

8.3.1 U Zone Permitted Uses

- (1) No development shall be undertaken nor shall any land, *building* or *structure* be used within any U (Utility) Zone for any purpose other than:
- (a) a public or private *utility use*;
 - (b) railway trackage or a spur line; and
 - (c) any *accessory building, structure* or *use*, including a farm *dwelling* incidental to the main *use* of the land, *building* or *structure* if such main *use* is permitted by this section.

9.0 SIGNAGE

9.1 General Signage Criteria

- (1) Any *illuminated sign* must be lit internally with all light shining through a translucent or coloured material and incorporate the use of Light Emitting Diode (LED) lights where possible.
- (2) No *sign* shall be *erected*, operated, used or maintained which,
 - (a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the Development Officer.
 - (b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - (c) obstructs the use of a fire escape, door, window or other required exit;
 - (d) projects over or rests upon any part of a public right-of-way or public sidewalk, except a *fascia* or *canopy sign*, unless otherwise permitted in this By-law;
 - (e) extends more than 45 cm (17.7 in) above the roof line or parapet of the *building* or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy that it is attached to;
 - (f) is attached to a tree;
 - (g) is a *roof sign*;
 - (h) is a *portable sign*; and
 - (i) is an off-site *sign*, except a *sign* giving general warning or direction to the public.
- (3) The provisions of this By-law with respect to existing *signs* that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming *sign* that is relocated, *altered*, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of a *sign*.
- (4) No *sign* shall be painted upon or cover a fence or roof.

9.2 Sign Area Calculations

- (1) For the purposes of determining the total permitted area of any *sign*:
 - (a) the *sign area* shall be considered to be the area of the smallest triangle, square, rectangle, circle or semi-circle that can totally circumscribe the *sign face* in the plane of its largest dimension of a *fascia sign* as shown below in Figure 9.3.1;

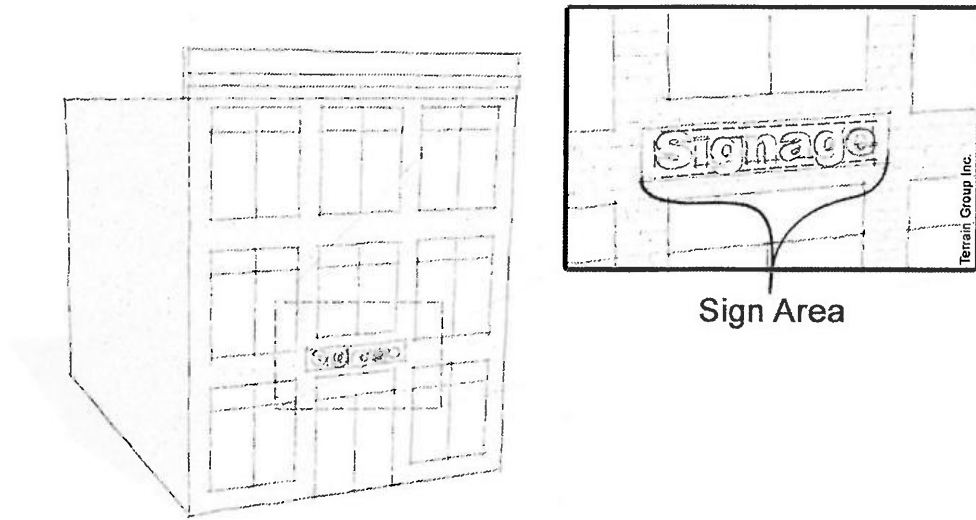


Figure 9.3.1

- (b) in the case of *fascia signs* featuring individual letters affixed to a *building face*, the total *sign area* is the sum of the *sign area* for each individual letter as shown below in Figure 9.3.2;

