



## **Town of Riverview**

### Zoning By-law

No. 300-7



BY-LAW # 300-7  
TOWN OF RIVERVIEW ZONING BY-LAW

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accessory dwelling  
accessory use  
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adult entertainment use  
adult motion picture theatre  
adult retail outlet or adult bookstore  
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## BY-LAW # 300-7

### TOWN OF RIVERVIEW ZONING BY-LAW

BE IT ENACTED by the Council of the Town of Riverview under the authority vested in it by the *Community Planning Act*, S.N.B., 2017, c. 19, as follows:

#### DEFINITIONS

1 Unless the context requires a different meaning, the following definitions apply in this By-law

**"abut"** means a lot line that has any point in common with another lot line.

**"accessory building"** means a detached building on the same lot as the main building devoted, with the exception of a garden suite, exclusively to an accessory use.

**"accessory dwelling"** means a dwelling unit which is secondary to the principal dwelling unit and, with the exception of a garden suite, contained in the same building.

**"accessory use"** means a use incidental to and exclusively devoted to a main use of land, building or structure and located on the same lot.

**"Act"** means the *Community Planning Act*, S.N.B. 2017, c. 19.

**"adult cabaret"** means a nightclub, bar, restaurant, or similar establishment that features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**"adult entertainment use"** means a use that includes adult cabarets, adult motion picture theatres, adult retail outlets or adult bookstores, escort services and massage parlours, whether these stated purposes are developed as a main, secondary or accessory use.

**"adult motion picture theatre"** means a commercial establishment where films, motion pictures, or other photographic reproductions are shown which are characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas.

**"adult retail outlet or adult bookstore"** means a building or part of a building with the principal purpose to offer for sale or rent, either of the following:

- (a) books, magazines, or other printed matter, or photographs, films, motion pictures, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
- (b) instruments, devices, or paraphernalia that are designed for use in connection with sexual activities.

**"agricultural use"** means the use of land, buildings or structures, other than a kennel or cattery, for the production and sale of food, fibre or flora products, the breeding and handling of animals, or the sale of agricultural goods or animals.

**"assisted living facility"** means a multiple unit residential building that provides supervision and medical assistance to residents and offers the coordination of services by outside health care providers and may include such secondary uses as medical offices or clinics, personal service shops or a retail store and similar uses not exceeding 50 m<sup>2</sup> each.

**"automobile repair shop"** means a building or part of a building used for servicing or repair of motor vehicles including but not limited to auto body work, muffler, brake, tire and glass replacement and repair, transmission repair and replacement, wheel alignment, and other customizing activities directly related to the repair or alteration of motor vehicles for commercial gain but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of petroleum products.

**"automobile sales establishment"** means a building and/or land used for the display, sale, leasing or renting of motor vehicles, accessories and related products and may include an automobile repair shop.

**"basement"** means that portion of a building between two floors which is partially underground and which has at least one-half of the distance from the finished floor to the finished ceiling above grade.

**"bed and breakfast"** means a single unit dwelling in which overnight accommodation and meals are provided for the travelling public.

**"bicycle parking space"** means a slot in a bicycle rack to which an adult sized bicycle may be secured by means of an 8 inch U lock, or a bicycle locker capable of being locked.

**"billboard sign"** means a sign with changing advertising copy used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

**"building"** means a roofed structure, including a vessel or container, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment.

**"bus"** means any motor vehicle designed for carrying ten or more passengers and used for the transportation of persons as defined under the Motor Vehicle Act, R.S.N.B., 1973, c. M-17.

**"campground"** means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers.

**"canopy sign"** means a sign attached to a building or structure which extends outward from the exterior wall of the building or structure, including but not limited to marquees and self-supporting service station canopies.

**"carport"** means a building or structure which is designed for the parking and storage of motor vehicles and is opened on at least two ends in order to provide unobstructed access to the rear yard.

**"car wash"** means the use of a lot on which vehicles are washed for commercial gain.

**"caterer's establishment"** means a building or part of a building where food and or beverages are prepared for consumption elsewhere.

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

**"church"** means a place of worship and its related facilities.

**"commercial parking lot"** means a surface parking lot where parking spaces are rented or leased, but does not include parking lots as an accessory use.

**"commercial use"** means an occupation, employment or enterprise that is carried on for profit by the owner or occupier.

**"commercial vehicle"** means a commercial vehicle that has a gross mass of four thousand five hundred kilograms or more, and includes a bus, as defined under 265.1 of the Motor Vehicle Act, R.S.N.B., 1973, c. M-17.

**"Committee"** means the Town of Riverview Planning Advisory Committee

**"communication use"** means the use of land, buildings or structures for the production, storage and dissemination of information and information products including but not limited to broadcast studios, television services, publishing and printing facilities, telecommunication services and call centres.

**"community garden"** means a piece of land, not exploited for commercial uses, that is cultivated by a group of people rather than a single family or individual.

**"Council"** means the mayor and councillors of the Town of Riverview.

**"convenience store"** means a building or part of a building which is intended to serve the needs of residents of the immediate area with a variety of goods for sale.

**"corner lot"** means a lot situated at the intersection of, and abutting on, two or more streets.

**"critical elevation"** means the lowest point on a foundation wall where surface water would first enter, and more specifically means the lower of:

- (a) the lowest point of the top of the foundation wall, and
- (b) the lowest point of an opening or depression in the foundation wall, including basement windows, doorways or other non-watertight openings, but excluding basement windows equipped with window wells in conformity with the National Building Code of Canada edition adopted under the Building By-law.

**"daycare centre"** means a day care centre as defined and regulated under the *Day Care Regulation* under the *Family Services Act*, R.S.N.B., 1973, c. F-2.2.

**"deck line"** means, in relation to a gambrel or mansard roof, the horizontal line created by the change of pitch in that part of the roof surface lying between the ridge line at the top of the roof and the point where the roof rafters rest on the vertical exterior walls.

**"development"** means development as defined in the Act.

**"development officer"** means a development officer as defined under the Act.

**"directional sign"** means a sign directing vehicles or pedestrians to an access or driveway on a lot.

**"directory sign"** means a sign listing only the names or business logos of businesses located on a commercial, institutional or industrial site consisting of one or more lots.

**"display court"** means an area of land where goods are displayed for sale from a retail outlet located on the same lot.

**"dissolving"** means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**"distribution use"** means a use carried out primarily in a building used for the storage, wholesaling and distribution of goods and materials.

**"drive thru"** means an establishment that is designed to provide services or products to customers while in their vehicle.

**"driveway"** means that portion of a lot designed or intended to provide vehicular access to the property.

**"driveway aisle"** means the area within a parking lot designed or intended for internal vehicular circulation providing direct access to a parking aisle, but does not provide direct access to a parking space.

**"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, but does not include a hotel, a motel, apartment hotel or hostel.

**"dwelling, accessory"**, see "accessory dwelling".

**"dwelling, manufactured"**, see "manufactured dwelling".

**"dwelling, multiple unit"**, see "multiple unit dwelling".

**"dwelling, rowhouse"**, see "rowhouse dwelling".

**"dwelling, semi-detached"**, see "semi-detached dwelling".

**"dwelling, single unit"**, see "single unit dwelling".

**"dwelling, townhouse"**, see "townhouse dwelling".

**"dwelling, two unit"**, see "two unit dwelling".

**"dwelling unit"** means one or more habitable rooms designed, occupied or intended for the exclusive use by one or more persons as an independent and separate housekeeping unit in which a kitchen, sleeping and sanitary facilities are provided.

**"educational use"** means a college, university, vocational or trade school, public or private school, and includes supportive amenities, facilities and residential buildings for staff and students, if the buildings are on the same lot as the place of instruction.

**"electronic message sign"** means a sign that uses changing lights to form a sign message or messages in which the sequence of messages and the rate of change can be electronically programmed or modified.

**"electronic moving copy"** means a sign copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other similar electronic technology where the sign copy displays moving images.

**"electronic static copy"** means a sign copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other similar electronic technology where the sign copy is fixed for a set period of time, but does not include gas price indicators.

**"engineered solution"** means a drainage plan, stamped by a professional engineer, providing for drainage and surface water management adequate to prevent surface water from entering a main building during a precipitation event up to and including a 100-year return period for a 24-hour duration and consistent with a drainage agreement in effect for the property in question, and which furthermore will not negatively impact drainage on adjacent properties.

**"entertainment use"** means a commercial use in a building or on a lot which involves entertainment, amusement or relaxation including but not limited to a theatre, tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall, but does not include adult entertainment or exotic entertainment.

**"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.

**"escort service"** means an establishment where, for consideration, escorts are provided for sexual purposes; and which is characterized by an emphasis on specified sexual activities.

**"established grade"** means the average elevation of the finished surface of the ground where it meets the exterior of a building, or the average elevation of the finished grade of the ground immediately surrounding a structure other than a building.

**"exotic entertainment"** means live entertainment subject to the conditions prescribed in the *General Regulation* under the *Liquor Control Act*, R.S.N.B., 1973, c. L-10.

**"extraction"** means the excavation of rock, borrow material, soil for commercial sale or use, but does not include buildings, structures or storage areas which are used for mining activities.

**"facade"** means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**"fading"** means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**"farmers' market"** means an establishment or premises where foods, wines, health and wellness products, arts and crafts are sold by local vendors within buildings or from uncovered or open air areas designated for individual retailers.

**"flankage"** means the length of the flankage lot line measured to the actual or hypothetical point of intersection of the front lot line and flankage lot line.

**"flankage lot line"** means the longer lot line abutting the street on a corner lot.

**"flankage yard"** means the side yard of a corner lot that abuts a street.

**"flashing"** means an intermittent or flashing light source where the identical electronic message sign message is constantly repeated at extremely fast intervals.

**"forestry use"** means the general raising and harvesting of wood and includes the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products.

**"freestanding sign"** means a sign supported independently of a building and permanently fixed to the ground.

**"front lot line"** means either the shorter lot line abutting the street on a corner lot or the only lot line abutting the street or access road, but when the lot lines on a corner lot are of equal distance, and a building is located thereon, the front lot line shall be that line that is parallel to the front of the building.

**"front yard"** means a yard extending across the full width of a lot between the front lot line and the nearest main wall of a main building or main structure on the lot.

**"frontage"** means the length of the front lot line, however, for the purpose of calculating frontage on a corner lot, the distance will be measured to the actual or hypothetical point of intersection of the front lot line and flankage lot line

**"full cut-off lighting fixtures"** means a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.

**"fully screened"** means not visible from the established grade of the street or adjacent property.

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

**"garden suite"** means a detached accessory dwelling placed or erected in the rear yard of an existing single unit dwelling lot.

**"geodetic datum"** means the elevation at sea level

**"geodetic elevation"** means the elevation or height of given point on land above geodetic datum

**"golf course"** means a public or private area operated for the purpose of playing golf and related activities including a club house, and administration buildings. Golf course uses, may include dwelling units as a secondary use.

**"government use"** means a municipal, provincial or federal government use, but does not include a public school.

**"gross floor area"** 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 but excluding car parking areas within the building.

**"ground floor"** means the lowest full storey that is entirely located above the established grade.

**"habitable space"** means the space within a dwelling unit in which living functions are normally carried on.

**"heavy equipment sales establishment"** means land, building or structure used for the display, sale, servicing, storage, leasing or renting of truck tractors, heavy equipment, motor homes, travel trailers, and related products or accessories.

**"height"** means the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, or to the deck line in the case of gambrel or mansard roof, or to the underside of the eaves of the main part of the building in the case of a gable roof.

**"home business"** means a commercial use on a lot that contains a single unit dwelling.

**"home daycare"** means a community day care home or family day care home as defined and regulated under the *Day Care Regulation* under the *Family Services Act*, R.S.N.B., 1973, c. F-2.2, that operates as a secondary use in a single unit dwelling.

**"home occupation"** means a use conducted entirely in a portion of a single unit dwelling, two unit dwelling or semi-detached dwelling which is incidental and secondary to the main use and may include:

- (a) an office;
- (b) a personal service shop;
- (c) an instructional service, including but not limited to the teaching of music, arts and crafts or dance;
- (d) a domestic and household art workshop, including but not limited to 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; and
- (e) a service shop.

**"hotel" or "motel"** means a commercial building providing temporary accommodations for travellers or transients on a year round basis, and may have a public dining room and convention room.

**"household pet"** means a domestic animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility, including but not limited to dogs, cats, rabbits, small birds, and Vietnamese potbellied pigs, but does not include cattle, sheep, horses, pigs, poultry, bees and animals customarily kept as farm animals.

**"identification sign"** means a sign listing only the development or building name, civic number, and contact information of its developer or agent.

**"illuminated sign"** means a sign illuminated by an artificial light source.

**"independent living facility"** means a multiple unit residential building which includes common area(s) consisting of a space equal to at least 10% of the total floor area of each dwelling unit of which up to 50% may be exterior to the building and may also include such secondary uses within the building as medical offices or clinics, personal service shops or a retail store and similar uses not exceeding 50 m<sup>2</sup> each.

**"industrial use"** means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods.

**"institutional use"** means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, including but not limited to churches, places of worship, public or private schools and preschool.

**"kennel"** means a building or structure used for the enclosure of more than four dogs which are kept for the purposes of commercial breeding or for commercial boarding.

**"landscaping"** means lawn, ornamental shrubs and may include paths, patios, walkways, fountains, reflecting pools, art work, screens, walls, fences, benches and existing natural rock or treed areas, but does not include driveways, vehicle ramps, lanes, parking areas, or space beneath, within or on top of a building.

**"loading space"** means an area of land which is used for the temporary parking of a commercial vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

**"lot"** means one parcel of land described in a deed, transfer or subdivision plan, used or intended to be used as the site of a building or structure.

**"lot, corner"**, see "corner lot".

**"lot coverage"** means that percentage of the lot area that is permitted to be covered by all buildings and structures, other than swimming pools, but does not include that portion of the lot area which is occupied by a building or portion of a building which is completely below ground level.

**"lot line"** means a common line between a lot and an abutting lot, lane, street, parcel of land or body of water.

**"lot line, flankage"**, see "flankage lot line".

**"lot line, front"**, see "front lot line".

**"lot line, rear"**, see "rear lot line".

**"lot line, side"**, see "side lot line".

**"lot width"** means the distance measured between the side lot lines, or a side lot line and a flankage lot line, at the required front yard.

**"main building"** means the building designed or used for the principal use on the lot.

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

**manufactured dwelling** means a factory-built structure, equipped with the necessary service connections and made to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

**"massage parlour"** means an establishment where, for consideration, massage is administered to the human body for sexual purposes.

**"message duration"** means the period of time that sign copy is displayed on a sign face.

**"message transition"** means the period of time involved for each change of sign copy displayed on a sign face.

**"mini storage warehouse"** means a building containing at least three self storage units divided from the floor to the ceiling or roof, by a wall, with an independent entrance to each unit.

**"mobile stand"** means a vending operation on wheels which is established at a location on a temporary basis and which may change location.

**"motor vehicle"** means a motor vehicle as defined under the *Motor Vehicle Act*, R.S.N.B., 1973, c. M-17.

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

**"municipality"** means the Town of Riverview.

**"neighbourhood identification sign"** means a sign that identifies a residential neighbourhood or subdivision.

**"nursery"** means the use of land and buildings for the growing of plants for sale, and the sale of related accessory supplies.

