

VILLAGE OF FUNDY-ALBERT RURAL PLAN
Under the
COMMUNITY PLANNING ACT, 2017, c19

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PART A: RURAL PLAN – TITLE AND AREA DESIGNATION

The Council of the Village of Fundy-Albert, under authority vested in it under Section 35 of the *Community Planning Act, 2017, c19*, adopts the following Rural Plan By-law:

1. This document may be cited as the Village of Fundy-Albert Rural Plan.
2. The area of land, as shown on the map attached as Schedule 'A', is designated as the area within the Village boundaries for Fundy-Albert.
3. The Rural Plan applies to the area described in Schedule 'A'.
4. This Rural Plan replaces the "Westmorland-Albert Rural Plan" (2022), the "Village of Alma Rural Plan" (2018), the "Village of Riverside-Albert Rural Plan" (2017) and the "Village of Hillsborough Rural Plan" (2010) which are hereby repealed along with any amendments thereto, excepting the following:

Village of Alma:

By-law 93-4; and
By-law 97-1

Village of Hillsborough:

By-law 43-1

Westmorland-Albert Planning Area:

Regulation 18-MON-019-34; and
Regulation 18-MON-019-35;

PART B: OBJECTIVES, POLICIES AND PROPOSALS OF THE RURAL PLAN

1. Planning Area

The Fundy-Albert Planning Area covers a large and diverse land area located within the Southeast Regional Planning District. It includes Fundy coastal lands, tourism regions, established village centres, rural communities, and agricultural lands.

2. Rural Plan Objectives

This Rural Plan will guide development for a period of approximately 20 years, to be reviewed every 10 years. The issues addressed in this Rural Plan are based on those identified in the original development of the Rural Plans for the former villages and rural areas. Given the importance of the concept of land and the quality of life of rural residents, the following goals have been compiled for the Fundy-Albert Rural Plan:

- To ensure adequate and up to date planning mechanisms are in place to regulate development and create a healthy and sustainable environment;
- To maintain control over the type and location of intensive commercial and industrial development to help reduce potential land use conflicts;
- To protect environmentally vulnerable areas of the Planning Area and ensure that impacts of development to the natural environment (such as air, water, and land resources, including agriculture) are minimized;
- To provide guidelines for adapting to climate change impacts such as sea level rise, extreme weather events, flooding, and coastal erosion;
- To embrace rural living and ensure a rural quality of life recognizing that resource development and the productive use of land in rural New Brunswick are key economic drivers of the local economy;
- To ensure that impacts of development do not adversely impact public infrastructure;
- To guide residential growth in a sustainable way that maximizes infrastructure use by directing new development to areas with existing municipal services or established residential nodes;
- To preserve heritage assets and sites of historical importance; and
- To enable the development and growth of nature-based recreation and tourism opportunities.

Statements of Policy and Proposal with Respect to:

3. Residential Development

Areas of Fundy-Albert are developing at vastly different paces; however, each area and community has its own residential pressures. The overall goal is to direct intensive residential development to existing communities where services and infrastructure are better suited to respond to this type of development. As such, the following policies are made:

3.1 Policies

- a) It is a policy to encourage a range of residential dwelling types to provide housing choices at various price points to allow community members to remain in Fundy-Albert communities throughout their lives.
- b) It is a policy to direct residential growth, to areas with access to local services in order to optimize use of existing infrastructure (such as water and sewer).
- c) It is policy to conserve the residential and rural character of existing communities and to have an optimum population density that fits within serviceable development constraints.
- d) It is a policy to accommodate traditionally smaller residential lots in the serviced areas of the communities of Alma, Hillsborough and Riverside-Albert.
- e) It is a policy to recognize established residential nodes in unserved regions of the Planning Area and zone them as Rural Residential (RR).
- f) It is a policy to establish subdivision standards to discourage inefficient land use patterns in rural areas.
- g) It is a policy to create an Infill overlay zone that abuts existing public roads to permit new lots that meet the minimum provincial standards without requiring new infrastructure.
- h) It is a policy that where there is a conflict between the Infill overlay zone on the Zoning Map and provincial road mapping, the provincial mapping shall prevail.

- i) It is a policy that subdivisions located outside the Infill overlay zone shall be developed with larger lots in order to maintain the character of the rural area and cater to a rural lifestyle.
- j) It is a policy to establish standards for residential development in areas affected by projected sea level rise and coastal flooding.
- k) It is a policy to encourage residential developments to locate away from resource-based uses including agriculture in order to limit potential conflicts related to noise, smell and environmental impacts.
- l) It is a policy that when considering proposals to rezone properties to the Rural Residential Zone for a development requiring a new public road, the following shall be considered:
 - i. Impact on drinking water supplies
 - ii. Proximity to existing resource-based uses
 - iii. Proximity to available public services within communities
 - iv. Provision of community amenity space
 - v. Drainage
 - vi. Road network connectivity
 - vii. Other considerations deemed appropriate.
- m) It is a policy to control the height of buildings in any residential zone to maintain the existing residential character of the area.
- n) It is policy to minimize land use conflicts between residential uses and other uses by requiring buffers to be established.
- o) It is a policy to permit accessory dwelling units within single-unit dwellings outside of serviced areas, and within single-unit dwellings or in accessory structures in serviced areas of the Planning Area, to encourage affordable housing options, allow seniors to live near family while maintaining independence, and provide a modest source of rental income for homeowners.

3.2 Proposals

- a) It is proposed that residential zones that encourage compact residential development be created within existing serviced areas of the Planning Area. A low-density residential zone will accommodate single-unit and two-unit dwellings. A mixed-density residential zone will allow for both low-density and higher density such as townhouses and multi-unit dwellings in appropriately serviced areas in the Planning Area. The Dwelling Group

zone will accommodate the expansion of existing and the creation of new mini home parks and clustered residential developments.

- b) It is proposed to accommodate a combination of residential uses, tourism-based accommodation and supportive retail, food service and similar uses within the Residential Tourism (RT) Zone.
- c) It is proposed that multi-unit dwellings will be permitted in the Community Centre zone subject to terms and conditions.

4. Commercial Development

The goal is to permit an appropriate range of economic development opportunities throughout the Planning Area, while ensuring that existing residential areas are protected from commercial activities that may cause land use conflicts. The objective is to encourage a broad range of economic development such as home-based businesses, tourism opportunities, and value-added resource related developments, and concentrating appropriate developments in serviced areas while preserving the rural nature of the Planning Area.

4.1 Policies

- a) It is a policy to concentrate appropriately-scaled commercial development in serviced areas of the Planning Area, particularly where they support the local community or tourism opportunities that are critical to local economic development.
- b) It is policy to create flexibility by promoting mixed use development in Community Centre zones which support institutional, commercial and residential uses, as well as promoting cultural, artistic, and recreational uses.
- c) It is a policy to permit a broad range of commercial uses, particularly along the Route 114 as the tourism corridor of the Planning Area, to maximize access to local services and optimize use of existing infrastructure, subject to standards contained within the zoning provisions.
- d) It is a policy to control the type and location of intensive commercial developments within the Planning Area by considering potential impacts upon surrounding lands.

- e) It is a policy that home occupations be permitted throughout the Planning Area, subject to conditions outlined in this By-law.
- f) It is a policy that intensive commercial uses that require large areas and/or create nuisances should locate in areas away from concentrated residential areas.

4.2 Proposals

- a) It is proposed that a Community Centre zone be created in areas that are serviced by municipal water and sewer of the Planning Area. Within the Community Centre zone, uses will be focused on those that are suitable for rural villages including those related to the tourism industry. Appropriate standards for lot sizes and setbacks will be established incorporating existing development and creating compact community centres.
- b) It is proposed that a Rural Zone be created to accommodate uses that are traditional to a rural area, including resource-related uses, agricultural uses, nature-based recreation uses, appropriate commercial uses as well as low density residential uses.

5. Industrial Development

Industrial development inherently creates negative impacts on neighbouring land uses which can be a significant challenge for an area highly dependent on tourism. As such, any new light industrial or intensive resource developments shall be considered only through site-specific zoning requests.

5.1 Policies

- a) It is a policy to control the type and location of industrial developments within the Planning Area by considering potential impacts upon surrounding lands.
- b) It is a policy that intensive industrial uses that require large areas and/or create nuisances should locate in areas away from concentrated residential areas.
- c) It is a policy to consider industrial uses through a conditional rezoning subject to conditions, including but not limited to:
 - i. That the activity meets all federal and provincial legislation;
 - ii. That the activity has sufficient setbacks and buffers (natural and/or built) from neighbouring land uses so as to limit negative impacts;

- iii. That the lands are serviced by a provincially-approved water and sewer system if required; and
- iv. That the site has an approved access to a suitable road network.

5.2 Proposals

- a) It is proposed that a Commercial/Industrial zone be established.
- b) It is proposed that rezonings to Commercial/Industrial on or adjacent to lands zoned as Conservation, Water Protection, Residential, or Sea Level Rise be discouraged.

6. Institutional Uses

In the past, many small communities included institutional uses such as schools, churches, cemeteries, and fire and community halls, which marked the centre of the community. As rural populations decline, the use of these structures for strictly institutional purposes has also dwindled. The challenge is that while institutional uses continue to help define community centres, specific zoning for such uses often limits or complicates their potential for redevelopment. The goal is to ensure that existing institutional structures may be repurposed to continue to contribute to the local identity in terms of heritage, architecture, and culture. The objective is to permit these structures to be used for purposes that are compatible with neighbouring land uses.

6.1 Policies

- a) It is a policy that institutional uses shall be permitted as-of-right in the commercial and rural zones.
- b) It is a policy that select institutional uses such as residential care facilities shall be permitted in all Residential zones.

6.2 Proposal

- a) It is proposed that new institutional uses be located close to the community nodes or in community centres to be of benefit to those they are meant to serve.

7. Recreation and Tourism

The framework for recreation in Canada outlines specific goals to improve health and wellness, but the challenge is that New Brunswickers are experiencing negative health impacts because

of their sedentary lifestyles. The Southeast RSC has identified regional assets and gaps in services and established a process for collaboration and community-building through nature-based recreation development, with a particular emphasis on trails. The goal is to improve the health and wellbeing of local residents of all ages. The objective is to implement the regional recreation plan which focuses on the development of nature-based recreation opportunities throughout the rural area. Part of this strategy is to acknowledge that adventure-based tourism and outdoor recreation are generally a good fit for the Planning Area.

7.1 Policies

- a) It is policy to recognize tourism as a key economic driver of the region.
- b) It is a policy to encourage a range of recreation and tourism uses within the Planning Area subject to zoning provisions.
- c) It is a policy to encourage tourism development that supports the continued development of recreational infrastructure.
- d) It is a policy that passive recreation uses such as trails and parks shall be permitted in all zones.
- e) It is a policy to take advantage of the dedication of lands for public purposes or cash in lieu to support the establishment of new recreational amenities such as parks and trail systems.
- f) It is a policy that campgrounds, including non-traditional forms of traveller accommodation, shall be permitted in the Rural Area, Commercial/Industrial, Resource Development and Intensive Resource Development Zones subject to terms and conditions including:
 - i. Impact on the natural environment;
 - ii. Impact on neighbouring properties in terms of noise and traffic; and
 - iii. Public safety.

7.2 Proposals

- a) It is proposed to work with regional partners to implement appropriate recommendations of the Regional Recreation Plan.
- b) It is proposed that a trail network be developed to connect communities within the Planning Area to each other as well as to the larger trail network throughout the

Southeast Region to encourage active transportation, healthy lifestyles, and tourism opportunities.