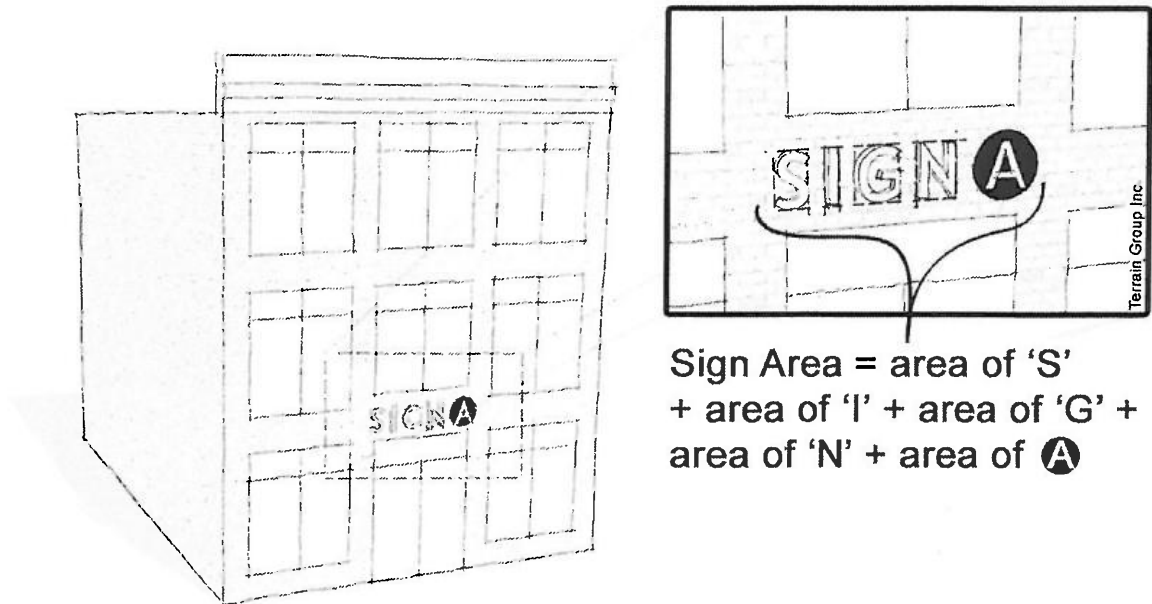


Figure 9.3.2

- (c) when determining the *sign area* of a *freestanding sign*, the total area of one or more *sign boxes* must be calculated as shown below in Figures 9.3.3 and 9.3.4; and



Figure 9.3.3

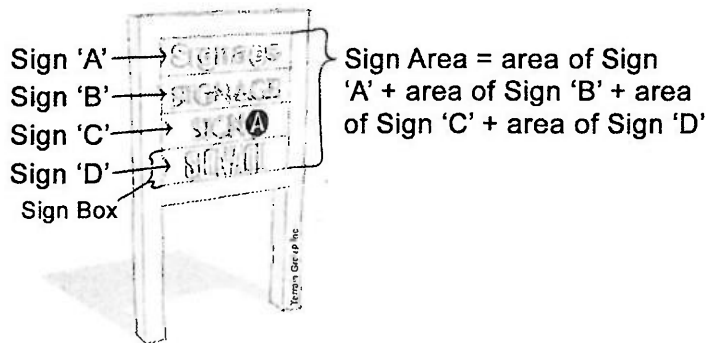


Figure 9.3.4

- (d) each visible face of a *sign* shall be calculated separately and then totaled in determining the *sign area*.

9.3 Specific Sign Provisions

9.3.1 Signage in a Residential Zone

- (1) *Signs* associated with a permitted *home occupation, daycare, boarding or rooming house* shall:
 - (a) be attached to, painted, placed or *erected* upon or against a wall of the residence with the face of the *sign* parallel to the wall;
 - (b) be attached below the second *storey* windows; and
 - (c) not exceed 1 m^2 (11 ft^2) in *sign area*; and
 - (d) not be *illuminated*.
- (2) Any *sign* not requiring a permit under section 9.3.3 shall be permitted in all residential zones.
- (3) In Residential and Rural Area zones, *fascia signs* shall not exceed 0.25 m^2 (2.7 ft^2) in area nor shall any *sign* be *illuminated* or be used for any purpose other than to identify the residents therein, to warn against trespassing, or to advertise a *secondary use*.

