



**Town of Hampton
Zoning By-law**

By-law 190-10

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TOWN OF HAMPTON ZONING BY-LAW

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TOWN OF HAMPTON ZONING BY-LAW

1.0 Introduction

The Council of the Town of Hampton, under authority vested in it by Section 34 of the Community Planning Act, enacts as follows:

1.1 TITLE, PURPOSE AND SCOPE

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

1.2 PURPOSE

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

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

1.3 SCOPE

- (a) No building or structure shall be erected, or altered (including demolition), nor the use of any building, structure or lot be changed unless a Development/Building permit has been issued and no Development/Building permit shall be issued unless all the provisions of this By-law are satisfied.

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- (b) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law, Subdivision By-law, or any other By-law in force within the Town of Hampton or to obtain any license, permission, permit authority or approval required by this or any other By-law of the Municipality, or other lawful authority.
- (c) Where the provisions of this By-law conflict with those of any other municipal, provincial or federal regulations, By-laws or codes including regulations pertaining to on-site sewage disposal systems, the higher or more stringent requirements shall prevail.

2.0 Definitions

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

In this By-law symbols and abbreviations shall have the following meanings assigned to them:

cm = centimeter(s), mm = millimeter(s), m = metre(s), m² = square metre(s)

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

Advisory Committee, means the Planning Advisory Committee established by Council;

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

Act, means the Community Planning Act of New Brunswick;

Accessory Apartment, means a secondary Dwelling Unit designed to be used for elderly relatives, where the dwelling area shall not exceed thirty-three percent (33%) of the gross floor area of the main residential use and there is direct access from the main residential unit to the accessory apartment; Accessory Apartments are not permitted in Semi-Detached Dwellings, Terrace Dwellings or in a dwelling which already incorporates two or more Dwelling Units.

Adult Bookstore Or Adult Video Rental, includes an establishment or place for the purpose of retail trade or rental where 20% or more of the value of the total stock in trade in any such establishment or place is comprised of videos, books, magazines, or other periodicals relating to or portrayed as relating to sexual activities;

Adult Entertainment Parlor, means an establishment or part thereof which provides goods or services including activities, facilities, performances, exhibitions, viewing and encounters, the principle characteristic of which is the nudity or partial nudity of any person;

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

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

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Amusement Place, means an amusement park or any amusement, other than a private club or an establishment authorized to serve beer or spirits, which for profit provides facilities for dancing, games, the showing of motion pictures or any form of entertainment, amusement or recreation, whether or not in conjunction with a restaurant or other commercial establishment but does not include an Adult Entertainment Parlor;

Apartment, means a building containing three or more dwelling units, other than a terrace, town or rowhouse;

Array, means two or more wind turbines that are physically interconnected.

Assembly Occupancy, means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational, or like purposes, or for the consumption of food or drink;

Bachelor Apartment, means a dwelling unit consisting of not more than one habitable room with kitchen or kitchenette and bathroom facilities;

Bed and Breakfast, means part of a dwelling where the resident owner or resident provides accommodations with or without meals to the travelling public for financial remuneration;

Blade, means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind.

Boarding House, means a dwelling in which room and/or meals are provided to lodgers for compensation;

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

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

Building, Accessory, means a detached subordinate building, not used for human habitation, except where permitted in the Zoning By-law, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure, and does not include a shipping container, steel dome structure, or temporary structure.

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

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

Building Permit, means the permit required for all new construction, renovations, extensions or expansions in accordance with all the Town of Hampton regulations including the Building By-law;

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Chicken – refers to the female of the *gallus gallus domesticus* species and does not include roosters, toms, drakes, guineas or geese.

Clinic, means a commercial building or part of a building used for medical, dental, surgical or therapeutic treatment of human beings but does not include a hospital or a professional office of a doctor located in a residence;

Cluster Development, means a development design technique that locates buildings in limited areas on a site to allow the remaining land to serve a variety of conservation purposes;

Commercial Recreational Establishment, means a recreational facility operated as a business for gain or reward;

Community Care Facility, means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, provided the facility complies with applicable legislation and without limiting the foregoing, a community care facility may include a day care centre, a nursing home or seniors residence;

Corner Lot, means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets;

Council, means the Council for the Town of Hampton;

Day Care Centre, means a facility defined by and operated in accordance with the Family Services Act;

Development Officer, means a person appointed by Council under Section 16 of the Community Planning Act of New Brunswick;

Development Permit, means a permit issued by the Development Officer confirming that the project is in compliance with the requirements of this By-law and all other By-laws of the Town of Hampton;

Double Unit Residence, means a building divided into not more than two (2) Dwellings each of which has an independent entrance, either directly from an outside entrance or through a common vestibule and both Dwelling Units are on a single Lot and can include Single Unit Residence with a basement apartment.

Drive-in Restaurant, means a building or part thereof used for the preparation of food and the serving of food for consumption within or outside that building or in motor vehicles stopped at on-site parking areas; but does not include a restaurant where there is no service of food for consumption in motor vehicles stopped at on-site parking areas;

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Drive-Through Restaurant, means an establishment that serves prepared food to customers who pull up in their vehicles to a microphone and/or window while the customers remain in their vehicles.

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

Dwelling Unit, means a room or suite of two or more rooms designed or intended for use by an individual or family in which a kitchen and sleeping and sanitary facility are provided for the exclusive use of such individual or family;

Dwelling, Semi-Detached means a single unit Dwelling attached to one (1) other single unit dwelling by a common above grade wall with each Dwelling Unit and each Dwelling Unit located on a separate abutting Lot. Basement apartments and Accessory Apartments are not permitted in a semi-detached dwelling;

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

Escarpment, means a slope greater than 50% (*i.e.*, a 2:1 slope);

Flanking Lot Line, means the lot line which abuts a street on a corner other than the front lot line;

Flankage Yard, means, the yard on a corner lot which is not the front yard;

Floor Area, means the total usable floor area within a building;

Front Lot Line, means the line dividing the lot from the street, in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and where such lot lines are of equal length, the front lot line shall be either of the two lines. In the case of a through lot each boundary dividing the lot from the street shall be deemed to be the front lot line;

Gasoline Bar, shall mean a maximum of two pump islands, with each pump island having a maximum of two gasoline pump stations each containing a maximum of two (2) individual gasoline pumps (dispensing fuel for passenger and recreational vehicles), and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing. A "Truck Stop" is a separate use.

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Grocery Store, means a building or portion thereof established primarily for the retailing of food and household goods.

Guy wire, means a cable or wire used to support a tower.

Height, means the vertical distance on a building between the mean grade of the finished ground adjoining the building, and the highest point of the roof surface, or the parapet but shall not include any construction used as an ornament or for the mechanical use of the building including chimney tower, steeple, solar collector, antenna, satellite receiving dish or wind turbine.

Home Occupation, means a business activity which is conducted in a portion of a dwelling unit or building accessory to the main residence, by a person who uses the dwelling unit as the primary place of residence and which is clearly secondary to the main use as a dwelling, and does not include automotive repair, auto body repair, automotive paint, machine shop, or welding shop.

Homes For Special Care, means a facility licensed by the Province of New Brunswick where nursing care or room and board is provided to individuals incapacitated in some manner for medical reasons but does not include a hospital as licensed by the Province of New Brunswick;

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

Infill, means development on up to three (3) vacant Lots or redevelopment of up to three (3) Lots containing existing Buildings or Dwellings to create additional new residential Dwelling Units in an established neighbourhood where existing Lots on one or both sides have been developed previously.

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

Interior Lot, means a lot other than a corner lot;

Kilowatt or kW, means a measure of power for electrical current.

Large scale wind turbine or LWT, means a wind turbine which has a power generation capacity of greater than 100kW.

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Livestock – refers to farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, poultry, goats, geese, mink and rabbits.

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

Lot Depth, means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of the line joining the midpoints of the front and rear yard;

Lot Frontage, means the horizontal distance measured along a street. Where a lot abuts two streets, the lesser distance shall be deemed the lot frontage. In the case of a curved corner or where side lot lines are not parallel, lot frontage means the distance between the side lines of the lot, at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street;

Lot Line, means the boundary or exterior line of a lot;

Manufacturing or Processing Establishment, means a building or part of a building used primarily for the modification or fabrication of materials into products to be supplied or sold for further manufacturing or processing or for wholesale or retail outlets, but does not include salvage yards.

Mini Home Subdivision, means a parcel of land:

- i. Intended as the location for residential purposes of eight or more mini homes; and
- ii. Having an area of 2 hectares or more.

Mini Home, means a dwelling unit having a width of 5 m or less, that is built on-site or manufactured in a factory with the floor system being an integral part of the structural integrity by way of design, and designed to be transported and delivered to a home site on a flatbed or steel frame and placed on a permanent foundation or similar support system. This definition does not include sectional homes transported in two or more sections and assembled on site;

Mobile Home, means a dwelling having a width of 5 m or less, that is built on-site or manufactured in a factory, constructed on a steel frame and may include a trailer hitch and wheels and is designed to be transported from its place of construction to a home site and located on wheels, jacks or similar supports or on a permanent foundation;

Nacelle, means the frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

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Nameplate capacity, means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine.