**"occupied floor space"** means an habitable space as well as an indoor floor space devoted to commercial, institutional or industrial uses.

**"office use"** means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government, including but not limited to data processing and data storage operations.

**"off-site parking lot"** means a surface parking lot for the exclusive use of a main use situated on another lot, and excludes commercial parking lots.

**"outdoor storage"** means the storage of merchandise, goods, inventory, materials or equipment or other items outside a building on the same lot, but does not include a display court.

**"parking aisle"** means the area within a parking lot designed or intended for internal vehicular circulation providing direct access to one or more parking spaces, but shall not include a portion of a driveway aisle.

**"parking block"** means a segment of a parking lot containing no more than 150 parking spaces.

**"parking garage"** means a building or structure containing parking spaces for the parking of vehicles.

**"parking lot"** means an area of land for the parking of vehicles.

**"parking lot, commercial"**, see "commercial parking lot".

**"parking lot, off site"**, see "off-site parking lot".

**"parking space"** means an area reserved for the temporary parking or storage of motor vehicles, which does not include part of a parking aisle or driveway.

**"paved"** means the hardening or smoothing of a surface through the use of tar and gravel, asphaltic or Portland cement, concrete or other similar substance, including bituminous penetration, but does not include the use of clay, dirt or slag.

**"personal service shop"** means a building or part of a building in which persons are employed in furnishing direct services, including but not limited to barber shops, beauty parlours, pet grooming establishments, hairdressing shops, shoe repair shops, tailor shops, laundry and dry cleaning collection depots and shops.

**"pet services"** means care, other than veterinary care, provided to household pets, including but not limited to doggie daycares and pet grooming salons, but does not include a commercial kennel or overnight accommodation of animals.

**"philanthropic use"** means the use of building or land for the purpose of promoting charitable, benevolent, or educational objectives, and does not include a commercial use.

**"porch"** means a roofed open area which may be screened or glazed to a minimum of 50 percent fenestration ratio, usually attached to or part of and with direct access to or from a building.

**"portable sign"** means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and includes sandwich signs and signs commonly known as a "mobile" sign and "inflatable" device tethered to any building, structure, vehicle or other device.

**"private school"** means a building or part of a building where academic subjects are taught or which is maintained for philanthropic or religious purposes, but does not include a public school



**“projecting sign”** means a sign which is wholly or partially dependent on a building for support and which projects more than 0.3 metres from the building, but does not include a canopy sign

**“public entrance”** means an entrance that is the primary entrance to the building

**“public park”** means an area of land specifically set aside for recreational uses by the general public.

**“public school”** means a building or part of a building providing public education through a structured learning environment.

**“rear lot line”** means the lot line or point of intersection of the side lot lines farthest from and opposite the front lot line.

**“rear yard”** means a yard extending across the lot width, or in the case of a corner lot the yard extending to the flankage lot line, between the rear lot line and nearest main wall of a main building or main structure on the lot..

**“recreational use”** means the use of land, buildings or structures for the conduct of sports and other customary and usual leisure time activities, but does not include campgrounds or racetracks for motor vehicles or animals.

**“recreational vehicle”** means a vehicle intended for recreational use such as, but not limited to, a boat, boat trailer, chassis mounted camper, motorized home, slide-in camper, tent trailer, or travel trailer but does not include a bus

**“recreational vehicle sale establishment”** means a building and/or land used for the display, sale, leasing or renting of recreational vehicles, accessories and related products, but does not include an automobile sales establishment.

**“redemption centre”** means a redemption centre not exceeding 40m<sup>2</sup>, as defined by the Beverage Containers Act, R.S.N.B., 2011, c. 121.

**“required flankage yard”** means the minimum flankage yard depth required by the lot requirement tables in this By-law measured from the street line toward the nearest point on a main wall of a main building or main structure on the lot.

**“required front yard”** means the minimum front yard depth required by the lot requirement tables in this By-law measured from the street line toward the nearest point on a main wall of a main building or main structure on the lot.

**“required rear yard”** means the minimum rear yard depth required by the lot requirement tables in this By-law measured from the rear lot line toward the nearest point on a main wall of a main building or main structure on the lot.

**“required side yard”** means the minimum side yard depth required by the lot requirement tables in this By-law measured from the side lot line toward the nearest point on a main wall of a main building or main structure on the lot.

**“research and development”** means the use of land, buildings or structures for research, invention, design, engineering, the testing of products, processes, software or a combination of them, and manufacturing or processing related to the use.

**“residential care facility”** means a building used for 24 hour non-medical care of four or more persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living, or for the protection of the individual, but does not include a hospital, sanatorium, jail, prison, reformatory, or hostel.

**“residential use”** means a use of land for the purpose of accommodating one or more dwelling.

**“restaurant”** means a building or part of a building where food is offered for sale or sold to the public primarily for consumption on site but does not, unless otherwise specified, include a drive thru.

**“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 may include minor food processing and packaging in connection with the sale of food products, but does not include a heavy equipment sales establishment or an automobile sales establishment.

**“rooming house”** means a dwelling in which the proprietor supplies individual rooms for a fee for persons exclusive of the proprietor, members of the proprietor’s family or employees of the establishment.

**"rowhouse dwelling"** means a building containing three or more dwelling units side by side, under one roof and each unit having a separate front and rear access.

**"sandwich sign"** means a two-sided A-frame style, self-supporting portable sign which is not permanently affixed to the ground. A single panel of a sandwich sign has a maximum area of 0.75 square metres.

**"school, private"**, see "private school".

**"school, public"**, see "public school".

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

**"scrolling"** means a mode of message transition on an electronic message sign where the message appears to move vertically across the display surface.

**"second farmstead residence"** means a second single family dwelling that is located on the same lot as the main single family dwelling and the farm, and which is used exclusively by those directly involved with the farm operation.

**"secondary use"** means a use, other than a main or accessory use, that is conducted entirely within a building containing the main use unless otherwise specified.

**"semi-detached dwelling"** means a dwelling unit attached to another dwelling unit by a common above grade wall with each dwelling unit located on a separate lot.

**semi-trailer** means a semi-trailer as defined in the *Motor Vehicle Act*, R.S.N.B., 1973, c. M-17.

**"service shop"** means a building or part of a building used for the sale and repair of household articles, including but not limited to glass replacement shops, home electronics and appliance repair shops, but does not include industrial uses, manufacturing uses or automobile repair shops.

**"service station"** means the use of land, buildings or structures for the sale of fuels, lubricating oils or automobile accessories, and may include the servicing and repair of motor vehicles or a car wash.

**"side lot line"** means a lot line other than a front lot line, flankage lot line or rear lot line.

**"side yard"** means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of a main building or main structure on the lot.

**"sight triangle"** means the triangular area formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each point being a distance as determined in this By-law from the point of intersection of the street lines, and in the case where the street lines do not intersect, their point of intersection shall be deemed to be the intersection of the extension of the street lines.

**"single unit dwelling"** means a detached building containing only one main dwelling unit, but does not include a manufactured dwelling, travel trailer or motor home.

**"sign"** means a device, used to communicate a visual message, and for the purpose of calculating its area, shall include only that portion of the sign on which the message is contained, but in the case of a multi-sided sign, only the larger side will be used.

**"sign, billboard"**, see "billboard sign".

**"sign, canopy"**, see "canopy sign".

**"sign copy"** means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a sign face.

**"sign, directional"**, see "directional sign".

**"sign, directory"**, see "directional sign".

**"sign, electronic message"**, see "electronic message sign".

**"sign, freestanding"**, see "freestanding sign".

**"sign, illuminated"**, see "illuminated sign".

**"sign, neighbourhood identification"**, see "neighbourhood identification sign".

**"sign, portable"**, see "portable sign".

**"sign, projecting"**, see "projecting sign".

**"sign, wall"**, see "wall sign".

**"specified anatomical areas"** means any of the following:

- (a) less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, or
- (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**"specified sexual activities"** means any lawful sexual activities including:

- (a) causing human genitals to be in a state of sexual stimulation or arousal;
- (b) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**"storey"** means that portion of a building, excluding any portion of the building located below the ground floor, which is situated between the top of a floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.

**"street"** means the whole and entire right-of-way of every public highway, road, or road allowance.

**"street façade"** means the façade facing a street.

**"street line"** means the boundary line of a street.

**"street tree"** means a tree to be planted between the lot line and the curb or the travelled portion of the street where there is no curb.

**"street, stub"**, see "stub street".

**"structure"** means anything that is erected, built, or constructed of parts joined together.

**"stub street"** means a street or a future street that is reserved to provide access to unserviced land.

**"swimming pool"** means a tank or body of water which is intended to be used for swimming and which has a possible maximum depth greater than one metre, but does not include an existing natural body of water or stream.

**"swimming pool enclosure"** means a wall, a structure or a building, designed to be sturdy and impede climbing, which encloses a swimming pool.

**"telecommunication tower"** means a structure that is intended to send or receive wireless signals for communications purposes, and may include an equipment shelter containing related electronic equipment.

**"technology use"** means the use of land for the purpose of the development of electronic technology, bio technology or other technologies for commercial, industrial or governmental applications.

**"Town"** means the Town of Riverview

**"townhouse dwelling"** means

- (a) a building divided vertically into three or more attached dwelling units on separate lots, each of which has an independent entrance either directly or through a common vestibule,
- (b) a building divided vertically by common walls extending from the foundation to the roof into three or more attached dwelling units on separate lots, each having a separate entrance at grade,
- (c) a building that is divided vertically into three or more attached dwelling units on separate lots, each of which has independent entrances, to a front yard and rear yard immediately abutting the front and rear walls of each dwelling unit, or
- (d) a building divided vertically into three or more attached dwelling units on separate lots, each of which has a separate entrance from an outside yard area.

**"traditional materials"** means materials consistent with construction techniques and architecture of the pre-World War Two era, including but not limited to brick, masonry, brick or masonry veneer, glass, wood, composite wood, shingle or stucco, insulated stucco-type and metal-type panels, but does not include vinyl, aluminum or other plastic type sidings, tar paper, asphalt shingle and corrugated metal finishes.

**"trailer"** means a trailer as defined in the *Motor Vehicle Act*, R.S.N.B., 1973, c. M-17

**"transportation use"** means a use of land, buildings or structures to support transportation services and infrastructure, including but not limited to ports, airports, train or bus terminals, maintenance shops, and the storage of road maintenance equipment, but does not include automobile sales establishments or service stations.

**"truck tractor"** means a truck tractor as defined in the *Motor Vehicle Act*, R.S.N.B., 1973, c. M-17.

**"two unit dwelling"** means a building containing two dwelling units

**"use"** means the purpose for which land, buildings or structures, or a combination of them, are designated, arranged, erected, intended, occupied or maintained.

**"use, accessory"**, see "accessory use".

**"use, adult entertainment"**, see "adult entertainment use".

**"use, agricultural"**, see "agricultural use".

**"use, commercial"**, see "commercial use".

**"use, communication"**, see "communication use".

**"use, distribution"**, see "distribution use".

**"use, educational"**, see "educational use".

**"use, entertainment"**, see "entertainment use".

**"use, government"**, see "government use".

**"use, industrial"**, see "industrial use".

**"use, philanthropic"**, see "philanthropic use".

**"use, recreational"**, see "recreational use".

**"use, secondary"**, see "secondary use".

**"use, transportation"**, see "transportation use".

**"utility"** means a public or private system, works, plant or equipment or services that are intended for the use of the general public, including but not limited to water, wastewater, storm drainage, natural gas line, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines.

**"vending facility"** means a readily moveable building or structure where produce or goods are offered or kept for sale, primarily on a seasonal basis, including but not limited to ice cream or food stands, or garden centres, but does not include a mobile food stand.

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

**"wall sign"** means a sign, other than a canopy sign, roof sign or projecting sign, which is parallel and attached to a wall of a building.

**"watercourse"** means watercourse as defined in the *Clean Water Act*, R.S.N.B., 1973, c. C-6.1.

**"wholesale store"** means buildings or structures in which commodities are offered for sale in bulk, primarily for resale or business use.

**"yard"** means an open, uncovered space on a lot appurtenant to a building, except a court bounded on two or more sides by buildings.

**"yard, flankage"**, see "flankage yard".

**"yard, rear"**, see "rear yard".

**"yard, required flankage"**, see "required flankage yard".

**"yard, required front"**, see "required front yard".

**"yard, required rear"**, see "required rear yard".

**"yard, required side"**, see "required side yard".

**"yard, side"**, see "side yard".

**"zero net"** means the peak discharge rate of stormwater runoff from a post development property is equal to or less than the peak pre-development discharge rate of stormwater runoff for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year design storm event as outlined in the Design Criteria Manual.

## PART 1 – ADMINISTRATION AND INTERPRETATION

### Title

- 2 This By-law may be cited as the "Zoning By-law".

### Scope

- 3(1) This By-law:
- (a) divides the municipality into zones;
  - (b) prescribes the purposes for which land, buildings and structures in any zone may be used, and standards to which land use, and the placement, erection, alteration and use of buildings and structures shall 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 paragraph (b).
- 3(2) Under subsection 31(1) of the Act, this By-law shall be reviewed no later than ten years from its commencement or the last review.

### Interpretation

- 4(1) In this By-law, unless the context is not applicable, the provisions of the Interpretation Act, R.S.N.B., 1973, c. I-13 shall apply.
- 4(2) When a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

### Division 1.1 Zoning classifications and use of Tables

#### Zones

- 5 The town is divided into zones as listed in Table 7 and delineated on the "Town of Riverview Zoning Map" attached as Schedule A and forming part of this By-law.

#### Zone boundaries

- 6(1) When a zone boundary as set out in Schedule A is depicted near a lot line, it shall be deemed to be on the lot line.
- 6(2) Despite (1), for the purposes of the street tree planting provisions of this By-law, the zone on any lot shall be extended to the centre line of the street right-of-way.
- 6(3) In the event that a street or portion of a street is closed permanently, the property within the former street shall be zoned consistently with the land on either side of the closed street, however if the zoning on either side of the street is different, the respective zones will extend to the centre line of the former street.

#### Use of Tables

- 7(1) The permitted main, accessory and secondary uses for the zones listed in Table 7, and their lot requirements are prescribed in Parts 11 to 15, and the following conditions apply to those uses:
- (a) any purpose for which land, buildings or structures may be used is identified by the letter "P";

- (b) any particular purpose for which land, buildings or structures may be used, and which the Committee may approve subject to terms and conditions, is identified by the letter "C"; and
  - (c) the use of land, buildings or structures for any purpose not identified by the letter "P" or "C", whether they are main, secondary or accessory uses, are otherwise prohibited and identified by the symbol "-", except in the lot requirement tables, where the symbol "-" means the requirement is not applicable.
- 7(2) If there is a conflict between the permitted main, accessory and secondary uses and their lot requirements prescribed in Parts 11 to 15 and the specific requirements of a particular zone in any other Parts of this By-law, the latter shall apply.
- 7(3) All uses not permitted in this By-law are prohibited.