- c) It is proposed to encourage developers to give consideration to trail connectivity for developments along existing or planned trail corridors as outlined in the Regional Recreation Master Plan.
- d) It is proposed to capitalize on natural assets by encouraging development of recreation-based businesses and opportunities.
- e) It is proposed to encourage property owners to give consideration to trail connectivity both within and outside the community.

8. Natural Resources

Forestry, pits, quarries, agriculture, and fisheries are key economic drivers of the rural areas of Fundy-Albert. The widely undeveloped natural areas have also become key tourism and recreation areas for both local residents and visitors, as conservation areas, trails (active living and motorized), hunting, and birding. The challenge is that natural resources are the foundation of the rural economy, but they are being impacted by unplanned residential development as well as the growing tourism industry. Rural land uses tend to create nuisances such as noise, dust, and other disturbances that are incompatible with residential development. The goal is to strike a balance between the economic, environmental, and social value of natural resource development and tourism.

8.1 Policies

- a) It is policy that development on Crown land be consistent with Section 129 of the *Act*.
- b) It is a policy to recognize resource-related uses as the intended primary use of land throughout the unserved areas of the Planning Area.
- c) It is a policy to require resource-related developments to employ best management practices to minimize environmental degradation in the Planning Area.
- d) It is a policy that pits and associated uses shall be considered Resource Developments and shall be zoned as such.
- e) It is a policy to recognize that temporary mobile asphalt plants used on a seasonal as-needed basis are compatible with resource extraction uses.

- f) It is a policy to recognize that quarries that employ blasting, permanent asphalt plants, and landfills are intensive land uses with heavy truck traffic, noise, and air and potential impacts on water quality, and are not compatible with residential and conservation uses. As such, these uses shall be considered on a case-by-case basis through a specific proposal rezoning to the Intensive Resource Development zone.
- g) It is a policy that quarries that employ blasting are subject to Department of Environment approval to operate.
- h) It is policy to recognize the importance of maintaining Alma's fishing industry by permitting existing fishery uses to continue.

9. Protection of Water Supplies

Fresh, potable water is a significant asset that needs to be protected in Fundy-Albert. The challenge is that water sources for the established communities do not meet the current demand from residents and tourists or are located outside the Planning Area. Protection of the wellfields and supplying watersheds is a priority. The goal is to protect potable water, particularly in protected wellfield and watershed areas for the health of residents in the region.

9.1 Policies

- a) It is a policy to protect water supplies in the Planning Area to ensure an adequate supply of potable water at all times.
- b) It is a policy to preserve the water quality and integrity of the local drinking water supplies, as well as wellfields and watersheds supply public drinking water to residents.
- c) It is a policy to maintain water quality and flood protection by controlling development on lands adjacent to wetlands and watercourses subject to the *Clean Water Act*;
- d) It is a policy that any water bottling operation shall be considered an Intensive Resource Development and shall be zoned as such.

9.2 Proposal

- a) It is proposed to establish a Water Protection Zone permitting limited development activities, as per the *Clean Water Act*.

- b) It is proposed to control the density of development in order to have an adequate supply of water in the Serviceable Areas of the Planning Area.
- c) It is proposed to investigate the feasibility of acquiring and/or seeking control of land within designated wellfield areas that supply municipal systems within the Planning Area and extending the local government boundaries to include those areas.

10. Heritage Buildings and Sites of Historical or Archaeological Interest

Fundy-Albert has a rich history from pre-colonial settlement to the present. The goal is to ensure that sites of historical importance be recognized and celebrated through development in the region.

10.1 Policy

- a) It is a policy to encourage the redevelopment, transition, or modification of existing heritage buildings into any use permitted in the zone in which the building is situated, subject to requirements of the National Building Code.
- b) It is a policy to recognize and preserve, where possible, the historical/cultural character of established Fundy-Albert communities.

10.2 Proposals

- a) It is proposed that heritage sites and buildings within the Planning Area be identified and documented.
- b) It is proposed that research be undertaken to develop a heritage trail that would connect heritage/historical sites in the region.

11. Conservation of the Physical Environment

Fundy-Albert communities are experiencing significant climate challenges in the form of coastal erosion, sea level rise and storm surges, as well as increased storm events (ice, rain, snowfall, and high winds). There are also land uses that can have a detrimental environmental effect on the immediate and broader land base. The goal is to create policies that help to reduce the long-term impacts (natural or humanmade) of development and protect the health of the physical environment.

11.1 General Policies and Proposals

- a) It is a policy that environmentally sensitive areas including, but not limited to, lands held in trust by conservation entities shall be zoned as Conservation.
- b) It is a policy to impose setbacks from watercourses and wetlands based on the most recent and accurate mapping available at the time of application.
- c) It is a policy, where no alternatives are available, to consider variances to setbacks identified in 11.1(b) in consultation with provincial agencies provided that the application is deemed reasonable and demonstrates how the environmental impact of the proposed development will be mitigated.
- d) It is a policy that existing buildings within the required watercourse and wetland setback may be enlarged, reconstructed, repaired, or renovated if the requirements of this By-law are not further compromised and the development does not further encroach into the setback.
- e) It is a policy that where discrepancies are identified between the mapping and site level analysis and in consultation with the Department of Environment and Local Government, the Development Officer may waive the setback requirements for the proposed development.
- f) It is proposed to use the latest research to support conserving habitat biodiversity and natural land connectivity.

11.2 Flood Hazard and Sea Level Rise Policies and Proposals

- a) It is a policy to recognize that impacts associated with climate change have occurred and will continue to present a significant risk to the Planning Area.
- b) It is a policy to identify areas at risk due to sea level rise and follow the proposed adaptation measures for projected sea level rise and a 1-in-100-year storm event in 2100 to reduce the impact of climate change on coastal development.
- c) It is proposed to develop flood hazard mapping to educate residents, landowners, and developers to identify areas at risk from coastal flood hazards and provide guidance on sea level rise and adaptation strategies.
- d) It is a policy that an onsite drainage system may be required for new development in the Sea Level Rise Overlay Zone in order to prevent damage to neighbouring properties.

- e) It is policy to adopt best adaptation practices for buildings and public infrastructure by considering climate change in the design and planning phase of project development.
- f) It is a policy to use the latest scientific climate data when developing standards with regards to projected sea level rise, exposure to flooding, and damage to drinking water supplies and the natural environment.
- g) It is a policy to discourage non-adapted development in the Sea Level Rise Overlay Zone.
- h) It is a policy to discourage subdivisions that require new public infrastructure in areas within the Sea Level Rise Overlay Zone.
- i) It is a policy that any new road developed within the Sea Level Rise Overlay Zone shall require a rezoning to the Dwelling Group zone. All associated costs shall remain with the developer and/or property owner and shall not be transferred to the government.
- j) It is a policy to encourage the adapted expansions of existing buildings in the Sea Level Rise Overlay Zone. However, a small, one-time, non-adapted expansion of existing buildings in the Sea Level Rise Overlay Zone is permitted to serve as an accommodation for homeowners adjusting to new requirements.
- k) It is proposed to continue to monitor and update adaptation measures in order to employ current best management practices.

11.3 Stormwater Policies and Proposals

- a) It is a policy to encourage landowners to preserve, restore, and create new wetlands on their properties.
- b) It is proposed to undertake stormwater master plans for Community Centre zones to ensure future development does not negatively impact adjacent properties or the municipal stormwater system.

11.4 Sewage Collection and Treatment Policies and Proposals

- a) It is a policy to protect the public health and safety of residents by maintaining and operating sewage collection and treatment systems in established serviced areas in the communities of Alma, Hillsborough and Riverside-Albert.

- b) It is a policy to ensure the quality of life of the residents, to control environmental pollution, and to do so in a manner that does not create an undue fiscal hardship to the Local Government.
- c) It is proposed that Service Area Boundaries be established in the Zoning map for the communities of Alma, Riverside-Albert and Hillsborough. Within the Service Area Boundaries, no new development of structures, uses or any subdivision shall be permitted without providing for the connection and/or extension of the central water and sewer except where existing conditions would preclude such a connection.

12. Utilities and Energy Developments

Utilities are a necessity of modern living and can be particularly important in rural areas where some public services are sparsely available. Further, given global concerns of climate change and depletion of finite energy resources, and the growing opportunities to develop renewable energy sources which often require large tracts of land, it is appropriate that areas in Fundy-Albert allow for such types of development which may otherwise conflict with concentrated residential development in established communities. The challenge is to respond to changing technologies and opportunities by remaining flexible and permissive while not negatively impacting existing rural land uses. The goal is to permit utilities and renewable energy development in a manner that is compatible with existing and future development of the Planning Area.

12.1 Policies

- a) It is a policy to recognize the importance of utility services in our communities and to permit utilities in all zones.
- b) It is a policy that renewable energy sources including (but not limited to) wind and solar energy shall be encouraged throughout the Planning Area provided it is to the appropriate scale. The appropriate scale shall be determined through general provisions contained within this Rural Plan.

13. Agriculture and Food Security

Food security is a key issue for New Brunswick. The challenge is that productive agricultural activities can be hampered by encroaching development which permanently removes farmland from production. The goal is to encourage the development of new agricultural activities,

permit continuance of existing farming uses, and protect scarce agricultural lands from future development and land use conflicts.

13.1 Policies

- a) It is a policy to identify prime agricultural areas through the establishment of an Agriculture (A) zone.
- b) It is a policy to develop provisions to deter use of agriculturally zoned land for non-agricultural development;
- c) It is a policy to establish minimum setback distances for new dwellings adjacent to existing agricultural uses;
- d) It is a policy that all new livestock facilities shall be screened through the *Livestock Operations Act* to limit potential land use conflicts.
- e) It is a policy to follow standards as established in the *Livestock Operations Act* in the siting of new livestock buildings, and to establish minimum setbacks for new livestock buildings which are exempt from the *Livestock Operations Act*.
- f) It is a policy to permit the onsite slaughter of animals in conjunction with an active agricultural use, while recognizing independent industrial-scale abattoirs as Intensive Resource Developments and zoning them as such.
- g) It is a policy to permit roadside stands and onsite agricultural processing in appropriate zones in the Planning Area to encourage support for food producers and healthy local food consumption.
- h) It is a policy to recognize that agricultural uses may require multiple dwellings on a single lot in order to accommodate seasonal workers.
- i) It is a policy to support agricultural tourism by permitting light commercial uses and campgrounds as secondary uses in the Agricultural zone.

13.2 Proposals

- a) It is proposed that the Southeast Regional Service Commission work with stakeholders to encourage local food security.

- b) It is proposed that lands registered under the Farm Land Identification Program (FLIP) and those assessed by Service New Brunswick as agricultural land be zoned as Agriculture.
- c) It is proposed that the Southeast Regional Service Commission monitor development trends in prime agricultural areas and study best practices to limit the loss of productive agricultural lands in the region.

14. Particular Development Proposals

By times, particular development proposals are made that cannot be predicted or managed under standard policy. The challenge is that developments such as mini home parks, bare-land condominiums, and integrated developments generally propose multiple main buildings on a single lot and require particular attention and additional considerations. The goal is to include mechanisms in the Rural Plan to permit such developments where appropriate.

