

BY-LAW NO. 87-2

ZONING BY-LAW

The Council of the Village of Harvey, under authority vested in it by section 34 of the Community Planning Act, enacts as follows:

INTERPRETATION

1. In this By-Law,

- a) "agricultural use" means any use of land for the purpose of producing crops and livestock;
- b) "Advisory Committee" means the planning advisory committee established by the council;
- c) "alter" means to make any change, structurally or otherwise, in a building or structure which is not for the purposes of maintenance only;
- d) "building" means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels;
- e) "building, accessory" means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use on which is naturally or customarily incidental and complementary to the main use of the land, building or structure;
- f) "building, main" means a building in which is conducted the main or principal use of the lot on which the building is located;
- g) "Council" means the Village Council of the Village of Harvey;
- h) "Development Officer" means the Development Officer of the Village of Harvey;
- i) "Dwelling" means a main building or a portion thereof containing one or more dwelling units but does not include a mobile home;

- j) "Dwelling, single family" means a dwelling containing only one dwelling unit;
- k) "Dwelling unit" means a room or suits of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;
- l) "Erect" means to construct, build, assemble, or relocate a building or structure, and any physical operations preparatory thereto;
- m) "Family" means one or persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or boarding or rooming house;
- n) "Garage, public" means any building, space, or enclosure in which motor vehicles or power boats are stores for use(as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire but does not include an auto body shop;
- o) "Grade" means the finished level of the ground at the exterior walls of a building or structure;
- p) "Height" means in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;
- q) "Home, occupation" means a secondary use conducted in a dwelling and described in section 47;
- r) "House, boarding" means a dwelling or part thereof in which rooms and meals are provided to lodgers for compensation;
- s) "House, rooming" means a dwelling or part thereof in which room are provided to lodgers for compensation;
- t) "lot" means a parcel of land or two or more adjoining parcels held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

- u) "lot, corner" means a lot having two or more adjacent sided fronting on two or more intersecting or intercepting streets;
- v) "lot, interior" means a lot other than a corner lot;
- w) "Lot line" means a common line between a lot and an abutting lot, land or street;
- x) "lot line, rear" means the lot line extending along the rear of a lot;
- y) "lot line, side" means the lot line extending from the street to the rear of the lot;
- z) "municipality" means the Village of Harvey;
- aa) "Service Station" means a building or space where gasoline, oil, grease, antifreeze, tires, and accessories for motor vehicles are stored or kept for sale and where minor repairs to motor vehicles are performed but does not include an auto body shop;
- bb) "Sign" means any display of advertisement, placard, boarding, bill board or any other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form means or device intended, suitable or adaptable for such purpose whether or not it is used at the time for such purpose;
- cc) "storey" means;
 - i. That portion of a building between the surface of any floor and the surface of the floor next above it or, if there is not a floor above it , then the space between such floor and the ceiling next above it, or;
 - ii. A basement or cellar, if the average vertical distance from the grade to the ceiling thereof is over 1.5 metres or such basement or cellar is used for business purposes or for a dwelling purposed by other than a janitor(whether including his family for not);

- dd) "street line" means the common line between a street and a lot;
- ee) "structure" means a erection other than a building or a power or telephone pole or lines;
- ff) "Swimming pool" means a tank or other structure. Artificially created at least in part, located outdoors year round although used seasonally, intended to contain water for purposes of swimming or diving;
- gg) "use" means the purpose for which land or a building or structure, or any combination thereof, is designated, arranged, erected, intended, occupied or maintained;
- hh) "use, accessory" means a use, other than human habitation, of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not secondary use;
- ii) "use, secondary" means a use, other than a main use permitted in a dwelling;
- jj) "width" means, in relation to a lot;
 - i. Where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
 - ii. Where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum setback intersects a line from midpoint of perpendicular to the line to which it is parallel

- kk) “Yard” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and a lot line;
- ll) “Yard, front” means, in relation to a main building, structure or use on a lot, that part of the lot between such building, structure or use and the street line at the front of the lot;
- mm) “Yard, rear” means, in relation to any building, structure or use of a lot, that part of the lot between such building, structure or use and the rear lot line;
- nn) “Yard, side” mean, in relation to any building, structure or use of a lot , that part of the lot between such building, structure or use and a side lot line.