Nursing Home, means a residential facility operated, whether for profit or not, for the purpose of supervisory, personal or nursing care of individuals who are not related by blood or marriage to the operator of the home, and who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves, but does not include an institution operated under the Mental Health Act, the Hospital Services Act, the Hospital Act, or the Family Services Act;

Outdoor Storage, means storage not in a building or covered area, and includes materials covered by a canvas, plastic, steel dome, or any other type of covering material;

Passenger Vehicles, means an automobile, sports utility vehicle, truck used for passengers, mini-van, van, motorcycle, motor-assisted bicycle, bicycle, scooter but the term used here does not include the cars of electric or steam railways, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, road building machine, travel trailer, transport truck, tractor-trailer, or motor home.

Person, includes an individual, association, firm, corporation, trust, incorporated company, organization, trustee or agent, and the executors or other legal representatives of a person to whom the context can apply according to law;

Personal Service Shop, means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the foregoing, barber shops, beauty shops, tailor shops, shoe repair, health and wellness centres and excludes automobile service, dry-cleaning of articles or fabrics and the manufacturing or fabrication of goods for retail or wholesale distribution.

Rear Lot Line, means the line furthest from or opposite from the front lot line;

Receptor, means any form of housing, dwelling, institutional use, and any type of use not typically exposed to sound levels greater than 45 dBA.

Recreational Use, means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include commercial camping grounds nor a track for the racing of any form of motorized vehicles or any animals;

Recreational Facility, means a building or space designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, but does not include a commercial recreational establishment;

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Recycling Facility, means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials which are to be delivered wholesale to other off site operations for further processing or salvage, but does not include salvage yards.

Restaurant, means a building or portion thereof where food is prepared and served for public consumption, either within the restaurant or external to the restaurant, including a catering service, drive-in or take-out restaurant, but does not include a drive-through restaurant.

Retail Store, means a building or part of a building primarily used for the sale of goods for direct use or consumption by the purchaser at a separate location, including establishments such as shoe stores, clothing stores, furniture stores, paint and hardware stores, book stores, appliance and electronics stores, and video stores and excludes retail operations specifically defined in this by-law such as automobile dealerships, grocery stores, and gas bars.

Rotor's Arc, means the largest circumferential path traveled by the wind turbine's rotor blade.

Rotor clearance, means the distance between the bottom tip of the blade at its lowest possible extension and the ground.

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

Serviced Lot, means a lot that has access to municipal sewer;

Side Lot Line, means a lot line other than the front or rear lot line;

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

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

Single Unit Residence, means a completely detached dwelling unit;

Small Lot Single Family Dwelling, means a detached dwelling unit on a lot with a minimum area of 555 m² (15 m X 37 m) in a subdivision development which consists of primarily semi-detached and/or terrace dwellings;

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Small scale wind turbine or SWT, means a wind turbine which has a power generation capacity of no greater than 100kW.

Street Line, means the common line between a street and a lot;

Structure, means a combination of materials which forms a construction that is intended to be safe and stable, other than a building, or a power or telephone pole;

Swimming Pool, means a tank or body of water, other than an existing natural body of water or stream, either above or below ground, which has a depth greater than 60 cm. intended to be used for diving, swimming, or wading;

Take-out Restaurant, means a building or portion thereof which is used primarily for food to be prepared, packaged and sold for consumption elsewhere;

Terrace Dwelling, means a building divided vertically into at least three (3) and no more than six (6) Dwelling Units, such Dwelling Units being situated on its own Lot and constructed so as to be adjoined to the Dwelling Units on either side with common walls and not one above the other. Each Dwelling Unit shall have individual entrances leading to and from the rear yard for each Lot upon which each Dwelling Unit is situate. A Terrace Dwelling can include row houses or townhouses. A Terrace Dwelling can include row houses or townhouses. Terrace Dwellings are not permitted on Infill Lots unless Terrace Dwellings currently exist on more than 25% of an established street.

Through Lot, means a lot other than a corner lot which is bounded on opposite sides by two streets;

Truck Stop, is a facility typically providing multiple services to the motoring public, which are particularly designed to serve the needs of freight trucks and other commercial motor vehicles and their drivers. The services provided by such facility may include, but is not limited to, gasoline, diesel fuel, convenience store, repair service, truck washes, restaurant facilities, and a large enough parking area to accommodate multiple trucks and other heavy vehicles. Generally these are associated with interchange areas along major limited access highways. The foregoing definition distinguishes a "truck stop" from (i) a gasoline bar, (ii) a convenience store, (iii) mini-mart, express fuel, and (iv) a retail shopping centre.

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

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

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

Use, Secondary, means a use, other than a main or accessory use;

Wind farm, means an array of large scale wind turbines.

Wind turbine, means a structure that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, rotor blades and nacelle.

Wind turbine height, means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor's arc.

Wind turbine tower, means a freestanding structure or a structure attached to guy wires that serves to support other parts of the wind turbine.

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

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

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

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

Vehicular Access, means a right of entry from a public right of way to an individual lot or parcel of land including a commercial, institutional or residential property;

Veterinary Clinic, means the office of a veterinary surgeon and premises for the treatment of animals but excludes a kennel.

3.0 Administration

3.1 POWERS OF COUNCIL

- (a) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, telephone, water, sewerage, streets or other services or facilities;
- (b) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may;
 - i. Require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or
 - ii. Acquire the parcel of land on which such building or structure is located;
- (c) Subject to subsection 3.2 (d), the Council may, within any zone, designate the land to be used for the location or erection of any utility installation including but not limited to the supply of natural gas, electricity, telephone, water, television, sanitary and storm drainage, and the disposal of sanitary wastes;
- (d) No land may be designated or used for the purposes mentioned in subsection c) unless, in the opinion of the Council;
 - i. Such land is essential to the operation of the service concerned; and
 - ii. Any development thereon in a residential zone is adequately buffered from public view.

3.2 SPECIAL POWERS OF PLANNING ADVISORY COMMITTEE

- (a) 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 Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography;
- (b) The Planning Advisory Committee may, subject to such terms and conditions as it sees fit,;
 - i. Authorize, for a temporary period not exceeding one year, a development otherwise prohibited by the By-law;
 - ii. Require the termination or removal of a development at the end of the authorized period;

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- (c) The Planning Advisory Committee may permit, subject to such terms and conditions as it sees fit:
 - i. A proposed use of land, building or a building that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated; or
 - ii. Such reasonable variance from the requirements of the Zoning By-law falling within paragraph 34 (3) (a) of the Community Planning Act as in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the Zoning By-law and any plan or statement there under affecting such development;
- (d) Where requested to permit a proposed use or variance under 3.2 sub-paragraph c) the Planning Advisory Committee may give notice to owners of land within 100 m of the subject property;
 - i. Describing the land;
 - ii. Describing the use proposed or variance requested;
 - iii. Giving the right to make presentation to the Planning Advisory Committee in connection therein within the time limit set out in the notice;
- (e) A non-conforming use may continue notwithstanding the Zoning By-law excepting the following:
 - i. If such use is discontinued for a consecutive period of ten (10) months, or such further period as the Planning Advisory Committee considers fit, it shall not be recommended and any further use of the land, building or structure shall conform with the By-law or regulation;
 - ii. If a building or structure so used has, in the opinion of the Planning Advisory Committee been damaged to the extent of at least one half of the whole, exclusive of the foundation, such building, or structure shall not be repaired or restored or used except in conformity with the Zoning By-law, unless the Planning Advisory Committee agrees thereto; and
 - iii. Council may purchase or otherwise acquire the parcel of land on which such building or structure is situated.

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3.3 AMENDMENTS

- (a) A person who seeks to have this By-law amended shall:
 - i. Address a written and signed application form to the Council;
 - ii. Pay a fee payable to the Town of Hampton at a rate determined by Council or as may be from time to time and set out in a fee schedule which cannot exceed the fee set out in Provincial Regulations;
 - iii. Pay the cost of registering, advertising and any related amendments or agreement related to the application;
- (b) The Council may, if it deems fit, return all or any part of the fee;
- (c) An application under this section shall include such information as may be required by the Council or the Planning Advisory Committee for the purposes of adequately assessing the desirability of the proposal;
- (d) The Council shall refuse to consider an application under this section if such applications have not been signed by one or more owners of the property which is the subject of the rezoning application;
- (e) The Council and Planning Advisory Committee with respect to an application may carry out such investigation as it deems necessary; and
- (f) Unless, the Council is of the opinion there is valid new evidence or a change in conditions, where an application under this section has been refused by the Council, no further application may be considered by the Council for one year.