9.3.2 Freestanding Signs

- (1) *Freestanding signs* are permitted in the Central Commercial (CC) Zone and Light Industrial (I2) Zone provided that:
 - (a) no *sign* shall exceed a maximum *height* of 5 m (16 ft);
 - (b) no *sign* shall exceed a maximum size of 6 m^2 (64 ft^2) in *sign area* per *sign face* for a single business property and 9 m^2 (97 ft^2) in *sign area* per *sign face* for a multiple-business property;
 - (c) no more than one *free-standing sign* shall be permitted for every 30 m (98 ft) of *lot frontage*; and
 - (d) no *sign* shall extend beyond the *street right-of-way line* at the outermost point of the *sign*.
- (2) *Freestanding signs* are permitted in the Highway Commercial (HC) Zone and Industrial Park (I-1) Zone provided that:
 - (a) no *sign* shall exceed a maximum *height* of 10 m (33 ft);
 - (b) no *freestanding sign* shall have signage that exceeds:
 - (i) 6 m^2 (64 ft^2) in *sign area* per *sign face* for a one or two business building;
 - (ii) 8.75 m^2 (94 ft^2) in *sign area* per *sign face* for a three (3) business building;
 - (iii) 11.5 m^2 (124 ft^2) in *sign area* per *sign face* in *sign area* for a four (4) business building; and
 - (iv) 14.25 m^2 (153 ft^2) in *sign area* per *sign face* for a five (5) or more business building.

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- (c) no more than one *free-standing sign* shall be permitted for every 30 m (98 ft) of *lot frontage*; and
- (d) no *sign* shall extend beyond the *street* right-of-way line at the outermost point of the *sign*.

9.3.3 Projecting Signs

- (1) *Projecting signs* shall be permitted in all zones except Residential zones, provided that:
 - (a) no *sign* shall exceed a maximum size of 6 m² (64 ft²) in gross surface area;
 - (b) no *sign* shall project more than 1 m (3.3 ft) from the *building* wall;
 - (c) there shall be a maximum of one *projecting sign* per business on a property; and
 - (d) no *sign* shall project more than 30 cm (1 ft) above the roof of a *building*.

9.3.4 Fascia Signs

- (1) *Fascia signs* shall be permitted in the CC and I-2 Zones provided that:
 - (a) the total *sign area* of the *building* does not exceed ten percent (10%) of the total surface area of the *building* face where the signage is to be *erected*;
 - (b) no single *sign* shall exceed 1.5 m² (16 ft²) in *height*.
- (2) *Fascia signs* shall be permitted in the Highway Commercial (LFC) Zone and Heavy Industrial (I-1) Zone provided that:
 - (a) signage does not exceed twelve percent (12%) of the total surface area of the *building* face where the *sign* is to be *erected*;
 - (b) no individual *sign* shall exceed 3.0 m (10 ft) in *height*;
- (3) Subject to 9.7(2), *fascia signs* in any zone shall not exceed the length of the wall of the *building* upon which the *sign* is to be displayed.
- (4) No *fascia sign* shall project more than 25 cm (10 in) from the wall that the *sign* is affixed to.

9.3.5 Sandwich Board Signs

- (1) In all zones, except residential zones, *sandwich board signs* are permitted provided that the *sign* shall:
 - (a) not exceed a single-faced area of 0.5 m² (5.4 ft²);
 - (b) no more than one *sandwich board sign* is provided per *lot*; and
 - (c) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or *street* right-of-way.

9.4 Signage Permits

- (1) No *person* shall construct, *erect*, display, *alter* or relocate a *sign* and no *person* being the owner or lessee of property shall permit, suffer or allow the construction, erection, display, *alteration* or relocation of a *sign* on such property without a *sign* permit first having been obtained in accordance with the provisions of this By-law.
- (2) No permits shall be issued for a *sign* constructed on a permanent foundation without a *building permit* having first been issued in accordance with the Building By-law.
- (3) Notwithstanding the provisions of 9.3(1), no *sign* permit is required for:
 - (a) real estate *signs* that are of a temporary nature and advertise the property upon which they are located as being available for immediate sale, lease or rent;

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- (b) construction *signs* temporarily located on a *lot* that identifies the project, owner, architect and/or consulting engineer;
- (c) advertising specific community events;
- (d) traffic and directional *signs* authorized by the City;
- (e) signs less than 0.09 m² (1ft²) in area;
- (f) election *signs*; and
- (g) *signs* posted or exhibited in a *building*, including *signs* inside a window, except neon or flashing *signs*.