SCOPE

2. This By-Law,

- a. Divides the municipality into zones;
- b. Prescribes, subject to powers reserved in the Advisory Committee,
 - i. The purpose for which land, buildings and structures in any zone may be used, and
 - ii. Standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
- c. Prohibits the use, placement, erection or alteration of land, buildings or structure other than in conformity with purposes and standards mention in clause (b).

PART 1-ADMINISTRATION

Powers of the Council

3. (1) No Building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangement have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.

- (2) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may
 - a) Require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
 - b) Acquire the parcel of land on which such building or structure is located.

- (3) Subject to subsection (5), within any zone mentioned herein, the council may
 - a) Designate land to be used for the location or erection of any installation for the supply of electricity, water, sanitary and storm sewerage, or the treatment or disposal of sewerage wastes; and
 - b) Use land designated under clause (a) for a purpose therein mentioned.

- (4) Notwithstanding any other provision of this By-Law, the Council may, in its discretion, allow a developer of a building or structure to pay to the municipality the sum of \$200.00 per parking space in lieu of providing the off street parking spaces otherwise required hereunder.

- (5) No land may be designated or used for the purposes of subsection (3) unless, in the opinion of the Council,
 - a) Such land is essential to the operation of the service concerned; and
 - b) Any development therein in an R zone is adequately screened from public view.

PART 1- ADMINISTRATION

Special Powers of the Advisory Committee

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

- (2) The Advisory 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; and
 - (b) Require the termination or removal of a development authorized under clause (a) at the authorized period.

Amendments

5. (1) A person who seeks to have this By-Law amended shall;
 - (a) Address a written and signed application in duplicate therefore to the Council or the Advisory Committee; and
 - (b) Pay a fee of \$200.00 to the Council.

- (2) The Council may, if it deems fit, return all or part of the fee mentioned in subsection (1).

- (3) An application under this section shall include such information as may be required by the Council or Advisory Committee for the purpose of adequately assessing the desirability of the proposal.

PART 1-ADMINISTRATION

- (4) The Council may refuse to consider an application under this section if such application;
 - (a) Seeks to re-zone an area of land from one type of zoning to another; and
 - (b) Has not been signed by the owner or owners of each property sought to be re-zoned.
- (5) Before giving its views to the Council with respect to an application under this section, the Advisory Committee may carry out such investigation as it deems necessary.
- (6) Unless, upon the advice of the Advisory Committee, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section had been refused by the Council, no further application may be considered by the Council for one year is such application;
 - (a) In the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
 - (b) Not being in relation to rezoning is similar to the original application.

PART II- ZONES

Classification

6. (1) For the purpose of this By-Law, the municipality is divided into zones as delineated on the plan attached hereto as schedule "A", entitled "Harvey Zoning Map" and dated November, 1986.

(2) The Zones referred to in subsection (1) are classified and referred to as follows:

- (a) Residential, R zones;
- (b) Comercial, C zones;
- (c) Institutional INST zones;
- (d) Industrial, I zones;
- (e) Recreation, P zones;
- (f) Agricultural, A zones;
- (g) Rural, RU zones; and
- (h) Disposal, D zones;

Conformity

7. In any zone, all land shall be used, and all buildings or structures, or parts thereof, shall be placed, erected, altered or used in conformity with the requirement of, except as otherwise provided, the part of this By-Law pertaining to such zone.

