

7.12 Telecommunications Towers and Antenna

Telecommunication towers are regulated by the federal government. All applicants seeking approval of a telecommunication tower must seek the opinion of the municipality as part of the federal approval process. The Zoning By-law does not regulate the placement of towers other than those affecting an existing or accessory building as outlined in the sections below.

- 1) Telecommunications towers and antennae shall not be permitted on a street-facing portion of a building in a residential zone or abutting a residential zone.
- 2) Telecommunications towers and antennae in or abutting a residential zone shall be subject to all accessory buildings provisions of this by-law as per Section 7.4, with the exception of Sections 2) (a) and 4).
- 3) Where, in the opinion of the Development Officer, there is a risk of injury to occupiers or others, telecommunications towers shall be equipped with appropriate anti-climb devices or such other equipment as required to restrict access of the public thereto.
- 4) The Development Officer shall have the authority to require that all telecommunication towers be appropriately painted and landscaping be properly undertaken to minimize the impact of the appearance of such towers from adjacent properties.

7.13 Wind Turbines

- 1) The erection of a wind turbine shall only be permitted as an amendment to the Zoning By-law and subject to such terms and conditions as may be imposed by Council.

7.14 Swimming Pools

- 1) The property owner or contractor will be responsible for obtaining a permit and paying all fees to acquire a Village of New Maryland Building Permit for the installation of above-ground or in-ground swimming pools with a depth of 0.6 metres or more, or for any major repairs, such as, but not limited to, liner replacement, to existing pools.
- 2) The homeowner or contractor may **not** use a private well as a water source for filling pools.
- 3) Overhead or underground electrical lines are not permitted immediately above or below a swimming pool and 5 metres of horizontal clearance must be provided between the location of the power line and the edge of the pool.
- 4) No land shall be used for the purpose of a swimming pool unless it is:
 - (a) Enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres in height and meeting the requirements of this section;
 - (b) Located no less than 2.5 metres from any side or rear lot line;
 - (c) Located behind the rear line of the house;
 - (d) Located no less than 3.6 metres from the side street lot line when located on a corner lot; and
 - (e) Located no less than 1.2 metres from the wall of a building.
- 5) Doors and gates that form part of the required enclosure shall be self-latching to restrict access.
- 6) An enclosure mentioned in Section 7.14, 4) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 7) A fence mentioned in Section 7.14, 4) shall:
 - (a) 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 Section 8) below;
 - (b) Not be electrified or incorporate barbed wire or other dangerous material; and
 - (c) Be located at least:

- (i) 1.2 metres from the edge of the swimming pool; and
 - (ii) 1.2 metres from any condition that would facilitate its being climbed from the outside.
- 8) A fence under this section shall be designed and constructed:
 - (a) In the case of a fence made of chain links, with at least 3.8 centimetre diameter steel posts, set below frost level and spaced not more than 2.5 metres apart, with a top horizontal rail of at least 3.2 centimetre diameter steel;
 - (b) In the case of a fence made of wood, with:
 - (i) Vertical boarding, not less than two and one half centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside; and
 - (ii) Supporting wood posts at least 8.9 centimetres square or round, set below frost and spaced not more than two and one half metres apart, with the portion below grade treated with a wood preservative;
 - (c) In the case of a fence made of metal and located within 3 metres of an in-ground pool, the fence must be grounded to the electrical panel of the dwelling; and
 - (d) In the case of a fence constructed with materials and in a manner other than described in this subsection, in a manner that will ensure rigidity equal to the design and construction prescribed by this subsection.
- 9) Gates forming part of an enclosure mentioned in Section 7.14, 5) shall:
 - (a) Be equivalent to the fence in content, manner of construction and height;
 - (b) Be supported on substantial hinges;
 - (c) Be self-closing and equipped with a self-latching device at least 1.2 metres above the bottom of the gate; and
 - (d) Have the bottom of the gate no more than 10 centimetres above grade.
- 10) Rigid hot tub covers, latched and locked in place when not in use, shall be permitted in lieu of the required fencing or enclosures referenced in Section 7.14, 5).

7.15 Residential Development near a Lagoon

- 1) Notwithstanding any other provision of this by-law, the minimum distance between a dwelling and sewage lagoon shall be in accordance with provincial guidelines.

7.16 Development Adjacent to a Watercourse

- 1) Subject to the provisions of the *Watercourse and Wetland Alteration Regulation* (N.B. Reg. 90-80) and any requirements or conditions subsequently imposed by provincial approval, notwithstanding any provision of this by-law, no person shall erect a building or structure within 30 metres of the high water mark of a watercourse without approval from the Planning Advisory Committee and in accordance with such terms and conditions as may be imposed by the Committee.

7.17 Home Occupations

- 1) Subject to Section 7.17, 2), where a home occupation is permitted under this by-law, one of the following occupations may be conducted as a home occupation in the main dwelling:
 - (a) An occupation such as professional services (engineer, architect, lawyer, accountant, financial planner, insurance agent, artist) in an office or studio therein; a neighbourhood daycare centre; a community daycare home; the teaching of music or dancing; or a barber or hairdresser. A hairdresser is permitted to include a maximum of two tanning beds; or
 - (b) Service oriented businesses, such as plumbers or electricians, where a home office would be the only part of the occupation being carried out on the premises.
 - (c) A use not mentioned in Clauses 1) (a) and 1) (b) above is prohibited unless approved by the Planning Advisory Committee.



Village of New Maryland

Building Permit / Development Permit Application Form

Development Services Department
584 New Maryland Hwy.
New Maryland, NB E3C 1K1
T. 506.451.8508 F. 506.450.1605
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Note: Please attach a copy of the property survey separately or sketch a site plan below locating all structures on the lot and show distances from the new construction to property lines. (Show: Property boundaries; Streets; driveways; buildings/structures; setbacks; overhead/underground services)

Site Plan Drawing

Grid area for site plan drawing

Office Use Only

Application Received By:		Date Received:
Building Permit Fee: (\$7.25 per \$1000 of ETC + \$20)	Receipt # (G.L. 15173):	Existing Zoning:
Development Permit Fee (\$50.00)	Receipt # (G.L. 15173):	Corner Lot: <input type="checkbox"/> Yes <input type="checkbox"/> No
Construction Deposit: (\$2,000)	Receipt # (G.L. 02210):	Zone Standards: <input type="checkbox"/> Complies <input type="checkbox"/> Variance Required
Lateral Service Inspection Fee: (\$150 per)	Receipt # (G.L. 15590):	
Curb Cut Fee: (\$110 per metre - min 2 metre charge)	Receipt # (G.L. 15172):	PAC Terms & Conditions:
Comments/Notes:		

Other Required Approvals:	
<input type="checkbox"/> DTI (Access Permit) – or Traffic Study	<input type="checkbox"/> NB 911
<input type="checkbox"/> Wetland and Watercourse Alteration Permit	<input type="checkbox"/> NB Fire Marshall
<input type="checkbox"/> Well/Septic	<input type="checkbox"/> Other
<input type="checkbox"/> Council/PAC	

Staff Approvals	
Development Officer: _____	Date: _____
Public Works Supervisor: _____	Date: _____
Building Inspector: _____	Date: _____
<input type="checkbox"/> Development Permit <input type="checkbox"/> Building Permit Permit #: _____	Date Permit Issued:

