

Village of Blacks Harbour

BY-LAW Z.1

A BY-LAW TO ADOPT THE VILLAGE OF BLACKS HARBOUR RURAL PLAN

Under the authority vested in it by section 27.2 of the *Community Planning Act*, the Municipal Council of the Village of Blacks Harbour, duly convened, enacts as follows:

1. The area of land lying within the territorial limits of the Village of Blacks Harbour, as described by subsection 41(2) of Regulation 85-6 under the Municipalities Act and as outlined on the map attached as "Schedule A", entitled Village of Blacks Harbour Zoning Map is designated for the purpose of the adoption of the Rural Plan and is the area to which this by-law applies;
2. The rural plan of the Village of Blacks Harbour, setting out policies, proposals and zoning provisions designed to guide, control and encourage the orderly economic, social and physical development of the municipality, is hereby adopted;
3. The document entitled "Village of Blacks Harbour Rural Plan By-law Z.1" attached constitutes the rural plan referred to in Section 2;
4. The by-laws as listed under section 2.1 of the Village of Blacks Harbour Rural Plan By-law Z.1 are hereby repealed.

FIRST READING BY TITLE:	<i>December 15, 2010</i>
SECOND READING IN ITS ENTIRETY:	<i>January 19, 2011</i>
THIRD READING BY TITLE AND ENACTMENT:	<i>January 19, 2011</i>

In witness whereof Blacks Harbour had caused its corporate seal to be hereunto affixed to this by-law the 19th day of *January, 2011*.

TM James
Mayor

Heather Chase
Clerk



Village of Blacks Harbour Rural Plan Update

January 2011



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PART A: GENERAL

1.0 INTRODUCTION

1.1 Title

This by-law may be cited as the Village of Blacks Harbour Rural Plan.

1.2 Area Designation

The area of land lying within the territorial limits of the Village of Blacks Harbour, as described by subsection 41(2) of Regulation 85-6, under the *Municipalities Act* and as outlined on the map attached as Schedule A, entitled “Zoning Map”, is designated for the purposes of the adoption of this Rural Plan and is the area to which this by-law applies.

1.3 Purpose

The Rural Plan sets out the Village Council’s long-term policies and proposals to guide future land use development. The Plan is intended for use by Council and residents to guide day-to-day decisions with respect to land use development and capital expenditures. The Plan should be reviewed every five years in accordance with the provisions of the *Community Planning Act*. Periodic amendments to the Plan may be required. These should be undertaken with due process, including public consultation, as outlined in the *Community Planning Act* for plan amendments.

The adoption of a Rural Plan does not commit the Village or Province to undertake any proposal therein stated (as per Section 27 of the *Community Planning Act*), but shall prevent the undertaking of any development that is inconsistent or at variance with:

- (a) In the case of the Village, any proposal or policy so outlined or suggested; or
- (b) In the case of the Province or a person, any policy or proposal so outlined or suggested

For clarification, in this Rural Plan, a Policy is a statement reflecting community objectives and outlining a means to achieve them. Policies are the foundation of the Plan. All other components of the Rural Plan, including the zoning and development standards, as well as any amendments thereto, are to conform to the intent of these policies. Proposals are actions that are desirable, but not essential to meeting the objectives of the Rural Plan. While Council is not required to undertake any stated Proposal, it cannot enact measures that are contrary to a Proposal.

1.4 Organization

The contents of this plan include:

- (a) Part A, which outlines the title, area designation, contents and purpose of the plan;
- (b) Part B, which outlines the policies and proposals of Council; and
- (c) Part C, which contains the zoning provisions intended to assist with implementation of the policies and proposals. Part C also contains the legal zoning map that accompanies and illustrates the zoning provisions.

2.0 ADMINISTRATION

2.1 Repeal of Existing By-Laws

The following by-laws are hereby repealed:

- (a) By-law No. 03-91 a By-law to adopt the Blacks Harbour Rural Plan
- (b) By-law No. 04-94 a By-law to amend By-law No. 03-91 by rezoning lands having PID 15143308 from Recreational Zone to Industrial Zone
- (c) By-law No. 05-98 a By-law to amend By-law No. 03-91 by rezoning lands having PID 01224609 and 15094030 from R1-Single & Two Family Zone to Commercial Zone
- (d) By-law No. 05-100 a By-law to amend By-law No. 03-91 by adding a definition for swimming pools
- (e) By-law No. 10-110 a By-law to amend By-law No. 03-91 by rezoning lands having PID 01227339 from Institutional Zone to Commercial Zone
- (f) By-law No. 10-111 a By-law to amend By-law No. 03-91 by rezoning lands having PID 01255397, 01255363 and 15175888 from Residential to Industrial.

2.2 Amendments

- (1) A person who seeks to have this By-law amended shall:
 - (a) address a written and signed application to the Development Officer; and
 - (b) pay a fee of \$400, payable to the Village of Blacks Harbour.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in subsection (1).
- (3) An application under this section shall include such information as may be required by the Council or Planning Advisory Committee or Development Officer for the purpose of adequately assessing the desirability of the proposal.
- (4) Where an application for rezoning of a property has been refused within the previous twelve months, Council will not entertain an application to rezone the same property unless the proposed *use* is substantially different from the previous application.

2.3 Variances

- (1) The Planning Advisory Committee may permit, subject to such terms and conditions as it considers fit:
 - (a) a proposed *use* of land or a *building* that is otherwise not permitted under the Rural Plan if, in its opinion, the proposed *use* is sufficiently similar to or compatible with a *use* permitted in the Rural Plan for the zone in which the land or *building* is situated, or
 - (b) such reasonable variance from the requirements of the zone provisions 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 accord with the general intent of the By-law and any plan or statement hereunder affecting such development.
- (2) Where requested to permit a proposed *use* or variance under sub-section (1), the Development Officer may give notice to owners of land in the immediate neighbourhood:
 - (a) describing the land;
 - (b) describing the *use* proposed or variance requested; and/or
 - (c) giving the right to make representation to the Planning Advisory Committee within the time limit set out in the notice.

2.4 Fees for Planning Services

The following planning services are associated with the applicable fees:

- (a) zoning confirmation letter (stating the current zoning on subject lands), \$100;
- (b) zoning compliance letter (indicating whether the *use* of the subject land, *building* or *structure* is in compliance with the Village of Blacks Harbour Rural Plan), \$200;
- (c) processing and considering applications under section 34(3)(h) of the *Community Planning Act* (temporary uses), \$250;
- (d) processing and considering requests under section 35 of the *Community Planning Act* (dimensional variances, similar uses, non-conforming uses, conditional uses), \$250; and
- (e) processing and considering requests for rezoning, \$400.

3.0 DEFINITIONS

“Accessory Building” means a detached subordinate building, not used for human habitation, located on the same *lot* as the *main building, structure, or use* to which it is accessory, the *use* of which is naturally or customarily incidental to the main *use* of the land, *building, or structure*.

“Accessory Dwelling Unit” means a *dwelling unit* which is *secondary* to the principal *dwelling unit* and contained in the basement or cellar of the same *building* and not exceeding 60 square metres.

“Act” means the *Community Planning Act*, Chapter C-12, R.S.N.B.;

“Aggregate” means gravel, sand, clay, shale, earth, stone, limestone, granite, marble, rocks and stones other than metallic ore.

“Aggregate Use” means the *use* of land for excavation of an *aggregate* including gravel, sand, clay, shale, earth, stone, limestone, granite, marble, rocks and stones other than metallic ore.

“Agricultural Use” means any *use* of land for the purpose of producing crops and livestock.

“Alter” means to make any change, structurally or otherwise, in a *building or structure* which is not for the purpose of only maintenance.

“Bed and Breakfast Establishment” means a *dwelling* in which the resident owner or resident manager provides short-term overnight accommodation and meals, usually breakfast, to the public.

“Beverage Room” means a *beverage room* licensed under the *Liquor Control Act of New Brunswick* and includes a tavern.

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

“Building” means a roofed *erection* with solid exterior walls which is permanently affixed to a site and which is used or intended as a shelter for persons, animals, or chattel.

“Building Inspector” means the inspector(s) appointed by the Council to apply the Building By-law for the Planning Area.

“Cemetery” means the *use* of land primarily as landscaped open space in the placement of grave sites.

“Commercial” means any *use* of land, *buildings, or structures* for the purpose of buying or selling goods or services to the general public.

“Conservation Use” means the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both individual and society’s uses, both in the present and in the future.

“Dwelling” means a *main building*, or portion thereof--other than a *mobile home, mini-home, or trailer*, which contains one or more *dwelling units*.

“Dwelling Unit” means a room, or a suite of two or more rooms, designated or intended for *use* by an individual or family in which culinary facilities and sanitary conveniences are provided for the exclusive *use* of such individual or family.

“Dwelling, Multiple-Unit” means a *building* comprising three or more *dwelling units* which generally has shared outside access.

“Educational Building” means an establishment providing academic and/or technical instruction and may include supplementary school cafeterias, book stores, amusement activities, *recreation* facilities, instruction function, and community assembly *use*. This term refers to *uses* such as public and private schools and community colleges.

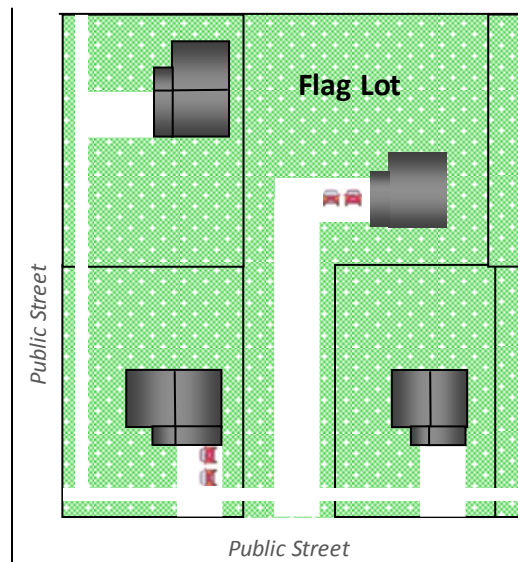
“Erect” means to construct, build, assemble, or re-locate a *building or structure*, as well as any physical operations preparatory thereto.

“Facia Sign” means a *sign* attached or *erected* horizontally parallel against the face of a *building* for the purpose of identification of a business or occupancy.

“Family” means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a *hotel* or boarding or *rooming house*.

“Farmland” means real property defined in the *Assessment Act*, and includes farm woodlots.

“Flag Lot” means a *lot* lacking the required minimum *lot width* or frontage on an existing or proposed street but having direct access to the street through a narrow leg of land. A diagram has been provided for example purposes only.