PART III- R ZONES

RESIDENTIAL

Permitted Uses

8. Any land, building or structure in a Residential Zone may be used for the following purposes and for no other purpose,

(a) One of the following main uses;

(i) A single-family dwelling,

(ii) Schools,

(iii) Day care centers,

(iv) A park or playground; or

(v) Public Utilities

And

(b) Subject to section 47, a secondary use as a home occupation; and

(c) Any accessory building, structure or use incidental to the main use is permitted by this section.

Lot Sizes

9. (1) If a lot in a Residential Zone is serviced by municipal sewer, the lot have and contain;

(a) A frontage of at least 30 metres,

(b) A depth of at least 30 metres, and

(c) An area of at least 900 square metres.

(2) If a lot in a Residential Zone is not serviced by municipal sewer, the lot shall have and contain;

- (a) A frontage of at least 54 metres,
- (b) A depth of at least 38 metres, and
- (c) An area of at least 0.4 hectares.

Size of Dwelling

10. No Dwelling may be placed, erected, or altered in a Residential Zone so that it has a ground floor area less than;
- (a) 55.75 square metres, for a one- storey dwelling;
 - (b) 40 square metres, for a one and one-half storey dwelling; or
 - (c) 44.5 square metres, for a two-storey dwelling.

Yards for a Main Building or Structure

11. No main building or structure may be placed, erected or altered in a Residential Zone so that it is within less than;
- (a) 7.5 metres of a street line;
 - (b) 1.5 metres of a side lot line;
 - (c) 7.5 metres of the rear lot line; or
 - (d) 15 metres of a highway designated as an arterial or collector highway under the Highways Act.

Height of a Main Building or Structure

12. No main building or structure in a Residential Zone may exceed 8.5 metres in height.

Accessory Building and Structure

13. (1) No accessory building or structure in a Residential Zone may;
- (a) Exceed one storey or 4.25 metres in height;
 - (b) Be placed, erected or altered so that it

i. Is within the front yard of the main building or structure,

- ii. Is within less than 1.5 metres of a side or rear lot line, or
- iii. Is so located as to block that which otherwise would be the only vehicular access to the rear of the lot; or

(c) Be used;

- i. For agricultural purposes, or
- ii. For the keeping of animals other than household pets.

(2) Accessory buildings and structures in a Residential Zone may not occupy more than 7 percent of the area of a lot

Landscaping

14. (1) Subject to this section, the owner of a lot developed for residential purposes in the Residential Zone shall landscape;

- a. The front yard of the main building; and
- b. That part of the lot within 1.5 metres of any building thereon.

(2) The content of the landscaping required under subsection (1)

- a. Is a minimum of lawn and ornamental shrubs; and
- b. May include paths, patios, walkways, and trees.

(3) Notwithstanding subsection (1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.

PART IV- C ZONE

COMMERCIAL

Permitted uses

15. (1) Subject to this section, any land, building, or structure in a Commercial Zone may be used for the following purposes and no other purpose:

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

- (i) Retail and wholesale commercial outlets,
- (ii) A bank or other financial institution,
- (iii) A hotel or motel,
- (iv) An office or office building,
- (v) A restaurant,
- (vi) A service station or public garage;

And

(b) One or more of the following secondary uses:

- (i) A dwelling,
- (ii) A rooming or boarding house, or
- (iii) Indoor storage of articles for sales in connection with a use permitted by this section.

And

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

(2) Except for gasoline pumps at a service station or public garage, or for a parking lot or automobile sales lot, no use permitted under this section may be established or conducted other than in a completely enclosed building.

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PART IV – C ZONE

(3) A dwelling mentioned in subclause (i) of clause (b) of subsection (1) shall not;

(a) contain more than one dwelling unit; or

(b) be located below the second storey of the building in which it is contained.

(4) Notwithstanding anything herein before 15(4) the property shown on schedule “A” attached to By-Law 94-2 shall be used only for the purpose of a licensed dining room open to the public from mid-morning until 10:00 p.m. and for no other purpose.