3.4 DEVELOPMENT/BUILDING PERMIT

- (a) No person shall undertake a development as defined by the Community Planning Act of New Brunswick, without having obtained a Development and Building Permit.
- (b) No Development or Building Permit shall be issued unless the proposed development conforms to all provisions of this By-law, and all other By-laws of the Town of Hampton;
- (c) Any Development or Building Permit shall be in force for a period of one (1) year from the date of issue or until the project has been completed or is discontinued for a period of 6 (six) months and any permit may be reissued upon request, subject to review by the Town of Hampton Development Officer or Building Inspector;

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- (d) No Development or Building Permit may be issued under this By-law except where the applicant has paid a fee as established by Council;
- (e) A development permit is required for any alteration to the interior of a building or structure involving the following:
 - i. A change of use (including changing from one permitted use to another permitted use within the same zone);
 - ii. An increase in the number of dwelling units;
 - iii. A structural alteration;
 - iv. Any alteration to the exterior of a building or structure which involves an increase in the size or exterior dimensions;
 - v. Commencement of a home occupation; and
 - vi. Development (including driveway paving) on Town-owned land.
- (f) A Development Permit is required for a mini or small wind turbine and shall be accompanied by:
 - i. Turbine manufacturer's specification including plans and photos of turbine showing wind turbine height, blade diameter, rotor clearance, color and the manufacturer's nameplate rated output capacity and estimated sound power level (in dBA);
 - ii. Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid if required;
 - iii. Canadian Standards Association (CSA) approval and proof of conformity with the Canadian Electrical Code;
 - iv. Proof of approvals from the New Brunswick Department of Public Safety if required;
 - v. Professional engineer's design and approval of the wind turbine base and tower; and
 - vi. Copies of documentation required for Transport Canada and NAV Canada.
- (g) In addition to the requirements of section 3.4(f) and 4.27, a Development Permit is required for a large scale wind turbine and wind farm and shall be accompanied by any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

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3.5 EXCAVATION QUARRIES AND TOP SOIL REMOVAL

No excavation or stripping of top soil may be undertaken unless a Development Permit has been issued by the Town Office in accordance with the Zoning By-law or other applicable Municipal and Provincial regulations.

4.0 General Provisions for all Zones

4.1 FRONTAGE ON STREET

No Development/Building Permit shall be issued unless the lot intended for development fronts on a public street, unless otherwise specifically provided for in a particular zone or a private street approved under the subdivision process in accordance with the Town of Hampton Subdivision By-law. This provision does not apply to public or private utility facilities where a maximum of one access shall be provided to the lot, the access having a minimum width of 7.6 m.

4.2 UNSERVICED LOTS

The minimum lot size of unserviced lots shall meet the requirements of the New Brunswick Department of Health and Wellness, appropriate to the use.

4.3 HEIGHT RESTRICTIONS

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

4.4 VEHICLE BODIES

No automobile, travel trailer, truck, bus, coach, street car, or any structure of similar nature shall be used for habitation of humans, animals, reptiles, fish, birds, *etc.* within the Town of Hampton.

4.5 USES

(a) Permitted Uses;

If a use is not listed as a permitted or accessory use in a particular zone, it is hereby deemed to be a prohibited use in that zone unless determined to be a similar use by the Planning Advisory Committee in accordance with Section 3.2. (c) (i) of this By-law.

(b) Accessory Uses;

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

TOWN OF HAMPTON ZONING BY-LAW

General Provisions for all Zones

(c) Accessory Buildings and Structures;

All accessory buildings and structures shall meet the following standards unless otherwise permitted in this By-law. Accessory buildings shall be permitted in any zone but shall not:

- i. Be built closer to the front lot line or flanking lot line than the minimum distance required by this By-law for the main building of the lot; or
- ii. Be located within 1.2 m of any building on the lot;
- iii. Exceed 2 per lot in residential zones;
- iv. Exceed 6 m in height;
- v. Exceed the height of the main building;
- vi. Exceed 72 square meters or 775 square feet in area or have a horizontal dimension greater than 10 m or 33 ft.; or
- vii. Occupy more than 5% of the lot; or
- viii. Be placed, erected or altered so that it:
 - (i) Is wholly or partially within the front yard of the main building or structure;
 - (ii) Is within 1.5 m 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. Should this be the location of the only vehicular access to the rear of the lot, then a minimum 3 m must be retained for vehicle access.

4.6 MULTIPLE USES

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

4.7 TEMPORARY CONSTRUCTION USES

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

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General Provisions for all Zones

4.8 ONE DWELLING PER LOT

No developer shall construct more than one dwelling on a lot except where otherwise indicated within this By-law.

4.9 SPECIAL USES

Nothing in this By-law shall prevent uses for special occasions and events such as midways, circuses, fairs or festivals provided that such uses remain in place no longer than 10 days subject to a Development Permit being obtained from the Town of Hampton.

4.10 EXISTING CONDITIONS

(a) Existing Buildings;

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

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

(b) Existing Undersized Lots

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

4.11 CONFORMITY WITH EXISTING FRONT YARDS

In an in-filling situation where a front yard line has been established within 48.6 m of the proposed in-fill, (*i.e.*, new construction located between existing structures), the established front yard line will apply for new construction and/or expansions and extensions.

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General Provisions for all Zones

4.12 PERMITTED ENCROACHMENTS

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

- (a) There may be constructed in any yard projections of sills, cornices, eaves gutters, chimney breasts, pilasters, canopies, or other architectural features provided that no such feature shall project more than 0.6 m into a side yard setback and 2.2 m into the required rear yard setback. This also includes fire escapes, exterior staircase, porches, verandahs and decks;
- (b) Window bays may be permitted to project a maximum of 1 m into a required yard setback; and
- (c) Uncovered patios or steps shall not be located further than 0.8 m into a required side yard setback.

4.13 PARKING

- (a) General Provisions

The following general provisions will apply to all parking requirements:

- i. Parking requirements shall be in conformity with the parking provisions as provided in this By-law;
- ii. Parking shall be provided upon the same lot as, or within 150 m of, the use for which the parking is required;
- iii. Where there is a combination of uses on a lot, the minimum parking space requirements shall equal the combined total of the minimum requirements for each use;
- iv. Individual parking spaces shall have minimum dimensions of 2.7 m by 6 m;
- v. No large-scale commercial transport truck trailers shall be parked in a Residential Zone;
- vi. All home occupations will be required to meet the parking standards of the Zoning By-law; and,
- vii. During winter months, a sufficient number of parking spaces shall be kept free from snow to meet the minimum parking requirements as outlined in this by-law.

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(b) Parking Space Requirements by Use

- i. For single unit, double unit, and terrace house residential accommodations, one space for each dwelling unit;
- ii. For assembly buildings, one space for each 4 persons (including arenas, auditoriums, places of worship, funeral parlors, public congregations; halls, theaters, rinks or any buildings, such as a school containing a similar use);
- iii. For apartment buildings, one space per dwelling unit plus one additional space for each 4 dwelling units;
- iv. For hospitals, sanatorium, nursing homes or clinics, one space for each 5 bed patients and one space for every 2 staff at peak employment period, or one space for every 38 m² of floor area whichever is greater;
- v. For rooming/boarding houses and bed and breakfast establishments, one space for each 2 guest rooms;
- vi. For licensed taverns, one space for each 3 patrons comprising capacity patronage;
- vii. For motels or hotels, one space for each guest room;
- viii. For office buildings or offices, one space for each 46.4 m² of gross floor area; for restaurants, one space for 4 guests at licensed capacity;
- ix. For restaurants, one space for 4 guests at licensed capacity;
- x. For drive-in restaurants not less than 21 spaces plus one space for every 19 m² of retail sales floor area;
- xi. For take-out restaurants not less than one space for every 19 m² of retail sales floor area;
- xii. For social clubs or fraternities, one space for each 23.3 m² of gross floor area or fraction thereof;
- xiii. For sports or recreation fields, parking space requirements as required by the Planning Advisory Committee; and
- xiv. For stores, including retail, wholesale or service establishments, warehousing, and manufacturing buildings, one space for each 36 m² of gross floor area.

(c) Reserved Spaces for Physically Disabled Persons:

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- i. A minimum of 1 additional parking space shall be provided for physically disabled persons where 5 spaces are required; and 1 additional space provided for every 25 parking spaces;
 - ii. The parking space(s) closest to a facility shall be reserved for parking for physically disabled persons;
 - iii. Each parking space reserved for physically disabled persons shall contain an area of not less than 24 m² measuring 4 m by 6 m;
 - iv. Each parking space reserved for physically disabled persons shall be clearly identified by a ground or facial sign; and
 - v. Where a parking area is defined by curbing, a ramped curb shall be provided so as to allow a physically disabled person to easily travel through or over such curbing.
- (d) Loading Standards:

Off-street spaces not less than 9.1 m long and 3.6 m wide and overhead clearance of 4.2 m shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, as set in the following table :

Total Floor Area	Number of Spaces
Up to 1,860 m ²	1
1,860 to 4,650 m ²	2
For each additional 4,650 m ²	1

- (e) Commercial Vehicle Parking:
- i. Only one commercial vehicle per dwelling, including school buses and transport truck cabs, is permitted to be parked in any residential zone, provided the vehicle is operated by a resident of the dwelling unit.
 - ii. Commercial transport truck trailers are not permitted in any residential zone.
 - iii. The use of a vehicle body, recreational vehicle or transport truck trailer as a permanent place of residence or for commercial activities shall not be permitted within any zone.