<b>Table 7</b>	
<b>Town of Riverview Zones</b>	
<b>Residential Zones (see also Part 11)</b>	
Single Unit Dwelling	R1
Single Unit Dwelling – Compact	R1-C
Two Unit Dwelling	R2
Residential Mix	RM
Multiple Unit Dwelling	R3
Rural Area	RA
Manufactured Dwelling	MD
<b>Commercial Zones (see also Part 12)</b>	
Suburban Commercial	SC
Residential Business Service	RBS
Commercial Mix	CM
Neighbourhood Commercial	NC
<b>Industrial Zones (see also Part 13)</b>	
Industrial	I
<b>Community Use Zones (see also Part 14)</b>	
Parks, Recreation, Institutional	PRI
Open Space	OS
<b>Integrated Developments Zones (see also Part 15)</b>	
Integrated Developments	ID

## **Division 1.2 Powers of Council**

### **Requirement for servicing**

- 8 Despite any other provision of this By-law, no building may be erected in the Town in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

### **Dilapidated, dangerous or unsightly buildings or structures**

- 9 When, in the opinion of Council, a building or structure is dilapidated, dangerous, or unsightly, Council may
- (a) require the improvement, removal or demolition of the building or structure at the expense of its owner, or

- (b) acquire the parcel of land on which the building or structure is located.

#### **Application to amend By-law**

- 10(1) A person who seeks to have this By-law amended shall apply in writing to Council and include with their application the following:
- (a) when the application involves rezoning of land,
    - (i) the signature of the owner of the land to be rezoned;
    - (ii) a copy of the registered deed or certificate of registered ownership of the land to be rezoned;
    - (iii) a letter outlining the reason for the amendment, including a site plan and plans of proposed new buildings;
    - (iv) a completed application in the form prescribed by the development officer; and
    - (v) a fee of \$2,750;
  - (b) when the application involves another amendment,
    - (i) a letter outlining the reason for the amendment;
    - (ii) a completed application in the form prescribed by the development officer; and
    - (iii) a fee of \$2,750.
- 10(2) The Council may return all or any part of the fee required to have this By-law amended.
- 10(3) When an application for rezoning has been denied, Council shall not entertain a new application within 12 months of the denial unless it is substantially different from the previous application.

#### **Division 1.3 Powers of the Committee**

##### **Unsuitable soil, location or topography**

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

##### **Temporary use application and fees**

- 12(1) Upon receiving an application in the form prescribed by the development officer and a fee of \$450, the Committee may, subject to such terms and conditions as it considers fit:
- (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law;
  - (b) authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by this By-law if:
    - (i) the applicant has an authorization under paragraph (a) that is to expire or has expired;
    - (ii) an application with respect to the land has been made to amend this By-law; and



- (iii) the Committee has received a resolution from Council confirming that Council will consider the application referred to in subparagraph (ii);
  - (c) require the termination or removal of a development authorized under paragraph (a) or (b) at the end of the authorized period.
- 12(2) The Committee may by resolution
  - (a) delegate its authority under paragraph (1)(a) to the development officer, and
  - (b) authorize the development officer to further delegate his or her authority to any person.

#### **Terms and conditions application**

- 13(1) If purposes are subject to terms and conditions, the Committee may, upon receipt of a complete application, impose such terms and conditions as it considers necessary to protect:
  - (a) the properties within the zone or abutting zones, or
  - (b) the health, safety and welfare of the general public.
- 13(2) The Committee may prohibit purposes if compliance with the terms and conditions imposed under subsection (1) cannot reasonably be expected.

#### **Other applications and fees**

- 14 Upon receipt of an application in the form prescribed by the development officer, and a fee of \$450, the Committee may consider proposed uses of land, buildings or structures that are sufficiently similar to, or compatible with, permitted uses in this By-law, or such reasonable variances from the zoning requirements, both of which are further outlined by section 55 of the Act.

#### **Zoning letters and fees**

- 15(1) Upon receipt of an application and a fee of \$125, the development officer may issue a letter of confirmation regarding the zone applied to the lot.
- 15(2) Upon receipt of an application accompanied by a current Building Location Survey Certificate and a fee of \$125, the development officer may issue a letter regarding the compliance of the lot with the requirements of this By-law.

## PART 2 – GENERAL PROVISIONS

### Division 2.1 Development permits

#### Requirement for development permit

- 16(1) No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms with this By-law.
- 16(2) A development permit may be revoked if the development undertaken exceeds the scope of the work authorized under the development permit.
- 16(3) No development permit shall pertain to more than one lot.

#### Fees

- 17(1) No development permit shall be issued under this By-law unless an application has been submitted, in the form prescribed by the development officer, and the following fees have been paid:
- (a) if the development is a single unit dwelling, two unit dwelling or semi-detached dwelling, \$ 50;
  - (b) if the development consist of a manufactured dwelling, an addition or renovations to a single unit dwelling, manufactured dwelling, two unit dwelling or semi-detached dwelling, \$35;
  - (c) if the development is a secondary use, accessory building or structure, temporary building or structure permitted under section 65 or a demolition of a building or structure, \$35;
  - (d) if the development is site preparation work related to an approved subdivision, \$100; or
  - (e) for other developments with a construction value of:
    - (i) under \$500,000, \$100;
    - (ii) between \$500,000 and \$999,999, \$150
    - (iii) between \$1,000,000 and \$4,999,999, \$300; and
    - (iv) over \$5,000,000, \$500.
- 17(2) Despite subsection 17(1), no development permit shall be required for a tent that does not exceed 18.6 square metres floor area.
- 17(3) If a development involves an application for terms and conditions under section 13, no development permit shall be issued unless the applicant has paid a \$450 fee, in addition to the fees prescribed in subsection (1).
- 17(4) If a development involves an application for a non-conforming use subject to the approval of the Committee, no development permit shall be issued unless the applicant has paid a \$450 fee, in addition to the fees prescribed in subsection (1) where applicable.
- 17(5) If a development involves an application for a new main building construction and requires street trees, no development permit shall be issued unless the applicant has paid a fee of \$400 per required tree to the Town of Riverview, in addition to the fees prescribed in subsection (1).
- 17(6) Despite other provisions contained in this by-law, if the development involves an application by or on behalf of the Town, application fees shall be waived.

### **Duration and renewal of development permit**

- 18(1) A development permit issued under this By-law shall remain valid for a period of one year from the date of issue or until the development has been completed, unless:
- (a) the development has not begun within six months from the date of issue or
  - (b) the development has been discontinued for a period of six consecutive months.
- 18(2) When a permit has expired pursuant to subsection (1), it may be reinstated by the development officer under the same terms as the original permit if the scope of the work has not changed and is still permitted under this By-law.

### **Division 2.2 Existing conditions**

#### **Undersized lots**

- 19 In any zone, if an existing lot does not conform to the minimum lot frontage or lot area requirements of the zone in which it is located, the minimum lot frontage or lot area requirement shall not prevent the use of the lot if all other applicable provisions of this By-law are satisfied.

#### **Existing building or lot**

- 20 If a building, existing before the adoption of this By-law, is either built or placed contrary to the requirements of this By-law, it may be enlarged, reconstructed, repaired or renovated if the requirements of this By-law are not further compromised.

### **Division 2.3 Site preparation and initial stages of development**

#### **Making of land by cutting and filling**

- 21(1) In any zone, a development which is for the purpose of making land and involves the cutting or filling to a depth or height exceeding one metre shall be a purpose for which the Committee may impose terms and conditions.
- 21(2) Subsection (1) does not apply to the cutting or filling of land that is directly related to the construction of buildings or structures for which a development permit has been issued or is not required.

#### **Minimum geodetic elevation**

- 22 No development of occupied floor space or parking garage shall be permitted in any zone, unless the minimum geodetic elevation is at least 10.5 metres.

#### **Foundation elevations**

- 23(1) A building containing habitable space to be constructed within 30 metres of a public street shall not be permitted unless:
- (a) the foundation wall has a critical elevation of at least 0.5 metres above the point at which the centerline of the driveway would meet the crown of the street to which it gains access, and where there are two or more driveways, the higher of these points; and
  - (b) the top of the foundation wall is not higher than two metres above the point specified in paragraph (a).
- 23(2) Despite subsection (1), the development may be permitted when an engineered solution is provided with the permit application, or it has been exempted by the Director of Engineering and Works or their designate.

### **Attached garage slab elevations**

- 24(1) A building containing habitable space and having an attached garage to be constructed within 30 metres of a street shall not be permitted unless the lowest point of the edge of the garage's foundation slab is at least 0.35 metres above the point at which the centerline of the driveway would meet the crown of the street to which it gains access, and where there are two or more driveways, the higher of these points; and
- 24(2) Despite subsection (1), the development may be permitted when an engineered solution is provided with the permit application, or it has been exempted by the Town Engineer or their designate.

### **Maximum Driveway Slope**

- 25 The maximum driveway, parking aisle and parking space slope shall not exceed ten percent, unless an engineered solution is provided with the permit application.

### **Subdivision Development Site Preparation Work**

- 26 No subdivision development site preparation work requiring a development permit shall be undertaken on land until a subdivision agreement, pursuant to the Subdivision By-law, has been entered into with the Town of Riverview and a development permit has been issued.

### **Lot grading and drainage**

- 26.1(1) The altering of land levels for building or other purposes, with the exception of an accessory building or structure, in so far as they may affect surface drainage shall require a lot drainage and grading plan, which shall be implemented by the developer.
- 26.1(2) With the exception of single unit dwelling, two unit dwelling or semi-detached dwelling, the lot drainage and grading plan referred to in subsection (1) shall provide for adequate stormwater detention storage to achieve a zero net solution, which shall be implemented by the developer.
- 26.1(3) The requirements in subsection (2) may be waived when, in the opinion of the Town Engineer, a zero net solution is impossible to achieve.

## **Division 2.4 Illumination and exterior lighting**

### **Lighting for residential buildings**

- 27(1) The following lighting conditions shall apply to residential buildings containing up to three units:
- (a) exterior lighting fixtures attached to the wall shall not exceed 2000 lumens;
  - (b) all lighting poles shall:
    - (i) have full cut-off lighting fixtures not exceeding 2000 lumens;
    - (ii) be permitted in a yard, if 2.1 metres in height or less;
    - (iii) be subject to section 29, if greater than 2.1 metres in height; and
    - (iv) not exceed four metres in height.

- 27(2) Exterior lighting fixtures provided for residential buildings of four units or more shall be full cut-off lighting fixtures, and if attached to a pole shall:
- (a) if greater than 2.1 metres in height, be subject to section 29 and incorporate shielding to prevent the escaping of light to adjoining properties; and
  - (b) not exceed six metres in height.

#### **Lighting for another use**

- 28 For a use not provided for in section 27, exterior lighting fixtures shall:
- (a) be full cut-off;
  - (b) be subject to section 29; and
  - (c) incorporate shielding to prevent the escaping of light to adjoining residential properties.

#### **Lighting Height Formula**

- 29 The maximum height of a lighting fixture shall not be more than one-third of the horizontal distance from the lighting fixture to the nearest property line of a lot containing a residential use.

### **Division 2.5 Other general provisions**

#### **Number of buildings on the same lot**

- 30(1) Except in the MD Zone, no more than one main building shall be placed or erected and no building or structure may be altered to become a second main building on a lot.
- 30(2) Despite subsection (1), except for the R1, R1-C and R2 Zone, the Planning Advisory Committee may permit, subject to any terms and conditions, more than one main building on a lot.

#### **Connection to municipal services**

- 31(1) Where municipal central sewerage and water services are available, no development shall be permitted without connection to the Town of Riverview sanitary sewer system and water supply system.
- 31(2) Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank, the regulations of the Department of Health shall prevail.

#### **Vehicles and vehicle bodies as main or accessory buildings**

- 32(1) A motor vehicle, trailer or semi-trailer, container designed for commercial transport, and a vehicle drawn, propelled or driven by any kind of power, even though modifications have been made to it, shall not be used, in any zone, as a dwelling unit or commercial main building nor be used as an accessory building or structure.
- 32(2) Despite subsection (1), mobile stands may be used in a commercial or community use zone.
- 32(3) Despite subsection (1) and section 31, containers designed for commercial transport may be used as a main building for the purpose of a redemption centre where permitted.

#### **Screening of garbage storage areas**

- 33 All outside storage of garbage shall be fully screened by an opaque fence of at least two metres in height.

#### Location of garbage storage areas

- 34 An outdoor garbage storage area shall not be located in the front or flankage yard, in a required yard, or within six metres of a street.

## PART 3 – ACCESSORY USES, BUILDINGS AND STRUCTURES

### Division 3.1

### Accessory buildings and structures

#### Standards

- 35(1) Accessory buildings and structures are permitted in any zone, but in a residential zone other than a RA Zone, they shall not:
- (a) exceed six metres in height from the established grade to the top of the structure or roof of the building, not including ornamental features such as weather vanes or cupolas having a horizontal dimension not exceeding one metre;
  - (b) exceed 4.5 metres in height from the established grade to the deck line in the case of a building with a gambrel or mansard roof;
  - (c) exceed three metres in height from the established grade to the underside of the eaves in the case of a building with a gable or hip roof;
  - (d) be placed, erected or altered:
    - (i) within the required front or required flankage yard of the main building;
    - (ii) within the required side yard or in the case of a semi-detached dwelling or two unit dwelling, within 1.5 metres of the main building; and
    - (iii) within 1 metre of a side or rear lot line;
  - (e) exceed the least of 12 percent of the area of a lot, or:
    - (i) 85 square metres in ground floor if the main use is a single unit dwelling;
    - (ii) 56 square metres in ground floor per unit if the main use is a two unit dwelling or a semi-detached dwelling;
    - (iii) 26 square metres in ground floor per unit if the main use is a multiple unit dwelling; or
- in any case, the number of accessory buildings or structures shall not exceed three on a lot;"
- (f) be used for:
- (i) agricultural purposes, or
  - (ii) the keeping of animals other than household pets.
- 35(2) Accessory buildings and structures not in a residential zone shall not be placed, erected or altered:
- (a) within the front or required flankage yard of the main building;
  - (b) within 2.4 metres or one half the height of the accessory building or structure, whichever is the greater, from any lot line.
- 35(3) A stable, kennel or cattery may be permitted as an accessory use within the RA Zone, if the building:
- (a) does not exceed 120 square metres;

- (b) does not exceed a height of nine metres;
- (c) is used for the accommodation of no more than four horses, eight dogs or 16 cats;
- (d) is located at least three metres from a property line, and 30 metres from a watercourse; and
- (e) is not located within the front yard or flankage yard.

#### **Lot coverage**

- 36 For all zones other than a residential zone no more than 12 percent of the area of a lot shall be occupied by accessory buildings and structures.

#### **Dormer windows**

- 37 The total wall area of the outermost vertical walls of all dormer windows projecting above the eave line shall not exceed 25 percent of the first floor wall area of the corresponding façade of the building.

#### **Exceptions to side or rear setbacks for accessory buildings**

- 38 Despite subparagraph 35(1)(d)(iii):
- (a) common semi-detached garages may be centered on the mutual side lot line; and
  - (b) float plane hangars, boat houses and boat docks may be built to the lot line if the lot line corresponds to the high water mark.