“Forestry” means the general raising and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products as well as the milling and sawing of wood.

“Freestanding Sign” means a *sign erected* on a freestanding mast or pole and not attached to any *building*.

“Garbage Receptacle” means a container used for the temporary storage of garbage, rubbish, refuse, recyclable or compostable materials.

“Garden Suite” means a temporary *accessory building* not used for income on a *lot* otherwise occupied by a single-detached *dwelling* and is intended for the sole occupancy of persons related to the owners of the main *dwelling*.

“Gas Bar” means an establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and may include the sale of convenience items.

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

“Ground Floor Area” means the floor space of a *building* at the ground level, not including garages, carports, porches, verandahs, breezeways, approach halls or stairways (except for those completely contained within a *dwelling unit*).

“Home-Based Business” means a *secondary use* conducted in a *dwelling unit*, or an *accessory building*, for gain or support which is compatible with a domestic household, and which is carried on by at least one member of the *family* residing in the *dwelling unit*.

“Hotel/Motel” means a *commercial building* providing temporary accommodations for travelers or transients, and may have a public dining room and convention meeting room.

“Industrial” means any *use* of land, *buildings*, or *structures* for the *manufacturing*, processing, fabricating, or assembly of raw materials or goods; warehousing or bulk storage of goods, and related *accessory uses*.

“Institutional” means any *use* of land for places of public assembly such as public *buildings* or *structures*, places of worship, schools, or cemeteries and public utilities.

“Lot” means a parcel of land, or two or more adjoining parcels, held by the same owner and used or intended to be used as the site for a *building* or *structure*, or an appurtenance thereto.

“Main Building” means a *building* in which is conducted the main or principal *use* of the *lot* on which the *building* is located.

“Manufacturing” means production, compounding, processing, crating, bottling, packing, or assembling of raw or pre-processed materials, including chemical production, refining, smelting, forging, stamping, blanking, or punch-pressing.

“Mini-Home” means a *dwelling*, other than a mobile home, fabricated in an off-site manufacturing facility for installation or assembly at the building site, and provided with a CSA approved stamp and number and/or meeting the requirements of the National Building Code.

“Mobile Home” means a manufactured, moveable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-around living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site and expanded later for additional cubic capacity to be jointed into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

“Mobile Home and Mobile Home Park” have the same meaning as provided in Regulation 84-291-Community Planning Act.

“Motor Vehicle Sales/Service” means an establishment for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday *trailers*, boats or other *recreational* vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel.

“Public Utility” means a *building, structure, power or telephone pole or line, or underground service line* used in conjunction with the supply of local utility services including a water or wastewater pumping station, a water storage reservoir, a gas regulator *building*, a hydro sub-station, a cable facility, or a telephone facility.

“Recreation” means active or passive sports or leisure-time activities and without limiting the generality of the foregoing shall include horseback and sleigh-riding operations, hiking trails, cross-country ski facilities, farm vacations, as well as hunting, trapping, and fishing on un-posted land.

“Restaurant” means an establishment where food is prepared and offered for sale to the public for consumption within the *building or structure*, or to be taken off the premises.

“Retail Store” means an establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed *building* and may include supplementary postal services, film processing, repair of merchandise sold or rented by the store, and food consumption areas not exceeding 20% of the gross leasable area.

“Rooming House” means a *dwelling* in which furnished habitable rooms are regularly provided for compensation to four or more persons other than the occupant and members of his/her *family*. *Boarding House* and *Hotel/motel* are separate *uses*.

“Salvage or Waste Disposal Facility” means an establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which may generate a detrimental impact or nuisance. This term refers to *uses* such as salvage and scrap yards, solid waste transfer stations, garbage container services, and effluent tanker services.

“Service Shop” means a *building, or part thereof*, for the servicing or repair of articles, goods, or materials, but shall not include *manufacturing* or motor vehicle repair.

“Sign” means any display of advertisement, placard, boarding, billboard, or other means of public notice or announcement whether *erected* or posted, and which is suitable or adaptable for such purpose, whether or not it is used at the time for such purpose.

“Single-Family Dwelling” means a *dwelling* containing only one *dwelling unit*.

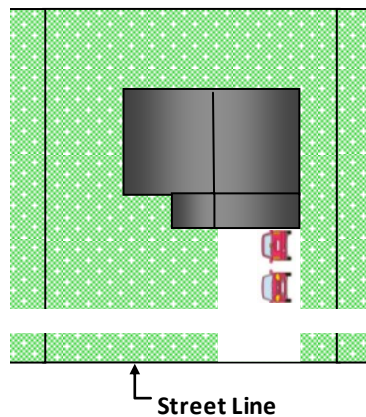
“Solar Collector, Attached” means any *solar collector system* that is mounted onto an existing *building or structure*.

“Solar Collector, Free-Standing” means any *solar collector system* that is ground installed

“Solar Collector System” means any system that collects heat energy from the sun for the purposes of capturing heat or converting to electricity.

“Solar Collector System, Small Scale” means any solar energy system that is *building* mounted, or any ground installed facilities for personnel use.

“Street Line” means the limit of the highway, road or street right-of-way and is the dividing line between a *lot* and the highway, road or street. A diagram has been provided for example purposes only.



“Structure” means an *erection* other than a *building*, power or telephone pole or line.

“Swimming Pool” means any accessory *structure*, construction, basin or tank above or below grade, which is designed to hold water and intended for swimming and having the capacity to contain water in excess of a depth of 0.6 metres.

“Trailer” means any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the temporary living, sleeping, or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

“Two-Family Dwelling” means a *dwelling* containing two *dwelling units*.

“Use” means the purpose for which land or a *building or structure* or a combination thereof, is designed, arranged, *erected*, intended, occupied, or maintained.

“Use-Accessory” means a *use*, other than for human habitation, or land, or of a *building or structure* which is: (a) not the *main building or structure* on a *lot*; (b) naturally complementary to the main *use* of the land, or the main *use* of the *lot* being conducted in the *main building or structure*; and (c) not a *secondary use*.

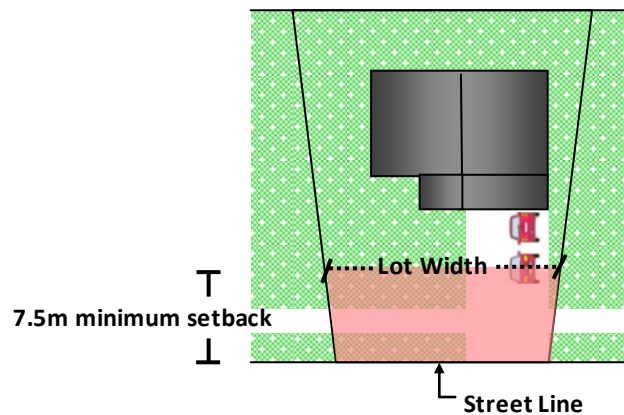
“Use-Secondary” means a *use*, other than a main *use*, permitted in a *dwelling*.

“Warehouse” means an establishment for the storage and/or wholesale distribution of goods, where the *warehouse* component occupies at least 51% of the *gross floor area*.

“Width” means, in relation to a *lot*:

(a) where the side *lot* lines are parallel, the distance measured across the *lot* at right angles to such lines; or

(b) where the side *lot* lines are not parallel, the distance measured across the *lot* along a line parallel to a line joining the points at which the side *lot* lines intersect the *street line*, such parallel being drawn through the point at which the line of minimum set-back intersects a line from the midpoint of and perpendicular to the line to which it is parallel. A diagram has been provided below for example purposes only.



“Wind Turbine, Small Scale” means a *wind turbine* that is owned and operated for the owner’s *use* and having a capacity of less than 10 kW.

PART B: POLICIES & PROPOSALS

4.0 VISION & GOALS

4.1 Introduction

Through the consultation process for the update of the Rural Plan, a number of issues were identified that set the context for future development in the Village of Blacks Harbour. These included:

- Need for a new municipal water supply to facilitate significant *industrial* and residential development;
- Diversification of the commercial sector;
- Provision of a variety of housing options for a variety of incomes and demographics;
- Provision of increased facilities, activities and programs for youth;
- Upgrade, expansion and development of new and existing *recreation* infrastructure, including trails; and
- Enhancement of the existing Village Centre as a focal point of the community.

4.2 Vision

Based on information gathered during the various consultation activities carried out as part of the Rural Plan update, the following vision articulates what the Village of Blacks Harbour will strive to be in the future:

The Blacks Harbour community will continue to be centered around the working, industrial harbour.

Building on the existing industrial foundation, the Village of Blacks Harbour will strive to increase its population and prosperity through the creation of new economic opportunities and improved quality of life by proactively pursuing municipal infrastructure development, new and improved recreation infrastructure and increased industrial and commercial growth.

Recognizing the importance of the natural environment in Blacks Harbour, land use development will take necessary measures to conserve and protect the natural environment, as it is understood that changes to one part of the ecosystem will affect the ecosystem as a whole.

4.3 Goals

Based on information gathered during the consultation carried out as part of the Rural Plan update, a series of goals have been developed to further articulate the vision for the future. The remainder of Part B of the Rural Plan outlines policies and proposals that have been developed to assist in achieving each goal.

Topic	Goal
General Development	To promote a pattern of growth and land use that ensures orderly, efficient, equitable, and sustainable development, and preserves the character of the village.
Residential Uses	To accommodate development of an adequate supply and mix of housing to meet the needs of different socio-economic groups, including seniors, young families, singles, different income groups and people with special needs.
Commercial Uses	To provide an environment that is supportive of <i>commercial</i> development and expansion in existing <i>commercial</i> areas and to provide suitable land in acceptable locations to meet the <i>commercial</i> needs of residents and visitors.
Institutional Uses	To provide adequate community facilities and public <i>buildings</i> to serve the residents of Blacks Harbour.
Industrial Uses	To promote the expansion and development of <i>industrial</i> enterprises within the Village.
Recreation Uses	To provide a full range of <i>recreation</i> facilities and programs to serve all areas and all age groups in the community.
Rural Uses	To provide for sustainable rural and natural resource-related activities in a manner compatible with existing urban-related <i>uses</i> and the natural environment.
Environmental Conservation	To protect land and resources that are environmentally sensitive to development.
Protection of Water Supply	To identify, conserve and protect groundwater resources necessary for current and future needs of the community.
Municipal Infrastructure	To maintain and extend the municipal infrastructure system to accommodate existing development and support new development.
Heritage & Archaeological Sites	To preserve and protect historic sites and buildings, open space and important natural features that define the heritage and character of Blacks Harbour.
Protection Services	To provide fire protection and police services to protect life and property within the Village.