4.14 SIGNS

All signs shall meet the requirements of the Town of Hampton Sign By-law.

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4.15 DEVELOPMENT NEAR A WATERCOURSE, WETLAND, LAKE OR HIGH WATERMARK

Any development within 30 m of a watercourse, wetland, lake, or from the high watermark shall be subject to the Regulations of the Province of New Brunswick.

4.16 DEVELOPMENT ON AN ESCARPMENT

- (a) No development shall be permitted within 30 m of the edge of an escarpment; and
- (b) There shall be a pervious landscaping buffer of 15 m between any structure and the edge of an escarpment in accordance with a landscaping plan stamped by a licensed engineer.

4.17 FENCES

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

- (a) Except for a security fence of chain link or wrought iron construction, no fence in a required front yard may exceed 1.5 m in height;
- (b) Subject to the requirements of subsection (a) and the other regulations contained in this By-law, other fences or walls shall not exceed 2.4 m in height; and
- (c) Fences may be located on the lot line where all land owners adjoining the proposed fence have signed the Development/Building Permit application; otherwise the fence must be located 0.3 m from the lot line.
- (d) The finished side of new or replacement fences must face surrounding properties. All supporting posts and cross-members must face the lot on which a new or replacement fence is located.

4.18 DRAINAGE AND LANDSCAPING

- (a) All new development on undeveloped land including residential development of three lots or more that is considered infilling must provide the following:
 - i. An interim drainage plan, stamped by a licensed engineer, must be submitted with each application for a Development Permit. Prior to any development, interim drainage control in the form of earthen berms and/or earthen swales shall be constructed in accordance with the interim drainage plan to block storm-run-off from entering adjacent waterways and control erosion; and

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- ii. A permanent drainage plan must be submitted prior to the Town issuing a Building Permit. This plan must provide for replacement of the interim drainage control facilities with permanent drainage control facilities consisting of berms, swales and retention ponds, *etc.* as a means of managing run-off, flood waters and erosion control.
- (b) All new development on undeveloped land including residential development of three lots or more that is considered infilling may remove only such trees as directly impede the construction of buildings and services may be removed. Where any trees must be destroyed, the developer shall replace them to the satisfaction of the Town with trees of sufficient maturity to enhance the appearance of the development at the time it is completed;
- (c) In all zones where landscape buffers are required, the buffer shall be landscaped with grass, ground cover, shrubs, bushes or other living plant material in addition to the tree requirement for that zone; and
- (d) Final grading of all developed land shall include all grading necessary to divert surface water from the main building and from adjacent properties and insofar as it is possible, to contour the yard to the surrounding terrain, together with the installation of a lawn having a minimum of 8.75 cm of topsoil; and may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines, flowers and gardens.
- (e) Landscaping of the lot must be completed within twelve (12) months of the date of occupancy of such dwelling constructed or within twelve (12) months after the date of completion for commercial and institutional properties.

4.19 HOME OCCUPATIONS

In addition to all other requirements, the following shall apply to all Home Occupations:

- (a) The establishment of a Home Occupation requires a Development/Building Permit;
- (b) A Home Occupation within the Residential Zone must be totally within the main dwelling unit and occupy no more that 33% of the gross floor area of that dwelling unit;
- (c) A Home Occupation in any other zone may be housed in a combination of the main dwelling unit and an accessory building provided that the area utilized does not exceed either 33% of the main dwelling unit if confined to that structure, or 25% of the combined area of the two structures if located in both.

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- (d) No exterior changes will be permitted which would change the architectural appearance of the dwelling;
- (e) The Home Occupation will meet the parking and signage requirements as set out in this Zoning By-law and Signage By-law; and
- (f) The following environmental standards shall apply:
 - i. No emissions of odorous gas or particulates that can be discerned at the lot line;
 - ii. No production of noise in excess of normal street traffic experience;
 - iii. No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;
 - iv. No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
 - v. No outdoor storage.

4.20 ENCLOSURE FOR SWIMMING POOLS

- (a) No land shall be used for purposes of a swimming pool unless a building permit has been obtained and the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, that is maintained at all times, at least 1.55 metres (5 feet) in height above ground level, so as to prevent uncontrolled access thereto and meeting the requirements of this section;
- (b) The fence enclosing any in-ground swimming pool may have a wall or a wall of a building as part of such fence, provided the wall is at least 1.55 metres (5 feet) in height and shall be located at least 1.25 metres (4 feet) from the edge of the swimming pool; and provided that if the wall contains any openings that could provide access to the pool, the openings shall be kept locked or blocked at all times when the pool is not under complete supervision;
- (c) An owner of an above-ground swimming pool that has rigid walls, shall construct additional fencing, if necessary, to raise the height of the sides of the pool to a minimum of 1.55 meters (5 feet) above ground level. If the side of the pool is at 90 degrees to the ground and is 1.55 meters (5 feet) above ground level, then only fencing and gate is required around the access to the pool. If the walls of the above-ground pool are not rigid, then fencing in accordance with these By-law specifications for in-ground pools is required;

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- (d) Soft-sided pools, including inflatable pools, regardless of height are themselves not deemed to be suitable enclosures and such pools require fencing in compliance with the enclosure requirements for an in-ground pool of this by-law;
- (e) Accessory buildings, accessory structures and pool equipment, including pumps and filters, that could be used to assist in gaining access to the pool shall be located a minimum of 1.25 metres (4 feet) from an approved enclosure to reduce access/climbing potential, unless they are located under a deck which has been enclosed in accordance with the provisions of this By-law;
- (f) Every swimming pool fence shall have a gate or gates constructed of material not less than equivalent tensile strength as the fence and which provides an equivalent degree of safety, and every gate shall be of at least the same height as the said fence or guarding obstruction, be supported by substantial hinges and be equipped with self-closing, self-latching devices placed at least 1.50 metres above the bottom of the gate and on the inside of the gate. Every gate shall be kept closed and locked at all times when the pool is not under complete supervision;
- (g) Where a portion of a wall of a building forms part of an enclosure mentioned in Subsection (a):
 - i. No main or service entrance to the building shall be located therein; and
 - ii. Any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at a minimum 1.50 metres above the bottom of the door.
- (h) An enclosure mentioned in subsection (a):
 - i. Shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing;
 - ii. 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 prescribed by subsection (f); and
 - iii. Shall not be electrified or incorporate barbed wire or other dangerous material.
- (i) The design and construction of a fence under this section shall:
 - i. In the case of a fence made of chain links be designed and constructed with, no greater than 4 cm diamond mesh, steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and supporting steel posts at least 4 cm diameter steel posts

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- set below frost in an envelope of cement and spaced not more than 3 m apart with a top horizontal rail of at least 4 cm diameter steel;
- ii. In the case of a fence made of wood be designed and constructed with vertical boarding, no less than 2.5 cm by 10 cm nominal dimensions spaced not more than 4 cm apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and supporting posts at least 10 cm by 10 cm set below frost and spaced not more than 3 m apart with a top horizontal rail of at least 2.5 cm by 10 cm; and
 - iii. In the case of a fence constructed with materials and in a manner other than described in this subsection be designed and constructed in a manner which will ensure rigidity equal to the design and construction prescribed by this subsection.
- (j) The Owner of every privately-owned outdoor swimming pool shall ensure that every gate, ladder or door providing access to the swimming pool shall be kept locked at all times when they are not present and supervising the pool;
 - (k) No one shall pour, spray, fill or introduce water into a swimming pool, unless a fence has been completely erected around the swimming pool in a manner required by this By-law;
 - (l) Every owner of a swimming pool shall, upon completion of the swimming pool enclosure, and prior to filling the pool with water, notify the Building Inspector and request an inspection to ensure that the owner has complied with all of the terms and conditions of the by-law. Nothing in this section 4.20 derogates or takes away from the requirement for a Building Permit, Development Permit, or any other permit required pursuant to the provisions of applicable by-laws in the Town of Hampton; and
 - (m) The provisions of this by-law apply to hot tubs. Hot tub covers, latched in place with a locking device when not in use, shall be permitted in lieu of fencing.

4.21 STRUCTURE TO BE MOVED

No structure shall be moved within or into the Town of Hampton without first obtaining a Development/Building Permit from the Town Office.

4.22 ILLUMINATION

- (a) No exterior lighting shall be used in a manner which produces a direct glare on the neighboring property, or which produces an objectionable visual disturbance to obstruct scenic views. All exterior lighting shall be shielded so that the source of light (light bulb) cannot be directly seen from off the property;

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- (b) Commercial, institutional and manufacturing structure's interior or exterior lighting, including signs, shall not be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property; and
- (c) In the "TC" Zone, exterior lighting shall be of a style and character which is harmonious with the small town heritage character of the Town of Hampton. Lighting shall be properly scaled for pedestrians. Lighting structures in parking areas shall not exceed 6 m in height. Luminaries shall have shielded light sources to prevent glare. Pedestrian walkways may be illuminated by low level lighting standards with shielded light sources.