14.1 Policies

- a) It is a policy to consider mini home parks and bare-land condominiums as developments that are subject to a site-specific rezoning to the Dwelling Group Zone.
- b) It is a policy that bare-land condominiums employ environmentally sustainable development practices including the incorporation of natural features with regards to:
 - i. Drainage;
 - ii. Green space and recreation areas;
 - iii. Biodiversity corridors;
 - iv. Topography
- c) It is a policy that when considering proposals to rezone properties to the Dwelling Group Zone for a development, the following shall be considered:
 - i. Buffer zones from neighbouring uses;
 - ii. Provision of water and sewer facilities;
 - iii. Separation distances between units;
 - iv. Access and road network;
 - v. Parking;
 - vi. Emergency services;
 - vii. Garbage collection and snow clearing
- d) It is a policy to consider an integrated development as a use that is subject to site-specific rezoning subject to Section 58 of the Act. Such consideration shall be based on

whether the proposed integrated development is deemed beneficial to the community, that adequate public infrastructure is available, and that potential risks including, but not limited to health, safety, and the environment can be mitigated.

15. Amendments and Conditional Uses

From time to time, it may be necessary to consider amendments to the Plan to accommodate changes in the rural area. In some cases, certain uses in the Plan shall be a particular purpose in respect of which the Committee may impose terms and conditions or prohibit the use where compliance with such terms and conditions cannot reasonably be expected.

15.1 Policies

- a) It is a policy to recognize the need to consider amendments to the Plan and uses subject to terms and conditions.

15.2 Proposals

- a) It is proposed that, in considering amendments to this By-law and/or the imposition of terms and conditions, that Council has appropriate regard for the following matters:
 - i. that the proposal is in conformity with the intent of this Plan and with the requirements of all other by-laws;
 - ii. that controls are placed on the proposed development where necessary, so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (1) the type of use;
 - (2) the height, bulk and lot coverage of any proposed building;
 - (3) traffic generation, access to and from the site and parking;
 - (4) site drainage;
 - (5) site servicing;
 - (6) open storage;
 - (7) signs; and
 - (8) any other relevant matter of planning concern;
 - iii. that the proposed site is suitable in terms of steepness or grades, soil and geological conditions, location of watercourses, marshes or bogs and susceptibility of flooding as well as any other pertinent matter of environmental concern;
 - iv. for any proposal within serviced areas with municipal water and sewer, that there is adequate supply and capability of the central services to support the development; and
 - v. that the proposal meets all necessary consideration in respect of public health and safety and that the site design meets all fire protection and access considerations.

PART C: ZONING PROVISIONS

SECTION 1: ZONING MAP AND INTERPRETATION

1.1 The Zoning Map included as Schedule A and entitled “Fundy-Albert Planning Area Zoning Map” is the zoning map for the Fundy-Albert Planning Area Rural Plan By-law – *Community Planning Act*.

1.2 In this By-law,

A

“abattoir” means slaughterhouses and any place where cattle, sheep, swine, poultry or other animals are killed for food;

“accessory dwelling unit” means a dwelling unit that is secondary to a single-unit dwelling and contained in the same building, or within a detached building.

“accessory building/structure” means a detached subordinate building or structure, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

“Act” means the *Community Planning Act*, 2017, c19, including all its related regulations and amendments thereto;

“adapted development” means a building or structure constructed in a way to reduce the potential impacts of climate change and sea level rise;

“adult entertainment” means a nightclub, restaurant or similar establishment that regularly features live performances characterized by the exposure of specific body parts;

“agricultural use” means an agricultural operation as defined in the *Agricultural Operation Practices Act*, as well as the production of maple products;

“agricultural uses, passive” means agricultural activities that have limited impact on the land, such as perennial forage and pastureland, and require no structures;

“amusement park” means a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, as well as buildings for shows and entertainment;

“aquaculture” means the use of land, building or a structure to hatch, raise and breed fish or other aquatic plants or animals for sale or personal use (may also be considered fisheries use);

“awning” means a movable or immovable roof-like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements.

B

“bait shed” means a building or structure used to store, prepare, or dispose of bait for use in the fishery;

“bare-land condominium” means a property containing more than one detached residential building, other than a mini home park, and registered under the *Condominium Property Act*;

“bed and breakfast” means a business run by the owner who lives within the single unit dwelling wherein rooms are rented and meals are served to overnight guests for commercial purposes;

“buffer” means a spatial separation or setback between a defined use and a property line using open spaces, landscaped areas or other screening devices;

“building” means a building as defined in the Code;

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

C

“camp,” means a building designed for overnight accommodation having less than 56.08 m² that is exclusively intended for temporary seasonal recreational use;

“campground” means an area of land, managed as a unit, providing short-term accommodation for two or more sites containing such things as tent trailers, travel trailers, recreational vehicles, campers, yurts, tents, and other nature-based accommodation structures. A campground may include one or more of the following secondary uses: a cottage cluster, a convenience store, a laundromat, washroom facilities, an office for the campground, a daycare, a park or playground, a canteen, and cultural and recreation facilities, subject to the requirements of this by-law;

“cannabis” means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act*;

“cannabis production facility, indoor” means the use of a building or structure for the cultivation, processing, testing, or research of cannabis authorized by a license issued by Health Canada;

“cannabis production, outdoor” means the use of land for the cultivation of cannabis authorized by a license issued by Health Canada, and does not take place inside a building or structure;

“Code” means the *National Building Code of Canada* adopted by reference in the regulations, and includes all revisions, errata and corrections to errata issued from time to time;

“commercial use” means an occupation, employment, or enterprise, other than a home occupation, that is carried on for profit and include both intensive and light commercial uses;

“commercial use, intensive” means commercial enterprises that are likely to create a significant impact on the surrounding land uses such as increased traffic congestion, size of building, outdoor storage, excessive noise, and lighting. Such uses include, but are not limited to, service stations, largescale retail or office uses, self-storage units, transportation centres, and vehicle sales;

“commercial use, light” means a commercial enterprise that is not likely to create a significant impact on the surrounding area but is purely commercial in nature (i.e., not associated with a residential use). Such uses include, but are not limited to: restaurants, retail, offices, personal service shops, veterinarian clinics, vehicle repair shops, tourism uses, landscaping businesses, and event venues;

“Commission” means the Southeast Regional Service Commission;

“Committee” means the Southeast Regional Service Commission’s Planning Review and Adjustment Committee;

“common wall / party wall” means a wall jointly owned and/or jointly used by two or more parties or an extension of such a wall which is erected on a line separating two parcels of land each of which is or is capable of being held in unity of ownership;

“connectivity” means the network of streets, sidewalks, trails, and paths publicly accessible to vehicles, bicycles, and/or pedestrians;

“conservation use” means an activity or area set apart for the purpose of the conservation or preservation of natural and/or cultural values;

“cottage cluster” means the development of two or more buildings on a single lot intended for tourist accommodation;

D

“day care” means a facility in which day care services are provided as defined by and operated in accordance with the *Family Services Act*. A home day care is considered a home-based business, and a commercial day care as a standalone use is considered an institutional use.

“development” means:

- a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines defined in the *Pipeline Act* except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices,
- b) where the purposes for which land, buildings and structures may be used are set out in a regional plan, municipal plan, rural plan, basic planning statement, development scheme, urban renewal scheme, zoning bylaw or By-law, any change in the purpose for which any land, building or structure is used,
- c) any excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes of the sale or other commercial use of the material excavated, or
- d) the making of land by cutting or filling to a depth in excess of one metre except in the case of utilities or the laying pipelines defined in the *Pipeline Act*;

“Development Officer” means a development officer as defined in the *Act*;

“dwelling” means a building, or part of a building, containing one or more dwelling units, not including a motel, hotel, hostel camps, cabins or cottages, campers or recreational vehicles designed for seasonal and non-permanent occupation;

“dwelling group” means two or more buildings containing dwelling units located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of the main buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas and may include such uses as mini-home parks or bare-land condominiums;

“dwelling, multi-unit” means a dwelling containing four or more dwelling units;

“dwelling, semi-detached” means a single unit dwelling attached to another single-unit dwelling by a common above grade wall with each dwelling located on a separate lot;

“dwelling, single-unit” means a dwelling containing one dwelling unit, not including a mini home;

“dwelling, three-unit” means a dwelling containing three dwelling units;

“dwelling, two-unit” means a dwelling containing two dwelling units;

“dwelling unit” means a structure used or intended for use by one or more individuals living as a single housekeeping unit, usually containing a separate kitchen and sanitary facilities;

E

“energy production, commercial” means an energy source developed for commercial purposes that is connected to the provincial power network in order to sell energy to NB Power or a third party;

“energy production, domestic” means an energy source that is secondary and/or accessory to the main use on a lot, which is not operated solely for commercial purposes;

“entertainment use” means is a use that involves gatherings of the public in indoor or outdoor venues that is likely to create a significant impact on the surrounding land uses such as increased traffic congestion, excessive noise, and light pollution. Such uses include, but are not limited to amusement parks, paintball facilities, hunting and shooting ranges, and racetracks;

“event venue” means commercial use of a building, or part of a building, or land as a place of assembly by the public for special events such as weddings, performances, and cultural gatherings, but does not include sporting events. An event venue is considered a light commercial use;

“existing” means a use legally in existence on the date of the passing of this By-law;

F

“fisheries use” means a use of land, wharves and buildings for uses specific to the fishery including industrial fish plants, vessel construction and major repair, and storage of materials (bait sheds, boats, traps, nets and equipment) in the off-season;

“forestry use” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the growing, and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products. Forestry use includes a sawmill and woodworking shop;

“funeral home” means an institutional building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for cremation or the preparation of the dead human body for internment;

G

“grade” means the lowest of the average levels of finished ground adjoining each exterior wall of a building;

“gross floor area” means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building;

“ground floor” means the floor area of the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement or cellar, but excludes car parking areas within the building;

H

“habitable part” means an area in a structure for living, sleeping, eating, or cooking. Maintenance or utility space, parking garages and similar areas are not considered habitable space;

“height” means the vertical distance between the finished average ground level and the highest point of the roof surface and/or in a Sea Level Rise Overlay Zone, “height” means the vertical distance between the minimal elevation level as identified on Schedule A of this By-law, to the highest point on the roof surface;

“home-based business” means a home occupation that takes place entirely within a dwelling including but not limited to such things as a salon, day care, home office, yoga studio, and sales of items produced on site;

“home industry” means a home occupation that takes place in an accessory building including, but not limited to an art or craft studio, service shop, furniture building and repair, welding shop, and sale of items created on the premises.