### **Division 3.2 Fences and enclosures**

#### **Placement of fences in yards**

- 39(1) Subject to section 81, a fence may be placed or located in a yard if its height does not exceed:
- (a) one metre in the required front yard in any zone, except for a chain link fence located in a commercial or industrial zone;
  - (b) two metres in any other yard in a residential zone; and
  - (c) 2.5 metres in any other yard in another zone.
- 39(2) No fence in a residential zone, other than a RA Zone, shall be electrified, incorporate barbed wire or other sharp dangerous material in its construction.

#### **Enclosures around pool areas**

#### **Swimming pools & swimming pool enclosures**

- 40(1) No swimming pool shall be placed or built on a lot unless:
- (a) it is enclosed by a swimming pool enclosure; and
  - (b) it is located in a rear or side yard.



40(2) The swimming pool enclosure in subsection (1)(a) shall:

- (a) completely enclose the entire swimming pool;
- (b) be a minimum of 1.5 metres in height;
- (c) be at least 1.2 metres from the edge of the swimming pool;
- (d) have no opening greater than 100 millimetres;
- (e) have horizontal rails spaced no less than 1.05 metres apart; and
- (f) in the case of a chain link fence, have diamond mesh no greater than 50 millimetres.

40(3) The pool shall only be accessible by:

- (a) a self-closing gate with a self-latching device located inside and at a minimum height of 1.3 metres from the bottom of the gate;
- (b) a double gate provided one gate must be affixed to the ground or pinned so as to remain closed when not in use, while the other gate must be constructed to provide the same standards in paragraph (a);
- (c) a service gate provided that the gate be affixed to the ground or pinned so as to remain closed when not in use or be constructed to provide the same standards in paragraph (a);
- (d) a main building or structure enclosing the entire pool provided the main building or structure satisfies the requirements of subsection (2) and does not allow unobstructed access to the pool;
- (e) an accessory building or structure enclosing the entire pool provided the accessory building or structure satisfies the requirements of subsection 2 and does not allow unobstructed access to the pool; or
- (f) any combination of the above.

#### **Temporary swimming pool enclosures**

40(4) Despite subsection 40(1), a temporary swimming pool enclosure may be permitted during the construction of the swimming pool for a maximum of 90 days if:

- (a) it completely encloses the entire swimming pool;
- (b) it is a minimum of 1.2 metres in height;
- (c) in the case of a chain link fence, plastic mesh or wire fencing have no opening greater than 50 millimetres;
- (d) in the case of other materials not mentioned in paragraph (c) have no opening greater than 100 millimetres;
- (e) supported vertically by T-bars or a similar type of posts placed at a maximum spacing of 3 metres apart;
- (f) supported horizontally at the top and bottom of the enclosure by wood, wire or rope or other materials; and
- (g) the ground clearance is not greater than 50 millimetres.

### **Maintenance of the swimming pool enclosure**

- 40(5) It is the responsibility of the home owners to maintain either the temporary or the permanent swimming pool enclosure by carrying out repairs of any part or parts of the enclosure so that it can properly perform the intended function during construction or for as long as the pool is in place.

### **Other requirements**

- 40(6) If a deck or platform is attached to the swimming pool enclosure, it shall be subject to the setbacks applicable to the main building, unless otherwise permitted under section 83.
- 40(7) Screening or privacy walls forming part of the deck or platform shall not exceed 2.5 metres in height above the deck or platform.

## PART 4 – PARKING, ACCESS, QUEUING AND LOADING

### Off street vehicular parking spaces required

- 41(1) No development shall be permitted unless off street parking spaces are provided and maintained in conformity with Schedule D and the parking spaces shall:
- (a) be parallel or oriented at an angle of 90 or 45 degrees to the parking aisle, and have dimensions as specified in Table 41;
  - (b) be separately and readily accessible by a driveway, a driveway aisle, or by a parking aisle to be of width specified in Table 41;

Table 41: Size of Parking Spaces and Aisles			
	Parallel parallèles	Angle (90°) angle (90°)	Angle (45°) angle (45°)
Minimum width (m) Largeur minimale (m)	2.75	2.75	2.75
Minimum length (m) Longueur minimale (m)	6.0	5.50	5.20
Minimum aisle width (m) Largeur minimale de l'allée (m)	6.0	6.00	3.50
Minimum height clearance (m) Hauteur libre minimale (m)	2.20	2.20	2.20

- (c) be located on the lot and in the zone containing the use for which the spaces are provided;
  - (d) not be located in the required front or required flankage yard area in a residential zone, except for single, two unit, semi-detached, townhouse and rowhouse dwellings, and
  - (e) in a commercial, industrial or community use zone, not be located in a required side or rear yard that abuts a residential zone.
- 41(2) When a parking aisle has spaces oriented at one angle on one side of the aisle and a different angle on the other side, the aisle dimensions shall be the greater of the two requirements specified in Table 41;
- 41(3) When a lot is subject to more than one use, the required parking will be the total of the parking required for each individual use less 10%.

### Standards for parking lots

- 42(1) When a parking lot of more than six parking spaces is required or proposed, the following provisions shall apply:
- (a) except in the case of a home business or home occupation or, the parking lot shall be paved;
  - (b) subject to sections 27 to 29, lights used for illumination of the lot shall be arranged to divert the light away from streets, adjacent lots and main buildings;
  - (c) a structure, not more than 4.6 metres in height and not more than five square metres in area may be erected in the parking lot for the use of attendants;
  - (d) the parking shall be provided on the same lot as the main use;
  - (e) no gasoline pumps or other service station equipment shall be located or maintained on the parking lot;

- (f) driveways and driveway aisle to the parking lot shall:
  - (i) be paved;
  - (ii) have a curbing radius of ten metres where they meet a public street; and
  - (iii) be defined by a curb of asphalt or concrete;
- (g) the parking lot shall be delineated by one, or a combination of, a fence, curb or other feature which defines the boundary;
- (h) a driveway, driveway aisle and parking aisle or loading space shall:
  - (i) in the case of a one-way driveway, driveway aisle and parking aisle have a width of at least 3.5 metres;
  - (ii) in the case of a two-way driveway, driveway aisle and parking aisle have a width of at least 6.7 metres; and
  - (iii) not exceed a width of 7.6 metres in a residential zone or 9 metres when a fire lane is required and 12 metres in any other zone;
- (i) subject to paragraph (h), a right-of-way over a neighbouring property shall be deemed to satisfy all or part of the driveway requirement, if an agreement is in place between the respective property owners governing the use and maintenance of the right-of-way.

#### **Parking lot screening requirements**

- 42(2) Except when street trees are planted pursuant to paragraph 53(1)(c), a parking lot for more than four parking spaces shall be screened from a public, future or private street by a two metre wide planting strip of at least 1.5 metres in height consisting of deciduous trees and shrubs, to be perpetually maintained, along the street line, and spaced no further apart than ten metres in the case of trees, and 1.5 metres in the case of shrubs, but no plantings shall be placed to conflict with sight triangle requirements.
- 42(3) Except when a parking lot abuts another parking lot on an adjacent property, a parking lot for more than four parking spaces shall be screened from abutting residential zones or uses through the use of:
  - (a) a two metre wide planting strip between 1.5 metres and two metres in height, consisting of coniferous or deciduous trees and shrubs, to be perpetually maintained, along the lot line, and spaced no further apart than ten metres in the case of trees, and 1.5 metres in the case of shrubs, and no plantings shall be placed in conflict with sight triangle requirements; or
  - (b) a wall, wooden fence or chain link fence with filler strips woven into the mesh, between 1.5 metres and two metres in height, if it is not located in conflict with sight triangle requirements.

#### **Large scale parking lot requirements**

- 42(4) An outdoor parking lot with more than 20 parking spaces shall include landscaping covering not less than ten percent of the outdoor parking area, and at least five percent shall be located in the interior of the parking area;
- 42(5) Despite subsection 42(4), all parking lots with more than 150 parking spaces shall be designed in accordance with the following standards:

- (a) landscaped islands, consisting primarily of trees with a minimum branching height of two metres, flowering shrubs and perennials, designed with a minimum width of three metres, measured from inside of curbs, including 254 millimetres of topsoil, shall be provided:
  - (i) at the end of all rows of parking; and
  - (ii) between all parking blocks;
- (b) on-site pedestrian walkways shall be provided on the property to provide access between the primary entrance or entrances to each main building and:
  - (i) all other main buildings;
  - (ii) public sidewalks, walkways, and trails;
  - (iii) parking areas that serve the building; and
  - (iv) where appropriate, buildings on adjacent properties;
- (c) on-site pedestrian walkways that cross a parking lot, driveway, driveway aisle, parking aisle shall be clearly marked through the use of paint or a change in paving materials, distinguished by their color, texture, or height; and
- (d) a continuous pedestrian walkway with a minimum width of 1.5 metres shall be provided along the full length of all façades featuring a customer entrance or customer parking area.

#### **Driveways for residential zones**

- 43(1) Properties within a residential zone having less than 30 metres of frontage shall have no more than one driveway except:
  - (a) in the case of a corner lot with a combined frontage and flankage of more than 30 metres, in which case, two will be permitted provided that only one driveway shall be permitted on each street;
  - (b) in the case of two unit dwellings, which may have one for each dwelling unit; or
  - (c) subject to 90, in the case of a townhouse or rowhouse dwelling, which may have one for each dwelling unit.
- 43(2) Despite subsection 43(1), properties within a residential zone located on a corner lot may have an additional driveway along the flankage lot line.
- 43(3) When a driveway provides access to a residential corner lot, it shall be at least 11 metres from the intersection of the street lines, or the point of intersection of their extensions.
- 43(4) Unless otherwise provided in this By-law, all driveways to a residential property shall be paved or surfaced with crushed rock or gravel.
- 43(5) The total area of driveways, driveway aisles, parking aisles, and parking spaces shall occupy no more than 40% of the required front yard or required flankage yard in the case of a single unit dwelling and multiple unit dwelling and no more than 60% in the case of a semi-detached dwelling or two unit dwelling.
- 43(6) Unless otherwise permitted in this By-law, no driveway shall have access to a future street or a stub street which does not have a temporary turnaround constructed to the Town of Riverview's Subdivision Development – Procedures, Standards and Guidelines.

### **Driveways for non-residential zones**

**44(1)** In all zones other than residential zones:

- (a) the number of two-way driveways shall be limited to one per lot unless:
  - (i) the lot has a frontage of more than 75 metres, in which case, two will be permitted;
  - (ii) in the case of a corner lot has combined frontage and flankage of more than 75 metres, in which case, two will be permitted; and
  - (iii) in both cases they are not less than 20 metres apart, measured between the centre line of each driveway at the street line;
- (b) two one-way driveways may be located in place of a two-way driveway permitted under subsection 44(1)(a) if they are more than 20 metres apart, measured between the centre line of each driveway at the street line;
- (c) all driveways to a corner lot shall be located at least 15 metres from the intersection of the street lines;
- (d) no driveway shall meet the travelled portion of the street at an angle of less than 60 degrees;
- (e) driveways, and driveway aisles shall be located at least three metres from the rear lot line or side lot line; and
- (f) every driveway, driveway aisles, parking aisles and parking spaces shall be paved and maintained with an all-weather, dust-free surfacing.

**44(2)** Unless otherwise permitted in this By-law, no driveway shall have access to a future street or a stub street which does not have a temporary turnaround constructed to the Town of Riverview's Subdivision Development – Procedures, Standards and Guidelines document.

### **Parking lot requirements for bicycle parking**

**45** With the exception of single unit dwellings, semi-detached dwellings, two unit dwellings, townhouse dwellings or rowhouse dwellings, a development involving the erecting, placing, relocating, of a building must include bicycle parking spaces in conformity with the following:

- (a) the number of bicycle parking spaces shall be the greater of:
  - (i) one for every 20 vehicular parking spaces required by this By-law;
  - (ii) one for every 20 vehicular parking spaces on the lot; and
  - (iii) four.
- (b) bicycle racks shall be securely anchored to the ground or a building.
- (c) outdoor bicycle parking areas:
  - (i) shall be no less than three metres deep;
  - (ii) shall be clearly marked and delineated on the pavement or ground surface;
  - (iii) shall not encroach on, or be encroached on by, vehicular circulation lanes, service lanes or loading bays; and

- (iv) shall be cleared of snow.

#### **Loading space requirements**

- 46(1) Land, buildings or structures used for retail stores, restaurants, redemption centres, wholesale stores and industrial uses involving the use of commercial vehicles for the receipt or distribution of material or merchandise shall include off street loading spaces in accordance with the following requirements:
- (a) at least one space if the gross floor area is less than 500 square metres;
  - (b) at least two spaces if the gross floor area is 500 square metres or more, but less than 2,323 square metres; and
  - (c) an additional space for each 2,323 square metres, or fraction of it, of gross floor area in excess of the first 2,323 square metres;
- 46(2) A loading space required under subsection 46(1) shall:
- (a) have a minimum length of nine metres, a minimum width of three metres, and a minimum overhead clearance of 4.5 metres;
  - (b) provide unobstructed access; and
  - (c) be surfaced with a durable and dustproof material.

#### **Drive thru**

- 47 When permitted, a drive thru shall incorporate the following design standards:
- (a) in the case of drive thru restaurants and automated car washes:
    - (i) 11 inbound queuing spaces for vehicles approaching the drive up service area; and
    - (ii) two outbound spaces on the exit side of each service position located so as not to interfere with service to the next vehicle;
  - (b) in the case of drive thru automobile repair shops, banks and retail stores:
    - (i) five inbound queuing spaces for vehicles approaching the drive up service area; and
    - (ii) two outbound spaces on the exit side of each service position located so as not to interfere with service to the next vehicle;
  - (c) in the case of a car wash with individual self-served washing bays:
    - (i) one inbound queuing spaces for each washing bays;
    - (ii) two inbound queuing spaces for vehicles entering the property; and
    - (iii) one outbound spaces on the exit side of each washing bays.
  - (d) queuing spaces shall be a minimum of 6.5 metres long and three metres wide;
  - (e) queuing lanes shall be located at the side or rear of buildings;

- (f) when the entrance to the main building requires crossing of the queuing lane by pedestrians, a pedestrian crossing that is distinguished from the queuing lane by either a change in paving materials, colour, texture or height must be provided;
- (g) despite paragraph (e), a queuing lane may be located in the front yard or flankage yard if it is in compliance with subsection 42(2);
- (h) queuing lanes shall be defined by raised curbs and a 1.2 metre wide landscaped island where adjacent to parking, spaces and parking aisles and a three metre wide landscaped island where adjacent to driveways;
- (i) queuing lanes, order boards, or order speakers shall be set back a minimum of 20 metres from an adjacent R1 Zone, R1-C Zone, R2 Zone or RM Zone, unless the drive thru does not include an order board or order speaker, in which case they shall be set back a minimum of 4.5 metres;
- (j) the minimum requirements in subsection 47(i) may be reduced if, upon completion of a noise study by a duly certified noise consultant, mitigation measures proposed in the study will achieve at least the same noise levels that would be expected by compliance with subsection 47(i).

#### **Daycare centre requirements**

- 48** In addition to the parking requirements as set out in Schedule D, a daycare centre located where on street parking is prohibited within 20 metres of the lot shall provide two parking spaces for the first ten children and one additional parking space for every ten additional children.