9.5 Applications and Plans

(1) An applicant for a *sign* permit shall:

- (a) complete a *sign* permit application in a form prescribed by the Development Officer for the Town of St. Stephen;
- (b) submit plans and specifications of the proposed *sign* and of any supporting framework and anchoring devices;
- (c) submit a site plan showing public and private right-of-way boundaries, the location of existing *signs* and the proposed *sign* that is the subject of the application;
- (d) a list of the materials proposed to be used in the construction of the *sign*;
- (e) provide such additional information as the Development Officer may require as to stress-bearing capacities of the *sign* and the equipment used in its placement; and
- (f) submit a *sign* permit to the Development Officer for each *sign* that a permit is required under the provisions of this By-law.

9.6 Abandoned and Unlawful Signs

- (1) No *person* being the owner or lessee of property that a *sign* is located shall permit, suffer or allow such *sign*, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- (2) The Development Officer may require the removal of any *sign* that, in their opinion, has become unsightly, or is in such a state of disrepair as to constitute a hazard.
- (3) Any *sign* that no longer advertises a bona fide business or service on the premises shall be removed within sixty (60) days of termination of the business or service.

9.7 Signage Variances

(1) The Planning *Advisory Committee* (PAC) may permit a *fascia* or *freestanding signs* to exceed the *height* and area requirements of this By-law through a variance. When reviewing a variance application Town Staff and PAC shall consider the following:

- (a) the dominance of the *sign*
- (b) whether the *sign* is out of scale in context to surrounding *buildings* and other signage in the area;
- (c) the impact on the architectural features of the *building* and surrounding environment;
- (d) the impact of *illuminated* signage on the surrounding environment; and
- (e) whether the proposed signage impact pedestrian or vehicular movement.

(2) The Planning *Advisory Committee* may permit a *fascia sign* to project beyond the wall of a *building* so long as the *sign*:

- (a) adds to the architectural appeal of the *building*;
- (b) does not impact adjacent land *uses* through illumination or dominance of the *sign*; and
- (c) does not impact pedestrian or vehicular movement

10.0 REPEAL AND TRANSITION

- (1) By-Law No. Z-1, Town of St. Stephen Zoning By-Law, enacted on May 3, 2004 and all amendments are hereby repealed.
- (2) The repeal of By-Law No. Z-1, Town of St. Stephen Zoning By-Law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