“home occupation” means a business activity carried out within a residence or accessory building that:

- a) is secondary to the use of the dwelling unit as a private residence,
- b) does not create a change to the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than a sign erected in accordance with the zoning provisions,
- c) does not create or become a public nuisance with respect to noise, traffic, or parking,

“hotel, motel or inn” means a building or group of buildings where sleeping accommodation (with or without meals) is provided to the public;

I

“industrial use, heavy” means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in the storage of or manufacturing processes using flammable or explosive materials, or potentially hazardous or commonly recognized offensive conditions;

“industrial use, light” means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, packaging, warehousing, wholesaling, and/or distribution of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining);

“institutional use” means the use of land, buildings or structures for a public or not-for-profit purpose including, but not limited to, schools, daycares, residential care facilities, places of worship, indoor or outdoor recreational facilities, cemeteries, cultural or community centres, hospitals, and government uses;

K

“kennel” means any premises where animals, excluding livestock, are kept, boarded, bred, or trained as a commercial service;

“landfill” means a waste disposal site approved to operate by the province;

“livestock” means pigs, horses, cattle, poultry, sheep, goats, llamas, and any other animal prescribed by the *Livestock Operations Act*;

“livestock facilities” mean a building used or intended to be used to confine or house livestock, or a confined livestock area, and includes a structure or area used to store manure;

“lot” means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the registry office;

“lot area” means the total horizontal area within the lot lines of a lot;

“lot corner” means a lot situated at the intersection of, and abutting on, two or more streets;

“lot coverage” means the total area of the lot covered by buildings and accessory buildings and structures;

“lot, through” means a lot bounded on two opposite sides by streets or highways provided, in this event the owner of the property decides which of the yard is the front and by default the opposite yard becomes the rear yard; however, if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law;

“lot frontage” means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot, the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage;

“lot line” means a common line between a lot and an abutting lot, lane or street, or a lot line as designated and registered as the legal boundaries at the registry office;

“lot line, flankage” means a side lot line, which abuts the street on a corner lot;

“lot line, front” means the cumulative lines common to a lot on an abutting street. In the case of a corner lot, the shorter side shall be considered the front;

“lot line, rear” means the lot line farthest from or opposite to the front lot line;

“lot 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 limits of the abutting street, such parallel line being drawn through the point at which the line of minimum setback, required regulation, intersects a line from the midpoint of and perpendicular to the line to which it is parallel;

M

“mini home” means a factory-built detached building that has a width of less than six m throughout its entire length, and is equipped with the necessary service connections and made

to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation;

“mini home park” means a lot under single management where two or more mini homes are located, but does not include a campground;

“Minister” means the Provincial Minister responsible for the *Community Planning Act*;

O

“office use” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government, including but not limited to data processing and data storage operations, real estate, investment, architecture, legal, or business management;

“ordinary high water mark” (OHWM) is the boundary between the land of a waterfront property owner and Provincial Crown lands. The OHWM is defined as the mean or average of the normal high tides at a given location. A licensed New Brunswick Land Surveyor can formally delineate the OHWM;

“outdoor storage” means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building;

P

“park” means an area generally composed of open spaces, which may include a recreational area, a playground, a playing field, conservation uses, nature trail, or rest stop, or any similar use, but not including a campground or mini home park;

“parking lot” means an area of land for the parking of vehicles;

“passive uses” mean those activities that require minimal permanent development, or changes to landscape;

“public road” means a road owned and maintained by the local government or the Province of New Brunswick (see street);

Q

“quarry” means a resource extraction operation that uses explosives to extract consolidated rock

R

“reconstruction” means the replacement of a building using an existing foundation (reconstruction);

“recreation use” means a use, either privately or publicly held which is designed and equipped for the conduct of sports, leisure time activities and other customary recreational activities and may include, but not limited to, parks, trails, indoor or outdoor recreation facilities together with necessary and accessory buildings and structures, but does not include campgrounds, a track for the racing of any form of motorized vehicles or any animals, or hunting ranges;

“recreation use, passive” means a recreation area which has limited disturbance of the natural environment and has low impact recreation uses such as, but not limited to, trails, and scenic vistas, and interpretation panels, play parks, sports fields, and open space which require minimal visitor facilities;

“recreational vehicle” means any vehicle, whether towed or driven that is capable of being used on a short-term recreational basis for living, sleeping, or eating accommodation of persons, and includes travel trailers, pop-up trailers, campers, motorized campers, motorized homes or other similar vehicles;

“residential care use” means an institutional use that may include a family shelter, group care facility, special care home, or similar facility for 24-hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual;

“residential use” means the use of a building or structure or parts thereof as a dwelling;

“resource extraction”, means any excavation of sand, gravel, clay, shale, limestone or other deposit for a development or for purposes for the sale or other commercial use of the material excavated, but excluding rock quarries, oil, gas, and mining;

“resource-related use” means activities related to agriculture, forestry, fisheries, or aquaculture uses, and may include biomass production for energy, commercial uses associated with resource production, but does not include activities related to aggregate extraction (e.g., asphalt plant);

“restaurant” means a building where food and/or beverages, including the sale of alcohol, are offered for sale to the public for immediate consumption, including where there are tables or counters either inside or outside the building on the lot, as well as drive-thrus and takeout service of food and beverages for offsite consumption;

“retail use” means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value and shall include minor food processing and packaging in connection with the sale of food products;

S

“salvage yard” means a building, warehouse, yard or other premises licensed by the Province of New Brunswick in which second-hand, used, discarded or surplus metals, bottles or goods, unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts of a motor vehicle, and articles of every description, is stored or kept pending resale or delivery to another person;

“screening” means a spatial separation or setback between a defined use and a property line which may include hedges, trees, fences, walls, berms or any combination thereof used to visually and/or audibly separate areas or uses;

“secondary use” means a use that is incidental or complimentary to the main use of land;

“self-storage” means a commercial building containing self-contained storage units for individual rent by the public;

“serviced areas” means the portion of the Planning Area for which there are central water and/or sewer services.

“service shop” means establishments such as hair salons, spas and aestheticians services, shoe repair, and the sale or repair of household articles. This definition may also include repair of small motors, plumbing or electrical establishments, or pet grooming facilities, but does not include vehicle repair or light industrial uses;

“service station” means a building or part of a building used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles and may include vehicle washing establishments;

“shared housing use” means a use that contains 4 or more bedrooms, that meets one or more of the following:

- i. that are rented for remuneration as separate bedrooms for residential accommodation;
or
- ii. that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of the shared housing use,

such as group homes, dormitories, boarding or rooming houses, women's shelters, community care facilities, nursing homes, and senior citizen homes; and includes shared housing for residential care but does not include a bed and breakfast, short-term rental, hotel, motel, or other tourism establishment. For greater certainty, a shared housing use is not considered a multi-unit dwelling use;

"sign" means any display of public advertisement in the form of a placard, boarding, bill board or other form or means or device whatsoever of public advertisement whether erected, pasted or painted, and includes any form, means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purpose, including those signs that fall under the Highway Advertisement Regulation – *Highway Act*;

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

"sign, billboard" means a ground sign or fascia wall sign which is not related to any business or use located on the lot or premises;

"sign, fascia" means a sign, other than a roof sign or projecting sign, which is attached to and supported by a wall of a building;

"sign, freestanding" means a sign, other than a portable sign, supported independently of a building and permanently fixed to the ground;

"sign, illuminated" means a sign lighted by or exposed to artificial lighting by lights inside the sign;

"sign, portable" means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and without limiting the generality of the foregoing, includes signs commonly known as a "sandwich sign" or an inflatable device tethered to any building, structure, vehicle or other device;

"sign, projecting" means a sign which is wholly or partially dependent upon a building for support and which projects more than 30 cm beyond such building;

"storey" means that portion of a building included between the surface of any floor and ceiling or roof structure next above it;

“street” means the entire width between the boundary lines of a street, road or highway vested in either the Province of New Brunswick or the Fundy-Albert municipality (see public road);

“street line” means the common boundary between a street and a lot;

“structure” means anything that is erected, built or constructed of parts joined together or any such erection, including but not limited to a fence, deck, dock, but does not include a building, flagpole, or public utility;

“swimming pool” means a tank or body of water, other than a natural body of water or stream, either above or below ground, which has a depth greater than 1 metre intended to be used for diving, swimming, or wading;

T

“telecommunication towers” means a structure that is intended to send or receive wireless signals for communications purposes, and may include an equipment shelter containing related electronic equipment;

“tourism use” means the commercial use of land to attract and serve people visiting an area for recreation and vacations, including overnight accommodations;

“tourism, residential” means a tourism use that is undertaken in conjunction with a single-unit residential use, such as a bed and breakfast, tourist home, or farm vacation home; or is compatible with such residential uses such as a small hotel, motel, or inn;

“townhouse” means a building divided vertically by common walls extending from the foundation to the roof into three or more attached dwelling units on separate lots, each having a separate entrance at grade;

U

“unserved areas” means the portion of the Planning Area for which there are no central water and/or sewer services. These unserved areas are generally dependent upon on-site wells and septic systems.

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

“use, accessory” means a use, other than human habitation of land or a building or structure which is intrinsically tied to the main use of land, building or structure which is located on the same lot of the main use and which is not a secondary use;

“use, main” means the principal purpose for which a lot, building, or structure is being used;

“use, secondary” means a use that is incidental or complimentary to the main use of land;

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

V

“vehicle repair shop” means an establishment used for the repair and service of motor vehicles, as well as the sale and installation of car parts and accessories;

“vehicle sales establishment” means a licensed dealer providing for the sale of more than five vehicles on a single lot;

W

“warehouse” means a building used primarily for the storage of goods and materials for distribution or personal use;

“watercourse” means the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not;

“wetland” means land that (a) either periodically or permanently, has a water table at, near or above the land’s surface or that is saturated with water, and (b) sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions;

“wind turbine” means a machine for producing power by a flow of air;

“wind turbine height” means the height above grade to the tip of the rotor blade at its highest point;

Y

“yard, flankage” means the side yard of a corner lot, which side yard abuts a street;

“yard, front” means the yard extending across the full width of the lot between the street line and the nearest main wall of any building or structure;

“yard, rear” means the yard extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure;

“yard, required” means the minimum setback required for a front, side or rear yard as outlined in this By-law;

“yard, side” means the yard extending from the front yard to the rear yard on either side, between a side lot line and the nearest main wall of any building or structure.

SECTION 2: PURPOSE, ADMINISTRATION, CLASSIFICATION AND CONFORMITY

2.1 Purpose

The purpose of Part C is to:

- a) Divide the Planning Area into zones;
- b) Prescribe, subject to powers reserved in the Planning Review and Adjustment Committee:
 - i. the purpose for which land, building and structures in any zone may be used, and
 - ii. standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
- c) Prohibit the use, placement, erection or alteration of land, buildings or structures, other than in conformity with the purposes and standards mentioned in paragraph b).

2.2 Administration

2.2.1 Utilities shall be permitted as-of-right in all zones created by this By-law.

2.2.2 Provisions of this By-law regarding the maximum height of buildings and structures do not apply to steeples, towers, antennas, silos, clock towers, monuments, telecommunication towers or wind turbines except where they are specifically regulated.

2.2.3 A person who seeks to have this By-law amended shall:

- a) submit a written and signed application to Plan360;
- b) such application shall include such information as may be required by the Local Government or the Plan360; and
- c) pay a rezoning fee as per section 2.2.4.

2.2.4 A person wishing to obtain services from the Southeast Regional Service Commission is subject to the following fee schedule:

Zoning confirmation	\$100
Zoning compliance	\$200
Rezoning or text amendment	\$1500
Variance	\$250
Terms and Conditions	\$250
Ruling of Similar/Compatible Use	\$250
Development Officer Approval	\$100
Development Permit	\$25

2.2.5 Unless the Development Officer is of the opinion that valid new evidence or a substantial change in conditions has occurred to a proposal, where an application under this Section has been refused, no further application may be considered for one year.

2.2.6 Nothing in this By-law shall exempt any person from complying with the requirements of the any other by-law in force within the Local Government, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Local Government or statute and regulation of the Province of New Brunswick or Government of Canada.

2.2.7 Where the provisions of this By-law conflict with those of any other Local Government by-law, provincial regulation, or code, the higher or more stringent requirements shall prevail.

2.3 Classification

2.3.1 For the purposes of this By-law, the Fundy-Albert Planning Area is divided into zones delineated on the plan attached as Schedule A, entitled “Fundy-Albert Planning Area Zoning Map.”