## **PART 5 – STREET TREES AND LANDSCAPING**

### **Division 5.1 Residential landscaping requirements**

#### **Landscaping required in residential developments**

**49** Except in a RA Zone, the owner of a lot being developed for residential purposes in any zone shall:

- (a) landscape the front yard;
- (b) subject to section 81, landscape any yard that abuts a street;
- (c) landscape the side yard;
- (d) landscape the rear yard within four metres of the main building thereon; and
- (e) provide or retain street trees pursuant to paragraph 51(b) or (c).

#### **Landscaping standards for residential purposes**

**50** The landscaping required under section 49 shall:

- (a) include, after compaction, at least 152.4 millimetres of topsoil and seeding or sodding;
- (b) include at least one deciduous street tree, with a minimum diameter of 60 millimetre and have a minimum branching height of two metres, and shall be planted at a rate of one per lot when the frontage is less than 20 metres, or otherwise as follows:
  - (i) for a single unit dwelling or multiple unit dwelling, at least one tree for every ten metres of frontage; and
  - (ii) for a two unit dwelling, at least one tree for every 22 metres of frontage;
- (c) in the case of a corner lot, have at least one street tree, meeting the requirements of paragraph (b), along the flankage lot line and one additional tree for every 30 metres of frontage.

**51** The street tree in subsections 51(b) and (c) shall be planted by the Town of Riverview at the cost of the developer as set in subsection 17(5)

#### **Driveways**

**52** Despite sections 49 and 50, a yard may be used for the purposes of driveway access to the lot, if it does not exceed the standards specified in subsection 43(5).

### **Division 5.2 Community Uses / commercial / industrial landscaping requirements**

#### **Landscaping required for community Uses, commercial and industrial zones**

**53(1)** In a community uses, commercial or industrial zone, that portion of a lot not occupied by buildings, structures, driveways or parking lots shall be landscaped and shall:

- (a) include trees and shrubs shall be planted at a minimum rate of one tree or shrub for each 93 square metres of landscaped area;
- (b) include after compaction, at least 152.4 millimetres of topsoil and seeding or sodding; and

(c) provide or retain street trees pursuant to paragraph 53(2) or 53(3).

- 53(2) The owner of a lot being developed for purposes or uses in subsection 53(1) shall provide for at least one deciduous street tree for every ten metres of frontage, with a minimum diameter of 60 millimetre and have a minimum branching height of two metres.
- 53(3) In the case of a corner lot have at least one street tree, meeting the requirements of subsection 53(2), along the flankage lot line and one additional tree for every 30 metres of frontage
- 53(4) The street tree in subsections 53(2) and (3) shall be planted by the Town of Riverview at the cost of the developer as set in section 17(5).

#### **Screening from residential zones or uses**

- 54(1) When a commercial zone, industrial zone or community uses zone abuts a residential zone or use, the lot shall not be developed unless a minimum three metre wide landscaped buffer, including screening of a minimum height of two metres consisting of a hedge or opaque fence, or a combination of them, is provided and maintained along the common property line.
- 54(2) If there is a conflict between subsection 54(1) and the specific screening requirements of a particular zone, the latter shall apply.

#### **Precedence of zone specific landscaping standards**

- 55 If there is a conflict between the general landscaping provision in section 49 to 54 and the specific landscaping requirements of a particular zone, the latter shall apply.

#### **Landscaping to be completed within one year**

- 56 The landscaping required in this By-law shall be completed no later than September 30th of the year following issuance of the development permit for the main building.

## **PART 6 – SPECIFIC USES**

### **Utility uses permitted in all zones**

- 57 With the exception of a building, all utility uses shall be permitted in any zone and no development permit shall be required.

### **Service stations**

- 58 When permitted a service station shall not have any portion of a pump island or canopy located within 15 metres of a lot line.

### **Screening of outdoor storage areas**

- 59(1) When a use involves outdoor storage, other than a display court, the portion of the lot used for outdoor storage shall be fully screened from the street by a wall, wooden fence or chain link fence with filler strips woven into the mesh or other screening facility of equal screening value, between 2.0 and 2.5 metres in height.
- 59(2) Within the outdoor storage area, no materials shall be amassed higher than the height of the surrounding fence.
- 59(3) If there is a conflict between subsection (1) and the specific screening requirements of a particular zone, the latter shall apply.

### **Display courts**

- 60 If permitted, a display court shall:
- (a) be located no closer than two metres from a street; and
  - (b) the area between a display court and street line shall be landscaped in accordance with section 54.

## **Division 6.1 Uses subject to terms and conditions**

### **Clearing or cutting of trees**

- 61(1) Within the Urban Growth Boundary, a use requiring or involving the cutting or clearing of trees or the clearing of natural vegetation on one or more contiguous hectares of land is a particular purpose subject to terms and conditions unless a development permit has been issued.
- 61(2) As part of the application for terms and conditions under subsection 61(1), the applicant shall submit an erosion and sediment control plan, including a narrative report and a site plan, prepared and certified by a qualified professional engineer or by other professionals qualified to do the work.

### **Larger commercial uses in any zone subject to terms and conditions**

- 62 A permitted use within a SC Zone and CM Zone occupying more than 1,500 square metres in gross floor area shall be considered a particular purpose subject to terms and conditions.

## **Division 6.2**

## **Temporary uses permitted**

### **Temporary real estate sales offices**

- 63 Temporary real estate sales offices may be set up in new display homes within new subdivisions but not for more than 12 months.

### **Vending facilities**

- 64 Vending facilities shall be permitted in commercial, industrial and community uses zones if:
- (a) the vending facilities meet the required setback requirements for main buildings in the zone; and
  - (b) the property be kept clean and free of waste.

### **Temporary structures**

- 65 A structure, not including vending facilities, erected for a temporary period shall be permitted in any zone if:
- (a) the use of the structure is a permitted main, secondary or accessory use for the zone in which it is proposed and is removed no later than 14 days after being erected or placed, or
  - (b) the use of the structure is accessory to construction in progress, and the structure be removed within 14 days of the completion of the work.

## PART 7 – ADDITIONAL RESIDENTIAL PROVISIONS

### Division 7.1                      Secondary uses

#### Home daycare

- 66        When permitted as a secondary use, a home daycare shall:
- (a)        be permitted in a single unit dwelling only
  - (b)        be located on a local street which permits on street parking within 20 metres of the lot; and
  - (c)        be permitted to erect a non-illuminated sign not exceeding 0.75 square metres.

#### Accessory dwelling

- 67        When permitted, an accessory dwelling shall:
- (a)        not exceed 35% of the dwelling's gross floor area; and
  - (b)        have one parking space in addition to the parking required for the main use of the lot; and
  - (c)        be permitted in a single unit dwelling only.

#### Home occupation

- 68        When permitted, a home occupation shall:
- (a)        be limited to 25 percent of the gross floor area of the dwelling unit;
  - (b)        not involve a change in the external appearance of the building that will alter its residential character;
  - (c)        only supply or sell goods or services directly related to the home occupation;
  - (d)        be permitted to erect a non-illuminated sign not exceeding 0.75 square metres;
  - (e)        not have outside storage;
  - (f)        provide one off street parking space, in addition to the parking space requirements of the zone in which it is located; and
  - (g)        be limited to the residents of the dwelling or in the case of a home office an additional support employee.

#### Garden suite

- 69        When permitted, a garden suite shall:
- (a)        despite the yard requirements for the zone in which it is located, not be closer than 1.2 metres from a side lot line or 2.5 metres from the rear lot line;
  - (b)        not exceed six metres in height;
  - (c)        be located in the rear yard;
  - (d)        be located on a lot occupied by a single unit dwelling as a main use;

- (e) not exceed 75 square metres of ground gross floor area;
- (f) be fully serviced by water and sanitary sewer;
- (g) provide one parking space in addition to the parking required for the main use;
- (h) use the same driveway and parking aisle as the main use;

#### **Bed and breakfast**

70 When permitted, a bed and breakfast shall:

- (a) be conducted within a single unit dwelling;
- (b) be limited to five bedrooms for the accommodation of guests; and
- (c) be permitted to erect a non-illuminated sign not exceeding 0.75 square metres; and
- (d) parking is provided at the side and/or rear of the lot, but not within the required yard.

#### **Secondary uses in the RA Zone**

71 A home business, a home occupation or a home daycare may be permitted in the RA Zone, subject to the following conditions:

- (a) the area of the dwelling unit devoted to such use shall not exceed 50% of the gross floor area;
- (b) not more than one home business, home occupation or home daycare shall be permitted on a lot;
- (c) not more than three commercial vehicles or pieces of equipment may be stored on the lot; and
- (d) A home business may be conducted in an accessory building or structure.

#### **Secondary residential use in the NC Zone**

72 In a NC Zone, a residential use to a maximum of 4 units shall be permitted as a secondary use to a commercial use if the dwelling units are not located on the ground floor frontage.

#### **Division 7.2 Other residential uses**

##### **Garages and carports**

- 73 Except in a RA Zone, a garage or carport attached to a dwelling shall not exceed 85 square metres in gross floor area.
- 74 When a garage or carport is attached to a dwelling, it becomes part of the main building for purposes of determining a yard.

##### **Residential development near a lagoon or treatment plant**

75 Despite any other provision of this By-law, no dwelling shall be located within 90 metres of a sewage lagoon or treatment plant, and no sewage lagoon or treatment plant shall be located within 90 metres of a lot line.

### **Commercial vehicles and construction equipment in residential zones**

- 76** In a residential zone, other than a RA Zone, no land shall be used for the parking or storage of commercial vehicles, buses, or construction or other equipment including bulldozers, backhoes, high hoes and payloaders or similar equipment.

### **Storage of vehicles and parking of recreational vehicles in residential zone**

- 77(1)** In the Residential Zone, other than a RA Zone no vehicles or other chattels shall be stored except in a carport, garage, or in a rear or side yard.
- 77(2)** Despite subsection 77(1), a recreational vehicle may be parked in a driveway located within a front or flankage yard, provided it is wholly within the lot, between May 1<sup>st</sup> and October 31<sup>st</sup>.

### **Two unit dwellings and semi-detached dwellings**

- 78** Except in the case of a two unit dwelling containing one unit wholly above the other, no two unit dwelling or semi-detached dwelling shall be developed except when the units are joined by a common wall both above and below grade and the common wall constitutes at least 60% of the vertical and horizontal axis between the two units.

## PART 8 – SETBACKS

### Building within the setback

- 79 Despite any other front yard or flankage yard requirement, a building may be placed, erected or altered within the setback:
- (a) if there are buildings within 30 meters on both sides of the building encroaching into the required setback, at a distance which is the average of the distance between the street line and those buildings; or
  - (b) if there is only one building within 30 metres of the building encroaching into the required setback area, at a distance which is the average of the required setback and the distance between the street line and the adjacent building.

### Setback from watercourses

- 80 Unless otherwise permitted in this By-law, except for walking or cycling trails, a boat house, wharf, dock, boardwalk or bridge, no development shall be located within:
- (a) 30 metres of the Petlocodiac River;
  - (b) 30 metres of Mill Creek;
  - (c) 30 metres of Turtle Creek; and
  - (d) 10 metres of any other watercourse.

### Sight triangle

- 81 On a corner lot, no building, structure, fence, wall, hedge, shrub, tree or other object, except a column of up to 0.2 metres in diameter supporting an upper storey projection, shall be erected or permitted to grow to obstruct an area between one metre and three metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 4.6 metres measured from their points of intersection.

### Reduced frontage on a curve

- 82 Despite any provision of this By-law, when the front lot line of a lot is a curved line or when the side lot lines are not parallel, the frontage shall be determined by measuring the distance between the points on each side lot line which are a distance from the street line equal to the required setback.

### Permitted encroachments

- 83(1) Subject to section 81, every part of a required yard shall be open and unobstructed by structures, with the exception of the following:
- (a) wheelchair ramps and lifting devices;
  - (b) steps providing access at the ground floor in a required front yard, required rear yard or required flankage yard;
  - (c) sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, projecting to a maximum of 0.6 metres;
  - (d) window bays and solar collectors in a required front yard, required rear yard or required flankage yard, projecting to a maximum of 0.9 metres;



- (e) exterior staircases providing access to the basement or a floor above the ground floor, balconies, porches, verandas and sun decks in a required front yard, required rear yard or required flankage yard, projecting to a maximum of two metres; and
  - (f) climate control equipment in a required yard projecting to a maximum of 0.9 metres.
- 83(2) Despite paragraph (1)(e), when located between a façade and the street line, an exterior staircase giving access to a floor above the ground floor is a purpose subject to terms and conditions.

## **PART 9 – DESIGN STANDARDS**

### **Exemptions from height restrictions**

- 84 The height restrictions of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, telecommunication towers, ventilators, skylights, barns, chimneys, clock towers, or solar collectors attached to the main building or structure.

### **Public entrances**

- 85 Despite any other section of this By-law, in the case of a corner lot, a public entrance oriented to face the corner of two street lines, shall be deemed to be located on both facades

### **Division 9.1 Design standards for commercial zones**

#### **RBS Zone Building Design Requirements**

- 86 In the RBS zone, no development shall be permitted and no main building or structure may be used on a lot unless:
- (a) a minimum of 50% of the facade facing the street is finished with traditional materials;
  - (b) at least one public entrance is facing the street;
  - (c) no sign is located in a side yard where the property line in common with a residential zone; and
  - (d) despite Part 10, no more than one back-lit freestanding sign, not exceeding six metres in height, shall be erected or displayed and no part of such sign, other than its support, shall be within three metres of the established grade.

#### **CM Zone Building Design Requirements**

- 87(1) In the CM Zone, no development shall be permitted and no main building or structure may be used on a lot unless:
- (a) no less than 25% of the facade of the main building fronting a street is composed of windows or doors;
  - (b) no less than 50% of the facade facing any public street is finished with traditional materials; and
  - (c) at least one public entrance is facing the public street.

#### **Lots fronting on Bridgedale Boulevard and Gunningsville Boulevard**

- 87(2) In the CM Zone, no development shall be permitted and no main building or structure may be used on a lot fronting on Bridgedale Boulevard or Gunningsville Boulevard unless:
- (a) at least 40% of the ground floor facade of the main building fronting a street is composed of windows or doors;

- (b) at least 25% of the main building facades above the ground floor fronting a street is composed of windows;
- (c) at least 60% of the frontage is occupied by the main building;
- (d) awnings, canopies, porches or overhangs cover no less than 20% of the ground floor façade fronting a street;
- (e) buildings facades occupying more than 20 m of frontage length are broken down into 20 m compartments with a distinct change in vertical architectural style using different façade materials, projections, roof changes or colors;
- (f) at least one public entrance is facing the street;
- (g) a walkway shall be provided between the sidewalk and the public entrance;
- (h) no dwelling units are located on the first floor fronting the street;
- (i) no less than 90% of the facade facing the street is finished with traditional materials;
- (k) all mechanical, electrical, air conditioning or other similar equipment located on the roof of a building and shall be screened from the adjacent public street.

#### **CM Zone Special Height Requirements**

- 87(3)** A building or structure in the CM Zone, on a lot fronting on Bridgedale Boulevard or Gunningsville Boulevard, shall have:
- (a) a minimum height of seven metres and no fewer than two full stories above the established grade within ten metres of a street; and
  - (b) a maximum height of 13 metres within ten metres of a street line.