Lot Sizes

16. No main building or structure may be placed, erected, or altered on a lot in a Commercial Zone unless the lot has and contains;

(a) A width of at least 25 metres;

(b) A depth of at least 38 metres; and,

(c) An area of at least 950 square metres.

Size of Dwelling Units

17. No building in a Commercial Zone may be placed, erected, or altered, and no structure may be altered, to contain a dwelling unit with a floor area less than 55 square metres.

Yards for a Main Building or Structure

18. No main building or structure in a Commercial Zone may be placed, erected, or altered so that it is within less than;
- (a) 7.5 metres of a street line;
 - (b) 1.5 metres of a side lot line;
 - (c) 3 metres of the rear lot line; or
 - (d) 15 metres of a highway designated as an arterial or collector highway under the Highways Act.

Height of a Main Building or Structure

19. No main building or structure in a Commercial Zone may exceed 10.5 metres in height.

Accessory Buildings and Structures

20. No accessory building or structure in a Commercial Zone may;

(a) Exceed 4.25 metres in height;

(b) Be placed, erected, or altered so that it is;

(i) Closer to the street at the front of the lot than at the rear of the main building or structure, or

(ii) Within 1.5 metres of a side lot or rear lot line, or

(c) Be used for agricultural purposes or for the keeping of animals other than household pets.

PART V – INST ZONES

INSTITUTIONAL

Permitted Uses

21. (1) Any land, building, or structure in an Institutional Zone may be used for the following purposes and for no other purpose,

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

- (i) A building intended primarily for public assembly or for social and cultural activities,
- (ii) A community centre,
- (iii) An educational building,
- (iv) A fraternal lodge,
- (v) A hospital or health building, or senior citizen housing,
- (vi) A Government Building,
- (vii) A religious or secular institution, or
- (viii) A cemetery;

And

(b) Subject to subsection (2), any accessory building, structure, or use incidental to the main use of the land, building, or structure if such main use is permitted by this section.

(2) A use permitted under clause (b) of subsection (1) is prohibited unless approved by the Advisory Committee and unless it complies with such terms and conditions as may be imposed by the Advisory Committee.

Lot Sizes

22. Subject to the Health Act, the provisions of section 9 with respect to lot sizes apply equally to Institutional Zones.

Yards for a Main Building or Structure

23. No main building or structure may be placed, erected, or altered in an Institutional Zone so that it is within less than;
- (a) 7.5 metres of a the rear lot line;
 - (b) 3 metres of a side lot line; or
 - (c) 15 metres of a highway designated as an arterial or collector highway under the Highways Act.

Accessory Buildings and Structures

24. Notwithstanding subsection (2) of section 21, no accessory building or structure in an Institutional Zone may;
- (a) Exceed one storey or 4.25 metres in height;
 - (b) Be placed, erected, or altered so that it is within, or extends into, a yard required for the main building or structure; or
 - (c) Be used;
 - (i) For agricultural purposes, or

(ii) For the keeping of animals other than household pets.

Lot Occupancy

25. Buildings and structures on a lot in an Institutional Zone shall not occupy more than 50 per cent of the lot.

Landscaping

26. The provisions of section 14 with respect to landscaping apply equally to an Institutional Zone.

PART VI – I ZONES

INDUSTRIAL

Permitted Uses

27. (1) Any land, building, or structure in an Industrial Zone may be used for the following purposes and for no other purpose,

(a) One or more of the following main uses;

(i) Auto body repair shop, heavy truck garage, or mechanical maintenance shop,

(ii) A railway use,

(iii) A sawmill,

(iv) A warehouse or wholesaling establishment, or

(v) Subject to subsection (2), a manufacturing or processing establishment.

And

(b) Any accessory building, structure, or incidental to the main use of the land, building, or structure is such main use permitted by this subsection.

(2) A use mentioned in subclause (v) of clause (a) of subsection (1) is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such committee.

(3) No use permitted under this section may be established or continued unless contained in a completely enclosed building or structure.