4.23 WOOD BURNING

No outdoor furnace is permitted within the Town of Hampton. An outdoor furnace is defined as a furnace that is located outside of a main building and is intended to provide heat to the main building including heating water.

4.24 CORNER SIGHT LINE

On a corner lot, no fence, sign, hedge, bush or tree or any other structure, vehicle or vegetation shall be placed or permitted to grow higher than 0.6 m above the grade of the center line of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 m from their point of intersection.

4.25 FLOODPLAIN DEVELOPMENT

No fill will be permitted within the floodplain area (Conservation "C" Zone) except where the placement of the soil is for the purpose of floodplain management or for flood proofing purposes and approved by the Department of Environment and Local Government.

4.26 MINOR MOTOR VEHICLE SERVICE AND REPAIR

Minor motor vehicle repair and service is permitted as an accessory or ancillary residential use in residential zones if all the following conditions are met:

- a) The vehicle being serviced or repaired must have a current valid ownership permit issued to an occupant or a spouse, child or sibling of an occupant currently residing in the dwelling.
- b) The minor motor vehicle service or repair shall be conducted between the hours of 8:00 am to 8:00 pm.
- c) No more than one vehicle may be serviced or repaired at the same time.
- d) Minor motor vehicle repair shall not occur for more than 5 consecutive days.

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- e) Motor vehicle painting, except for minor touch-ups, is prohibited at all times.
- f) The minor motor vehicle service or repair must not create unnecessary or unreasonable sound or noise such as might annoy, disturb, injure or detract from the comfort, repose, health, peace or safety of others residing within the limits of the Town of Hampton.

4.27 SMALL SCALE WIND TURBINES

- g) A small wind turbine (SWT) shall only be permitted in the Residential, Agriculture, Commercial One and Institutional zones.
- h) The rotor clearance of any SWT shall not be less than 8 m.
- i) A SWT shall be setback no less than 1.5 times the total height from the property line and shall have a mean value of sound pressure that does not exceed the greater of 45 dBA or 5 dBA above the background noise levels at the nearest receptor.
- j) Any climbing apparatus associated with the wind turbine shall be a minimum of 3.5 m above grade.
- k) Any guy wires associated with a wind turbine must be clearly visible to a height of 2 m above grade.
- l) All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.
- m) All outdoor storage associated with a wind turbine facility shall be screened from view from adjacent properties and roads or highways.
- n) SWT shall be painted or finished in a non-reflective and non-obtrusive colour; be artificially lighted to the extent required by Transport Canada and NAV Canada.
- o) The owner of a SWT that has been inactive for more than 12 consecutive months shall remove the wind turbine within 60 days from the date of notification.

4.28 LARGE SCALE WIND TURBINES AND WIND FARMS

- a) Standards or requirements for all large scale wind turbine or wind farm development shall be established pursuant to an agreement approved by Council under Section 39 of the *Community Planning Act*.

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4.29 – THE KEEPING OF CHICKENS

The keeping of chickens is permitted as an accessory use for single unit residences having a minimum lot size of 1100m² which is located in areas zoned Residential, Town Centre or Mixed Use, so long as:

- a) The legal property owner has registered such activity in accordance with the following:
 1. Applicant is the legal registered owner of property; renters/ leasees will not be permitted to register;
 2. Applicant submits registration application provided by the Town, along with a Site Plan depicting the proposed location of coop & run, location of potable well and other structures on property, along with distance to neighbouring properties; and
 3. Applicant pays a Registration Fee upon submission of application.

- b) Registrant is in compliance with the following:
 1. No more than 6 chickens are kept at any given time;
 2. Male fowl are not to be kept at any time;
 3. Chickens may not run at large;
 4. Chicken enclosures shall contain an enclosed, roofed coop connected to a run that shall be fully enclosed and shall be designed and constructed to ensure proper ventilation and provide significant space for the hens;
 5. Coops & associated runs must be the minimum of 10ft from any potable water well, 15ft from adjacent property lines and may not be located within the front yard, as defined by Zoning By-Law 190-10, of the property;
 6. Coops shall be visually screened from a public street;
 7. Coops shall be free of vermin and maintained, as per best practices, so as not to cause a nuisance, as determined by the Building & Development Officer or designate;
 8. The sale of the eggs produced is not permitted; and
 9. Slaughter or disposal of chickens on site is prohibited.

Registrants are subject to inspection by the By-Law Enforcement Officer or designate at any reasonable time.

TOWN OF HAMPTON ZONING BY-LAW

General Provisions for all Zones

TOWN OF HAMPTON ZONING BY-LAW

Zones General

5.0 Zones General

5.1 CLASSIFICATIONS

For the purposes of the Zoning By-law, the Town is divided into Zones as delineated on the Zone Map attached as Schedule A, entitled, Town of Hampton Zoning Map, and dated October 2010.

The Zones are classified and referred to as follows:

- (a) Residential “R” Zone;
- (b) Mobile Home Residential “MHP” Zone;
- (c) Town Centre “TC” Zone;
- (d) Mixed-Use “MU” Zone;
- (e) Neighbourhood Business “NB” Zone;
- (g) Commercial One “C1” Zone;
- (h) Commercial Two “C2” Zone;
- (i) Commercial Three “C3” Zone;
- (j) Institutional “I” Zone;
- (k) Conservation “C” Zone;
- (l) Parks and Recreation “PR” Zone; and
- (m) Agricultural “A” Zone.

5.2 BOUNDARIES OF ZONES

- (a) Where the boundary of any zone is not specified in this Zoning By-law and is uncertain:
 - i. The boundary, as shown on the zoning maps relating to this Zoning By-law, substantially follows a highway, street or lane, the center line of such feature is the boundary; or

TOWN OF HAMPTON ZONING BY-LAW

Zones General

- ii. The boundary, as shown on the zoning maps relating to this Zoning By-law, substantially follows lots lines shown as registered in the Registry office, such are the boundary lines.
- (b) In any zone, all land shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the requirements of the zone, except as otherwise provided.

6.0 Residential “R” Zone

6.1 PERMITTED USES

In a “R” Zone, any land, building or structure may be used for the purpose of and for no other purpose than,

- (a) One of the following main uses:
 - i. Single unit residence;
 - ii. Double unit residence;
 - iii. Semi-detached dwellings;
 - iv. Apartment on serviced lots only and subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - v. Terrace, town or row houses, maximum 6 units per grouping, on serviced lots only and subject to terms and conditions are may be imposed by the Planning Advisory Committee.
 - vi. Terrace, town or row house are not permitted on infill lots except on streets where terrace, town or row houses currently exist on more than 25% of the lots on an established street.
 - vi. Mini-home residence within a mini home subdivision;
 - vii. Place of worship;
 - viii. Home for special care on serviced lots only and subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - ix. Day care facility on serviced lots only and subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - x. Park or playground;
 - xi. Existing agricultural uses;
 - xii. Existing institutional uses; or
 - xiii. Small lot single family dwellings in subdivision developments were terrace, town or row houses and/or semi-detached dwellings currently exist on 50% of the lots on an established street and/or are currently approved on 50% of the lots on a subdivision

TOWN OF HAMPTON ZONING BY-LAW

Residential “R” Zone

under development and subject to terms and conditions as may be imposed by the Planning Advisory Committee.

- (b) One or more of the following secondary uses:
 - i. Home occupations subject to the provisions of section 4.19;
 - ii. One accessory apartment;
 - iii. A cluster development subject to terms and conditions as may be imposed by the Planning Advisory Committee; or
 - iv. A barn for the keeping of horses where the land has a minimum of 2 hectares, providing it is not located in a subdivision developed for residential uses and subject to terms and conditions as may be imposed by the Planning Advisory Committee.
- (c) A SWT may be permitted as a main or secondary conditional use subject to the provisions of section 4.27 and to terms and conditions applied by the Planning Advisory Committee.
- (d) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section subject to the provisions of 4.5(c).
- (e) The keeping of chickens is permitted by this section subject to the provisions of Section 4.29.