#### **CM Zone vehicular access**

- 87(4)** In the CM Zone, no development shall be permitted and no main building or structure may be used on a lot unless:
- (a) no vehicle queuing areas for a drive thru is located between the main building the street;
  - (b) only a single row of parking spaces is located between the main building and the street; and
  - (c) despite subsection 87(b), no parking spaces shall be located between the main building and Bridgedale Boulevard or Gunningsville Boulevard.

#### **Other commercial zones special requirement**

- 88(1)** Despite any other provision of this By-law, no development shall be permitted and no main building or structure shall be used in the area as set out in Schedule B, unless a 20 m wide buffer area preserving the existing vegetation is maintain along the R1 zoned lots.
- 88(2)** When permitted, the height of a main building with the NC Zone shall be subject to the following conditions:
- (a) any part of a building located within 12 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed two stories with a maximum height of nine metres; and
  - (b) any part of a building located between 12 and 15 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed three stories with a maximum height of 12 metres;

- 88(3) If a NC Zone abuts a R1 Zone, R1-C Zone or R2 Zone, except where the lot is used for a single, two unit or semi-detached dwelling, a six metre wide landscaping buffer shall be provided and maintained along the common property lines, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:
- (a) a minimum of one shrub for every 15 square metres of landscaping area;
  - (b) trees with a minimum diameter of 50 millimetre and a minimum branching height of two metres at the time of planting and placed every five metres across the width of the landscaping area; and
  - (c) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts , no more than 2.4 metres apart, along or parallel to the common property line; or
- 88(4) The landscaping buffer required in subsection 88(3) shall not be used for parking, garbage storage or public utility structures.

#### **Technology uses**

- 89 When permitted, a lot developed for the purpose of a technology use shall have:
- (a) not less than 25% of the facade of the main building fronting a street composed of windows or doors;
  - (b) not less than 50% of the facade facing any public street finished with traditional materials;
  - (c) at least one public entrance is facing the street;
  - (d) only a single row of parking spaces is located between the main building and the street; and
  - (e) manufacturing, processing or fabricating related to the main use is contained inside the main building.;

#### **Division 9.2 Design standards for rowhouse dwellings, townhouse dwellings, multiple unit dwellings or single unit dwellings with compact lot configurations**

##### **Rowhouse dwellings or townhouse dwellings**

- 90 When permitted, townhouse dwellings or rowhouse dwellings shall:
- (a) be limited to six dwelling units;
  - (b) despite subsection 90(a), be limited to four dwelling units on a local street, unless a common off street parking lot is provided;
  - (c) where located on a collector or arterial street, as set out in the Town's Subdivision Development – Procedures, Standards and Guidelines document, be designed with a common off street parking lot including a two metre wide landscape buffers between the parking lot and property line and have no more than two entrances;
  - (d) have the ground floor building façade, from the established grade to the top of the ground floor, finished with traditional materials that includes at least ten percent brick or masonry material; and
  - (e) be designed so that each dwelling has jogs or recesses of not less than 0.6 metres along the façade of the building.

## Multiple unit dwellings

- 91(1) When permitted, the height of a multiple unit dwelling shall be subject to the following conditions:
- (a) any part of a building located within 12 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed two stories with a maximum height of nine metres;
  - (b) any part of a building located between 12 and 15 metres of an abutting R1 Zone, R1-C Zone or R2 Zone shall not exceed three stories with a maximum height of 12 metres; and
  - (c) any part of a building located more than 15 metres from an abutting R2 Zone shall not exceed four stories with a maximum height of 15 metres.
- 91(2) Screening shall be provided and maintained on a lot containing a multiple unit dwelling, consisting of the existing vegetation or structures if sufficient to screen the lot from adjacent properties, but when the existing vegetation or structures are insufficient, the screening shall consist of:
- (a) if the multiple unit dwelling lot abuts a R1 Zone, R1-C Zone or R2 Zone, a six metre wide landscaping buffer, consisting of:
    - (i) a minimum of one low lying shrub for every 15 square metres of landscaping area;
    - (ii) trees with a minimum diameter of 50 millimetre and a minimum branching height of two metres at the time of planting and placed every five metres across the width of the landscaping area; and
    - (iii) a two metre high decorative solid fence secured with 15.24 centimetre x 15.24 centimetre posts , no more than 2.4 metres apart, along or parallel to the common property line; or
  - (b) if the lot does not abut a R1 Zone, R1-C Zone or R2 Zone, the standards in paragraph (a) shall apply except that the landscaping buffer may be reduced to three metres and a fence will not be required.
- 91(3) The landscaping buffer required in subsection 91(2) shall not be used for parking, garbage storage or public utility structures.
- 91(4) A multiple unit dwelling may be permitted if:
- (a) its massing including size of the building, its footprint and the articulation of building form (for example, the use of peaked roofs) reflects the conditions of neighbouring buildings while avoiding excessive repetition of building design and color;
  - (b) no more than 35% of the lot area is devoted to parking spaces and parking aisles
  - (c) the façade is designed with jogs and recesses of not less than 0.6 metres to segment the façade at least every nine metres along the length of the building;
  - (d) the façade, from the established grade to the top of the first floor, is finished with traditional materials that includes at least ten percent brick or masonry;
  - (e) the design of lower floors of multi-unit residential buildings shall include appropriate fenestration, entrance and other features so that they are in scale with the pedestrian environment;
  - (f) only a single row of parking is permitted in the front yard. In this case, a 2.0 metre (6'6") wide landscape strip between the property line and the edge of the parking lot, and between the edge of the parking lot and the building face are required. If the parking bay contains more than 5 spaces, planted islands shall be provided after every fifth stall as a minimum;

- (g) Despite 91(f), a multiple unit building design with garage access on the front façade is not required to have landscaping between the parking lot and the building face;
- (h) for buildings on corners, windows or doors must address both street frontages and shall be designed to the same quality;
- (i) there is at least one public entrance facing a street;
- (j) service areas, including but not limited to waste disposal bins and public utility structures are screened from the street and abutting properties; and
- (k) views from the second and third floor units into neighbouring single unit dwelling yards are limited.

#### **Single unit dwelling with a compact lot configuration**

**91.1** When permitted, a lot developed for the purpose of a compact single family dwelling shall be subject to the following conditions:

- (a) the façade, is finished with at least three different materials that includes at least twenty percent brick or masonry;
- (b) the main entrance to the dwelling shall face a street;
- (c) no building façade and color shall be repeated on adjacent lots within the same side of a street as well as the lot on the opposite side of the street;
- (d) despite subsection 43(4), the driveway shall be paved or finished with other hard surfaces such as stone pavers or bricks; and
- (e) despite subsection 43(5), the driveway shall have a maximum width of 4 m at the street line and may open up to a maximum width of 5.5 m in the front yard.

## PART 10 – SIGNS

### Division 10.1 Conditions and standards of signs

92(1) The following signs, are permitted in any zone:

- (a) without the requirement of a development permit, if:
  - (i) in the case of a real estate sale sign, it does not exceed one square metre in area in a residential zone or three square metres in area any other zone;
  - (ii) it is erected by, or under the direction of, a government body;
  - (iii) it is a memorial; or
  - (iv) it announces a candidate for public office.
- (b) with the requirement of a development permit, if in the case of:
  - (i) a directional sign provided:
    - (A) there shall be a maximum of one for each entrance, exit, and drive thru lane;
    - (B) the sign shall not exceed 0.5 metres in area;
    - (C) the sign shall not exceed 1.5 metres in height; and
    - (D) the sign shall have a minimum setback of two metres from a front or flankage lot line.
  - (ii) a sign incidental to a construction project provided it does not exceed nine square metres in area and is removed upon completion of the construction;
  - (iii) a sign identifying a charitable, religious or fraternal organization provided it does not exceed 0.6 square metres in area in a residential zone or three square metres in area any other zone; or
  - (iv) a sign regulating the use of a property provided it does not exceed 0.5 square metres in area.

92(2) No sign shall be erected unless in compliance with the following:

- (a) it shall not create a hazard to public safety or health;
- (b) it shall not obstruct the vision of drivers, or detract from the visibility or effectiveness of a traffic sign or control device on streets;
- (c) it shall not obstruct ingress to or egress from a fire escape or other required exit;
- (d) it shall not include electronic moving copy;
- (e) it does not incorporate a searchlight, strobe lights, flashing lights, or emit sounds or be interactive in any way;
- (f) unless it is a portable sign, it shall be permanently affixed to the ground or a building; and
- (g) despite subsection 92(1)(a), the consent of the property owner is attained prior to installing any sign.

### **Non-conforming signs**

- 92(3) If a sign, existing before the adoption of this By-law, is either built or placed contrary to the requirements of the By-law, it may be repaired or renovated and the sign copy may be replaced if the requirements of this By-law or standards that do not conform to this By-law are not further compromised.
- 92(4) Despite subsection 92(3), the requirements of subsection 93(2) and sections 100.1 and 100.2 shall apply to the installation or replacement of an electronic static copy on an existing sign.

### **Development permit exemption for portable and sandwich signs**

- 92(5) A portable sign licensed under the Portable Sign By-law is exempt from the requirement of a development permit, but must adhere to all other requirements of this By-law and the Portable Sign By-law.
- 92(6) A sandwich sign is exempt from the requirement of a development permit, but must adhere to all other requirements of this By-law and the Portable Sign By-law.

### **Sign setback and location**

- 93(1) Subject to section 81, except in the CM Zone, no sign shall be placed, erected or altered within the minimum required setback as set out in Schedule C.

### **Signs in Proximity to Traffic Control Devices**

- 93(2) Despite subsection 93(1), no signs having electronic static copy shall be located within the restriction area of an illuminated traffic control device or illuminated crosswalk, as determined in Schedule C.1.

## **Division 10.2                      Types of signs**

### **Freestanding signs**

- 94(1) Except in a residential zone, a freestanding sign is permitted subject to the following:
- (a) it shall not exceed 15 metres in height;
  - (b) it shall not exceed 10 square metres in area;
  - (c) despite subsection 94(1)(b), in the case of a lot containing three or more businesses, it shall not exceed 20 square metres in area; and
  - (d) no more than one freestanding sign shall be permitted for every 100 metres of lot frontage.
- 94(2) Despite subsection 94(1), a freestanding sign may be permitted:
- (a) in a residential zone for a church, but:
    - (i) there shall be no more than one sign per lot;
    - (ii) it shall not be back lit or include an electronic static copy;
    - (iii) it shall not exceed 4.5 square metres in area; and
    - (iv) it shall not exceed three metres in height;

- (b) in a residential zone to identify a multiple unit dwelling or a daycare centre, but:
  - (i) there shall be no more than one sign per lot;
  - (ii) it shall not be back lit or include an electronic static copy;
  - (iii) it shall not exceed 1.5 square metres in area for a multiple unit dwelling;
  - (iv) it shall not exceed 2.5 square metres in area for a daycare centre; and
  - (v) it shall not exceed two metres in height;
- (c) to identify a farm or home business operated in the RA Zone but:
  - (i) there shall be no more than one sign per lot;
  - (ii) it shall not exceed three square metres in area;
  - (iii) it shall not exceed two metres in height; and
  - (iv) it shall not be back lit or include an electronic static copy;
- (d) As a neighbourhood identification sign in a residential zone but it shall:
  - (i) be limited to one for each entrance into the neighbourhood or subdivision;
  - (ii) be limited to identifying the name of the neighbourhood or subdivision where it is situated;
  - (iii) not exceed three square metres in area;
  - (iv) not exceed two metres in height; and
  - (v) not be back lit or include electronic static copy;
- (e) on a lot in the CM Zone fronting on Bridgedale Boulevard or Gunningsville Boulevard but:
  - (i) There shall be no more than one per lot;
  - (ii) It shall not be back lit or include electronic static copy;
  - (iii) It shall not exceed 2.5 square metres in area; and
  - (iv) It shall not exceed two metres in height.

### **Projecting signs**

**95** Except in a residential zone, a projecting sign may be permitted, but:

- (a) it shall not exceed one square metre in area;
- (b) it shall not project more than 1.5 metres from the building wall;
- (c) it shall not be erected less than three metres above the established grade;
- (d) there shall be a maximum of one for every six metres of lot frontage;



- (e) it shall not project more than 0.3 metres above the roof of a building; and
- (f) it shall not be permitted to swing freely on its supports.

#### **Wall signs**

**96(1)** A wall sign is permitted in all zones except residential zones if:

- (a) it does not extend beyond the wall on which it is placed; and
- (b) it shall not cover more than one square metre per linear metre of the wall on which the sign is affixed.

**96(2)** Despite any other provision in this By-law, wall signs may be permitted as identification signs for a multiple unit dwelling or a daycare centre, but:

- (a) they shall be placed on no more than two sides of a building and be below the level of the second floor windows;
- (b) they shall not be back lit or include electronic static copy; and
- (c) they shall not exceed 1.5 square metres in area for a multiple unit dwelling and 2.5 square metre for a daycare centre.

#### **Canopy signs**

**97** A canopy sign is permitted in all zones except residential zones if it does not exceed two square metres in area for each metre of the exterior length of the canopy.

#### **Directory signs**

**98** A directory sign may be permitted in commercial, industrial and community use zones, subject to the following:

- (a) despite subsection 94(1)(a), it shall not exceed 20 square metres in area;
- (b) despite subsection 94(1)(b), it shall not exceed a height of 15 metres in height; and
- (c) not more than one be permitted per entrance to the site.

#### **Portable signs**

**99** A portable sign may be permitted in the commercial, industrial, and community use zone subject to the Portable Sign By-law.

#### **Sandwich signs**

**100** A sandwich sign may be permitted in all zones, except residential zones, subject to the following:

- (a) not more than one is displayed for each business located thereon;
- (b) each of the two panels of a sandwich sign must have equal dimensions and areas; and
- (c) it does not obstruct pedestrian or vehicular access to the premises.

#### **Electronic message signs**

**100.1(1)** A sign with an electronic static copy may be used as part of a freestanding sign, wall sign, projecting sign, canopy sign, or directory sign subject to the following standards:

- (a) the sign shall be a permitted use in the SC, CM and I Zones;
- (b) the sign shall be a particular purpose, subject to terms and conditions as per Municipal Plan Policy 12.1.4, RBS Zone, NC Zone, PRI Zone, OS Zone, ID Zone, or within 30m of any residential zone;
- (c) the message duration shall not be less than 20 seconds;
- (d) the message transition shall be instantaneous;
- (e) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
- (f) brightness levels of the sign do not exceed 3.23 lux above ambient light conditions measured at a distance which is determined by the square root of the sign area multiplied by 100;
- (g) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions; and
- (h) the sign shall be turned off in the case of a malfunction.

100.1(2) The portion of the sign devoted to an electronic static copy shall not exceed 50 percent of the maximum allowable area.

100.1(3) The application for a development permit shall include an acknowledgement by the owner of the sign that the sign is capable of meeting the conditions in subsections 100.1(1) and 100.1(4).

#### **Electronic message sign limitations**

100.1(4) Electronic static copy shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the business is open or in operation during those hours.

## PART 11 - RESIDENTIAL ZONES

**101(1)** In accordance with section 7, Table 11.1 (a) or Table 11.1 (b) identifies the land uses permitted within each residential zone.