Lot Sizes

28. No main building or structure in an Industrial Zone may be placed, erected, or altered on a lot unless the lot has and contains;

- (a) a width of at least 36.5 metres;
- (b) a depth of at least 38 metres; and
- (c) an area of at least 1400 square metres.

Yards for a Main Building or Structure

29. No main building or structure in an Industrial Zone may be placed, erected, or altered so that it is within less than ;

- (a) 7.5 metres of a street line;
- (b) The distance of a side or rear lot line which is the greater of 3 metres or one-half the height thereof; or
- (c) 15 metres of a highway designated as an arterial or collector highway under the Highways Act.

Accessory Buildings and Structures

30. Except for a gatekeeper or security office, no accessory building or structure in an Industrial Zone may be placed, erected, or altered so that it is;

- (a) Closer to the street than the front of the main building or structure; or
- (b) Within the distance of a side or rear lot line which is the greater of 3 metres or one-half the height thereof.

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PART VII – P ZONES

RECREATION

Permitted Uses

31. (1) Any land, building, or structure in a Recreation Zone may be used for the following purposes and for no other purpose;

- (a) One or more of the following main uses:

- (i) Public open space for the aesthetic or other use of the general public, or
- (ii) A park or playground;

And

(b) Subject to subsection (2), any accessory building, structure or use incidental to the main use of the land, building, or structure if such main use is permitted by this section.

(2) A use permitted under clause (b) of subsection (1) is prohibited unless approved by Advisory Committee and unless such terms and conditions as may be imposed by the Advisory Committee are complied with.

PART VIII – A ZONES

AGRICULTURAL

Permitted Uses

32. (1) Subject to this section, any land, building, or structure in an Agricultural Zone may be used for the following purposes and for no other purposes;

(a) One of the following main uses:

(i) An agricultural use,

(ii) A single-family dwelling for persons actively engaged in an agricultural use.

And

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

(2) A dwelling in conjunction with an agricultural use shall not be placed, erected, or altered so that it contains more than one dwelling unit.

(3) A dwelling mentioned in subsection (2) shall not be placed, erected, or altered, and a building or structure shall not be altered to become a dwelling, on a lot unless the lot and the plans for installation of the septic tank and disposal field meet the requirements of regulations under the Health Act.

Lot Sizes

33. No main building or structure may be placed, erected, or altered, and no building or structure may be altered to become a dwelling, on a lot in an Agricultural Zone unless the lot has and contains;

(a) A width of at least 54 metres;

(b) A depth of at least 73 metres;

(c) An area of at least 0.40 hectares.

Size of Dwellings

34. No dwelling may be placed, erected, or altered, and no building or structure may be altered to become a dwelling in an Agricultural Zone so that it has a ground floor area less than;
- (a) 55.75 square metres, in the case of a one-storey dwelling; and
 - (b) 44.5 square metres, in the case of a one and one-half or two-storey dwelling.

Yards for a Building or Structure

35. No building or structure may be placed, erected, or altered in Agricultural Zone so that it is within less than;
- (a) 7.5 metres of a street line or the rear lot line;
 - (b) 3 metres of a side lot line; or
 - (c) 15 metres of a highway designated as an arterial or collector highway under the Highways Act.

PART IX – RU ZONES

RURAL

Permitted Uses

36. Subject to this section, any land, building, or structure in a Rural Zone may be used for the following purposes, and for no other purpose;

(a) One of the following main uses:

(i) An agricultural or forestry use;

(ii) A recreational or community use;

(iii) Public utilities;

(iv) Any institutional use set out in section 21, and

(v) A single-family dwelling.

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

Development Standards

37. All development in a Rural Zone shall conform to all applicable laws and regulations of the Province of New Brunswick.