6.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No main building or structure may be placed, erected or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out in the table below:

Residential Zone		Lot Width Minimum/ Lot Frontage Minimum	Lot Depth Min.	Lot area Min.	Lot Occupancy Max.	Building Height Max.	Yards
Single unit and Double unit dwellings	Interior Lot	30 m	37 m	1110 m ²	40%	9 m	Front: 7.5 m Rear: 7.5 m Side: 2.5 m
	Corner Lot	37 m	37 m	1370 m ²	35%		

TOWN OF HAMPTON ZONING BY-LAW

Residential "R" Zone

Residential Zone		Lot Width Minimum/ Lot Frontage Minimum	Lot Depth Min.	Lot area Min.	Lot Occupancy Max.	Building Height Max.	Yards
Semi-detached Dwelling	Interior Lot	30 m for each semi-detached dwelling group (15 m per unit)	37 m	1110 m ²	40%	9 m	Front: 7.5 m Rear: 7.5 m Side: 2.5 m
	Corner Lot	37 m (22m for corner unit, 15 m for interior unit)	37 m	1370 m ²	35%	9 m	
Apartment	Interior lot or Corner lot	54 m plus 3 m for each dwelling in excess of 3	37 m	2000 m ² plus 110 m ² for each dwelling unit in excess of 3 units		9 m	Front: 7.5 m Rear: 10.5m Side: 4 m

TOWN OF HAMPTON ZONING BY-LAW

Residential "R" Zone

Residential Zone		Lot Width Minimum/ Lot Frontage Minimum	Lot Depth Min.	Lot area Min.	Lot Occupancy Max.	Building Height Max.	Yards
Terrace, Townhouse, Row Dwelling	Interior lot or	30 m per terrace dwelling group of 3 units plus 6 m for each dwelling unit over 3 units, with each unit being a minimum of 6 m in width	36 m	1080 m ² plus 220 m ² for each dwelling unit over 3 units	50%	9 m	Front: 7.5 m Rear: 7.5 m Side: 3 m
	Corner lot	37 m per terrace dwelling group of 3 units plus 6 m for each dwelling unit over 3 units, with the corner lot being a minimum of 13 m and each additional unit being a minimum of 6 m in width					
Small Lot Single Family Dwelling		15 m	37 m	550 m ²	40%	9 m	Front: 7.5 m Rear: 7.5 m Side: 2.5 m
Place of Worship	Interior lot or Corner lot	See I Zone	See I Zone	See I Zone	See I Zone	See I Zone	See I Zone
Special Care Facility	Interior Lot or Corner lot	See I Zone	See I Zone	See I Zone	See I Zone	See I Zone	See I Zone

TOWN OF HAMPTON ZONING BY-LAW

Residential "R" Zone

6.3 SIZE OF DWELLING:

- (a) No single-unit dwelling may be placed, erected or altered so that it has an overall width and ground floor area of less than:
 - i. In the case of a single storey dwelling, 7.3 meters or 24 ft in width and 89.2 square meters or 960 square feet in area; and
 - ii. In the case of a one and one-half storey or a two storey dwelling, 7.3 meters or 24' wide and 71 square meters or 764 square feet in area.
- (b) No two-unit dwelling may be placed, erected or altered so that it contains a dwelling unit with a ground floor area less than:
 - i. If one unit is above the other, 7.3 meters or 24 ft in width and 89.2 square meters or 960 square feet in area, or
 - ii. If semi-detached;
 - (i) 960 square feet, in the case of a one-storey dwelling; and
 - (ii) 485 square feet, in the case of a two-storey dwelling.
- (c) For the purpose of this section, ground floor area or floor area does not include garages, basements, carports, verandas, breezeways, approach halls, or exterior stairways.

6.4 LANDSCAPING

- (a) The owner of the lot being developed for residential purposes in Residential "R" Zones shall landscape:
 - i. An area within the front yard (and flankage yard on a corner lot) of the main building;
 - ii. An area within 2 m of the main building and is encouraged to plant two trees (25 mm caliper) in the front yard.
- (b) Where a place of worship is constructed in a Residential "R" Zone landscaping will be in accordance with the provisions of the Institutional "I" Zone.
- (c) New residential development is locating adjacent an established Commercial "C1", "C2" or "C3" Zone shall maintain a minimum 10 m landscaped setback and screening and buffering shall be provided to the satisfaction of the Development Officer.

TOWN OF HAMPTON ZONING BY-LAW

Residential "R" Zone

6.5 SPECIAL CONDITIONS FOR RESIDENTIAL USES GREATER THAN 10 UNITS

- (a) New development or expansion of existing development which will result in 10 or more dwelling units, whether in a single development phase or as part of multiple development phases, may be permitted subject to terms and conditions of PAC in consideration of the following:
- i. The development is designed to consider the location of proposed trails, and existing trails or natural networks are identified and preserved;
 - ii. The development is designed to mitigate impacts to any environmentally sensitive areas or features on or adjacent to the site;
 - iii. The development is designed to retain existing vegetation and to maintain connectivity with vegetation on adjacent sites;
 - iv. The development is designed to retain historic buildings, pastoral landscapes, mature trees and other design features that capture elements of a rural character on or adjacent to the site;
 - v. The relationship and compatibility between the proposed development and any surrounding development and neighborhood quality and character, including any buffering and screening;
 - vi. The development considers or takes advantage of opportunities to capture solar energy;
 - vii. The development considers natural drainage patterns and adequately manages the flow and quantity of runoff and stormwater;
 - viii. The development does not significantly impact slopes in excess of 30 per cent;
 - ix. The type and range of municipal and or private services required to serve the development are identified and the adequacy of such services is assessed;
 - x. The environmental, operational and fiscal impacts of water, sewer and road networks required to serve the development are assessed;
 - xi. The transportation impacts, including provision for access and parking, public transit and active transportation modes, and the adequacy of the proposal in meeting transportation needs is assessed;
 - xii. The general suitability of the proposed development based on the Goals, Objectives, Policies and Proposals of the Municipal Plan.

7.0 Mobile Home Park “MHP” Zone

7.1 PERMITTED USES

The use of land for the purpose of a mobile home park or of extensions or additions to a mobile home located on a mobile home site, is subject to the provisions of any applicable By-law under section 188 of the Municipalities Act of New Brunswick.

In a “MHP” Zone, any land, building or structure may be used for the purpose of and for no other purpose than:

- a) One of the following main uses:
 - (i) A mobile home park serviced by communal water and municipal sewer services;
 - (ii) A park or playground.
- b) One or more of the following secondary uses;
 - (i) Home occupation subject to the provisions of section 4.19; and
- c) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section subject to the provisions of 4.5(c).

7.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No main building or structure may be placed, erected or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out in the table below:

Minimum Lot Size	360 m ²
Minimum Lot Frontage	12 m
Minimum Front or Flankage Yard	7.6 m
Minimum Side Yard	2.5 m
Minimum Rear Yard	7.6 m
Maximum Lot Coverage	35%
Maximum Height	6 m
Landscaping	a) Landscaped area within front yard of main building. b) Landscaped area within 2 m of main building. c) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted.

8.0 Town Centre “TC” Zone

8.1 PERMITTED USES

In a “TC” Zone, any land, building or structure may be used for the purposes of and for no other purpose than:

- (a) One or more of the following main uses:
 - i. Artist and craft establishments;
 - ii. Antique shops;
 - iii. Art galleries;
 - iv. Bed and breakfast and Inns;
 - v. Boutique Hotels;
 - vi. Building for public assembly, cultural and social activities;
 - vii. Financial institutions;
 - viii. Government buildings;
 - ix. Existing institutional uses;
 - x. Existing motor vehicle or recreational vehicle sales outlet;
 - xi. Museums;
 - xii. Row, town and terrace dwellings;
 - xiii. Offices;
 - xiv. Personal service shops;
 - xv. Recreation facility;
 - xvi. Commercial recreation facility
 - xvii. Boarding house;
 - xviii. Existing service station or public garages and gas bar;

TOWN OF HAMPTON ZONING BY-LAW

Town Centre "TC" Zone

- xix. Parks;
 - xx. Single unit dwellings; or
 - xxi. Veterinarian clinics; and
- (b) The following main and secondary uses only if approved by the Planning Advisory Committee and only on such terms and conditions as may be imposed by the Committee in consideration of architectural design, neighbourhood compatibility and scale, buffering and screening, rear or side yard parking, quality landscaping and streetscaping, appropriate lighting, and attractive signage:
- i. Apartment buildings;
 - ii. Bus and taxi stations;
 - iii. Conversions of existing dwellings subject to Section 8.4;
 - iv. Dwelling units located on the ground floor;
 - v. Inns;
 - vi. Laundry depot or dry-cleaning facilities;
 - vii. Funeral homes;
 - viii. Garden center;
 - ix. Grocery stores;
 - x. Home occupations subject to the provisions of section 4.19.
 - xi. Hotels or motels;
 - xii. Restaurant and liquor licensed establishments;
 - xiii. Retail stores; and
 - xiv. Tourist resort;
- (c) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section, subject to the provisions of section 4.5(c).
- (d) The keeping of chickens is permitted by this section subject to the provisions of Section 4.29.

TOWN OF HAMPTON ZONING BY-LAW

Town Centre “TC” Zone

8.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

Any permitted main uses in any Town Center “TC” Zone must comply with the provisions set out in the table below with the exception of one and two unit dwellings which shall conform to the provisions of the Residential “R” Zone.

Town Center “TC” Zone	Except Residential and Service Stations	Service Stations	Apartments	Town, Terrace and Row Houses
Minimum Lot Size	540 m ²	1800 m ²	Same as in R Zone	Same as in R Zone
Minimum Lot Frontage	15 m	37.4 m	Same as in R Zone	Same as in R Zone
Minimum Front or Flankage Yard	0	10.5 m	Same as in R Zone	Same as in R Zone
Minimum Side Yard	0	6 m	Same as in R Zone	Same as in R Zone
Minimum Rear Yard	0	10.5 m	Same as in R Zone	Same as in R Zone
Maximum Lot Coverage	100 %	50 %	40 %	50%
Maximum Height	9 m	9 m	9 m	Same as R Zone
Landscaping	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Minimum of one tree and three shrubs planted every 4 m all blvd. areas. c) One tree (25 mm caliper) shall also be planted for every 5 parking spaces. 	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front and flankage yard (in the case of corner lot) of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted. 	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front yard and flankage yard (in the case of corner lot) of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted. 	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front and flankage yard (in the case of corner lot) of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted.

TOWN OF HAMPTON ZONING BY-LAW

Town Centre "TC" Zone

8.3 LOT OCCUPANCY

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

8.4 CONVERSIONS

Conversions of existing residential homes for commercial purposes are permitted within the Town Center subject to the following requirements:

- (a) Uses permitted within converted dwellings may include only the following:
 - i. Artist and craft establishments;
 - ii. Antique shops;
 - iii. Art galleries;
 - iv. Bed and breakfast operations;
 - v. Boutique Hotels;
 - vi. Boarding houses;
 - vii. Home occupations subject to Section 4.19;
 - viii. Inns subject to section 8.1 (b);
 - ix. Offices;
 - x. Restaurants subject to section 8.1 (b);
 - xi. Museums;
 - xii. Retail Store subject to section 8.1 (b); and,
 - xiii. Existing commercial uses subject to the zoning requirements for that specific use in the "TC" Zone;

TOWN OF HAMPTON ZONING BY-LAW

Town Centre "TC" Zone

- (b) External renovations or extensions shall be architecturally compatible with the existing dwelling;
- (c) Conversions do not include the demolition of existing buildings and constructing a new building for commercial purposes; and
- (d) Signage will comply with the Town Hampton Signage By-law.

8.5 LOCATION OF PARKING

Parking in the "TC" Zone shall be located in the rear of the building and must be buffered from adjacent neighbours. Where parking cannot be located in the rear because of topographical or site restraints parking may be permitted on the side or front of the building and must be screened and buffered from adjacent neighbours and the street to the satisfaction of the Development Officer.

8.6 OUTDOOR STORAGE:

Outdoor storage is prohibited in the Town Centre "TC" Zone other than in a compound screened from public view to the satisfaction of the Development Officer.

9.0 Mixed Use “MU” Zone

9.1 PERMITTED USES

In a “MU” Zone, any land, building or structure may be used for the purposes of and for no other purpose than:

- (a) One or more of the following main uses:
 - i. Single unit residence;
 - ii. Double unit residence;
 - iii. Semi-detached dwellings;
 - iv. Home occupations subject to Section 4.19;
 - v. Existing commercial uses;

- (b) One or more of the following main and secondary uses only if approved by the Planning Advisory Committee and only on such terms and conditions as may be imposed by the Committee:
 - i. Apartments on serviced lots only;
 - ii. Bed and breakfast establishments;
 - iii. Boarding Houses;
 - iv. Boutique Hotels;
 - v. Conversions of existing dwellings subject to Section 9.3;
 - vi. Existing Institutional;
 - vii. Inns;
 - viii. Offices;
 - ix. Personal service shops; and
 - x. Terrace, town or row house, maximum 6 units per grouping, on serviced lots only that are not infill lots (except on streets where terrace, town or row houses currently exist);

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Mixed Use “MU” Zone

- (c) Any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section, subject to the provisions of section 4.5(c).
- (d) The keeping of chickens is permitted by this section subject to the provisions of Section 4.29.

9.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

Any permitted main uses in any Mixed Use “MU” Zone must comply with the provisions set out in the table below:

Mixed Use Zone	Except Residential and Service Stations	Apartments	Single-Family, Town, Terrace and Row Houses
Minimum Lot Size	540 m ²	Same as in R Zone	Same as in R Zone
Minimum Lot Frontage	15 m	Same as in R Zone	Same as in R Zone
Minimum Front or Flankage Yard	0	Same as in R Zone	Same as in R Zone
Minimum Side Yard	0	Same as in R Zone	Same as in R Zone
Minimum Rear Yard	0	Same as in R Zone	Same as in R Zone
Maximum Lot Coverage	100 %	40 %	50%
Maximum Height	9 m	9 m	Same as R Zone
Landscaping	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas.(And flankage yard in corner lots) b) Minimum of one tree and three shrubs planted every 4 m all blvd. areas. c) One tree (25 mm caliper) shall also be planted for every 5 parking spaces. 	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front yard and flankage yard (in the case of corner lots) of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted. 	<ul style="list-style-type: none"> a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front yard and flankage yard (in the case of corner lots) of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted.

9.3 CONVERSIONS

Conversions of existing residential homes for commercial purposes are permitted within the Mixed Use Area are subject to the terms and conditions of the Planning Advisory Committee which may include the following:

- (a) External renovations or extensions shall be architecturally compatible with the existing dwelling;

TOWN OF HAMPTON ZONING BY-LAW

Mixed Use "MU" Zone

- (c) Parking shall be located in the rear of the building and must be buffered from adjacent neighbours. Where parking cannot be located in the rear because of topographical restraints parking may be permitted on the side or front and must be screened and buffered from adjacent neighbours and the street;
- (d) Conversions do not include the demolition of existing buildings and constructing a new building for commercial purposes; and
- (e) Signage will comply with the Town Hampton Signage By-law.

9.4 PARKING

Parking in the MU Zone shall be located in the rear of the building and must be buffered from adjacent neighbours. Where parking cannot be located in the rear because of topographical restraints parking may be permitted on the side or front and must be screened and buffered from adjacent neighbours and the street;

9.5 OUTDOOR STORAGE:

Outdoor storage is prohibited in the MU Zone other than in a compound screened from public view to the satisfaction of the Development Officer.

10.0 Neighbourhood Business “NB” Zone (formerly Neighbourhood Commercial “NC”)

10.1 PERMITTED USES

In a “NB” Zone any land building or structure may be used for the purposes of and for no other purpose than:

- (a) One of the following main uses:
 - i. A convenience store;
 - ii. A personal service shop;
 - iii. A bed and breakfast;
 - iv. A recreational club;
- (b) An 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, subject to the provisions of section 4.5(c); and
- (c) More than one accessory building may be permitted on a lot, subject to the terms and conditions of PAC.

10.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No main building or structure may be placed, erected or altered so as to become one of the permitted main uses except in accordance with the criteria set out in the table below:

Maximum Building Area	110 m ²
Number of Storeys	1
Front Yard	7.6 m
Rear Yard	7.6 m
Minimum Lot Frontage	21 m
Side Yards	2.5 m
Min. Lot Area	810 m ²
Max Height of Building	9 m
Landscaping	a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Landscaped area within front yard (and flankage yard in corner lots)of main building. c) Landscaped area within 2 m of main building. d) Minimum of one tree (25 mm caliper) and 3 shrubs for every 4m of frontage shall be planted.

TOWN OF HAMPTON ZONING BY-LAW

Neighbourhood Business “NB” Zone (formerly Neighbourhood Commercial “NC”)

10.3 OUTDOOR STORAGE:

Outdoor storage is prohibited in the Neighbourhood Business “NB” Zone other than in a compound screened from public view to the satisfaction of the Development Officer.

10.4 OTHER CONDITIONS OF THE NEIGHBOURHOOD BUSINESS ZONE

- a) Hours of Operation shall be within the time frame of 6 a.m. until 11 p.m.
- b) Overnight/after hours parking, other than employees working in the established businesses on the site, is prohibited.

11.0 Commercial One “C1”, Commercial Two “C2” and Commercial Three “C3” Zones

11.1 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES IN THE “C1”, “C2” AND “C3” ZONE

No main building or structure may be placed, erected or altered to become one of the permitted main uses on a lot in the “C1”, “C2” or “C3” Zone, except in accordance with the criteria set out in the table below:

Minimum Lot Size	1,454 m ²
Minimum Lot Frontage	37 m
Minimum Front or Flankage Yard	7.6 m
Minimum Side Yard	3 m
Minimum Rear Yard	7.6 m
Maximum Lot Coverage	50%
Height of Building	15 m
Landscaping	a) Grassed blvd. 3m along street line and adjacent to parking areas. b) Minimum of one tree and three shrubs planted every 4 m all blvd. areas. c) One tree (25 mm caliper) shall also be planted for every 5 parking spaces.

11.2 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS AND STRUCTURES IN THE “C1”, “C2” AND “C3” ZONE

Except for a gate keeper, or security office, which may not exceed 9 m² in size, an accessory building or structure may not be placed erected or altered so that it:

- (a) Is closer to the street than the front of the main building or structure;
- (b) Is within a side or rear lot line of 3 m or one-half the height thereof; whichever is the greater, or
- (c) Occupies a portion of the lot greater than five percent (5%).

11.3 BUFFERING BETWEEN “C1”, “C2”, “C3” ZONE AND A RESIDENTIAL USE

New development in the “C1”, “C2” or “C3” Zone locating adjacent an established “R” Zone or use shall maintain a minimum 10 m landscaped setback and screening and buffering shall be provided to the satisfaction of the Development Officer.