**101(2)** Except in the RM Zone and R3 Zone, only one of the main uses listed in Table 11.1 (a) is permitted on a lot.

<p style="text-align: center;"><b>TABLE 11.1 (a) RESIDENTIAL ZONES USE TABLE</b></p> <p style="text-align: center;">P = Permitted C = Conditional Use Subject to Terms and Conditions - = Use Not Permitted</p>					
ONE OR MORE OF THE FOLLOWING MAIN USES	R1	R1-C	R2	RM	R3
Single unit dwelling	P	P Subject to section 91.1	P	P	-
Semi-detached dwelling	-	-	P	P	-
Two unit dwelling	-	-	P	P	-
Multiple unit dwelling subject to section 91	-	-	-	C (maximum 15 units / acre)	C
Townhouse / rowhouse dwelling unit subject to section 90	-	-	-	C (maximum 15 units / acre)	C
Assisted living facility or independent living facility	-	-	-	C	C
Church	C	C	C	C	C
Daycare Centre	-	-	-	-	P
Fire and/or police station	C	C	C	C	C
Funeral home	-	-	-	-	C
Philanthropic use	-	-	-	-	C
Public park	P	P	P	P	P
Public or private school	C	C	C	C	C
Retail commercial or office use on the ground floor in conjunction with a multiple dwelling unit	-	-	-	C	C
<b>ACCESSORY USES, BUILDINGS &amp; STRUCTURES</b>					
Accessory building, structure or use, subject to Division 3.1	P	P	P	P	P

**TABLE 11.1 (b) RESIDENTIAL ZONES USE TABLE**

P = Permitted  
C = Conditional Use Subject to Terms and Conditions  
- = Use Not Permitted

ONE OR MORE OF THE FOLLOWING MAIN USES	RA	MD
Single unit dwelling	P	P
Agricultural use	P	-
Billboard Sign	P	-
Church	C	-
Extraction use	C	-
Fire and/or police station	C	-
Forestry use	P	-
Manufactured dwelling	-	P
Manufactured dwelling display court or sales lot	-	C
Philanthropic use	C	-
Public park	P	P
Public or private school	C	-
Roadside stand for the sale of agricultural produce	P	-
Veterinary clinic	C	-
<b>ACCESSORY USES, BUILDINGS &amp; STRUCTURES</b>		
Accessory building, structure or use, subject to Division 3.1	P	P

102 In accordance with section 7, Table 11.2 (a) or Table 11.2 (b) identifies the secondary land uses permitted within each residential zone.

**TABLE 11.2 (a) RESIDENTIAL ZONES SECONDARY USE TABLE**

P = Permitted  
C = Conditional Use Subject to Terms and Conditions  
- = Use Not Permitted

ONE OF THE FOLLOWING SECONDARY USES	R1	R1-C	R2	RM	R3
Accessory dwelling unit, within a single unit subject section 67	P	P	P	P	-
Bed and breakfast subject to section 70	P	-	P	P	-
Garden Suite subject to section 69	P	-	P	P	-
Home Daycare subject to section 66	P	-	P	P	-
Home occupation subject to section 68	P	P	P	P	-
Residential care facility to a maximum of 6 beds within a Single Unit Dwelling	P	-	P	P	-

**TABLE 11.2 (b) RESIDENTIAL ZONES SECONDARY USE TABLE**

P = Permitted  
C = Conditional Use Subject to Terms and Conditions  
- = Use Not Permitted

	RA	MD
<b>PERMITTED SECONDARY USES</b>		
Accessory dwelling unit, within a single unit dwelling subject section 67	P	P
Bed and breakfast subject to section 70	P	P
Garden Suite subject to section 69	P	-
Home Daycare subject to section 66	P	P
Home business, home daycare or home occupation subject to section 71	P	-
Residential care facility to a maximum of 6 beds within a Single Unit Dwelling	P	-
Stable	P	-
Second Farmstead Residence	P	

- 103 No development shall be permitted and no main building or structure shall be used on a lot in a residential zone unless the requirements within Table 11.3 (a) or Table 11.3 (b) are complied with.

**TABLE 11.3 (a) RESIDENTIAL ZONES LOT REQUIREMENTS**

- = not applicable

	R1	R1-C	R2	RM	R3
<b>LOT REQUIREMENTS</b>					
<b>Minimum Lot Area</b>					
Lot Area for Single Unit Dwelling	460 m <sup>2</sup>	350 m <sup>2</sup>	460 m <sup>2</sup>	460 m <sup>2</sup>	-
Lot Area for Two Unit Dwelling	-	-	630 m <sup>2</sup>	630 m <sup>2</sup>	-
Lot Area for Semi-Detached Dwelling	-	-	315 m <sup>2</sup>	315 m <sup>2</sup>	-
Lot Area for Multiple Unit Dwelling	-	-	-	630 m <sup>2</sup> plus 50 m <sup>2</sup> for each additional units	630 m <sup>2</sup> plus 50 m <sup>2</sup> for each additional units
Lot Area for Townhouse / Rowhouse Dwelling Unit	-	-	-	180 m <sup>2</sup>	180 m <sup>2</sup>
<b>Minimum Lot Frontage</b>					
Lot Frontage for Single Unit	15 m	12.19 m	15 m	15 m	-
Lot Frontage for Two Unit Dwelling	-	-	21 m	21 m	-
Lot Frontage for Semi-Detached Dwelling	-	-	10.5 m	10.5 m	-
Lot Frontage for Multiple Unit Dwelling	-	-	-	21 m	25 m
Lot Frontage for Townhouse / Rowhouse Dwelling Unit	-	-	-	6 m	6 m
<b>Required Front or Required Flankage Yard</b>					
Front or Flankage yard for Single Unit Dwelling, Two Unit Dwelling, Semi-Detached Dwelling	6 m	6 m	6 m	6 m	-
Front or flankage yard for Multiple Unit Dwelling or Townhouse / Rowhouse	-	-	-	4.5 m	4.5 m

**TABLE 11.3 (a) RESIDENTIAL ZONES LOT REQUIREMENTS**

- = not applicable

LOT REQUIREMENTS	R1	R1-C	R2	RM	R3
Dwelling Units					
<b>Required Side Yard</b>					
Side Yard – Single Unit Dwelling	3 m & 1.2 m	2.6 m & 1.6 m	3 m & 1.2 m	3 m & 1.2 m	-
Side Yard – Two Unit Dwelling	-	-	3 m (0 m on common wall side)	3 m (0 m on common wall side)	-
Side Yard – Semi-Detached Dwelling	-	-	3 m (0 m on common wall side)	3 m (0 m on common wall side)	-
Side Yard – Multiple Unit Dwelling, Townhouse / Rowhouse Dwelling Units	-	-	-	The greater of 3 m or ½ the height of building to a maximum of 6 m	The greater of 3 m or ½ the height of building to a maximum of 6 m
Required rear yard	6 m	6 m	6 m	6 m	6 m (subject to 91)
Maximum Lot Coverage	50%	50%	50%	50%	50%
Maximum Height	9 m	9 m	9 m	10 m	15 m (subject to 91)

**TABLE 11.3 (b) RESIDENTIAL ZONES LOT REQUIREMENTS**

- = not applicable

LOT REQUIREMENTS	RA	MD
Minimum lot area	2 Hectares	450 m <sup>2</sup>
Minimum lot frontage	150 m	15 m
Required front or required flankage yard	7.5 m	4.5 m
Required side yard	6 m	2.5 m
Required rear yard	6 m	4.5 m
Maximum height	11 m for residential & 26 m for agricultural uses	11 m

## PART 12 - COMMERCIAL ZONES

104 In accordance with section 7, Table 12.1 identifies the land uses permitted within each commercial zone

<b>TABLE 12.1 COMMERCIAL ZONES USE TABLE</b> P = Permitted C = Conditional Use Subject to Terms and Conditions - = Use Not Permitted				
ONE OR MORE OF THE FOLLOWING MAIN USES	SC	CM	RBS	NC
Art gallery, library or museum	P	P	P	-
Automobile repair shop or automobile sales establishment	C	-	-	-
Bank or financial institution	P	P	P	-
Brewery, distillery or winery	P	P	-	-
Call center	P	P	P	-
Car Wash	C	-	-	-
Church	C	C	C	C
Communication use	P	P	P	-
Daycare centre	P	P	P	P
Drive thru	C	C	-	-
Educational use	C	C	C	-
Entertainment use	P	P	-	-
Farmer's market	P	P	-	-
Funeral home	P	P	P	-
Government use	P	P	P	-
Hospital, treatment centre or medical clinic	P	P	P	-
Mini storage warehouse	C	-	-	-
Motel, hotel, bed and breakfast or rooming house	P	P	P	-
Multiple unit dwelling, subject to section 91	C	C	C	-
Nursery	P	-	-	-
Office use	P	P	P	P
Parking garage or off-site parking lot	C	C	-	-
Personal service shop	P	P	P	P
Pet service use	P	P	-	-
Philanthropic use	P	P	P	-
Public Park	P	P	P	P
Recreational use	P	P	-	-
Recreational vehicles sale establishment	C	-	-	-
Redemption Centre	P	P	-	-
Research and development, subject to section 89	C	C	-	-
Restaurant	P	P	P	C
Restaurant, including a drive thru	C	C	-	-

Retail store	P	P	-	P (maximum 750 m <sup>2</sup> )
Townhouse/rowhouse dwelling unit subject to section 90			C	
Service shop	P	P	P	P
Service station subject to section 58	C	-	-	-
Single, two unit or semi-detached dwelling	-	-	-	P
Technology use, subject to section 89	C	C	-	-
Veterinary clinic	P	P	P	-
Wholesale store	P	P	-	-
<b>ACCESSORY USES, BUILDINGS &amp; STRUCTURES</b>				
Accessory building, structure or use, subject to Division 3.1	P	P	P	P

105 In accordance with section 7, Table 12.2 identifies the secondary land uses permitted within each commercial zone.

<b>TABLE 12.2 COMMERCIAL ZONES SECONDARY USE TABLE</b> P = Permitted C = Conditional Use Subject to Terms and Conditions - = Use Not Permitted				
ONE OR MORE OF THE FOLLOWING SECONDARY USES	SC	CM	RBS	NC
Accessory dwelling unit, within a single unit dwelling subject section 67	-	-	-	P
Bed and breakfast subject to section 70	-	-	-	P
Dwelling unit	P	-	-	-
Daycare centre	P	P	P	P
Display court	P	-	-	-
Garden Suite subject to section 69	-	-	-	P
Home daycare subject to section 66	-	-	-	P
Home occupation subject to section 68	-	-	-	P
Outdoor storage subject to section 59	P	-	-	-
Residential care facility to a maximum of 6 beds within a Single Unit Dwelling	-	-	-	P
Residential use subject to section 72	-	-	-	P



106 No development shall be permitted and no main building or structure shall be used on a lot in a commercial zone unless the requirements within Table 12.3 are complied with.

TABLE 12.3 COMMERCIAL ZONE LOT REQUIREMENTS				
- = not applicable				
LOT REQUIREMENTS / NORMES	SC	CM	RBS	NC
Minimum lot area	1300 m <sup>2</sup>	600 m <sup>2</sup>	590 m <sup>2</sup>	540 m <sup>2</sup>
Minimum lot frontage	30 m	20 m	21 m	18 m
Required front yard or required flankage yard	4.5 m	4.5 m	4.5 m	4.5 m
Required front yard or required flankage yard for residential uses located at established grade	-	4.5 m	-	-
Required front yard or required flankage yard for a lot fronting on Bridgedale Boulevard or Gunningsvill Boulevard	-	3 m and 5 m maximum	-	-
Required rear yard	6 m	6 m	6 m	6 m
Required side yard	1.5 m	1.5 m	The greater of 3 m or ½ the height of the main building to a maximum of 6 m	2.5 m
Maximum lot coverage	50%	50%	50%	50%
Height	Maximum 15 m	Maximum 18 m subject to 87(3)	Maximum 15 m	Maximum 13 m subject to 88(2)



## PART 13 - INDUSTRIAL ZONES

107 In accordance with section 7, Table 13.1 identifies the land uses permitted within each industrial zone.

<b>TABLE 13.1 INDUSTRIAL ZONES USE TABLE</b> P = Permitted C = Conditional Use Subject to Terms and Conditions - = Use Not Permitted	
ONE OR MORE OF THE FOLLOWING MAIN USES	I
Automobile repair shop or automobile repair shop	P
Car wash	C
Distribution use	P
Educational use	C
Heavy equipment sales establishment	P
Industrial use	P
Mini-storage warehouse	P
Office use	P
Recreational vehicle sales and service establishments	P
Redemption centres	P
Single unit dwelling	P
Technology use, subject to 89	C
Transportation use	P
Veterinarian clinic	P
Wholesale store	P
ACCESSORY USES, BUILDINGS & STRUCTURES	
Accessory building, structure or use, subject to Division 3.1	P

- 108 No development shall be permitted and no main building or structure shall be used on a lot in an industrial zone unless the requirements within Table 13.2 are complied with.

TABLE 13.2 INDUSTRIAL ZONES LOT REQUIREMENTS	
LOT REQUIREMENTS	I
Minimum lot Area	540 m <sup>2</sup>
Minimum lot frontage	18 m
Required front or required flankage yard	7.5 m
Required rear yard	6 m
Required side yard	The greater of 3 m or ½ the height of the main building to a maximum of 6 m
Maximum lot coverage	50 %
Maximum height	11 m

## PART 14 – COMMUNITY USE ZONES

109 In accordance with section 7, Table 14.1 identifies the land uses permitted within each community use zone.

<b>TABLE 14.1 PARK AND COMMUNITY USE ZONES TABLE</b> P = Permitted C = Conditional Use Subject to Terms and Conditions - = Use Not Permitted		
ONE OR MORE OF THE FOLLOWING MAIN USES	PRI	OS
Air Traffic Control Center	P	-
Art gallery, library or museum	P	-
Assisted living facility or independent living facility	C	-
Cemetery	P	-
Church	C	-
Community garden	P	P
Daycare Centre	P	-
Educational use	C	-
Farmers' market	P	-
Funeral home	P	-
Golf course	P	-
Governmental use	P	-
Hospital, treatment centre or medical clinic	P	-
Recreational use	P	-
Interpretive centres	P	P
Philanthropic use	P	-
Public park	P	P
Residential Care Facility	C	-
<b>ACCESSORY USES, BUILDINGS &amp; STRUCTURES</b>		
Accessory building, structure or use, subject to Division 3.1	P	P

- 110 No development shall be permitted and no main building or structure shall be used on a lot in a park and community use zone unless the requirements within Table 14.2 are complied with.

TABLE 14.2 PARK AND COMMUNITY USE ZONES LOT REQUIREMENTS		
- = not applicable		
LOT REQUIREMENTS	PRI	OS
Minimum lot Area	810 sq. m	-
Minimum lot frontage	27 m	-
Required front or required flankage yard	6 m	-
Required rear yard	6 m	-
Required side yard	The greater of 3 m or ½ the height of the main building to a maximum of 6 m	-
Maximum lot coverage	50 %	-
Maximum building height	15 m	-

## **PART 15 - INTEGRATED DEVELOPMENT ZONE**

- 111(1) No development shall be undertaken nor shall any land, building or structure be used on a lot within an integrated development zone unless Council has approved the development of a specific proposal under section 59 of the Act.
- 111(2) Standards or requirements for development in an integrated development zone shall be established by agreement entered into pursuant to section 59 of the Act.