READ FIRST TIME: March 21, 2011

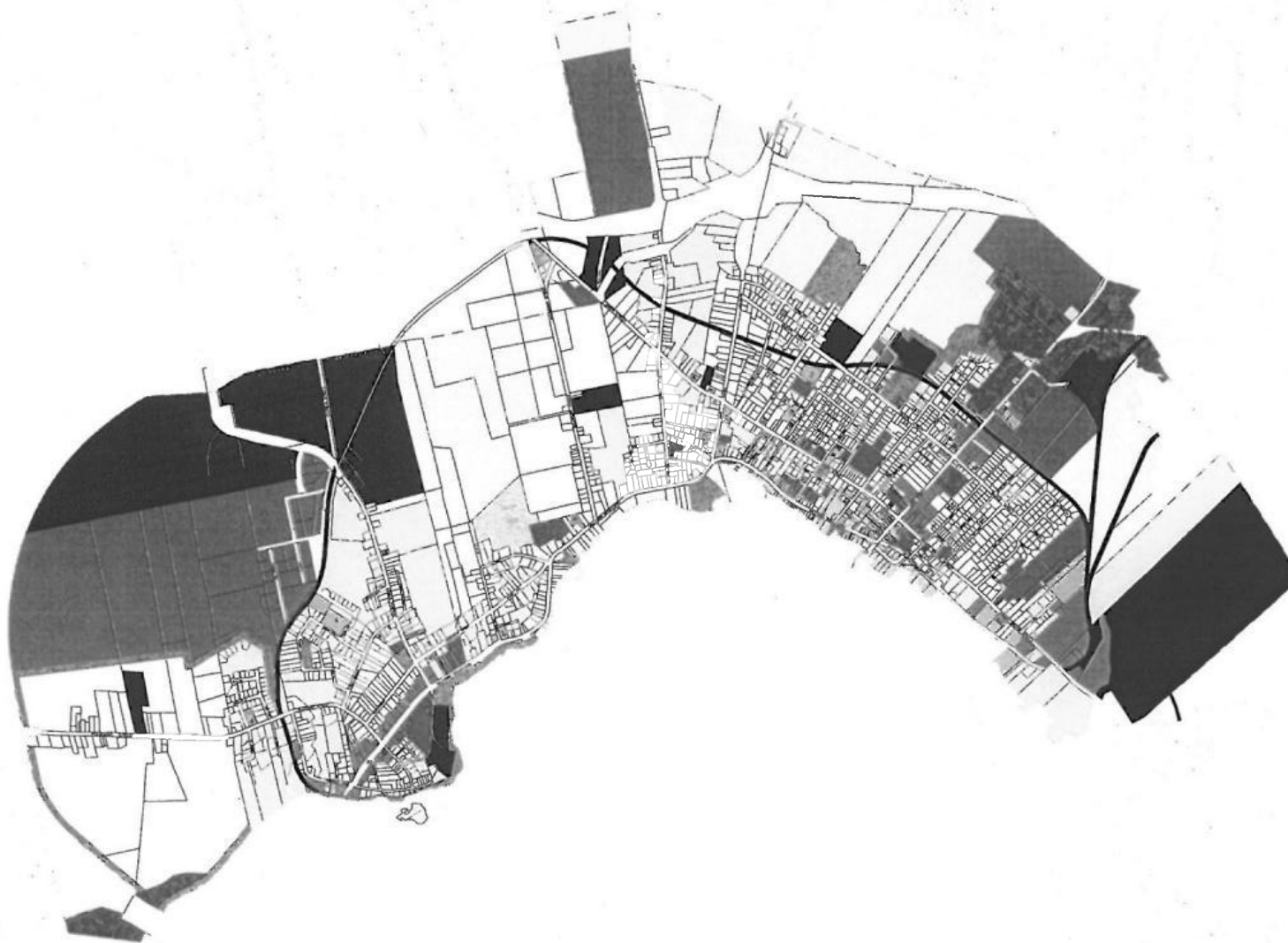
READ SECOND TIME: May 16, 2011

READ THIRD TIME AND ENACTED: May 16, 2011


Mayor


Town Clerk

SCHEDULE "A"



LEGEND

- R-1 (SINGLE & TWO FAMILY RESIDENTIAL) ZONE
- R-2 (RESIDENTIAL MIX) ZONE
- R-3 (MULTIPLE UNIT RESIDENTIAL) ZONE
- RLL (LAND LEASE RESIDENTIAL) ZONE
- CM (COMMERCIAL MIX) ZONE
- NC (NEIGHBORHOOD COMMERCIAL) ZONE
- LFR (LARGE FORMAT RETAIL) ZONE
- I-1 (HEAVY INDUSTRIAL) ZONE
- I-2 (LIGHT INDUSTRIAL) ZONE
- OS (PARK & OPEN SPACE) ZONE
- INST (INSTITUTIONAL) ZONE
- U (UTILITY) ZONE
- FD (FUTURE DEVELOPMENT) ZONE
- DT (DOWNTOWN) ZONE
- TOWN BOUNDARY

NOTE: NUMBERED PROPERTIES CORRESPOND TO SPREADSHEET IDENTIFYING INCORRECTLY ZONED AREAS ON PREVIOUS ZONING PLAN.



Town of St. Stephen

Zoning Map

FINAL



0 100 200 300 400 500
SCALE: 1:5000