TOWN OF HAMPTON ZONING BY-LAW

Commercial One "C1", Commercial Two "C2" and Commercial Three "C3" Zones

11.4 OUTDOOR STORAGE FOR "C1", "C2" AND "C3" ZONE :

Where any portion of any lot in any "C1", "C2" or "C3" Zone is to be used for outdoor storage, the following shall apply:

- (a) Any area devoted to open storage shall not exceed 50 % of the lot area;
- (b) No outdoor storage shall be permitted within any required front yard; and
- (c) No outdoor storage shall be permitted within any yard where such yard abuts any Residential "R" Zone or residential use, except where a fence or other visual and physical barrier is provided within the abutting yard.

11.5 PERMITTED USES IN THE COMMERCIAL ONE "C1" ZONE

In a "C1" Zone any land, may be used for the purpose of and for no other purpose than;

- (a) One or more of the following main uses;
 - i. Automotive service station, sales and related activities;
 - ii. Garage for fleet maintenance and repair;
 - iii. Gasoline bar;
 - iv. Recreational vehicle sales outlet;
 - v. Garden center;
 - vi. Parking lot /shared ride lot;
 - vii. Motel;
 - viii. Hotel;
 - ix. Restaurant, including a Drive-through Restaurant;
 - x. Retail uses;
 - xi. Offices;
 - xii. Motor vehicle or recreational vehicle sales outlet;

TOWN OF HAMPTON ZONING BY-LAW

Commercial One "C1", Commercial Two "C2" and Commercial Three "C3" Zones

- xiii. Recycling facility, subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - xiv. Financial institution;
 - xv. Bus or other transportation terminal;
 - xvi. Manufacturing or processing establishment (this does not include salvage yards), subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - xviii. Warehouse or wholesaling establishment;
 - xix. Commercial recreation establishment;
 - xx. Mini-storage establishment;
 - xxi. A health clinic;
 - xxii. Campground or trailer park, subject to terms and conditions as may be imposed by the Planning Advisory Committee;
 - xxiii. A Municipal Park and Ride facility for passenger vehicles; and
 - xxiv. Grocery Store
- (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 subject to section 11.2.
 - (c) Restaurants may include a liquor licensed establishment, and shall be subject to terms and conditions as may be imposed by the Planning Advisory Committee.
 - (d) A SWT may be permitted as a secondary conditional use subject to the provisions of section 4.27 and to terms and conditions applied by the Planning Advisory Committee.

11.6 PERMITTED USES IN THE COMMERCIAL TWO "C2" ZONE

In a "C2" Zone any land may be used for the purpose of and for no other purpose than a Municipal Park and Ride facility for passenger vehicles.

11.7 PERMITTED USES IN THE COMMERCIAL THREE "C3" ZONE

In a "C3" Zone any land may be used for the purpose of and for no other purpose than:

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

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Commercial One "C1", Commercial Two "C2" and Commercial Three "C3" Zones

- i. Garden center;
- ii. Gasoline bar;
- iii. Restaurant;
- iv. Drive-through restaurant;
- v. Retail uses;
- vi. Financial institution;
- vii. Offices;
- viii. Library;
- ix. Commercial recreation establishment; and
- x. A health Clinic
- xi. A Grocery Store

(b) Any accessory building structure or use incidental to the main use of the land, building or structure of such main use is permitted by this section subject to section 11.2.

11.8 OTHER CONDITIONS OF THE COMMERCIAL THREE "C3" ZONE

- (a) Hours of Operation shall be within the time frame of 6 a.m. until 11 p.m;
- (b) Overnight/after hours parking, other than employees working in the established businesses on the site, is prohibited;
- (c) All loading docks shall be located at the rear of any building; and

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Institutional "I" Zone

12.0 Institutional "I" Zone

12.1 PERMITTED USES

In an "I" Zone, any land, building or structure may be used for the purpose of and for no other purpose than,

- (a) One or more of the following uses:
 - i. An educational building;
 - ii. A community hall;
 - iii. A recreational facility;
 - iv. An outdoor recreational use;
 - v. A playground;
 - vi. A health clinic;
 - vii. A hospital;
 - viii. A community care facility;
 - ix. A government or municipal building;
 - x. A place of worship;
 - xi. A cemetery;
 - xii. An office of an non-profit organization;
 - xiii. A fraternal lodge, 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, subject to the provisions of section 4.5(c).
- (c) A SWT may be permitted as a secondary conditional use subject to the provisions of section 4.27 and to terms and conditions applied by the Planning Advisory Committee.

TOWN OF HAMPTON ZONING BY-LAW

Institutional "I" Zone

12.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No main building or structure may be placed, erected or altered to become one of the permitted main uses on a lot, except in accordance with the criteria set out in the table below

Minimum Lot Size	660 m ²
Minimum Lot Frontage	22 m
Minimum Front or Flankage Yard	7.6 m
Minimum Side Yard	3 m or one half the height, whichever is the greatest,
Minimum Rear Yard	7.6 m
Maximum Lot Coverage	35%
Maximum Height	9 m
Landscaping	<ul style="list-style-type: none">a) Grassed blvd. 3m along street line and adjacent to parking areas.b) Minimum of one tree and three shrubs planted every 4 m all blvd. areas.c) One tree (25 mm caliper) shall also be planted for every 5 parking spaces.

13.0 Conservation “C” Zone

13.1 PERMITTED USES

In a “C” Zone, any land, building or structure may be used for the purposes of, and for no other purpose than one or more of the following main uses:

- (a) Passive recreation uses including parks and trails;
- (b) A conservation-related use; or
- (c) Interpretative centers and displays.

The boundaries of the Conservation Zone generally follow provincial wetlands and watercourse mapping and also include the municipal sewage treatment facilities.

14.0 Parks and Recreation “PR” Zone

14.1 PERMITTED USES

In a “PR” Zone, any land may be used for the purpose of and for no other purpose than,

- (a) One or more of the following main uses:
 - i. Public open spaces;
 - ii. Parks or playgrounds; and
 - iii. Existing commercial use;
- (b) Accessory buildings, structures or use, incidental to the main use of the land, building of structure if such main use is permitted and only in compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.

14.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No building or structure may be placed, erected, or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out in the table below

Front Yard	7.6 m
Rear Yard	7.6 m
Lot Frontage	21 m
Side Yards	2.5 m
Min. Lot Area	810 m ²
Max Height of Building	9 m

15.0 Agricultural “A” Zone

15.1 PERMITTED USES

In an “A” Zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

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

TOWN OF HAMPTON ZONING BY-LAW

Agricultural "A" Zone

- i. An agricultural or forestry use; or
 - ii. A recreation or community use;
 - iii. A dog kennel;
- (b) A single unit residence subject to the provisions set out in Section 6.2; and
- (c) Any accessory buildings, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section subject to section 15.3.
- (d) A SWT may be permitted as a main or secondary conditional use subject to the provisions of section 4.27 and to terms and conditions applied by the Planning Advisory Committee.

15.2 DEVELOPMENT STANDARDS FOR MAIN BUILDINGS AND MAIN STRUCTURES

No building or structure may be placed, erected, or altered to become one of the permitted main uses on a lot except in accordance with the criteria set out in the table below:

Front Yard	7.6 m
Rear Yard	7.6 m
Lot Frontage	54 m
Side Yards	7.6 m
Min. Lot Area	20,000 m ²
Max Height of Building	9 m

15.3 DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure may not be placed erected or altered so that it:

- (a) Exceeds 9 m in height;
- (b) Except in the case of an accessory building being used for agricultural or forestry use, can be located in the front yard of a main use;
- (c) In the case of an agricultural or forestry use:
 - i. Within 7.5 m from a street line;
 - ii. 3 m within a side or rear lot line or one-half the height of a building or structure.

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Agricultural "A" Zone

15.4 KEEPING OF LIVESTOCK

The keeping of livestock in the agricultural zone is subject to terms and conditions of the Planning Advisory Committee and must conform to Provincial Regulations.

16 REPEAL OF BY-LAW

Town of Hampton Zoning By-law Number 160-04 and amendments thereto are repealed.

Read First Time:	December 1, 2010
Read Second Time:	December 1, 2010
Read Third Time and Enacted:	February 8, 2011

Amendment 194-11	
Read First Time:	November 8, 2011
Read Second Time:	November 8, 2011
Read Third Time and Enacted:	February 14, 2012

Amendment 202-13	
Read First Time:	January 8, 2013
Read Second Time:	January 8, 2013
Read Third Time and Enacted:	February 12, 2013

Amendment 203-13	
Read First Time:	April 9, 2013
Read Second Time:	April 9, 2013
Read Third Time and Enacted:	May 14, 2013

Amendment 209-13	
Read First Time:	August 11, 2015
Read Second Time:	August 11, 2015
Read Third Time and Enacted:	September 8, 2015

Ken Chorley, Mayor

Megan A. O'Brien Harrison, Clerk