2.3.2 The zones mentioned in Section 2.1 are classified and referred to as follows:

a) Residential Zones:

- i. Residential Low Density (RLD) Zone;
- ii. Residential Mixed Density (RMD) zone;
- iii. Residential Tourism (RT) Zone;
- iv. Rural Residential (RR) Zone;
- v. Dwelling Group (DG) Zone;

b) Commercial Zones:

- i. Community Centre (CC) Zone;
- ii. Commercial-Industrial (CI) Zone;

c) Rural Zones:

- i. Rural Area (RA) Zone;
- ii. Resource Development (RD) Zone;
- iii. Intensive Resource Development (IRD) Zone;
- iv. Agriculture (A) Zone;

d) Environmental Zones:

- i. Conservation (CONS) Zone;
- ii. Water Protection (WP) Zone;
- iii. Sea Level Rise (SLR) Overlay Zone;

- e) Other Zones:
 - i. Integrated Development (ID) Zone;
 - ii. Infill (IF) Overlay Zone.

2.4 Conformity

2.4.1 In any zone,

- a) Land shall be used, and all buildings or structures, or parts of the buildings or structures, shall be placed, erected, altered or used only in conformity with the requirements of the part of this By-law pertaining to such zone, except as otherwise provided.
- b) All development on Crown land shall comply with Section 129 of the *Act*.

2.5 Zone Boundaries

2.5.1 Boundaries between zones shall be determined as follows:

- a) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- b) Where a railroad or railway right of way, electrical transmission line right-of-way or watercourse is included on the Zoning Map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse shall be considered the boundary between zones unless specifically indicated otherwise; and
- c) Where a property is located along a coastline, the zone shall extend from that indicated on the map to the Ordinary High-Water Mark (OHWM) of the subject property.

2.6 Development Permits

2.6.1 No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.

2.6.2 A development permit shall be in force for a period of one (1) year from the date of issuance or until the project has been completed or is discontinued for a period of one year. Any permit may be reissued upon request, subject to review by the Development Officer and provided it conforms of any applicable by-law or policy that is in effect at the time of reissuance.

2.6.3 Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

2.6.4 No development permit may be issued under this By-law before any applicable fee in Section 2.2.6 has been paid.

2.6.5 Notwithstanding 2.6.1, no development permit shall be required for the following:

- a) any accessory building or structure which has less than 6 m²
- b) a recreational vehicle on a vacant lot;
- c) a fence for agricultural fencing;
- d) any utility;
- e) a portable sign;
- f) play structures;
- g) landscaping features including flagpoles, clotheslines, etc.

2.7 Connection to Municipal Services

2.7.1 Where any parcel of land of land has access to central water and sewer services, no development of a new main building shall be permitted without legal connection of the development to the public sanitary sewer and water supply systems.

2.7.2 Any parcel of land located where either the sanitary sewer or water supply system is not available, a new development must make a legal connection to the available service and otherwise meet standards for development as set out in this by-law.

2.8 Powers of Council

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

2.8.2 When, in the opinion of Council, a building or structure is dilapidated, dangerous, or unsightly, the Council may:

- a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
- b) acquire the parcel of land on which such building or structure is located.

2.9 Powers of the Planning Review and Adjustment Committee

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

2.9.2 Upon receipt of an application and supporting information, to the satisfaction of the Development Officer, the Committee may, subject to such terms and conditions as it considers fit,

- a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law;
- b) authorize, for an additional temporary period not exceeding one year, a development otherwise prohibited by the by-law if:
 - i. the applicant holds an authorization under subparagraph (a) that is to expire or has expired
 - ii. an application with respect to the land has been made to amend the applicable zoning bylaw, basic planning statement or rural plan, and
 - iii. the Committee or Southeast Regional Service Commission has received a resolution from the council confirming that the council will consider the application referred to in clause (ii); and
- c) require the termination or removal of a development authorized under paragraph (a) at the end of the authorized period.

2.10 Temporary Construction and Vending Uses Permitted

2.10.1 Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is accessory to construction in progress, such as a work camp or construction camp, office use, tool or maintenance shed or scaffold, provided that a development permit has been issued and that the temporary building or structure be removed within 14 days of completion of work.

2.10.2 Temporary vending facilities for the sale of seasonal products such as, but not limited to, outdoor garden centers and ice cream vendors shall be permitted in any zone except for residential provided that:

- a) the vending facilities are readily moveable;
- b) the vendor has obtained the necessary approvals from the relevant government department;
- c) the vending facilities meet the required setback requirements for main buildings in the zone.

SECTION 3- GENERAL PROVISIONS

3.1 Lot Sizes

3.1.1 No building or structure may be built, located or relocated, altered or replaced on a lot, unless the lot meets the requirements of this Section or requirements specified in individual zones.

3.1.2 Existing Undersized Lots

3.1.2.1 A building or structure may be erected, located or relocated, altered, or replaced on a lot that does not meet the provisions of this Section or provisions specified in individual zones if the following requirements are met:

- a) the lot was existing before this plan came into effect;
- b) the lot is serviced by an access as specified in this By-law;
- c) the zone allows the proposed development; and
- d) the development is approved by the appropriate provincial agencies concerning sewage systems or onsite septic.

3.1.2.2 Nothing in this by-law shall prevent the enlargement of an existing undersized lot, notwithstanding that it may still have less than the minimum frontage or area required by this By-law, provided that the contributing lot is not further reduced in area or frontage than the existing minimum requirement of this by-law.

3.1.3 Standards for Residential Uses in Serviced Areas

3.1.3.1 A minimum lot depth of 30m is required for all residential lots within serviced areas of the Planning Area.

3.1.3.2 Other than standards in the Community Centre (CC) Zone, the following lot standards apply for residential uses within serviced areas of the Planning Area:

Residential Use W=water; S=sewer	Min. Lot size	Min. Lot Width	Min. Front or flankage yard	Min. Side yard		Min. Rear yard	Max. Height	Max. Lot coverage
				Major	Minor			
Single-unit dwelling (W+S)	540 m ²	18 m	6 m	2.4 m	1.2 m	6 m	9 m	
Single-unit dwelling (S)	690 m ²	23 m	6 m	4.6 m	1.5 m	6 m	9 m	
Two-unit dwelling (W+S)	660 m ²	22 m	6 m	2.4 m	1.2 m	6 m	11 m	

Two-unit dwelling (S)	1022 m ²	27 m	6 m	4.6 m	1.5 m	6 m	11 m	50% (total gross ground floor area of all buildings & structures)
Semi-detached dwelling (W+S)	315 m ² /lot	10.5 m / lot	6 m	2.4 m	0 m	6 m	11 m	
Townhouse dwellings (W+S)	180 m ²	6 m / lot	6 m	2.4 m	0 m	6 m	11 m	
Multi-unit (3+ units) (W+S)	1272 m ² + 68 m ² / unit for each unit in excess of 3 units	32 m + 1.5m / unit for each unit in excess of 3 units	6 m	6 m	3 m	6 m	15 m	
Multi-unit (3+ units) (S)	1363 m ² + 102 m ² / unit in excess of 3	32 m + 1.5m / unit in excess of 3	6 m	6m	3 m	6 m	15 m	

3.1.3.3 Standards in the CC Zone

Notwithstanding Section 3.1, for lots within the CC zone, no main building or structure shall be placed, erected or altered to become a main building on a lot, unless the lot conforms to the following requirements for serviced lots:

Use	Min. Lot size	Min. Lot frontage	Min. front or flankage yard	Min. side or rear yard	Max. Height	Lot Coverage
Any use	540 m ²	18 m	1.5 m	0 m	15 m	100%

3.1.4 Standards for Residential Uses in Unserviced Areas

3.1.4.1 Where a lot is serviced by a private sewer system, the development must:

- a) have a minimum lot depth of 38m; and
- b) be approved by the appropriate provincial agencies and must meet the standards as set out in the following tables.

3.1.4.2 Uses in Residential Zones or-Infill Overlay Zone

Use	Min. Lot size	Min. Lot frontage	Min. Front yard	Min. Side yard	Min. Rear yard	Max. Height	Max. Lot coverage
Single-unit dwelling	4000 m ²	54 m	7.5 m	2.5 m	6 m	9 m	25%
Two-unit dwelling	5350 m ²	59 m	7.5 m	4.6 m	6 m	11 m	
Three-unit dwelling	6700 m ²	63 m	7.5 m	4.6 m	6 m	15 m	
Four-unit dwelling	8050 m ²	68 m	7.5 m	4.6 m	6 m	15 m	
Commercial, industrial, institutional	4000 m ²	54 m	7.5 m	4.6 m	6 m	15 m	33%

3.1.4.3 Uses in all other Unserviced Zones

Use	Min. Lot size	Min. Lot frontage	Min. Front or flankage yard	Min. Rear yard	Max. Height	Max. Lot coverage
Residential, commercial, industrial, or institutional	20,000 m ²	150 m	7.5 m	6 m	15 m	10%

3.2 Size of Dwellings and Dwelling Units

3.2.1 No dwelling may be placed, erected or altered so that it has a gross floor area less than 45 m².

3.2.2 For the purposes of this section, gross floor area or floor area does not include garages, carports, porches, or decks.

3.3 Placement of Buildings on a Lot

3.3.1 A building may be placed, erected or altered so that it is as close to the street line as:

- a) where there is a building on both sides and within 30 m thereof, the mean of the distance between the street line and the adjacent buildings;
- b) where there is a building within 30 m of one side only thereof, the mean of the front or flankage yard distance and the distance between the street line and the adjacent building.

3.3.2 All new main buildings on a public road, other than a road under the jurisdiction of a local government, require an access permit issued by the Province of New Brunswick.

3.3.3 No more than one main building containing one or more residential dwelling units may be placed or erected on a lot, and no building or structure may be altered to become a second main building containing a residential unit,

3.3.4 Notwithstanding 3.3.3, more than one main building for residential dwellings is permitted on a lot for:

- a) a Dwelling Group Zone,
- b) as a secondary use in the Agricultural Zone, or
- c) a cottage cluster.

In such cases, a site plan that shows the buildings meeting all other regulations must be prepared and submitted prior to issuance of a development permit.

3.4 Existing Buildings

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

- a) The enlargement, reconstruction, repair, or renovation does not further reduce the required yard that does not conform to this By-law; and
- b) all other applicable provisions of this By-law are satisfied.

3.5 Signs

3.5.1 Signs outside of Serviced Areas

3.5.1.1 Signs in all zones in the unserviced regions of the Planning Area shall be designed and located in accordance with the Highway Advertisements Regulation - *Highway Act*.

3.5.1.2 Signs within the Residential Tourism zone shall be subject to 3.5.2.

3.5.2 Signs within Serviceable Areas

3.5.2.1 Other than a traffic control device as defined in the *Highway Act*, a legal notice or a store window sign advertising goods for sale in the store, the location, dimensions, standards of

construction and purposes of public advertisement in the form of a sign is permitted only upon compliance with the requirements of this section.

3.5.2.2 No person may use land, a building or structure for the display of public advertisement in form of a sign within the Serviceable Areas of the Planning Area without first obtaining a permit.

3.5.2.3 Notwithstanding subsection 3.5.2.2, a person may place, erect or display a non-illuminated sign on any land, building or structure without obtaining a permit if the sign:

- a) advertises the sale, rental or lease of the land, building or structure and does not exceed 0.85m² in gross surface area;
- b) identifies by name the property or the residents of the property and does not exceed 0.75 m² in gross surface area;
- c) warns against trespass and does not exceed 0.45 m² in gross surface area;
- d) identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building or structure, no more than 4.6 m² but such sign shall be removed from the site within fourteen days after completion of the building or structure;
- e) menu boards associated with a drive-thru;
- f) announces a candidate for public office in a municipal, provincial or federal election, but such sign shall be removed from the site within fourteen days after the election;
- g) any real estate sign (non-illuminated) which has an area of not more than 0.75 m² in any residential zone or 2.2 m² in any other zone;
- h) any sign which has an area of not more than 0.75 m² and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas;
- i) is a portable sign;
- j) any flag, insignia, notice or advertising of any charitable, religious or fraternal organization; and
- k) any memorial sign, plaque or tablet.