**PART 16 – REPEAL, SAVING AND TRANSITIONAL PROVISIONS**

**Division 16.1                      Repeal**

114        The Town of Riverview Zoning By-law, being By-law 300-6, is repealed.

**Division 16.2                      Saving and transitional provisions**

**Conditional agreements carried over**

112(1)    The lots affected by a conditional rezoning agreement or conditional by-law amendment made before this By-law are zoned as set out in Schedule A.

112(2)    Despite subsection (1), the owner's covenants under a conditional rezoning agreement as set out in Schedule E shall continue to apply to the lot.

**Previous approvals**

113        Any previous approvals granted prior to the coming into force of this By-law will be subject to the current provision within this By-law

ORDAINED AND PASSED \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

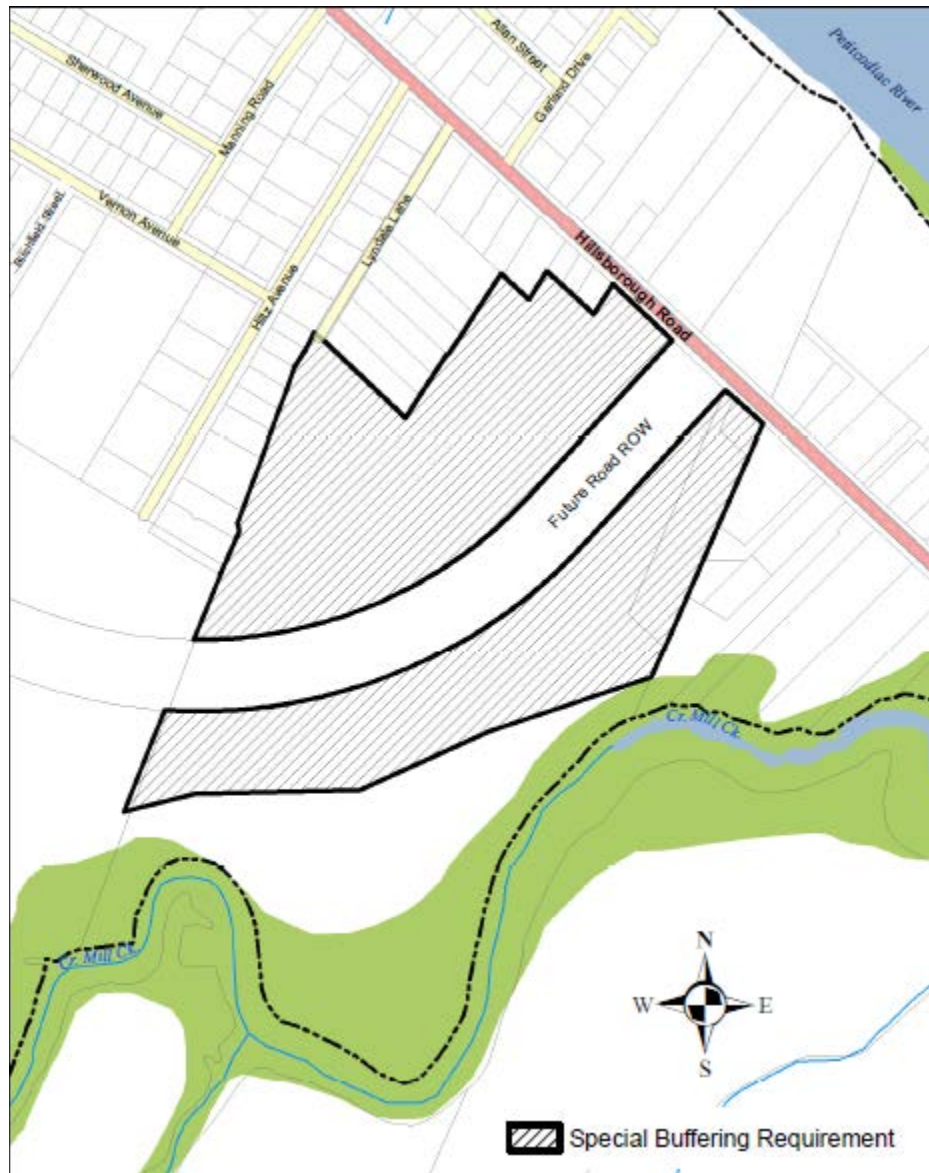
\_\_\_\_\_  
*Mayor - Ann Seamans*

\_\_\_\_\_  
*Town Clerk – Annette Crummey*

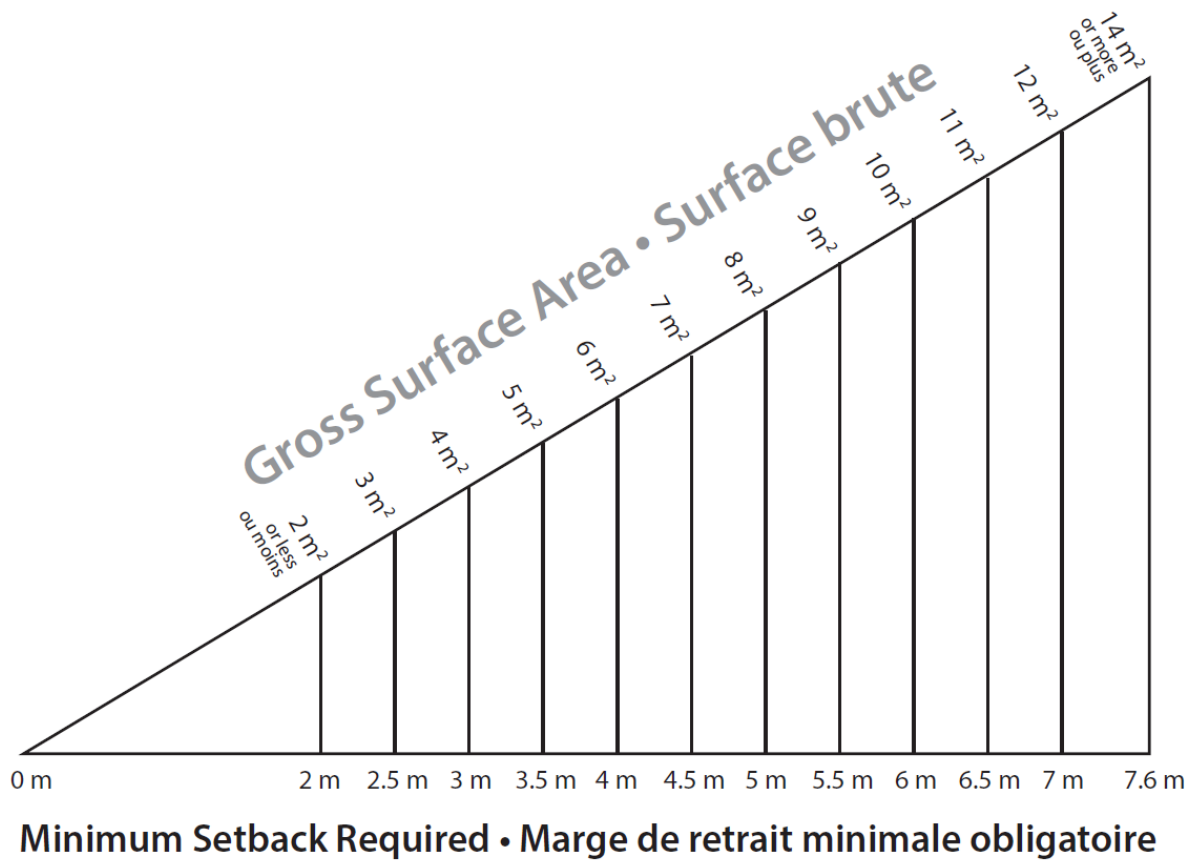


## Schedule A – Zoning Map

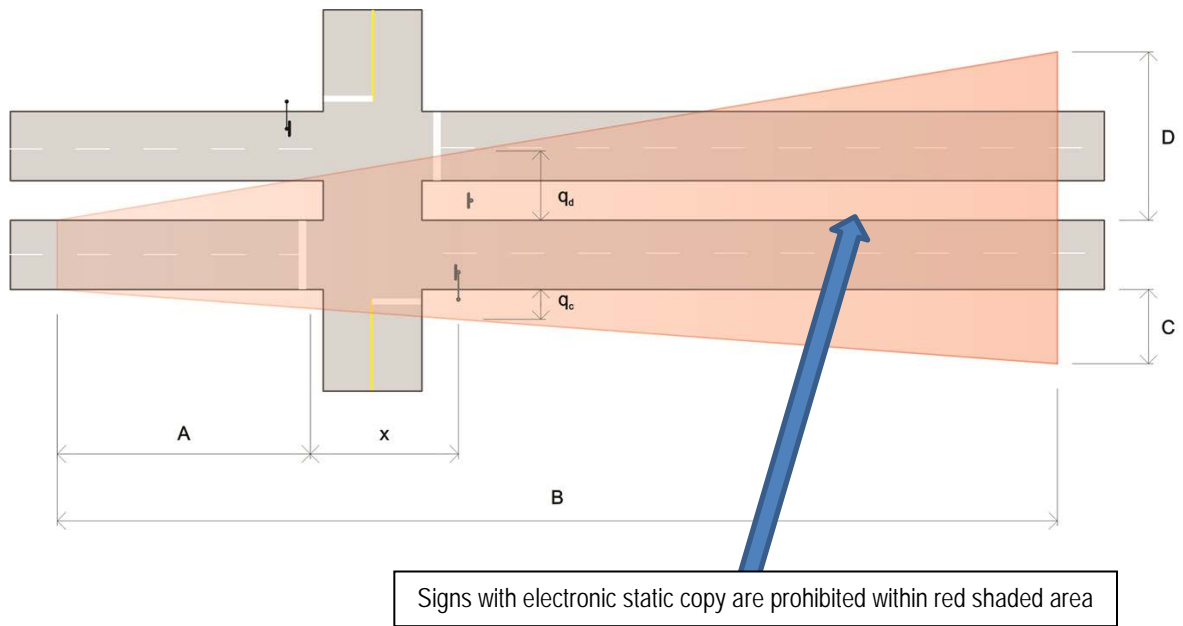
## Schedule B – Special Buffering Requirement



Schedule C – Signs: Gross Surface Area & Minimum Setback Required



Schedule C.1 – Restriction Area for Electronic Message Signs



Variable	Description	Source
A	Stopping distance, measured from stop bar	Given
B	Decision sight distance	Given
C	Maximum lateral dimension of the prohibited area for a sign with an electronic static copy in the direction of travel	Calculated
D	Maximum lateral dimension of the prohibited area for a sign with an electronic static copy in the opposite direction of travel	Calculated
$q_c$	Lateral clearance from the traffic control device, measured from the curb line of the rightmost lane	3 m
$q_d$	Lateral clearance from the traffic control device, measured from the curb line of the leftmost lane	3 m
x	Distance between the stop bar and the nearest traffic control signal	Measured

Posted Speed Limit (km/h)	A (m)	B (m)
50	65	200
60	85	235
70	110	275
80	140	315
90	170	360
100	210	405
110	250	435

Formulas / Formules:

$$C = q_c \times \left( \frac{B}{A + x} \right)$$

$$D = q_d \times \left( \frac{B}{A + x} \right)$$

## Schedule D – Parking Requirements Chart

PARKING REQUIREMENTS CHART	
USE	NUMBER OF PARKING SPACES REQUIRED
Single unit dwelling or home daycare	1
Two unit, semi-detached, three-unit or rowhouse/townhouse dwellings	1 for each unit
Multiple unit dwellings	1.25 for each unit
Rooming houses or bed & breakfast	1.5 for each two bedrooms
Retail, service & personal service greater than 1 000 m <sup>2</sup> of gross floor area	1 for each 40 m <sup>2</sup> of gross floor area
Retail, service & personal service less than 1 000 m <sup>2</sup> of gross floor area	1 for each 35 m <sup>2</sup> of gross floor area
Banks, financial institutions & offices	1 for each 50 m <sup>2</sup> of gross floor area
Restaurants	1 for each 4 seats
Entertainment use	1 for each 10 m <sup>2</sup> of gross floor area
Theatres	1 for each 5 seats
Motels or hotels	1.25 for each unit
Institutional uses except as otherwise specified	1 for each 10 m <sup>2</sup> of gross floor area
Public School	3 per classroom, or in the case of a high school 4 per classroom
Post-secondary educational establishment	1 per classroom + 1 per 5 students based on the maximum number of students attending classes at any one time
Residential care facility, assisted living facility or independent living facility	0.5 per bed
Daycare centres	1 for the first 2 employees, plus 0.5 per additional employee + 1 per 10 children
Medical clinics & offices of a health practitioner	3 per examining room
Funeral homes and crematoria with associated chapels	15 per viewing room and 1 for each 5 m <sup>2</sup> of gross floor area used for chapel
Distribution, manufacturing or transportation use	1 for each 200 m <sup>2</sup> of gross floor area
Telephone call centres	7 per 100 m <sup>2</sup> of gross floor area
Redemption centre	3
A use or development not specified in this chart	3.5 per 100 m <sup>2</sup> of gross floor area

Schedule E - Conditional rezoning agreements carried over

Amending By-law Number	Location	Registration Date	By-law Registration Number	Agreement Registration Number	General Description of Amendment
300-5-1	330 Whitepine Road PID: 05047758	June 1, 2007	23917082	23988935	To allow for a funeral home subject to terms and conditions.
300-5-6	142 Hillsborough Road PID:00649863	January 18, 2013	25097396	25097099	To allow for a daycare subject to terms and conditions
300-5-9	822 Coverdale Road PID:05093521	June 25 2008	25744633	25830291	ID zone agreement to allow for a retirement campus
300-5-11	Corner of Pine Glen Road and Harvey Road PID: 05095682	October 2, 2009	27840348	27840348	To allow for a physiotherapy clinic and dwelling unit subject to terms and conditions
300-5-23	Whitepine Road PID: 05051347	September 17, 2012	31953988	32082258	To allow for a car wash subject to terms and conditions
300-5-24	405 Pine Glen Road PID:00653741	October 11, 2012	32045719	32046527	To allow for a heavy equipment repair shop subject to terms and conditions
300-5-26	230 Hillsborough Road PID: 00648402	September 12, 2013	33097180	33098055	To allow for a multiple unit dwelling subject to terms and conditions
300-6-2	21 McClellan Avenue PID: 00656090	August 14, 2014	34069907	34070301	To allow an office building expansion subject to terms and conditions
300-6-3	Runnymede Road PID: 05103874	August 14, 2014	34069980	34070319	To allow two semi-detached dwellings subject to terms and conditions
300-6-5	Gunningsville Boulevard PIDs: 00662868, 05058484, and 05058490	January 16, 2015	34552662	34552795	To allow a mixed-use, residential neighbourhood subject to terms and conditions
300-6-14	1174 Coverdale Road PID: 05112701	June 11, 2018	38078623	38078649	To allow a residential home, with secondary entertainment use, subject to terms and conditions