5.0 GENERAL DEVELOPMENT

General development policies have been established for a broad range of development types. The intent of these policies and proposals is to ensure that development is efficient, compatible and in keeping with community characteristics.

5.1 Goal

To promote a pattern of growth and land *use* that ensures orderly, efficient, equitable, and sustainable development, and preserves the character of the village.

5.2 Policies / Proposals

5.2.1 Efficient and Compatible Development

Policy

- (1) To manage general growth and development to be orderly, cost effective, sustainable and compatible by:
 - (a) encouraging new development through infilling of vacant land within existing built-up areas, and through contiguous development to existing built-up areas;
 - (b) ensuring *commercial, industrial* and *institutional* development is compatible by establishing development standards and, for certain *uses*, if necessary, setting terms and conditions to development; and
 - (c) discouraging development in physically unsuitable or environmentally sensitive areas.
- (2) It is a policy that development will be located and designed to minimize the impact of traffic, noise and lighting on adjacent residential properties and *commercial* accommodations.
- (3) Land development and *lot* creation shall:
 - (a) be directed away from areas that are unsuitable for the intended *use* due to poor site capability, potential environmental impact, or lack of compatibility with surrounding land *uses*;
 - (b) be of a size and configuration suitable for the intended *use*;
 - (c) provide for safe and efficient movement of vehicular, pedestrian, and non-motorized means of transportation;
 - (d) respond to the topographic constraints and opportunities of the site; and
 - (e) maintain substantial trees and vegetation on steep slopes, riparian areas, and other sensitive sites.

5.2.2 Soils and Drainage

Policy

- (1) Development shall not be permitted on sites with soil and drainage conditions that are incapable or unsuitable for the proper siting and construction of the proposed *building* or *structure*, unless the site deficiencies can be corrected through environmentally acceptable methods that meet the approval of the Planning Advisory Committee, are in accordance with relevant Provincial regulations, and have received all necessary approvals of Provincial agencies.
- (2) Development shall not be permitted in a location or in a way that creates or aggravates adverse stormwater impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, siltation of natural streams, altering of groundwater tables, or reduction of surface and groundwater quality.

5.2.3 Access to a Street

Policy

- (1) New development must have access to a provincial collector road, municipal collector road, municipal local street or a private local street, unless the Planning Advisory Committee specifies otherwise.

5.2.4 Flag Lots

Policy

- (1) The creation of *flag lots* is permitted, subject to terms and conditions, in instances where the *lot width* requirements of this Rural Plan cannot be satisfied, but where the proposed lot is deemed acceptable otherwise, and will not prejudice the possibility of further subdividing the property or convenient subdividing of adjoining and nearby land.

5.2.5 Development Criteria for Non-Residential Sites

Policy

- (1) All non-residential land *uses* will conform to the following criteria:
 - (a) development will be located and designed in a manner that minimizes the impact of traffic, noise and lighting on adjacent residential properties. Where deemed necessary, appropriate screening (e.g. trees, shrubs, landscaping, and fencing) will be required as a condition to the building permit;
 - (b) development and landscaping will be designed to a high standard with regard to safety, appearance, and compatibility with neighbouring land *uses*;
 - (c) access points to the street will be designed for maximum safety of pedestrian and vehicular traffic; and
 - (d) each site will have adequate provision for off-street and/or on-street parking to meet the needs of the development.

5.2.6 Private Streets

Policy

- (1) Development of private streets in the Village of Blacks Harbour is permitted subject to minimum design and construction standards as specified by the Village and such terms and conditions that may be specified by the Planning Advisory Committee.
- (2) It is a policy that maintenance and upgrading of private streets are the responsibility of landowners - not the Village or the Province of New Brunswick.
- (3) It is a policy that existing private streets shall not become public unless assented to by Council under Section 56 of the *Community Planning Act*, and unless Council has negotiated a suitable agreement for road maintenance with the Department of Transportation or another supplier.
- (4) Although the Village Council is not obliged, it is a policy that Council will only take over a private street if it complies with minimum road design and construction standards specified by the Village as well as other required terms and conditions.

6.0 RESIDENTIAL USES

The housing stock in Blacks Harbour is predominantly single-family homes. The community has identified a need for a wider range of housing options to meet changing community needs including seniors, new residents and those on limited incomes. The intent of these policies and proposals is to support development of an appropriate housing supply that will meet the needs of the community but that is also developed in a sustainable manner.

6.1 Goal

To accommodate development of an adequate supply and mix of housing to meet the needs of different socio-economic groups, including seniors, young families, singles, different income groups and people with special needs.

6.2 Policies / Proposals

6.2.1 Form and Density of Residential Development

Policy

- (1) That the form and density of residential development shall not exceed the carrying capacity of the land in terms of water supply, wastewater management, municipal servicing and protection of environmental and aesthetic resources.
- (2) To encourage innovative forms of residential development that protect the environment, offer opportunities for shared access to services and amenities and maintains the rural character of the Village.
- (3) To encourage a conservation design approach to residential subdivision development as a method to reduce sprawl, protect riparian areas and other sensitive resources, provide common amenity space for residents and improve water supply and on-site sewage disposal methods.
- (4) That approvals of conservation subdivisions, which will allow for reduced *lot* size standards (smaller *lots*) as a trade off for the retention of more open space, must be accompanied by documentation showing how conservation design principles will be employed.

6.2.2 Single Detached Housing

Policy

- (1) Single detached housing will constitute the predominant type of residential development in the Village of Blacks Harbour.

6.2.3 Semi-Detached, Multiple Unit and Mini-Home Dwellings

Policy

- (1) Development of semi-detached houses, *multiple-unit dwellings* and *mini-homes* will be encouraged to develop in a compatible fashion with the surrounding neighbourhood.
- (2) Subject to terms and conditions established by the Planning Advisory Committee, it is proposed that *bed and breakfast establishments* and *multiple-unit dwellings* may be permitted in areas designated for Residential use.

6.2.4 Seniors and Special-Care Housing

Policy

- (1) It is a policy to permit the development of multi-unit residential *dwellings* to meet the housing needs of elderly residents, disabled residents and other special needs groups, where such housing is compatible with the neighbourhood.

Proposal

- (1) Council will work with local community organizations, developers and the Provincial and Federal Governments to identify appropriate locations for potential seniors and/or special care housing within the Village and to pursue their development.

6.2.5 Mobile Homes

Policy

- (1) *Mobile homes* shall be permitted provided that they are located in a *Mobile Home Park* as defined under Regulation 84-291 Provincial Mobile Home Parks and Sites under the *Community Planning Act*.

6.2.6 Home Based Businesses

Policy

- (1) Home based businesses associated with single-unit and double-unit *dwellings* will be permitted, subject to the zoning provisions of the Rural Plan.

7.0 COMMERCIAL USES

The majority of *commercial* development in Blacks Harbour is located in and around the Village Centre area. There is currently a limited amount and variety of *commercial uses* within the village and the community has identified a need for new *commercial uses*. The intent of these policies and proposals is to support the retention and expansion of existing *commercial uses* as well as new *commercial* development, particularly within the Village Centre area.

7.1 Goal

To provide an environment that is supportive of *commercial* development and expansion in existing *commercial* areas and to provide suitable land in acceptable locations to meet the *commercial* needs of residents and visitors.

7.2 Policies / Proposals

Policy

- (1) To encourage *commercial* development in existing *commercial* areas in proximity to the Village Centre – in particular, the intersection of Main Street (Route No. 776) and Brunswick Street and the intersection of Main Street (Route No. 776) and Deadman’s Harbour Road (Route No. 778) – in a way that preserves and enhances the existing mixed-use character of the area.
- (2) To encourage the development of small-scale businesses such as retail shops, food services, visitor accommodations and personal services in the Village Centre.
- (3) That *commercial* development in the Village Centre must be reasonably compatible with existing land *uses* with respect to vehicle access, parking area capacity and location, historic setback patterns and potential nuisance impacts on adjacent residential properties.

Proposal

- (1) To establish Commercial Zone that would permit appropriate *commercial uses* (such as retail shops and *restaurants*) with a mix of secondary residential *uses*.
- (2) That the new *commercial* development shall:
 - (a) ensure development and operation of the proposed *use* does not pose a threat to the environment with respect to noise or pollution of the earth, air or water;
 - (b) have a five metre landscaped buffer, including a fence, hedging or sheltering belt of trees, provided and maintained between the *commercial* development and adjacent differing land *uses*; and
 - (c) have adequate off-street parking provided on the same *lot* as the *commercial use*.

8.0 INSTITUTIONAL USES

Institutional uses - such as schools, places of worship, health clinic and government offices - provide for community needs, are vital to the health, well-being and ability of the village to retain and attract residents and serve as gathering spaces that strengthen a sense of community. This is particularly true in Blacks Harbour, where many of these *uses* are centrally located in and around the Village Centre. The intent of these policies and proposals is to support development of new *institutional uses* in appropriate locations that are compatible with existing development.

8.1 Goal

To provide adequate community facilities and public *buildings* to serve the residents of Blacks Harbour.

8.2 Policies / Proposals

Policy

- (1) It is a policy to recognize the importance of *institutional land uses* for community services, heritage preservation, sense of community and quality of life.
- (2) It is a policy to encourage the *use* of public *buildings* and facilities such as sport fields, gymnasiums and classrooms for adult education classes, group meetings and other community activities.

Proposal

- (1) To establish an Institutional Zone that would permit only *institutional uses* such as schools, places of worship, government *buildings*, community halls and clinics.
- (2) As per the zoning provisions of the Rural Plan, it is proposed that some *institutional uses* be permitted in the Rural Zone 'RR'.
- (3) It is proposed that unless otherwise permitted in the Rural Zone 'RR', all *institutional uses* shall be directed to an Institutional Zone 'Inst'.
- (4) It is proposed that the rezoning of lands for *institutional uses* shall be based on consideration of the following:
 - (a) that the site is located on, or has convenient access to, an arterial or collector street;
 - (b) that adequate provisions for any required pedestrian access has been incorporated;
 - (c) that an adequate buffer as required by the zoning provisions be provided adjacent to any neighbouring residential *uses*; and
 - (d) that off street parking has been provided in accordance with the parking provisions of section 18.7.
- (5) Council will work with local community organizations, businesses, youth and the Federal and Provincial governments to explore the feasibility of developing a youth centre facility.

9.0 INDUSTRIAL USES

Industrial development - centered in and around the harbour - is the foundation of the economy in Blacks Harbour. There is significant opportunity to expand existing *industrial* operations in the village; however, lack of a water supply with sufficient capacity is the primary barrier to future *industrial* growth. The intent of these policies and proposals is to support expansion of *industrial* activities by addressing the water capacity issue and ensuring that new *industrial uses* are developed in a way that is compatible with existing development.

9.1 Goal

To promote the expansion and development of *industrial* enterprises within the Village.

9.2 Policies / Proposals

Policy

- (1) To support expansion and development of *industrial uses* to the extent that they do not negatively impact the environment and do not place an undue burden on municipal infrastructure and resources.
- (2) To direct *industrial* development to locations that have easy access to the necessary natural features and major transportation routes and that are or could be serviced in the future.
- (3) To direct *industrial* development to locations that have easy access to the necessary natural features and major transportation routes and that are or could be serviced in the future.

Proposal

- (1) It is proposed that an Industrial Zone be established to permit a variety of *industrial uses* such as a *manufacturing* or processing plant, *warehouse*, generating station and harbour development activities.
- (2) Council will work with local *industrial* partners and the Federal and Provincial governments to ensure completion of the Harbour Development Project.
- (3) No new *industrial use* shall be permitted unless:
 - (a) adequate measures are in place to prevent or mitigate pollution that could threaten the quality and quantity of surface and ground water resources and the quality of the air, including noise; and
 - (b) adequate buffering is provided between the *industrial use* and any adjoining non-complementary land *use*.

10.0 RECREATION USES

Recreation uses – such as *recreation* facilities, parks, trails and open spaces – are important for quality of life in the community. They provide opportunities for active and healthy lifestyle choices and play an important role in attracting and retaining residents because they are amenities enjoyed by residents and visitors alike. The intent of these policies and proposals is to support development of *recreation uses*.

10.1 Goal

To provide a full range of *recreation* facilities and programs to serve all areas and all age groups in the community.

10.2 Policies / Proposals

Policy

- (1) To support the establishment of parks, trails and public *recreation* opportunities for people of all ages and abilities.
- (2) To provide and protect open spaces and natural areas for the enjoyment of all residents.
- (3) To encourage development of trails within the Village as a source of outdoor winter and summer *recreation* and to provide access to other *recreational* sites, facilities and community amenities.
- (4) To acquire lands which are intended for public use or are privately owned and zoned Recreation, whenever possible and feasible.

Proposals

- (1) To establish a Recreation Zone that would permit only *recreation uses* such as parks, trails and *recreation buildings*.
- (2) Council will work with local community organizations and businesses and the Federal and Provincial governments to lead development of Pea Point/Wallace Cove Park as an outdoor camping and eco-tourist destination.
- (3) Council will explore options to improve, expand and build new *recreation* infrastructure in and around Main Street Park as a way of strengthening the role of this area as a focal point for the community.
- (4) Council will require all new subdivisions to contribute 8 percent of its land as Land for Public Purposes. Council will determine the specific use of this land. Council may also accept cash-in-lieu of the 8% dedication of Lands for Public Purposes.
- (5) If a proposal is made to develop privately owned land in the Recreation Zone and a public authority does not wish to purchase such lands in order to maintain them for Recreation purposes, then the rezoning of such lands shall be based on consideration of the following:
 - (a) characteristics of the land;
 - (b) compatibility of the proposed *use* with neighbouring *uses*; and
 - (c) other policies and proposals in the Rural Plan.

11.0 RURAL USES

The majority of land within Blacks Harbour is undeveloped or currently being used for rural *uses* such as single-family homes on large *lots*, agriculture, *forestry*, *aggregate* operations and conservation. The intent of these policies and proposals is to support continued rural development in a sustainable manner and in a manner that reduces potential conflict with urban *uses*.

11.1 Goal

To provide for sustainable rural and natural resource-related activities in a manner compatible with existing urban-related *uses* and the natural environment.

11.2 Policies / Proposals

11.2.1 Fostering Rural Uses

Policy

- (1) To protect undeveloped land within the Village which is currently used, or has potential to be used, for rural *uses* such as agriculture, *forestry*, fishing and mineral/*aggregate* resource extraction.
- (2) To encourage sustainable development practices.
- (3) To minimize conflicts between rural and urban *uses*.

Proposals

- (1) To establish a Rural Zone (RR) that would protect undeveloped land within the Village that is currently used, or had the potential to be used, for rural *uses* such as agriculture, *forestry*, fishing and mineral/*aggregate* resource extraction.

11.2.2 Aggregate Uses

Policy

- (1) It is a policy that *aggregate uses*, where permitted, be subject to the issuance of a development permit and compliance with zoning provisions addressing such matters as impact on the environment, neighbouring land *uses*, public safety, operating standards, and site rehabilitation requirements.
- (2) It is a policy that *aggregate uses* shall be sufficient distance from floodplains, wetlands, watercourses, sensitive wildlife and fish habitat, environmentally significant areas so as to minimize disturbances to these fragile resources.

12.0 ENVIRONMENTAL CONSERVATION

Development in or near environmentally sensitive areas such as wetlands and watercourses, can lead to adverse impacts on the natural environment. Beyond the importance of conservation itself, the natural environment also plays an important role in quality of life for residents and visitors to Blacks Harbour. While environmental protection is within the legislative realm of the Province of New Brunswick, policies and proposals to protect environmentally sensitive areas are also included in this section.

12.1 Goal

To protect land and resources that are environmentally sensitive to development.

12.2 Policies / Proposals

Policy

- (1) That all development within 30 metres (100 ft) of a wetland or watercourse recognized under the *Clean Water Act* must acquire a Watercourse and Wetland Alteration Permit before a *building* or development permit is issued.

Proposals

- (1) To establish a Conservation Zone in environmentally sensitive areas that would permit only *conservation uses* such as maintenance of wetlands, deer wintering areas and wildlife refuges.

13.0 PROTECTION OF WATER SUPPLY

The existing water supply in Blacks Harbour is nearing capacity and is a significant barrier to future *industrial* and/or residential expansion in the village. The intent of these policies and proposals is to work with partners to address the water supply capacity issue and to protect current groundwater resources.

13.1 Goal

To identify, conserve and protect groundwater resources necessary for current and future needs of the community.

13.2 Policies / Proposals

13.2.1 Development of a new Water Supply

Policy

- (1) To pursue development of a new municipal water supply to meet the current and future needs of the community.
- (2) To conserve and protect groundwater resources necessary for the current and future needs of the community.

Proposal

- (1) That the Village partner with local industry and the Federal and Provincial governments to pursue development of a new municipal water supply for the Village.
- (2) That, based on the results from Proposal (1), the Village identify and protect sensitive groundwater recharge and discharge areas that will be important for sustaining the new water supply.

13.2.2 Residential Subdivision Development and Water Supply

Policy

- (1) It is a policy that appropriate water protection measures under Provincial legislation will apply in the Village including, but not necessarily limited to, the following:
 - (a) The Water Well Regulation under the *Clean Water Act*;
 - (b) The Potable Water Regulation under the *Clean Water Act*;
 - (c) The *Health Act* (Sections 216-268); and
 - (d) The Water Quality Regulation under the *Clean Environment Act*.
- (2) It is a policy that approval of residential subdivisions will be contingent on an adequate quality and quantity of drinking water for residents, as well as measures to protect drinking water sources.

- (3) It is a policy that prior to approving a proposed subdivision or development, a water supply assessment may be required to determine the capability of the groundwater supply in terms of quantity and quality to support the needs of the development, as well as to determine potential impacts of the development on the groundwater resource.
- (4) The water supply assessment may consider comments from appropriate government agencies and other suitably qualified professionals. Subject to the findings of the assessment, the Development Officer may:
- (a) permit the development if the assessment identifies no serious concerns with respect to the adequacy of the water supply or with respect to potential negative impacts of the development on the water supply;
 - (b) permit the development, subject to conditions to adequately address identified concerns;
 - (c) require a comprehensive water assessment if the abbreviated assessment identifies significant concerns; or
 - (d) not approve the development if there are significant concerns onsite or in the immediate surrounding area that cannot be satisfactorily alleviated or mitigated.

14.0 MUNICIPAL INFRASTRUCTURE

A significant amount of municipal infrastructure is operated and maintained by the Village. The intent of these policies and proposals is to support the maintenance and expansion of municipal infrastructure to meet the needs of the community.

14.1 Goal

To maintain and extend the municipal infrastructure system to accommodate existing development and support new development.

14.2 Policies / Proposals

Policy

- (1) To maintain and extend the municipal infrastructure system to accommodate development and support new development.

Proposal

- (1) To establish a Restricted Development Zone that restricts main *uses* to public utilities and *conservation uses*.
- (2) To continue small scale improvements to the municipal storm sewer systems such as replacement of brick and mortar storm structures.
- (3) Depending on the progress made to develop a new municipal water supply, Council will explore the feasibility of a significant wastewater treatment system upgrade to accommodate *industrial* growth in order to meet acceptable effluent standards mandated by the New Brunswick Department of Environment.
- (4) To continue to work with the New Brunswick Department of Transportation to implement the current 5-year designated highway plan that consists of priority maintenance projects and cost estimates.

15.0 Heritage and Archaeological Sites

Cultural heritage can play an important role in creating a sense of place and connections within the community. The intent of these policies and proposals is to ensure that significant heritage and/or archaeological areas are preserved and protected.

15.1 Goal

To preserve and protect historic sites and *buildings*, open space and important natural features that define the heritage and character of Blacks Harbour.

15.2 Policies / Proposals

Policy

- (1) To preserve significant archaeological areas, aboriginal heritage resources, and other historic sites in accordance with the New Brunswick Department of Wellness, Culture and Sport.

16.0 PROTECTION SERVICES

The Village of Blacks Harbour is responsible for fire protection and policing in Blacks Harbour. The fire department provides fire protection and associated services for the Village; policing services are provided through a contract with the RCMP. The intent of these policies and proposals is ensure that the needs of the community for both of these services are being adequately met.

16.1 Goal

To provide fire protection and police services to protect life and property within the Village.

16.2 Policies / Proposals

Policy

- (1) Council shall continue to liaise with the Province and RCMP to ensure the Village's needs are met with respect to policing in the Village and fire services in the Village.

PART C: ZONING PROVISIONS

17.0 ADMINISTRATION

17.1 Purpose

The purpose of Part C: Zoning Provisions is:

- (1) to divide the Village of Blacks Harbour into zones;
- (2) to prescribe:
 - (a) the *use of lots, buildings and structures* in any zone and
 - (b) standards to which *lot use* and the placement, *erection, alteration and use of buildings and structures* must conform; and
- (3) to prohibit:
 - (a) *lot use* and
 - (b) *use, placement, erection or alteration of buildings of structures* other than in conformity with the *uses* and standards mentioned in subsection (2).