Height of Building or Structure

38. No building or structure in a Rural Zone (other than a church, barn, or silo) may exceed 10 metres in height.

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PART X – D ZONES

DISPOSAL

Permitted Uses

39. Any land, building, or structure in a Disposal Zone may be used for the following purposes and for no other purpose;

- (a) The main use of the sanitary treatment and disposal of waste; and
- (b) Any accessory building, structure, or use incidental to the main use.

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PART XI

GENERAL PROVISIONS

Residential Development Near a Lagoon or Treatment Plant

40. Notwithstanding any other provision of this By-Law, no dwelling or mobile home may be located within 150 metres of a sewage lagoon or treatment plant.

Commercial Industrial and Agricultural Development Abutting a Residential Zone

41. Notwithstanding any other provisions of this By-Law, in the case of a lot in a C, A, or I zone and abutting an R Zone, no main building or structure may be placed or erected thereon unless the yard adjoining the R zone has a depth or width equal to twice the height of the main building or structure.

Number of Main Building or Structures on a Lot

42. Except as a herein provided, no more than one main building or structure may be placed or erected, and no building or structure may be altered to become a second main building or structure on a lot.

Set Back Requirements

43. Notwithstanding any other provision of this By-Law, no person may place, erect, or alter a building or structure, or any part thereof, or make any excavation preparatory thereto,

within less than 30 metres of the boundary of a highway or street unless a certificate of set back is first obtained from the Development Officer.

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GENERAL PROVISIONS

Building and Structure Projection

44. (1) The requirements of this By-Law with respect to placing, erecting, or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of;

(a) 15 centimetres, for sills, leaders, belt courses or similar ornamental features;

(b) 45 centimetres, for chimneys, smoke stacks, or flues;

(c) 60 centimetres, for cornices or eaves;

(d) 100 centimetres, for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes; or

(e) Subject to subsection (2),

(i) 1.2 metres for steps or unenclosed porches, or

(ii) 1.8 metres, for balconies or upper storeys of multiple dwellings which are not enclosed above a normal height.

(2) Projections mentioned in clause (e) of subsection (1) may not extend into a required side yard to a greater extent than one-half the required width of the yard.

Vehicular Off-Street Parking

45. (1) subject to this section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this section.

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GENERAL PROVISIONS

Vehicular Off-Street Parking

(2) Off-street vehicular parking spaces mentioned in subsection (1) shall be provided on the following basis;

(a) For dwelling units: no less than one space for each dwelling unit;

(b) For retail stores and service shops or similar establishments: not less than one space for every 18 square metres of retail sales floor space;

(c) For restaurants and taverns: not less than one space for each 4 patrons for whom accommodation is provided;

(d) For offices: not less than one space for every 36 square metres of gross floor area;

(e) For recreational and entertainment buildings INST district buildings (including churches), clubs, and places of assembly: not less than one space for every 10 fixed seats, or not less than one space for every 9 square metres of gross floor area, whichever is the greater;

(f) For hotels and motels: not less than one space for each habitable unit;

- (g) For schools and youth clubs: not less than one space for every classroom or clubroom and, where an auditorium or place of assembly is included therein, an additional space for every 9 square metres of auditorium or assembly area; and

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GENERAL PROVISIONS

- (h) For industrial buildings, warehouses, storage yards or buildings, and servicing and repairing establishments: not less than one space for every 5 employees, or not less than one space for every 90 square metres of gross floor area, whichever is the greater.

(3) A parking space shall be;

- (a) An area of not less than 6 metres in length and not less than 3 metres in width;
- (b) Readily accessible from the nearest street; and
- (c) Not more than 15 metres from the building which it serves.

(4) Provided the area is not less than the minimum area required for all buildings which the spaces are to service, collective provision for off-street parking spaces may be made for two or more buildings on the same lot.

(5) Where collective provision for off-street parking is made under subsection (4) the parking area shall;

- (a) Be screened from public view, if practicable;
- (b) Be surfaced with a durable and dustproof material;

- (c) Have points of ingress and egress located, in the opinion of the Advisory Committee with due regard to topography and general traffic conditions; and
- (d) Not be used for automotive repair work or servicing except in the case of an emergency.

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GENERAL PROVISIONS

Vehicular Off-Street Loading and Unloading

46. (1) The owner of every building, structure, or premises used in whole or part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain on lands appurtenant to such building, structure, or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:
- (a) For retail and wholesale stores, bulk storage plants, warehousing, or similar uses;
 - (i) Not less than one space if the gross floor thereof is 465 square metres or less,
 - (ii) Not less than two spaces if the gross floor area thereof is in excess of 465 square metres but less than 2325 square metres, and
 - (iii) An additional space for each 930 square metres, or fraction thereof, of gross floor area thereof in excess of the first 2325 square metres; and
 - (b) For business or office buildings, places of public assembly, schools, hotels, or other similar buildings or premises;

- (i) Not less than one space, and
- (ii) An additional space for each 3250 square metres, or fraction thereof, of gross floor area in excess of 2785 square metres.

(2) A loading and unloading space mentioned in subsection (1) shall;

(a) be not less than 9 metres in length and not less than 3 metres in width, with 4.4 metres overhead clearance;

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- (b) Be so located that merchandise or materials are loaded or unloaded on the premises being served;
- (c) Be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
- (d) Be surfaced with a durable and dustproof material.

Home Occupations

47. (1) Subject to subsection (2), where a home occupation is permitted under the By-Law, one of the following occupations may be conducted as a home occupation in the main dwelling;

- (a) An occupation as a doctor, dentists, architect, artist, designer, accountant, lawyer, or professional engineer in an office or studio therein;
- (b) An insurance salesroom;
- (c) Garment making;
- (d) A day nursery or kindergarten;
- (e) The teaching of dancing or music to not more than 4 students at a time; or

(f) A barber shop or beauty parlour.

(2) A home occupation is subject to the requirements that;

(a) not more than one person is engaged therein in addition to members of the family resident in the dwelling unit in which it is located;

(b) it is confined to the dwelling unit mentioned in clause (a), and no part of it is located in an accessory building or structure;

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(c) The floor area of the dwelling unit which is devoted to it does not exceed the 25% of the unit's total floor area;

(d) no change, except for a sign permitted under subsection (2) of section 49, is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;

(e) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or there from;

(f) no equipment or material used therein is stored other than in the dwelling unit mentioned in clause (a);

(g) no commercial vehicle used in connection therewith, and no vehicle of any kind bearing a sign in connection therewith, is stored on the lot except in a wholly-enclosed building; and

(h) two off-street parking spaces are provided in excess of those required under section 45.

Stripping of Top Soil

48. (1) Subject to this section, no person may strip, excavate, or otherwise remove top soil for sale or for use from a lot or other parcel of land.

(2) Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

(3) Notwithstanding subsection (1), the farming or sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land.

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Signs

49. (1) Other than a traffic control device as defined by the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting, or displaying of a sign not expressly permitted by this section is permitted only if approved by the Advisory Committee and only on compliance with such terms and conditions as may be imposed by such committee.

(2) Subject to subsection (3), in any zone, a non-illuminated sign may be placed, erected, or displayed on any land, building or structure is such sign;

(a) Advertises the sale, rental or lease of such land, building, or structure;

(b) Identifies by name the property or the residents thereof;

(c) Indicates a home occupation permitted hereunder; or

(d) Warns against trespass,

(3) Unless otherwise provided by this section, a sign mentioned in subsection (2) shall not exceed;

(a) In number, one for each purpose mentioned therein; or

(b) In size,

(i) 0.5 square metres, for a sign mentioned in clause (a) thereof, or

(ii) 0.2 square metres, for a sign mentioned in clause (b), (c), or (d) thereof.

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(4) In a C zone, the following signs may be placed, erected, or displayed;

(a) A sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, provided the gross surface area of such sign does not exceed;

(i) the product of the lineal frontage of the lot on which the building is located, multiplied by two, in the case of a non-illuminated sign, or

(ii) one-half the size permitted under sub-clause (i), in the case of an illuminated sign; or

(b) a free-standing sign not exceeding 4 square metres in gross surface area, in the case of a service station.

(5) In an A zone, the following signs may be placed, erected or displayed;

(a) One sign not exceeding 4 square metres in gross surface area indicating the name of a farm; and

(b) One sign not exceeding 1.6 square metres in gross surface area indicating the sale or rental of the property on which it is placed.

(6) No sign may;

(a) Be an imitation of a traffic control device or contain the words “stop”, “go”, “go slow”, “caution”, “danger”, “warning”, or similar words;

(b) Have a size, location, movement, content, coloring, or manner of illumination which may be confused with, constructed as, or tend to hide from view any traffic control device; or

(c) Advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

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Fences

50. (1) Notwithstanding any other provision of this By-Law, subject to this section, a fence may be placed or located in a yard.

(2) Except for a security fence of a chain link construction, no fence in a required front yard may exceed 0.75 metres in height.

(3) Subject to subsection (2), no fence may exceed in height;

(a) 1.5 metres in an R zone; or

(b) 2.5 metres in a zone other than an R zone.

Enclosures for Swimming Pools

51. (1) No land may be used for purposes of a swimming pool unless the pool is enclosed by a fence, or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres in height and meeting the requirements of this section.

(2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),

(a) No main service entrance to the building may be located therein; and

(b) Any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 metres above the bottom of the door.

(3) An enclosure mentioned in subsection (1) shall not have rails, bracing, or other attachments on the outside thereof that would facilitate climbing.

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(4) A fence mentioned in subsection (1);

(a) Shall be made of chain link construction, with galvanized, vinyl or other CSA approved coating or of wood or of other materials, in the manner described in subsection (5);

(b) Shall not be electrified or incorporate barbed wire or other dangerous material;
and

(c) Shall be located;

(i) At least 1.2 metres from the edge of the swimming pool, and

(ii) At least 1.2 metres from any condition that would facilitate its being climbed from the outside.

(5) The design and construction of a fence under this section shall provide;

(a) In the case of chain link construction,

(i) No greater than 4 centimetres diamond mesh,

- (ii) Steel wire not less than No. 12 gauge, or a minimum No. 14 gauge proved coating forming a total thickness equivalent to No. 12 gauge wire, and
- (iii) At least 3.5 centimetres diameter steel posts, set below front in an envelope of cement and spaced not more than 3 metres apart, with a top horizontal rail of at least 3 centimetres diameter steel;

(b) In the case of wood construction;

- (i) Vertical boarding, not less than 2.5 x 10 centimetres nominal dimensions spaced not more than 3.5 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and

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- (ii) Supporting cedar posts at least 25 centimetres square or round with 11 centimetres diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least 5 x 15 centimetres nominal dimensions; and

(c) In the case of construction with material and in a manner other than described in this subsection rigidity equal to that provided thereby.

(6) Gates forming part on an enclosure mentioned in subsection (1);

- (a) Shall be equivalent to the fence in content, manner of construction and height;
- (b) Shall be supported on substantial hinges; and

(c) Shall be self closing and equipped with a self-latching device at least 1.5 metres above the bottom of the gate.

Line of Vision at an Intersection

52. Except in the C zone, no building, structure, fence, shrub, or tree foliage may obstruct the line of vision at a street intersection between the heights of 1 and 3 metres above the grade of the streets within an area bounded by the centre lines thereof and a line joining a point on each center line 24 metres from their intersection.

Lighting Facilities and Illuminating Devices

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

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Repeal

54. By-Law No. 79-1 of the By-Laws of the Village of Harvey, being the previous Zoning By-Law is hereby repealed.

55. This By-Law consolidated as of July 31, 1996.

This original By-Law is filed at the Harvey Village Office under By-Laws in alphabetical order.