3.5.2.4 No sign may

- a) create a hazard to public safety or health;
- b) for any reason, obstruct the vision of drivers leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets;
- c) obstruct free ingress to or egress from a fire escape door, window or other required exit;
- d) imitate a traffic control device or contain the words "stop", "go", "caution", "danger", "warning," or similar words arranged in such manner as to be construed as a traffic control device;

- e) incorporate a searchlight, spinner or streamer except for occasions such as grand openings, country fairs and public festivals, or used as temporary holiday decorations for a period not exceeding 30 calendar days;

3.5.2.5 Freestanding signs are permitted in all zones provided that no sign shall:

- a) exceed a limit of one sign per lot;
- b) exceed a maximum height of 6m;
- c) exceed a maximum size of 6m² in gross surface area for a single-business property and 9m² in gross surface area for a multiple-business property;
- d) notwithstanding 3.5.2.5a), exceed a maximum of one in number for every 30m of frontage;
- e) be located closer to any street line than 2 m within a Community Centre zone, otherwise 4.5 m;
- f) in the case of a corner lot, be located closer to the street line of intersection or intersecting streets than 4.5 m;
- g) in the case of a use secondary or accessory to a residential use, signage shall be regulated under that use; and
- h) extend beyond the street right-of-way line at the outermost point.

3.5.2.6 Projecting signs are permitted in the Community Centre (CC), Commercial-Industrial, or Residential Tourism (RT) zones, provided that no sign shall:

- a) exceed a maximum of 6m² in gross surface area;
- b) project more than 1m from the building wall and be at least 3 m from the ground
- c) project more than 30 cm above the roof of a building
- d) not project over property lines;
- e) not exceed one in number per business carried on therein.

3.5.2.7 Awnings shall be permitted in the Community Centre (CC) or Residential Tourism (RT) zone, provided that:

- a) an awning may extend over a public sidewalk if the lowest part is not less than 2.5 m above the sidewalk, the supporting structure does not rest on the sidewalk or street right-of-way and it does not project more than one half the width of the sidewalk;
- b) lettering shall be confined to the front facing portion of the awning; and
- c) valances on an awning shall not be more than 30 cm wide.

3.5.2.8 Fascia signs shall be permitted in all serviced areas, provided that:

- a) in residential zones, fascia signs shall be permitted in accordance with the permitted secondary or accessory uses;
- b) signs shall not exceed the length of the wall of the building upon which the sign is displayed;
- c) signs shall not project more than 23cm from the wall on which the sign is located; and

- d) signs be limited to a height not exceeding 1.5 m.

3.6 Telecommunication Uses

3.6.1 Telecommunication uses are permitted in any zone as of right. Telecommunication equipment shall be reviewed through the Antenna Siting Protocol adopted by the Southeast Regional Service Commission.

3.7 Enclosures for Swimming Pools

3.7.1 No land shall be used for the purpose of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, at least 1.5 m in height and meeting the requirements of this section.

3.7.2 Where a portion of a wall of a building forms part of an enclosure mentioned in Section 3.7.1:

- a) no main or service entrance to the building shall be located therein; and
- b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.3 m above the bottom of the door.

3.7.3 An enclosure mentioned in Section 3.7.1 shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

3.7.4 A fence mentioned in Section 3.7.1:

- a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or of other materials;
- b) shall not be electrified or incorporate barbed wire or other dangerous material;
- c) shall not exceed 2.5m in height;
- d) shall be located at least:
 - i. 1.2 m from the edge of the swimming pool, and
 - ii. 1.2 m from any condition that would facilitate its being climbed from the outside;
 - iii. 1.0 m back from the side or rear yard line when the enclosure is higher than 2.0 m; and
 - iv. So that the bottom of the fence be elevated by no more than 10cm above grade.

3.7.5 A fence under this section shall be designed and constructed:

- a) in the case of a fence made of chain links, with
 - i. no greater than 4-centimetre diamond mesh,
 - ii. steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and

- iii. at least 4-centimetre diameter steel posts, set below frost and spaced not more than 3 m apart, with a top horizontal rail of at least 4-centimetre diameter steel;
- b) in the case of a fence made of wood, with
- i. vertical boarding, not less than 2.5 centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
 - ii. supporting posts at least 20 centimetres square or round with 10-centimetre diameters, set below frost and spaced not more than 2.5 m apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with dimensions of at least a width of 5 centim and a height of 15 centimetres; and
- c) in the case of a fence constructed with materials and in a manner other than described in this subsection, the fence shall be constructed in a manner that will ensure rigidity equal to the design and construction prescribed by this subsection.

3.7.6 Gates forming part of an enclosure mentioned in Section 3.7.1:

- a) shall be equivalent to the fence in content, manner of construction and height;
- b) shall be supported on substantial hinges; and
- c) shall be self-closing and equipped with a self-latching device at least 1.6 m above the bottom of the gate.

3.7.7. The walls of an above ground swimming pool may form part of the enclosure if:

- i. the vertical walls of an above ground pool are at least 1.5 m (5 feet) in height and do not possess any horizontal members that may facilitate climbing, and
- ii. the ladder area, or deck, which provides access to the above ground pool, is enclosed by a gated enclosure which complies with the requirements for enclosures set out in this By-law.

3.8 Parking

3.8.1 Adequate parking must be provided onsite for permitted uses as outlined in the chart below. Where the total required spaces for any use is not a whole number, the total spaces required shall be the next largest whole number:

USE	MINIMUM PARKING REQUIREMENT
Any dwelling (except as specified below)	1 space per dwelling unit
Multiple-unit dwelling	1 space per dwelling unit

Tourist accommodations (cottage, hotel, motel, inn, campground, B&B)	1 space per unit
Retail, service shops, and restaurants	4 spaces per 93 m ² gross floor area
Banks and offices	3 spaces per 93 m ² gross floor area
Institutional uses (hospitals, schools, funeral homes, day cares, residential care facilities, etc.)	1 space per 10 m ² gross floor area
Warehouses, general industrial	2 spaces per 93 m ²
Any use not specified above	1 space per 31 m ² of gross floor area or as per provincial regulation (whichever is more stringent shall prevail)

3.8.2 Individual parking spaces shall:

- a) have minimum dimensions of 2.8 m by 5.5 m, exclusive of driveways;
- b) shall be readily accessible from a public street; and
- c) located on the lot containing the use for which the spaces are provided, except as provided in 3.8.4

3.8.3 Mobility parking shall be:

- a) provided based on the Barrier Free Design Building Code Regulation;
- b) located as close as possible to the location it is intended to serve; and
- c) clearly identified by a ground sign and a permanently affixed freestanding sign.

3.8.4 Where a parking lot for more than four vehicles is required within a Serviceable Area, the following standards shall apply:

- a) the parking lot shall be maintained with a hardened surface;
- b) lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings;
- c) required parking shall be located on the within 150m of the main use;
- d) the location of approaches or driveways to the parking lot shall be no closer than 15.2 m from the limits of the right-of-way at a street intersection;
- e) entrance and exit ramps to the parking lot shall not exceed two in number and each ramp shall be a width of 7.6 m at the street line and edge of pavement;
- f) the width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of 3.5 m for one-way traffic and a minimum width of 6.7 m for two-way traffic; the maximum width of a driveway shall be 7.6 m; and

3.8.5 In any parking lot for the use of a multiple-unit dwelling, hotel, motel, inn, or cottage cluster containing more than four (4) units, vehicles shall be screened from adjacent residential uses and from a public or private street in the form of fence 1.5m – 2m in height, or 1.5 m height of natural screening, and so located as not to conflict with any sight triangle requirements.

3.8.6 Notwithstanding the provisions of Section 3.8.4, an exemption to off-street parking requirements is given to businesses located in the Community Centre (CC) Zone that do not provide seating for the service of food or drink to customers.

3.8.7 No parking spaces for a multi-unit, commercial or institutional use shall be located closer than 3m from a lot line of any property occupied by a single-unit or two-unit dwelling, except where an opaque fence or natural physical barrier (hedge, coniferous trees, etc.) is provided, in which case no parking spaces shall be located within 1 metre of the adjoining property.

3.9 Home Occupations

3.9.1 In addition to all other requirements, the following shall apply to home occupations:

- a) No more than one person is engaged in the home occupation in addition to individuals residing in the dwelling unit in which the home occupation is carried out;
- b) The home occupation shall provide adequate space for one additional off-street parking space on the premises;
- c) No change, except for a non-illuminated sign which shall not exceed 0.75m² in gross surface area, may be made to the outside appearance of the dwelling unit.
- d) No goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit; and
- e) Any storage of materials associated with the home occupation shall be located in the rear yard and shall be screened from the road and neighbouring properties by an opaque fence no greater than 2 m in height or by a natural buffer containing trees and/or shrubs that are a minimum of 2 m in height.

3.9.2 Home-based Businesses

- a) Home based businesses shall occupy no more than 35 percent of the gross floor area of the dwelling unit while maintaining the minimum dwelling floor area as per the National Building Code.

3.9.3 Home Industries

Home industries may occupy the entirety of an accessory building provided the accessory building:

- a) is not located in the required front yard setback;
- b) is a maximum 160 m² in area.

3.9.4 A vehicle repair shop may be considered a home industry:

- a) if it is located in a zone other than a Residential zone; and
- b) provided that vehicle fluids be stored and disposed of in compliance with all provincial regulations.

3.10 Development in Agricultural Areas

3.10.1 New dwellings must be set back a minimum of 15 m from the property line of an adjacent property zoned as Agriculture.

3.10.2 Livestock facilities

- a) All new livestock facilities must receive a site plan determination from the provincial Registrar of Livestock Operations prior to issuance of a development permit.
- b) All new livestock facilities that are determined to be exempt from the *Livestock Operations Act* shall be set back no less than 20 m from any lot line.

3.11 Energy Systems

3.11.1 Where an energy system is a permitted use, the following provisions shall apply:

- a) Domestic wind turbines shall be set back a minimum of 1.5 times the turbine height from any road, public right-of-way and the property boundary.
- b) Commercial wind turbines shall be set back a minimum of 550 m from an existing dwelling.
- c) Where any of the requirements of this Section conflict, the higher or more stringent requirement shall prevail.

3.12 Camps

3.12.1 A camp must be setback a minimum distance of 30 m from a public road.

3.13 Kennels

3.13.1 Kennels

- a) The lot used for a kennel shall be a minimum of 4000 m² in area.
- b) No shelter, building or structure used to accommodate animals shall be located in the required front yard.

3.14 Development near Wetlands, Watercourses, and Wellfields

3.14.1 In all zones, no main building or structure shall be located within 30m of a wetland or watercourse.

3.14.2 Passive recreational uses such as trails and parks, including associated signage, shall be permitted within the required 30m subject to a Watercourse and Wetland Alteration Permit issued under the *Clean Water Act*.

3.14.3 If it can be demonstrated through ground-truthing by a professional trained in wetland and watercourse delineation that the waterbody mapping is inaccurate, development may be permitted as per Policy 11.1 and subject to all other zoning provisions for that zone.

3.15 Campgrounds

3.15.1 New campgrounds and expansions to existing campgrounds may be permitted through a conditional use subject to terms and conditions which may include, but are not limited to:

- a) Establishment of at least one access suitable to accommodate emergency vehicles;
- b) Entrances and exits for vehicles are designed in such a way as to minimize any conflict between vehicles and pedestrians and to not interfere with traffic flow on roadways or pathways;
- c) Establishment and maintenance of buffers, whether natural or artificial, between the development and adjacent properties;
- d) Preservation of the natural state of the site by minimizing the removal of trees and disturbance of soil;
- e) Meeting all the necessary requirements in terms of public health and safety, and the outdoor development meets all considerations related to fire protection and access; and
- f) Provision of proof of Environmental Impact Assessment (EIA) approval or exemption.

3.16 Salvage Yards

3.16.1 All salvage yards shall be required to meet the following requirements:

- a) Fencing:
 - i. A fence must be 3.0 m in height and opaque in order to restrict view from public roads and neighbouring residences;
 - ii. Fences and gates shall be constructed in a manner that impedes visibility from offsite; and
 - iii. Fences shall be located a minimum of 2.0 m from any lot line.

- b) A salvage yard excluding associated buildings shall be set back:
 - i. 100 m from any street; and
 - ii. 100 m from any watercourse or wetland.

3.17 Commercial Use Standards

3.17.1 In zones where commercial uses are limited to light commercial, the following standards shall apply:

- a) a maximum of five vehicles may be displayed for sale;
- b) light commercial uses are limited to a maximum gross floor area of 500 m².

3.17.2 The following standards shall apply to all commercial and industrial main uses regardless of the zone:

- a) Where any parking lot abuts a residential use, a 2m tall opaque fence or other visual and physical barrier, including the planting of trees, is required;
- b) Outdoor storage related to the main use shall be located in the rear yard and shall be screened from adjacent residential uses with a 2m tall opaque fence; no material shall be piled higher than the height of the surrounding fence.
- c) Exterior lighting shall be constructed or positioned as to illuminate only the areas necessary and not be directed toward adjacent lots.

3.18 Accessory Dwelling Units

3.18.1 On a lot with a single-unit dwelling as a main use, an accessory dwelling unit shall be permitted provided that:

- a) When contained within the dwelling:
 - i. does not exceed the lesser of 35% of the dwelling's gross floor area or 80 m²; and
 - ii. it is completely self-contained, including provisions for cooking, sleeping and bathing.
- b) When contained in a separate structure, it shall:
 - i. be connected to public sewer and water;
 - ii. not be located closer than 1.2 m of any side or rear lot line;
 - iii. not exceed 6 m in height;
 - iv. not exceed 75 m² of gross floor area;
 - v. be located in the rear or side yard.

3.19 Accessory Uses, Buildings and Structures

3.19.1 Accessory uses, buildings and structures may be permitted in any zone but shall not:

- a) be built in the required front or flankage yard;
- b) in the Serviceable Areas, buildings or structures which are accessory to residential uses shall not be located closer to any side or rear lot line than 1 m;
- c) notwithstanding b), a fence may be placed on a common property line;
- d) boat docks may be built to the lot line when the line corresponds to the high-water mark;
- e) in a Rural zone, be built closer to any side or rear lot line than 2.4 m or one half (1/2) the height of such building or structure, whichever is the greater;
- f) exceed 6 m in height in a Serviceable Area;
- g) exceed 6 m in height in any residential zone; and
- h) exceed 84 m² in the Serviceable Area.

3.19.2 A sea can or shipping container may be used as an accessory building outside the Serviceable Areas of the Planning Area provided that:

- a) it is located in the rear yard; and
- b) it meets required setbacks for accessory buildings as per Section 3.19.1.

3.20 Sight Triangle

On a corner lot a fence, sign, hedge, shrub, bush or tree or any other structure or building shall not be erected or permitted to grow to a height 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 6 m from their point of intersection.

3.21 Permitted Encroachments

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- a) Walkways, wheelchair ramps, lifting devices or steps may be located in any yard to provide access to the first storey entrance;
- b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features, provided that no such structure or feature shall project more than 0.6 m into any required yard;
- c) Window bays and solar collectors may be permitted to project not more than 0.9 m from the main wall into a required front, rear or flankage yard; and
- d) Exterior staircases, balconies, unenclosed porches, verandas and decks shall be permitted to project a maximum of 2 m into any required front, rear or flankage yard.

3.22 Fences and Screening

3.22.1 A fence may be placed or located in a yard with the following conditions:

- a) No fence located within the sight triangle or front or flankage yard shall exceed 1 metre in height unless it is a security fence of chain link construction;
- b) No fence in a residential zone shall exceed 2.5m in height;
- c) Fences may not be made from material likely to harm people, such as barbed wires;
- d) Fences shall not exceed 3m in height in any other zone;
- e) Agricultural uses are excluded from these fencing provisions.

3.22.2 Screening Between Uses

Where a single-unit dwelling exists, the construction of, addition to, or change of use to an adjacent multiple-unit dwelling, institutional use, commercial use, or fisheries use shall require screening, such as a natural hedge a minimum of 2 m in width, opaque fence, or a combination thereof, which is provided and maintained along the common property lines between the new use and the existing single-unit dwelling.

3.23 Residential Development Near a Lagoon or Treatment Plant

Notwithstanding any other provision of this By-Law, no dwelling may be located within 100 m of a sewage lagoon or treatment plant.

3.24 Landscaping Requirements

3.24.1 In any zone, the owner of a lot developed for residential, institutional, or commercial purposes shall landscape:

- a) the front yard of the main building;
- b) the required yards that abut a street;
- c) the rear and side yards within 4.5 m of any main building thereon; and

3.24.2 In any serviced area, the owner of a lot developed for multi-unit residential, commercial, institutional purposes shall comply with the following requirements:

- a) In the case of driveways and off-street parking areas, the area consists of a hard stable surface;
- b) In the case of that part of the lot not subject to the operation of subsection (b), the area is landscaped.

3.26 Recreational Vehicles and Outdoor Storage

Notwithstanding any other provisions in this Regulation,

- a) Outdoor storage of a fishing or recreational boat, professional fishing gear, or a recreational vehicle is permitted by the owner of said items on the land containing his/her residence;
 - i. In a serviced area, the storage of items in subsection a) is not permitted in the front yard of the main building;
- b) Other than in a campground, the use of a recreational vehicle as a temporary seasonal residence is permitted in the Rural Area (RA) zone in unserviced areas

3.27 Multiple Uses

In any zone, where any land or building is used for more than one use, all provisions of this By-law relating to each use shall be satisfied, except as otherwise provided.

3.28 Bed and Breakfasts

A bed and breakfast shall comply with the following requirements:

- a) The use shall be conducted within the main single-unit dwelling;
- b) No cooking equipment shall be provided in a room that is used for sleeping accommodation;
- c) No sign in connection with the use shall exceed 2.0m² in area nor exceed one in number; and
- d) Parking shall be provided on-site

SECTION 4 – ZONES

4.1 Residential Zones

4.1.1 Residential Low Density (RLD) Zone

In a Residential Low Density (RLD) Zone, any land, building, or structure may be used for the purpose of:

- a) One of the following main uses:
 - i. A single, two-unit, or semi-detached dwelling
 - ii. Parks, trails, and playgrounds
- b) One of the following main uses subject to terms and conditions:
 - i. Residential care uses
- c) One or more of the following secondary uses in conjunction with a single-unit dwelling:
 - i. Home-based business subject to Section 3.9.1
 - ii. An accessory dwelling unit subject to Section 3.18
 - iii. Bed and breakfast subject to 3.28
- d) any building, structure or use accessory to a permitted main or secondary use.

4.1.2 Residential Mixed Density (RMD) Zone

In a Residential Mixed Density (RMD) Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. A single or two-unit dwelling
 - ii. A semi-detached dwelling
 - iii. Townhouses
 - iv. Multi-unit dwellings
 - v. Institutional uses
 - vi. Parks, trails and playgrounds
 - vii. Shared housing use
- b) One or more of the following secondary uses in conjunction with a single-unit dwelling:
 - i. Home-based business, subject to Section 3.9.1
 - ii. An accessory dwelling unit subject to Section 3.18

iii. Bed and Breakfast subject to 3.28

c) any building, structure or use accessory to a permitted main or secondary use.

4.1.3 Residential Tourism (RT) Zone

In a Residential Tourism (RT) Zone, any land, building, or structure may be used for the purpose of:

a) One of the following main uses:

- i. Residential uses subject to 3.1
- ii. Art gallery, craft or gift store
- iii. Parks, playgrounds, and trails
- iv. Shared housing use

b) The following main uses subject to terms and conditions:

- i. Cottage cluster
- ii. Hotel, motel or inn
- iii. Institutional use

c) One or more of the following secondary uses in conjunction with a single-unit dwelling:

- i. Home occupation, subject to 3.9
- ii. Accessory dwelling units, subject to 3.18
- iii. Bed and Breakfast, subject to 3.28
- iv. Restaurant

d) any building, structure or use, accessory to a permitted main or secondary use.

4.1.4 Rural Residential (RR) Zone

In a Rural Residential (RR) Zone, any land, building, or structure may be used for the purpose of:

a) One or more of the following main uses:

- i. A residential use subject to Section 3.1
- ii. A mini home
- iii. Shared housing use
- iv. A park, playground or trails

b) The following main uses subject to terms and conditions:

- i. Institutional uses

c) One or more of the following secondary uses in conjunction with a single-unit dwelling:

- i. Home occupation subject to Section 3.9
 - ii. An accessory dwelling unit subject to Section 3.18
 - iii. Bed and breakfast subject to 3.28
- d) One or several buildings, structures, or accessory uses related to the main use of the land, building, or structure.

4.1.5 Dwelling Group (DG) Zone

4.1.5.1 In a Dwelling Group Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Residential uses subject to Section 3.1
 - ii. Park, playground or passive recreation use
 - iii. Institutional uses
 - iv. Light commercial uses subject to Section 3.17
 - v. A mini home park subject to Section 4.1.5.3
 - vi. Recreation uses
- b) One or more of the following secondary uses:
 - i. A home occupation subject to Section 3.9
 - ii. An accessory dwelling unit subject to Section 3.18
- c) One or more buildings, structures, or accessory uses related to the main use of the land, building, or structure.

4.1.5.2 Any developments within the Dwelling Group Zone are subject to the following terms and conditions:

- a) all onsite maintenance (e.g., garbage collection, snow removal) and infrastructure (e.g., accesses, fire hydrants) are the responsibility of the property owner(s);
- b) all condominium developments must be registered under the *New Brunswick Condominium Act*;
- c) all development must follow the National Building Code fire safety setbacks; and
- d) the approval of the local fire chief must be obtained regarding access for emergency vehicles.

4.1.5.3 Further, a Mini Home Park in the Dwelling Group Zone shall meet the following requirements:

- a) a park shall be serviced by an internal roadway system having a width of at least 12 m;

- b) a park shall be serviced by common water and sewer facilities approved by appropriate provincial agencies;
- c) all spaces shall:
 - i. have and contain a width and area of at least 12 m and an area of 375 m², respectively,
 - ii. abut the internal roadway system,
 - iii. include parking for at least one vehicle
- d) no mini home shall be located within:
 - i. 3 m of the internal roadway system,
 - ii. 7.5 m of a boundary of the park, or of a service building within it,
 - iii. 7.5 m of another mini home, except that, when two of them are placed end to end on adjoining spaces, this distance may be reduced to 4 m, or
- e) all service buildings shall be permanent structures complying with the National Building Code of Canada, in effect at the time of this by-law.

4.2 Commercial Zones

4.2.1 Community Centre (CC) Zone

4.2.1.1 In a Community Centre (CC) Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Retail use
 - ii. Restaurant
 - iii. Micro-brewery or micro-distillery;
 - iv. Office use
 - v. Institutional use
 - vi. Recreation use
 - vii. Service shop
 - viii. Existing fisheries and agriculture uses
 - ix. Residential tourism use
 - x. Hotel, motel, inn, cabin cluster
 - xi. Shared housing use
 - xii. Single-unit dwelling
 - xiii. Semi-detached or duplex dwelling
 - xiv. Park, playground or trail
- b) One or more of the following main uses subject to terms and conditions:
 - i. Townhouse, and multi-unit dwelling
 - ii. Service station
 - iii. Automobile sales lot

- iv. Warehousing or storage
 - v. Landscaping or construction business
- c) Secondary dwelling units in a commercial building provided that:
- i. they are contained within the main building constituting the commercial use; and
 - ii. they are located above, behind or below the permitted commercial use which is at street level.
- d) One or more of the following secondary uses in conjunction with a single-unit dwelling:
- i. Home occupation, subject to 3.9
 - ii. Accessory dwelling units, subject to 3.18
- e) One or several accessory buildings, structures, or uses related to the main use of the land, building, or structure.

4.2.1.2 CC Zone Additional Requirements

In the case of commercial or institutional uses or multiple-unit dwellings, hotels, motels, inns or cabin clusters containing more than four (4) units, in this zone, no portion of any lot in a Commercial Centre Zone shall be used for the collection or storage of refuse unless the refuse is stored in a refuse container and the refuse container is screened by an opaque fence or similar structure.

4.2.2 Commercial-Industrial (CI) Zone

In a Commercial-Industrial Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
- i. Resource-related use
 - ii. Agricultural uses subject to Section 3.10
 - iii. Aquaculture uses or fisheries use
 - iv. Wind turbines subject to Section 3.11
 - v. A camp subject to Section 3.12
 - vi. A kennel subject to Section 3.13
 - vii. A salvage yard subject to Section 3.16
 - viii. Light commercial use subject to Section 3.17
 - ix. Institutional use
 - x. Recreation use
 - xi. Entertainment use;

- xii. An indoor cannabis production facility
 - xiii. A residential use subject to Section 3.1
 - xiv. A mini home
- b) One or more of the following main uses, subject to terms and conditions:
- i. A campground, subject to 3.15
 - ii. Intensive commercial uses
 - iii. Light industrial uses
- c) One or more of the following secondary uses in conjunction with a single-unit dwelling:
- i. A home occupation subject to Section 3.9
 - ii. An accessory dwelling unit subject to Section 3.18
- e) One or several buildings, structures, or accessory uses related to the main use of the land, building, or structure;

4.3 Rural Zones

4.3.1 Rural Area (RA) Zone

In a Rural Area zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
- i. Agricultural use subject to Subsection 3.10
 - ii. Aquaculture or fisheries use
 - iii. Forestry use
 - iv. Resource-related use
 - v. A tourism use including a cottage cluster
 - vi. Recreation use
 - vii. Wind turbines subject to Section 3.11
 - viii. A residential use subject to Section 3.1
 - ix. A mini home
 - x. Institutional use
 - xi. A camp, cottage or cabin subject to Section 3.12
 - xii. A kennel subject to Section 3.13
 - xiii. Light commercial use subject to Section 3.17
 - xiv. Outdoor cannabis production
- b) One or more of the following main uses, subject to terms and conditions:

- i. A campground subject to Section 3.15
- c) One or more of the following secondary uses in conjunction with a single unit dwelling:
 - i. A home occupation subject to Section 3.9;
 - ii. An accessory dwelling unit subject to Section 3.18
 - iii. Bed and Breakfast subject to 3.28
- d) One or several buildings, structures, or accessory uses related to the main use of the land, building, or structure.

4.3.2 Resource Development (RD) Zone

4.3.2.1. In a Resource Development Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Resource-related use
 - ii. Resource extraction subject to Sections 4.3.2.2
 - iii. Recreation use
 - iv. Institutional use
 - v. Agricultural uses subject to Subsection 3.10
 - vi. Aquaculture or fisheries use
 - vii. Wind turbines subject to Section 3.11
 - viii. A camp subject to Section 3.12
 - ix. A light commercial use subject to Section 3.17
 - x. A residential use subject to Section 3.1
- b) One or more of the following main uses, subject to terms and conditions:
 - i. A campground subject to Section 3.15
- c) One or more of the following secondary uses:
 - i. Mobile asphalt plant as a secondary use to a resource extraction use
 - ii. A home occupation subject to Section 3.9
 - iii. An accessory dwelling unit subject to Section 3.18
- d) One or more buildings, structures or accessory uses related to the main use of the land, building or structure.

4.3.2.2 All pits and site plans must meet the following standards:

- a) No extraction shall be undertaken:

- i. Within 30 m of any hydrographic source;
- ii. Below the groundwater table;
- b) The extraction site shall be of a minimum distance of 30 m from the property limits, 100 m from the street, and 150 m from any existing dwelling;
- c) The operator shall keep the access routes and streets free of dust while transporting the materials;
- d) The main entrances to the site shall have a barrier to control access to the site;
- e) For public safety, signs shall be placed at each entrance (main entrance, secondary entrance, tracks and/or trails, etc.) bearing the word "Danger", the nature of the operation and a no trespassing. Fencing may be required around part, or all of the site or pit extraction area;
- f) The operation shall maintain safety slopes at 35% or less, unless it is demonstrated that the ground can be stabilized in such a way as to prevent landslides and erosion;
- g) All surface water shall either be contained within the site limits, or pass through a sedimentation basin before running outside site limits.

4.3.3 Intensive Resource Development (IRD) Zone

4.3.3.1 In an Intensive Resource Development Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Resource-related uses
 - ii. Resource extraction subject to Section 4.4.2
 - iii. A quarry
 - iv. Recreation uses
 - v. Agricultural uses subject to Subsection 3.10
 - vi. Aquaculture and fisheries use
 - vii. Wind turbines subject to Section 3.11
 - viii. A camp subject to Section 3.12
 - ix. A salvage yard subject to Section 3.16
 - x. Commercial uses subject to Section 3.17
 - xi. Light industrial use
 - xii. A water bottling operation
 - xiii. An asphalt plant
 - xiv. An abattoir
 - xv. A landfill
- b) One or more of the following main uses, subject to terms and conditions:
 - i. A campground subject to Section 3.15

- c) One or more buildings, structures or accessory uses related to the main use of the land, building or structure.

4.3.4 Agricultural (A) Zone

In an Agricultural Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Agricultural use subject to Subsection 3.10
 - ii. Aquaculture use
 - iii. Recreational use
 - iv. Institutional use
 - v. Wind turbines subject to Section 3.11
 - vi. A kennel subject to Section 3.13
 - vii. Residential use subject to Section 3.1
 - viii. Mini home
 - ix. A camp subject to Section 3.12
 - x. Public works associated with flood control
- b) One or more of the following secondary uses:
 - i. A home occupation subject to Section 3.9
 - ii. A light commercial use subject to Section 3.17
 - iii. An accessory dwelling unit subject to Section 3.18
 - iv. A campground subject to Section 3.15
 - v. An abattoir that is secondary to an agricultural use
 - vi. Residential buildings secondary to an agricultural use subject to terms and conditions.
- c) One or several buildings, structures or accessory uses related to the main use of the land, building or structure.

4.4 Environmental Zones

4.4.1 Conservation (CONS) Zone

In a Conservation Zone, any land, building, or structure may be used for the purpose of:

- a) One or several of the following main uses:
 - i. Passive recreation uses;

- ii. Passive agricultural uses that do not include permanent buildings or structures;
- iii. Conservation areas and open space for natural, aesthetic or scientific interest, including interpretative uses or displays,
- iv. Public works associated with flood control, sewage treatment, or other similar uses,
- v. Boat launching areas, wharves and marinas
- vi. Flood control and Natural drainage corridors
- vii. Construct and/or operate intake structures and conveyance works associated with a commercial aquaculture facility and for the purposes of this By-law includes a hatchery;

b) The following secondary use:

- i. An office or interpretation centre incidental to an environmental conservation use.

4.4.2 Water Protection (WP) Zone

4.4.2.1 Uses permitted in this section are subject to the *Clean Water Act* and any by-law thereunder, more particularly, the Watershed Protected Area Designation Order and the Wellfield Protection Designation Order.

4.4.2.2 In a Water Protection (WP) Zone, any land, building or structure may be used for the purposes of, and for no other purpose than,

- a) One or more of the following main uses, subject to the *Clean Water Act*:
 - i. Any use permitted in the RA Zone as per Section 4.3.1
- b) One or more of the following secondary uses in conjunction with a single unit dwelling, subject to the *Clean Water Act*:
 - i. A home occupation subject to Section 3.9;
 - ii. An accessory dwelling unit subject to Section 3.18
 - iii. Bed and Breakfast subject to 3.28

4.4.3 Sea Level Rise (SLR) Overlay Zone

4.4.3.1 The Sea Level Rise Overlay Zone is intended to:

- a) Promote sustainable development based on the precautionary principle;
- b) Anticipate, prevent and work against the deterioration of the coastal environment;
- c) Prevent serious and irreversible damages to the environment as well as to residents and their property;

- d) Permit only developments that demonstrate an adaptation to the effects of sea level rise and storm surges in flood risk zones;
- e) Establish minimal requirements for the prevention of the deterioration of the environment.

4.4.3.2 The permitted uses in the Sea Level Rise Overlay Zone shall be any use permitted in the underlying zone.

4.4.3.3 No main building may be erected, constructed or modified in a SLR zone unless it meets the following minimal requirements:

- a) In the case of a new building:
 - i. The minimal elevation of the habitable part shall be established in conformity with the sea level rise overlay zone section table on Schedule A and;
 - ii. Any permit request must be accompanied by:
 - (1) A plan prepared by a licensed surveyor that demonstrates the elevation of the habitable part of the building;
 - (2) A plan demonstrating the flood proofing of all electrical, mechanical and plumbing by design for the area below the required elevation;
- b) In the case of an existing building:
 - i. The building may be expanded after the adoption of this By-law if:
 - (1) It does not reduce the existing elevation of the building;
 - (2) It does not increase the non-adapted habitable portion of the building by the lesser of 25% or 23.2 m². A larger non-adapted expansion necessitates full adaptation in conformity with the sea level rise overlay zone section table on Schedule A;
 - ii. A non-adapted expansion is limited to one per main building; and
 - iii. The landowner signs a waiver acknowledging the risks associated with non-adapted development in the sea level rise overlay zone.

4.4.3.4 Section 4.4.3.3 does not apply to accessory structures, water-dependent uses, open space uses or temporary uses permitted under this By-law.

4.5 Other Zones

4.5.1 Integrated Development (ID) Zone

A proposal considered to be an Integrated Development is subject to Sections 58 and 59 of the *Act*.

4.5.2 Infill (IF) Overlay Zone

4.5.2.1 The purpose of the Infill Overlay Zone is to identify areas within 75 m of the public right of way where smaller lot sizes for residential uses may be accommodated.

4.5.2.2 The permitted uses in the Infill Overlay Zone shall be any use permitted in the underlying zone.