17.2 General

- (1) Council may, by by-law, amend this Rural Plan under subsection 74(1) of the *Community Planning Act* or re-zone a *lot*, subject to terms and conditions, in accordance with section 39 of the said *Act*.
- (2) The powers of Council, Planning Advisory Committee, Development Officer and *Building inspector* are as contained within the *Community Planning Act*, the *Municipalities Act* and other Village by-laws and are not restricted, in any way, to those of this by-law.

17.3 Specific Powers of Council

No *building* may be *erected* in the municipality in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities deemed necessary to the development.

17.4 Specific Powers of Planning Advisory Committee

The Planning Advisory Committee may prohibit the *erection* of any *building or structure* on any site where it would otherwise be permitted under this by-law when the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for a proposed purpose by virtue of its soil or topography, in accordance with paragraph 34(3)(g) of the *Community Planning Act*.

17.5 Exemptions and Permitted Uses in all Zones

- (1) Private and public utilities shall be permitted in all zones and are exempt from the zone provisions of the *lot* upon which they are located including the *use* of land for the purposes of the supply of:
 - (a) electric power;
 - (b) natural gas;
 - (c) water supply and storage;
 - (d) sanitary sewage disposal and treatment of sewage;
 - (e) drainage, including storm sewers;
 - (f) roads; and/or
 - (g) all other public or private utilities, including the location or *erection* of any *structure* or installation for the supply of any of the above mentioned services.
- (2) Staking, claiming and exploration for minerals and petroleum products is permitted in all zones subject to all applicable legislation.

17.6 Temporary Use

- (1) The Planning Advisory Committee is hereby empowered, subject to such terms and conditions as it considers fit,
 - (a) to authorize, for a temporary period not exceeding 12 months, a development otherwise prohibited by this by-law; and
 - (b) to require the termination or removal of a development authorized under subsection (1)(a) at the end of the authorized period.
- (2) The Planning Advisory Committee may authorize, subject to terms and conditions, the extension of a temporary *use* for an additional period not exceeding one year, if:
 - (a) the applicant holds an authorization under subsection (1)(a) that is to expire or has expired,
 - (b) an application with respect to the land has been made to amend the Rural Plan; and,
 - (c) the Planning Advisory Committee has received a resolution from the Village Council confirming that the Council will consider the application referred to in subsection (2)(b).
- (3) The Planning Advisory Committee may:
 - (a) delegate its authority under Section 17.6(1)(a) to the development officer, and
 - (b) authorize a delegate under subsection (3)(a) to further delegate his or her authority under subsection (3)(a) to any person.

17.7 Classification

- (1) For the purposes of this by-law, the Village is divided into zones as delineated on Schedule A, entitled “Blacks Harbour Rural Plan Zoning Map” and dated November 2010.
- (2) The zones mentioned in subsection (1) are classified and referred to as follows:

Zone	Symbol
Single- and Two-Family Residential	R-1
Single-, Two- and Multi-Family Residential	R-2
Mobile Home Residential	R-MH
Commercial	C
Institutional	Inst
Industrial	Ind
Recreation	Rec
Rural	RR
Conservation	Cons
Restricted Development	RD

17.8 Boundaries of the Zone

Where the boundary of any zone is uncertain and;

- (a) the boundary, as shown on the zoning map relating to this Rural Plan follows a road, lane or watercourse – the centre line of such feature is the boundary
- (b) the boundary, as shown on the zoning map relating to this Rural Plan substantially follows property lines, shown on the registered plan of subdivision or registered document – such are the boundary lines,
- (c) the boundary as shown on the zoning map runs substantially parallel to a *street line* or property line and the distance from the *street line* is not indicated – the boundary shall be deemed to be parallel to such a *street line* and the distance from the *street line* shall be determined according to the scale shown on the zoning map.

18.0 GENERAL PROVISIONS

18.1 Building and Structure Projections

- (1) The requirements of Section 19.5, with respect to placing, *erecting* or altering a *building* or *structure* in relation to a *lot* line or *street line*, apply to all parts of the *building* or *structure* except for projections which do not protrude in excess of:
- (a) 15 centimetres for sills, leaders, belt courses or similar ornamental features;
 - (b) 46 centimetres for chimneys, smoke stacks or flues;
 - (c) 61 centimetres for cornices or eaves;
 - (d) 1 metre for window or door awnings, *solar collectors*, oil tank weather shields, or open or lattice enclosed fire balconies or fire escapes; or
 - (e) subject to section (2):
 - (i) 1.25 metres for steps or unenclosed porches, or
 - (ii) 2 metres for balconies of upper storeys of *multiple-unit dwellings* which are not enclosed above a normal height.
- (2) Projections mentioned in subsection (1) may not protrude into a required side yard to a greater extent than one-half the required width of the side yard.

18.2 Building Permits

The provisions of the Building By-law respecting building permit requirements shall apply to *uses* permitted under this By-law.

18.3 Day Care Facility, Group Home and Special Care Home

A day care facility, group home or special care home is a permitted main or *secondary use* within a single-detached *dwelling*, subject to licensing or other provisions under the applicable Act or Regulation.

18.4 Development Adjacent to Surface Waters

Any *alteration*, including the *erection* of a *building* or *structure*, within 30 metres of a watercourse or wetland is subject to the *Watercourse and Wetland Alteration Regulation - Clean Water Act*.

18.5 Development Adjacent to Residential Zones

Notwithstanding any other provision of this By-law, in the case of a *lot* in a “C” or “Ind” zone and abutting a “R-1”, “R-2”, or “R-MH” zone, no *main building* or *structure* may be placed or *erected* thereon unless the yard adjoining the residential zone has a depth or width equal to twice the height of the *main building* or *structure*.

18.6 Development near Sewage Lagoon or Treatment Plant

Notwithstanding any other provision of this By-law, no *dwelling, mobile home, mini-home, camp or cottage* may be located within 91.5 metres of a sewage lagoon or treatment plant.

18.7 Fences and Walls

- (1) Notwithstanding any other provision of this By-law, subject to this subsection, a fence may be placed or located in a yard.
- (2) Except for a security fence of chain-link construction, no fence in a required front yard may exceed 0.75 metres in height.
- (3) Subject to paragraph (2), no fence may exceed in height:
 - (a) 1.8 metres in a Residential zone; or
 - (b) 2.5 metres in any other zone.

18.8 Garden Suite

A *garden suite* shall

- (a) be for the sole occupancy of the following persons:
 - (i) the parent or grandparent of a household member; and
 - (ii) the spouse and any dependent of the parent or grandparent;
- (b) be a *secondary use* to a single-detached *dwelling*;
- (c) be located on a *lot* satisfying the minimum *lot* size as specified within section 19.3(3);
- (d) have a *gross floor area* less than 90 square metres;
- (e) be no closer to the *street line* than the main *dwelling*;
- (f) comply with all setback requirements of section 19.5;
- (g) share access to the water supply and sewage collection systems of the main *dwelling*, in accordance with the applicable Act or Regulation;
- (h) be constructed, *erected* or placed in such a manner as to be easily removed from the *lot*;
- (i) be removed from the *lot* within 6 months of being vacated; and
- (j) be subject to terms and conditions, as imposed by the Planning Advisory Committee, in accordance with section 34(4) of the *Community Planning Act*, which may include, but is not limited to its appearance, size, and location

18.9 Garbage, Refuse and Storage

- (a) Garbage receptacles shall
 1. be made of metal or plastic;
 2. be of watertight construction;
 3. be provided with a tight-fitting cover; and
 4. be maintained in a clean state.
- (b) No person shall place any container, receptacle, garbage, rubbish, refuse or recyclable materials out for collection prior to the day of collection.
- (c) No person shall leave any container, receptacle, garbage, rubbish, refuse or recyclable materials out after dusk on the day of collection.
- (d) No garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot.
- (e) Every garbage or refuse storage area located in a Commercial, Recreation, Institutional or Industrial Zone, which is visible from an adjoining site zoned Residential or Recreation, shall have a visual screening consisting of fencing constructed from wood, chain link with slates to provide a visual screen or masonry.

18.10 Heritage and Archaeological Sites

The New Brunswick Department of Wellness, Culture and Sport shall approve any proposed development or project where construction or demolition will have a foreseeable impact on a *building* or site designated under the *Historic Sites Protection Act*.

18.11 Home-Based Businesses

A *home-based business* may be permitted in a single-detached or semi-detached *dwelling* or an *accessory building*, where permitted under this By-law, provided that

- (a) the *use* is clearly *secondary* to the *use* of the *dwelling unit* as a private residence;
- (b) it does not change the external character of the *dwelling unit* as a private residence;
- (c) it does not create or become a public nuisance with respect to noise, traffic or parking;
- (d) there is no external storage of goods or materials or outside animal enclosures; and
- (e) not more than 25% of the total floor area of the *dwelling* and *accessory building* is used for the home occupation.

18.12 Lighting

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

18.13 Line of Vision at Intersections

On a corner *lot*, except in a Commercial Zone, no *building, sign, fence, shrub, tree* or any other *structure* or vegetation shall be *erected* or permitted to grow to a height of more than 1 metre above grade of the streets that abut the *lot* within the triangular area included within the *street lines* for a distance of 5 metres from their point of intersection.

18.14 Loading

(1) The owner of every *building, structure, or premises* used in whole or in part for business or *commercial* purposes involving the *use* of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain on lands appurtenant to such *building, structure, or premises*, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:

- (a) for retail and wholesale stores, bulk storage plants, warehousing, or similar *uses*:
 - (i) not less than one space if the *gross floor area* thereof is 465 square metres or less;
 - (ii) not less than two spaces if the *gross floor area* thereof is in excess of 465 square metres, but
 - (iii) less than 2,323 square metres; and
 - (iv) an additional space for each 2,323 square metres, or fraction thereof, of *gross floor area* thereof in excess of the first 2323 square metres.
- (b) for business or office *buildings, places of public assembly, educational buildings, hotels, motels, or other similar buildings or premises*:
 - (i) not less than one space; and
 - (ii) an additional space for each 3252 square metres, or fraction thereof, of *gross floor area* in excess of 2787 square metres.
- (c) a loading and unloading space shall:
 - (i) not be less than 9.0 metres in length, and not less than 3.0 metres in width, with 4.5 metres of overhead clearance;
 - (ii) be so located that merchandise or materials are loaded or unloaded on the premises being served;
 - (iii) be provided with adequate facilities for access and egress, and unobstructed manoeuvring aisles; and
 - (iv) be surfaced with a durable and dust-proof material.

(2) Notwithstanding any other provision of this By-law, the Council may, in its discretion, allow a developer of a *building or structure* to pay the municipality the sum of \$500.00 per space in lieu of providing off-street parking required hereunder.

- (3) All money received by the Council under paragraph (2) shall be subject to the provisions of Section 37 of the *Community Planning Act*.

18.15 Non-Conforming Uses

Policy

- (1) In conformance with Section 40 of the *Community Planning Act*, a land use already existing at the time this Rural Plan is approved, which does not conform to the list of permitted uses in the particular zone, will become a “nonconforming use” and shall be permitted to continue. However, if a *building* or *structure* containing such a use has been damaged to the extent of at least half of the whole *building* or *structure*, exclusive of foundation, the *building* or *structure* shall not be repaired or restored or used except in conformity with this Rural Plan and zone provisions applicable to the zone in which it is located, unless the Planning Advisory Committee agrees otherwise.
- (2) If the non-conforming use is discontinued for a consecutive period of 10 months (or such further period as the Planning Advisory Committee considers fit), then any reuse must conform to the Rural Plan and zone provisions applicable to the zone in which it is located unless otherwise permitted by the Planning Advisory Committee.
- (3) It is a policy to encourage the relocation of non-conforming uses to appropriately zoned and planned sites.

18.16 Non-Complying Buildings

- (1) Where a *building* has been erected on or before the effective date of the adoption of this Rural Plan on a *lot* that has less than the minimum area, frontage, or depth, or having less than the minimum setback or side yard or rear yard required by this Plan, the *building* may be enlarged, reconstructed, repaired or renovated provided that:
- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard; and
 - (b) all other applicable provisions of this Rural Plan are satisfied.
- (2) A new *building* may be constructed on a *lot* with less than the minimum area, frontage, or depth required by this Plan if that *lot* existed on the date of the adoption of this Rural Plan, subject to approval under the *Health Act* and other applicable provincial regulations.

18.17 Number of Buildings or Structures on a Lot

- (1) Except as otherwise provided, no more than one *main building* or *structure* may be placed or erected, and no *building* or *structure* may be altered to become a second *main building* or *structure* on a *lot*.
- (2) Paragraph (1) does not apply to a property registered under the provisions of the *Condominium Property Act*, to cottage establishments or campgrounds.

- (3) Except as otherwise provided, no more than two *accessory buildings* may be placed or *erected* on a *lot*.

18.18 Parking

- (1) No *building* or *structure* may be placed, *erected*, *altered*, or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this Sub-section. Where there are multiple *uses*, the requirements for each *use* shall be fulfilled.
- (2) A parking space shall:
- (a) have an area of not less than 6 metres in length and not less than 3 metres in width;
 - (b) be readily accessible from the nearest street, and
 - (c) not more be than 150 metres from the *building* which it serves.
- (3) The number of spaces to be provided for off-street vehicular parking shall be:

Type of Use	Minimum Parking Requirement
<i>Dwelling unit</i>	Not less than 1 space for each <i>dwelling unit</i>
<i>Educational buildings</i> and youth clubs	Not less than 1 space for every classroom or clubroom and, where an auditorium or place of assemble is included therein, an additional space for every 9 square metres of auditorium or assembly area
<i>Hotels/motels</i>	Not less than 1 space for each habitable unit
<i>Industrial buildings, warehouses, storage yards or buildings</i> and servicing and repair establishment	Not less than 1 space for every 5 employees, or not less than 1 space for every 93 square metres, whichever is the greater
Office	Not less than 1 space for every 37 square metres of <i>gross floor area</i>
<i>Recreational</i> and entertainment <i>buildings, Institutional zone buildings</i> (except <i>educational buildings</i>), clubs (except youth clubs) and places of assembly	Not less than 1 space for every 10 fixed seats, or not less than 1 space for each 9 square metres of <i>gross floor area</i> , whichever is greater.
<i>Retail store</i> and <i>service shop</i> or similar	Not less than 1 space for every 18.5

establishment

square metres of retail floor space

- (4) Provided the area is not less than the minimum area required for all *buildings* which the spaces are to serve, collective provision for off-street parking spaces may be made for two or more *buildings* on the same *lot*;
- (5) Where collective provisions for off-street parking are made under paragraph (2), the parking area shall:
- (a) be screened from public view, if practicable;
 - (b) be surfaced with a durable and dust-proof material;
 - (c) in the opinion of the Planning Advisory Committee, have points of access and egress located with due regard to topography and general traffic conditions; and
 - (d) not be used for automotive repair work or servicing except in the case of an emergency.

18.19 Public Health

The provisions of the *Health Act*, and any amendments thereto, shall apply to all development.

18.20 Roadways and Public Utilities

- (1) Lands for *use* as a roadway or *public utility* shall be permitted throughout the Village although subject, where applicable, to the provisions of the *Community Planning Act*, and any other applicable Act or Regulation.
- (2) Land may be used for the following *uses*, subject to terms and conditions as imposed by the Planning Advisory Committee, in accordance with paragraph 34(4)(c) of the *Community Planning Act*:
- (a) municipal drainage, including storm sewers;
 - (b) public electric power infrastructure;
 - (c) public roadways;
 - (d) municipal sewage collection system;
 - (e) municipal water supply system; or
 - (f) all other public or private utilities, including the location or *erection* of any *structure* or installation for the supply of any of the above mentioned services

18.21 Satellite Dishes and Communication Towers

Satellite dishes larger than 60cm in diameter, and communications towers, shall not be permitted on a street-facing portion of a *building* in any residential zone, or abutting any residential zone.

18.22 Secondary Dwelling Unit

A secondary *dwelling* is a permitted *secondary use* to a *main use* and shall

- (a) have a separate washroom or bathroom and kitchen facilities from those of the *main use*;
- (b) have off-street parking in accordance with section 18.17;
- (c) have a separate entrance from that of the *main use*; and
- (d) be located within the *main building*.

18.23 Signs

- (1) Other than a traffic control device as defined by the *Motor Vehicle Act*, a legal notice, or a store window *sign* advertising goods for sale therein, the *use* of land or a *building* or *structure* for the placing, erecting, or displaying of a *sign* not expressly permitted by this Sub-section is permitted only if approved by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*, and only on compliance with such terms and conditions as may be imposed by the Planning Advisory Committee.
- (2) Subject to paragraphs (3)-(5), in any zone a non-illuminated *sign* may be placed, *erected*, or displayed on any land, *building*, or *structure* if such *sign*:
 - (a) advertises the sale, rental, or lease of such land, *building*, or *structure*;
 - (b) identifies by name the property or the residents thereof;
 - (c) indicates a *home-based business* permitted hereunder; or
 - (d) warns against trespass.
- (3) In Commercial or Institutional zone, the following *signs* may be placed, *erected*, or displayed:
 - (a) a *facia sign* not exceeding 0.5 square metres indicating the ownership or nature of the business carried on therein; or
 - (b) in the case of a *motor vehicle sales/service* station or *gas bar*, a *freestanding sign* not exceeding 4.0 square metres in area.
- (4) In a "RR" zone, the following *signs* may be placed, *erected*, or *altered*:
 - (a) for an *agricultural use*, one *sign* not exceeding 4.0 square metres in gross surface area indicating the name of the farm; and
 - (b) one *sign* not exceeding 1.5 square metres in gross surface area indicating the sale or rental of the property on which it is placed.
- (5) No *sign* may:
 - (a) be an imitation of a traffic control device or contain the words "stop", "go", "go slow", "caution", "danger", "warning", or similar words;

- (b) have a size, location, movement, content, colouring, or manner of illumination that may be confused with, construed as, or tend to hide from view any traffic control device; or
- (c) advertise an activity, business product, or service no longer conducted on the premises on which the *sign* is located

18.24 Solar Collector Systems

Solar collector systems are permitted as an *accessory use* in all zones subject to the following:

- (a) *solar collector systems* are located on the same property as the main *use*;
- (b) freestanding *solar collectors* are setback, at minimum, 1.5 times the total height of the *solar collectors* from the rear, front, and side *lot* lines, *dwelling*s, transmission lines and public right of ways;
- (c) freestanding solar collectors will be removed if the system does not produce electricity for a period of greater than one year
- (d) attached solar collectors shall be removed if electricity is not generated for a period of two years; and
- (e) *solar collector systems* meet all other terms and conditions that may be set by the Planning Advisory Committee.

18.25 Stripping of Top Soil

The provisions of Regulation 95-66 of the *Topsoil Preservation Act*, shall apply to the stripping, excavating, or other efforts to remove top soil for sale or *use* from a *lot* or other parcel of land.

18.26 Swimming Pools

- (1) No land may be used for the purposes of a *swimming pool* capable of containing a depth in excess of 0.6 metres of water unless the pool is enclosed by a fence, or by a wall of a *building* or *structure*, or by a combination of walls and fences, at least 1.5 metres in height and meeting the requirements of this section.
- (2) An enclosure referred to in paragraph (1) shall:
 - (a) be set back a minimum of 1.0 metres from the edge of the water contained in the *swimming pool*, except for above-ground pools which incorporate a fencing *structure* within their design and manufacture;
 - (b) be located so that the bottom of the enclosure is no more than 5.5cm above grade/ground level and located at least 1.2 metre from anything that would facilitate its being climbed from the outside; and
 - (c) include a door or gate to restrict access. Doors and gates must be equipped with a self-latching device at least 1.3 metres above the bottom of the door or gate.

- (3) In Residential zones a *swimming pool* shall:
 - (a) have a minimum setback of 7.5 metres from any *street line*; and
 - (b) have a minimum setback of 2.0 metres from any other *lot* line.
- (4) In Commercial and Institutional zones a *swimming pool* shall:
 - (a) Not be placed in any required front or side yard setback;
 - (b) Not be placed closer than 2.3 metres to the *street line* if the adjacent land is in any Residential zone; and
 - (c) No be placed closer than 12 metres to any other *lot* line if the adjacent land is in any residential zone.
- (5) No *swimming pool* or portion thereof shall be located directly under electrical service wires.

18.27 Water Well and Sewage Disposal Systems

- (1) The construction, modification and operation of a *lot*-specific water well system is subject to the *Water Well Regulation* and *Potable Water Regulation* of the *Clean Water Act* and any other applicable Act or Regulation.
- (2) A waterworks using 50 cubic metres (approximately 11,000 gallons) or more of water per day is subject to the *Water Quality Regulation - Clean Environment Act* and any other applicable Act or Regulation.
- (3) Where public sewage collection services are available, no *building* or *structure* requiring a sewage disposal system shall be permitted unless such development links to the public sewage collection system.
- (4) No *building* or *structure* may be placed, *erected* or *altered*, so as to accommodate one or more *dwelling units*, on a *lot* requiring the installation of a septic tank and disposal field unless the *lot* and the plans for installation of the septic tank and disposal field meet the requirements of Regulations issued under the applicable Act or Regulation.

18.28 Wind Turbine Development

A *small scale wind turbine* is permitted as *accessory use* in all zones subject to the following:

- (a) the *small scale turbine* is located on the same property as the main *use*;
- (b) the *small scale turbine* is setback, at minimum, 1.5 times the total height of the *wind turbine* from the rear, front, and side *lot* lines, *dwelling*s, transmission lines, and public right of- ways;
- (c) the *small scale turbine* meets all other terms and conditions that may be set by the Planning Advisory Committee

19.0 SINGLE & TWO FAMILY RESIDENTIAL ZONE (R-1)

19.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) *single- or two-family dwelling*; and
 - (b) *trails, a playground or ballfield*.
- (2) one of the following *secondary uses*:
 - (a) *home-based business* in a *single- or two-family dwelling*, in accordance with Section 18.10.
 - (b) *a boarding house or rooming house*
- (3) *an accessory building, structure or use secondary* to the main *use*.

19.2 Uses Subject to Terms and Conditions

A bed and breakfast establishment is permitted as a main *use*, subject to terms and conditions established by the Planning Advisory Committee under Section 34(4)(c) of the *Community Planning Act*.

19.3 Lot Sizes

- (1) No *single-family dwelling* may be placed, *erected* or *altered* on a *lot* which is serviced by public water supply and sewage collection systems unless the *lot* has and contains
 - (a) a *width* of at least 18 metres;
 - (b) a depth of at least 30 metres; and
 - (c) an area of at least 540 square metres.
- (2) No *two-family dwelling* may be placed, *erected* or *altered* on a *lot* which is serviced by public water supply and sewage collection systems unless the *lot* has and contains
 - (a) a *width* of at least 30 metres;
 - (b) a depth of at least 30 metres; and
 - (c) an area of at least 929 square metres.
- (3) No *single-family dwelling* may be placed, *erected* or *altered* on a *lot* which is not serviced by a public sewage collection system and public water supply system, unless the *lot* has and contains
 - (a) a *width* of at least 55 metres;
 - (b) a depth of at least 74 metres; and
 - (c) an area of at least 0.4 hectares.

- (4) No *two-family dwelling* may be placed, *erected* or *altered* on a *lot* which is not serviced by public water supply and sewage collection systems unless the *lot* has and contains
- (a) a *width* of at least 59 metres;
 - (b) a depth of at least 74 metres; and
 - (c) an area of at least 0.53 hectares.
- (5) Notwithstanding the other provisions of this sub-section, the *lot* size for *bed and breakfast establishments* shall be negotiated as part of the terms and conditions for development.

19.4 Size of Dwellings and Dwelling Units

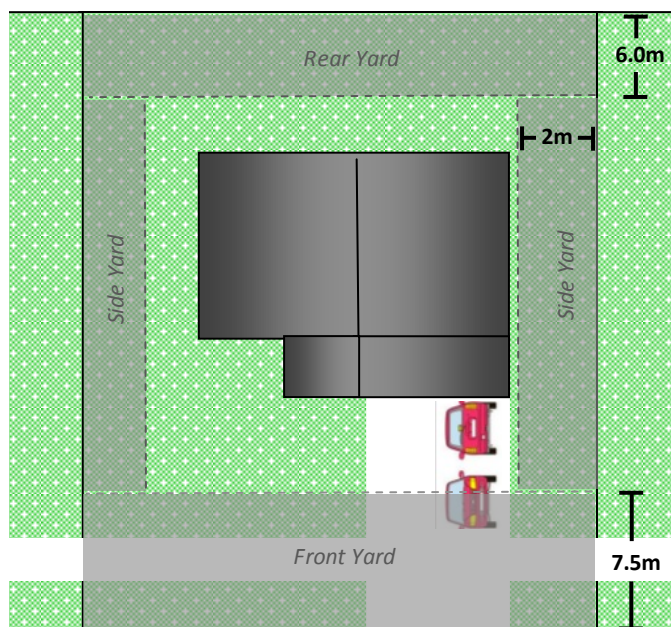
- (1) No *dwelling* may be placed, *erected* or *altered* so that it has a *ground floor area* less than 45 square metres.
- (2) No *dwelling unit* may have a floor area less than
- (a) 32 square metres, in the case of a *secondary dwelling unit* of only one room, or
 - (b) 45 square metres, in the case of a *dwelling unit* other than the one mentioned in paragraph (a).
- (3) Notwithstanding the other provisions of this sub-section, the size of a *bed and breakfast establishment* shall be negotiated as part of the terms and conditions for development.

19.5 Location of Main Buildings and Structures

No *main building* or *structure* may be placed, *erected* or *altered* so that it is

- (a) within 7.5 metres of a *street line*;
- (b) within 2.0 metres of a *side lot* line; or
- (c) within 6.0 metres of a *rear lot* line.

A figure has been provided to illustrate these setbacks for example purposes only.



19.6 Height of Main Buildings and Structures

No *main building* or *structure* may exceed 8.5 metres in height.

19.7 Accessory Buildings and Structures

- (1) No *accessory building* or *structure* shall
 - (a) exceed one storey or 4.8 metres in height;
 - (b) be placed, *erected* or *altered* so that it is
 - (i) closer to the *street line* than the front of the *main building* or *structure*, or
 - (ii) closer than 1.5 metres to a side *lot* or rear *lot* line;
 - (c) exceed 58 square metres in floor area or have a *width* or depth greater than 10 metres;
 - (d) occupy greater than 10 percent of the *lot* area; or
 - (e) be used for agricultural operations or for the keeping of animals other than household pets.
- (2) Notwithstanding paragraph (1), the following *accessory buildings* or *structures* may be placed, *erected* or *altered* so as to be located in the front yard of the *main building* or *structure*:
 - (a) a bin for the temporary holding of domestic waste; or
 - (b) a partially enclosed shelter for use by children awaiting a school bus.

19.8 Lot Occupancy

Buildings and *structures* on a *lot* shall not occupy a greater portion of the area of a *lot* than

- (a) 50 percent in the case of an interior *lot*; or
- (b) 45 percent in the case of a corner *lot*.

19.9 Landscaping

- (1) The owner of a *lot* developed for residential purposes shall landscape:
 - (a) the front yard of the *main building*; and
 - (b) that part of the *lot* within 1.5 metres of any *building* thereon.
- (2) Landscaping shall include
 - (a) all grading necessary to divert surface water from the *dwelling* and insofar as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of 8 centimetres of topsoil; and
 - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other by-law, rule or regulation.
- (3) Notwithstanding paragraph (1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the *main building* or other *use* on the *lot*.
- (4) Notwithstanding the other provisions of this section, the landscaping requirements for a *bed and breakfast establishment* shall be negotiated as part of the terms and conditions for the development.

20.0 SINGLE, TWO & MULTI-FAMILY RESIDENTIAL ZONE (R-2)

20.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) single- or *two-family dwelling*; and
 - (b) trails, a playground or ballfield.
- (2) one of the following *secondary uses*:
 - (a) *home-based business* in a single- or *two-family dwelling*, in accordance with Section 18.10; and
 - (b) a *boarding house* or *rooming house*.
- (3) an *accessory building, structure* or *use secondary* to the main *use*.

20.2 Uses Subject to Terms and Conditions

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

- (a) *multiple-unit dwelling*; or
- (b) *bed and breakfast establishment*.

20.3 Lot Sizes

- (1) The provisions of Section 19.3 apply to single and two *family dwellings*.
- (2) Minimum *lot* sizes for *multiple-unit dwellings* and *bed and breakfast establishments* shall be negotiated as part of the terms and conditions for development.

20.4 Size of Dwellings and Dwelling Units

- (1) The provisions of Section 19.4 apply to single and two *family dwellings*.
- (2) The size of *multiple-unit dwellings* and *bed and breakfast establishments* shall be negotiated as part of the terms and conditions for development.

20.5 Location of Main Buildings and Structures

- (1) The provisions of Section 19.5 apply to single and two *family dwellings*.
- (2) Setbacks for *multiple-unit dwellings* and *bed and breakfast establishments* shall be negotiated as part of the terms and conditions for development.

20.6 Height of Main Buildings and Structures

No *main building* or *structure* may exceed 11 metres in height.

20.7 Accessory Buildings and Structures

The provisions of Section 19.7 apply to *accessory buildings* and *structures*.

20.8 Lot Occupancy

(1) The provisions of Section 19.8 shall apply with respect to *lot* occupancy.

(2) The *gross floor area* of a *multiple-unit dwelling* shall not exceed the area of the *lot*.

20.9 Landscaping

The provisions of Section 19.9 shall apply with respect to landscaping.

21.0 MOBILE HOME RESIDENTIAL ZONE (R-MH)

21.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) *mobile home park*
 - (b) *mobile home site*
 - (c) *mini-home site*; and
 - (b) trails, a playground or ballfield.
- (2) one of the following *secondary uses*:
 - (a) *home-based business* in a single- or *two-family dwelling*, in accordance with Section 18.10
- (3) an *accessory building, structure or use secondary* to the main *use*.

21.2 General Provisions

- (1) The *use* of land for the purposes of a *mobile home park* or of extensions or additions to a *mobile home* or *mini-home* located on a *mobile home* or *mini-home site* is subject to the provisions of any applicable By-law under Section 188 of the *Municipalities Act*.
- (2) Any *building* or *structure* shall not be used for a purpose mentioned in Section 21.1 unless such land, *building* or *structure* is serviced by public water supply and sewage collection systems.

21.3 Lot Sizes

- (1) No *mobile home* or *mini-home* may be located on a *mobile home* or *mini-home site* unless such site has and contains:
 - (a) a *width* of at least 18 metres;
 - (b) a *depth* of at least 30 metres; and
 - (c) an *area* of at least 577 square metres.
- (2) No *lot* may be used for the purposes of a trail, playground or ballfield unless it has and contains dimensions at least as great as those mentioned in paragraph (1).

21.4 Size of Dwellings and Dwelling Units

No *mobile home* or *mini-home* may be located on a *mobile home* or *mini-home site* unless such *dwelling unit* has a *gross floor area* of at least 46 square metres.

21.5 Location of Main Buildings and Structures

No *mobile home* or *mini-home* may be located on a *mobile home* or *mini-home* site so that it is within

- (a) 7.5 metres of the boundary of a street; and
- (b) 1.5 metres of a property line other than a street boundary.

21.6 Height of Main Buildings and Structures

No *main building* or *structure* may exceed 6.0 metres in height.

21.7 Accessory Buildings and Structures

The provisions of Section 19.7 apply to *accessory buildings* and *structures*.

21.8 Landscaping

The provisions of Section 19.9 shall apply with respect to landscaping.

22.0 COMMERCIAL ZONE (C)

22.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) automobile salesroom or sales lot
 - (b) bank or other financial institution
 - (c) *beverage room*
 - (d) establishment for garden and nursery sales and supplies;
 - (e) *hotel* or *motel*;
 - (f) *institutional* or government *use*;
 - (g) professional and administrative offices
 - (h) *restaurant* or theatre;
 - (i) *retail store* or *service shop*;
 - (j) *motor vehicle sales/service* or *gas bar*; and
 - (k) *single-family* or *two-family use* located above a *commercial use*.
- (2) an *accessory building, structure* or *use secondary* to the main *use* provided that it is not located below the second storey of the *building* or *structure*.

22.2 Uses Subject to Terms and Conditions

- (1) One of the following main *uses* may be permitted subject to terms and conditions established by the Planning Advisory Committee:
 - (a) bus or other public transportation terminal;
 - (b) autobody shop;
 - (c) laundry, bakery, dairy, printing, cleaning or dyeing establishment
 - (d) place of amusement or entertainment;
 - (e) fast-food or take-out establishment; or
 - (f) *building, structure* or *use* customarily incidental and accessory to a *use* in this sub-section, provided that it is not located below the second storey of the *building* or *structure*.
- (2) Except for pump islands at *motor vehicle sales/service* stations or *gas bars*, or for a parking lot or automobile sales lot, no *use* permitted under paragraph (1) may be established or conducted other than in a completely enclosed *building*.

22.3 Lot Sizes

No *building* or *structure* may be placed, *erected* or *altered* on a *lot* less than 18 metres in *width*.

22.4 Size of Dwellings and Dwelling Units

No *dwelling unit* may have a floor area less than

- (a) 32.5 square metres in the case of a bachelor apartment;
- (b) 42 square metres in the case of a one-bedroom *dwelling unit*;
- (c) 58 square metres in the case of a two-bedroom *dwelling unit*; or
- (d) 65 square metres in the case of a *dwelling unit* containing three or more bedrooms.

22.5 Location of Main Buildings and Structures

- (1) No *main building* or *structure* may be placed, *erected* or *altered* so that
 - (a) a wall thereof containing a window to a habitable room is close to a side or rear *lot* line than 1.5 metres; or
 - (b) it is closer than 8.0 metres from the *street line* except for infilling in existing *commercial* areas, in which case it would be 1.5 metres.
- (2) Notwithstanding the provisions of paragraph (1) and section 18.1 and 18.2, all pump islands at *motor vehicle sales/service* stations or *gas bars* shall be located at least 9.0 metres from any boundary of the site, parking area on the side or laneways intended to control traffic circulation on the site.

22.6 Height of Main Buildings and Structures

No *main building* or *structure* may exceed 15 metres in height.

22.7 Accessory Buildings and Structures

- (1) No *accessory building* or *structure* shall
 - (a) exceed 4.8 metres in height;
 - (b) be placed, *erected* or *altered* so that it is
 - (i) closer to the street at the front of the *lot* than the rear of the *main building* or *structure*; or
 - (ii) closer than 1.5 metres to a side *lot* or rear *lot* line;
 - (c) be used for agricultural operations or for the keeping of animals other than household pets.

22.8 Landscaping

The provisions of Section 19.9 shall apply with respect to landscaping.

23.0 INSTITUTIONAL ZONE (Inst)

23.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) *educational building*;
 - (b) place of worship or secular institution;
 - (c) library or museum;
 - (d) municipal or government *building*;
 - (e) hospital or health care *building*; or
 - (f) *cemetery*.
- (2) an *accessory building, structure* or *use secondary* to the main *use*.

23.2 Location of Main Buildings and Structures

No *main building* or *structure* may be placed, *erected* or *altered* so that it is within 8.0 metres of a property line.

23.3 Height of Main Buildings and Structures

- (1) No *main building* may exceed 15 metres in height.
- (2) Notwithstanding paragraph (1), a *building* for a place of worship shall not exceed in height:
 - (a) 15 metres for the main portion of the *building*; and
 - (b) for spires, belfries or other subsidiary features, a distance equal to twice the height of the main portion.

23.4 Accessory Buildings and Structures

- (1) No *accessory building* or *structure* shall
 - (a) exceed in height the lesser of two storeys or 8.5 metres or the height of the *main building* or *structure* to which it is accessory.
 - (b) encroach on metres required for the *main building* or *structure* to which it is accessory.

23.5 Landscaping

The provisions of Section 19.9 shall apply with respect to landscaping.

24.0 INDUSTRIAL ZONE (Ind)

24.1 Uses Subject to Terms and Conditions

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

- (a) *manufacturing* or processing plant;
- (b) *warehouse* or wholesaling establishment;
- (c) wholesale above-ground oil storage tank farm;
- (d) generating station;
- (e) solid waste transfer station;
- (f) harbour development activities including ferry terminals and marinas;
- (g) scrapyards;
- (h) saw mill; and
- (i) cold storage plant.

In accordance with paragraph 34(4)(c) of the *Community Planning Act*, in consideration of the following:

- (i) service volume, vehicle manoeuvring and hours of operation;
- (ii) maintenance of public safety and transportation capabilities;
- (iii) odour, smoke, dust, noise, vibration and visual disturbances and the *use* of features such as buffer strips, fences or tree lines; and
- (iv) quality and quantity ground water impacts upon surrounding land *uses*.

(2) any *accessory building, structure, or use secondary* to the main *use*.

24.2 General Provisions

(1) Notwithstanding section 20.1 an *industrial use* shall have:

- (a) adequate measures in place to prevent or mitigate pollution that could threaten the quality and quantity of surface and ground water resources and the quality of the air (including noise); and
- (b) adequate buffering between the *industrial use* and any adjoining non-complementary land *use*.

(2) Notwithstanding section 20.1, an *industrial use* may only be established in a completely enclosed *building or structure*.

24.3 Lot Sizes

No *main building or structure* may be placed, *erected or altered* on a *lot* unless the *lot* has and contains:

- (a) a *width* of at least 36.5 metres;
- (b) a depth of at least 46 metres; and
- (c) an area of at least 1,672 square metres.

24.4 Location of Main Buildings and Structures

No *main building* or *structure* may be placed, *erected* or *altered* so that it is

- (a) within 7.5 metres of a *street line*; or
- (b) within the distance of a side or rear *lot line* that is the greater of 3.0 metres or one-half the height thereof.

24.5 Landscaping

The provisions of Section 19.9 shall apply with respect to landscaping.

25.0 RECREATION ZONE (Rec)

25.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) *recreation building* or *structure*;
 - (b) park, field and trail;
 - (c) public open space; and
 - (d) community *recreation* facilities and services.
- (2) an *accessory building, structure* or *use secondary* to the main *use*.

26.0 RURAL ZONE (RR)

26.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) *single- or two-family dwelling*;
 - (b) *agricultural uses*;
 - (c) *building* intended for public assembly or for social, cultural, or *recreational* activities;
 - (d) *cemetery*;
 - (e) community *recreation* facilities and services;
 - (f) *educational building*;
 - (g) *forestry uses*;
 - (h) milling and sawing of wood;
 - (i) *non-commercial* camp or cottage which is only inhabited during part of the year;
 - (j) parks, fields, and trails;
 - (k) place of worship or secular institution;
 - (l) public open space;
 - (m) *public utility*;
 - (n) *recreational buildings or structures*;
 - (o) *conservation uses*, including the maintenance of wetlands, deer wintering areas and wildlife refuges.
- (2) an *accessory building, structure or use secondary* to the main *use*.

26.2 Uses Subject to Terms and Conditions

- (1) One of the following main *uses* may be permitted subject to terms and conditions established by the Planning Advisory Committee:
 - (a) Notwithstanding 26.1(b), a hennery or piggery;
 - (b) *Mobile home*;
 - (c) *Mini-home*;
 - (d) *salvage yard*; and
 - (e) *aggregate use*.
- (2) Notwithstanding paragraph (1)(b), a *mobile home* is subject to the provisions of Regulation 84-291 of the *Community Planning Act*.

- (3) Notwithstanding paragraph (1)(d), no new *aggregate use* shall be permitted if the development would:
- (a) in the opinion of the Planning Advisory Committee, create a hazard to human life;
 - (b) cause injury to a person;
 - (c) damage adjoining property;
 - (d) permit ponding of water in excess of 0.6 metres in depth
 - (e) lower the water table excessively or cause significant changes in the surface water flow on adjoining properties; or
 - (f) prejudice proposed or required rehabilitation of the land.

26.3 Lot Sizes

The provisions of the New Brunswick Regulation 81-26, the *Provincial Regulation – Community Planning Act*, or any amendments thereto, respecting minimum *lot* sizes, shall apply to permitted *uses* in this zone.

26.4 Size of Dwellings and Dwelling Units

The provisions of the New Brunswick Regulation 81-26, the *Provincial Regulation – Community Planning Act*, or any amendments thereto, respecting minimum size of *dwelling* shall apply to permitted *uses* in this zone.

26.5 Height of Main Buildings and Structures

No *main building* or *structure* may exceed 8.5 metres in height.

26.6 Accessory Buildings and Structures

No *accessory building* or *structure* shall

- (a) exceed one storey or 4.8 metres in height;
- (b) be placed, *erected* or *altered* so that it is
 - (i) except in the case of an agricultural or *forestry use*, within the front yard of the *main building* or *structure*;
 - (ii) in the case of an agricultural or *forestry use*, within 8.0 metres of a *street line*; or
 - (iii) within a distance of a side or rear *lot* line of the greater of 3.0 metres or one-half the height of the *building* or *structure*.

26.7 Lot Occupancy

Buildings and *structures* on a *lot* shall not occupy more than 30 percent of the area of the *lot*.

27.0 RESTRICTED DEVELOPMENT ZONE (RD)

27.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) public utilities.
- (2) an *accessory building, structure* or *use secondary* to the main *use*.

28.0 CONSERVATION ZONE (Cons)

28.1 Permitted Uses

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

- (1) one of the following main *uses*:
 - (a) acceptable erosion control *structures*;
 - (b) *conservation uses*, including the maintenance of wetlands, deer wintering areas, and wildlife refuges.
 - (c) development associated with access and interpretation for educational or research purposes;
 - (d) development or undertaking to protect a coastal feature while providing approved public or private access to a shoreline (e.g., a boardwalk); and
 - (e) maintenance or enhancement of the coastal feature (e.g., sand fencing or planting native dune grasses to protect sand dunes).

28.2 Height of Main Buildings and Structures

Any land, *building*, or *structure* developed in a Conservation zone must conform to the Wetlands Protection Policy, the other relevant Zoning Provisions of this Rural Plan, and other Regulations or By-laws that may be in effect.