

Municipality of Grand Lake

RURAL PLAN

BY-LAW NO. 12

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Prepared by the Capital Region Service Commission

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## Schedules

Schedule A

Municipality of Grand Lake Zoning Map

## By-law No. 12

### Part A: Background

#### 1 Introduction

The Municipality of Grand Lake is composed of seven separate communities, in whole or in part, that were amalgamated and incorporated on January 1, 2023. The new Municipality covers the areas previously known as the Village of Minto, the Village of Chipman, the Local Service District of Chipman, and portions of the Local Service Districts of Northfield, Canning, Sheffield, and Harcourt. Prior to amalgamation, there were four separate rural plans in effect in the area that would become the Municipality of Grand Lake, as well as a large amount of unplanned area. By-law No. 12 will cover the entirety of the Municipality, bringing everyone under the same land use by-law to provide a uniform direction for how the Municipality would like to develop.

The intent of this Rural Plan is not to strictly regulate the Municipality, but to provide a sensible plan that meets all requirements of the *Community Planning Act* and that provides a forum to discuss major change, but which allows the typical building and development to continue as it has throughout the history of the Community.

This plan has been prepared by staff of the Capital Region Service Commission Planning and Development Division and is the product of consultations with members of the Municipal Council and with members of the general public, who attended open houses or volunteered to sit on the Working Group.

#### 1.1 Adoption of Plan

1.1.1 The *Municipality of Grand Lake Rural Plan* contained in this by-law is hereby adopted for the Municipality of Grand Lake, under section 33 of the *Community Planning Act*.

#### 1.2 Title

1.2.1 This by-law may be cited as the “Municipality of Grand Lake Rural Plan”.

#### 1.3 Area of Coverage

1.3.1 The area of land laying within the territorial limits of the Municipality of Grand Lake, as described in *Regulation 2022-50* (Section 49) under the *Local Governance Act* and as shown on the map attached as Schedule A, titled “Municipality of Grand Lake Zoning Map” is designated for the purpose of the adoption of a rural plan and is the area over which this by-law applies.

#### 1.4 Repeal

1.4.1 The following by-laws and regulations or portions of by-laws and regulations that regulate land within the Municipality of Grand Lake are hereby repealed:

- a. The Village of Minto Rural Plan By-law No. 149 and any amendments thereto;
- b. The Village of Chipman Rural Plan By-law No. 67 and any amendments thereto;

- c. The Canning Local Service District Rural Plan Regulation – *Community Planning Act* (11-CAN-026-00) and any amendments thereto; and
- d. The Harcourt Local Service District Rural Plan Regulation – *Community Planning Act* (17-HAR-054-00) and any amendments thereto.

1.4.2 Notwithstanding the repeal of the By-laws and Regulations detailed in section 1.4.1,

- a. Section 59 Terms and Conditions, pursuant to the *Community Planning Act*, which have been registered prior to the coming into force of this By-law shall remain in force;
- b. Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.

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## Part B: Objectives, Policies, and Proposals

### 2 Purpose and Objectives of the Rural Plan

#### 2.1 Purpose

2.1.1 Land use planning is a tool that helps a community to decide in which ways it should remain the same and in which ways it should be altered. The resulting rural plan contains policies, proposals, and zoning provisions for various land uses within the community. Policies state what the community wants to do, and they guide government in the management of land use. Proposals back up a policy and offer insight into potential actions or projects which may make a policy a reality. General and zoning provisions are tools for implementation and enforcement which serve by way of limitation, condition, or stipulation.

#### 2.2 Objectives

2.2.1 The objectives of the *Municipality of Grand Lake Rural Plan* reflect the community's aspirations for the future development of the area. The objectives provide a reference for those who administer and enforce the rural plan to use when making land use decisions. The objectives of the rural plan are as follows:

- (a) To maintain the quality of all water sources and the biodiversity of Grand Lake and all other water features;
- (b) To encourage sustainable development methods in order to protect and mitigate negative impacts to the natural environment;
- (c) To encourage compatible uses of land while protecting the resource base and preserving the quality of life;
- (d) To direct commercial and industrial uses which provide local employment opportunities to develop in appropriate locations; and
- (e) To allow a range of housing options, including affordable housing, to accommodate current citizens and to encourage new residents to move to the Municipality.

### **3 Residential Uses**

#### **3.1 Policies**

- 3.1.1 It is a policy to facilitate greater flexibility in housing choice to appeal to changing housing needs.
- 3.1.2 It is a policy to minimize the impact of residential development upon natural features and resource areas.
- 3.1.3 It is a policy to permit home occupations to diversify the local economic base, subject to appropriate controls.
- 3.1.4 It is a policy to establish the Rural zone to accommodate a mix of residential and non-residential uses on larger lots throughout the community and to provide for appropriate secondary and accessory uses on those lots.
- 3.1.5 It is a policy to establish a Rural Residential zone. The zone shall provide for residences on smaller lots than the Rural zone and provide for appropriate secondary and accessory uses on those lots.
- 3.1.6 It is a policy to establish a Residential Leased Land Community zone. The zone shall provide for groups of dwellings that are managed as a community.

#### **3.2 Proposals**

- 3.2.1 It is proposed to encourage that large residential subdivisions be located upon lands serviced by the public sewage collection system.
- 3.2.2 It is proposed that residential development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes and wetlands.
- 3.2.3 It is proposed to allow small scale agriculture within residential areas, subject to appropriate controls.

### **4 Housing, Including Affordable Housing and Rental Housing**

#### **4.1 Policies**

- 4.1.1 It is a policy to permit secondary suites and accessory dwelling units in conjunction with residential uses to support the development of affordable and diverse neighbourhoods.
- 4.1.2 It is a policy to encourage infill development to promote compact residential development.

#### **4.2 Proposals**

- 4.2.1 It is proposed that residential needs of disabled persons, seniors, and those of low income be met through the approved use of supportive care facilities, accessory dwelling units, and by permitting a variety of residential uses in appropriate zones.

## **5 Commercial and Industrial Uses**

### **5.1 Policies**

- 5.1.1 It is a policy to encourage commercial development that provides local employment opportunities and provides access to goods and services.
- 5.1.2 It is a policy to minimize negative impacts of commercial and industrial development on adjacent land uses, resource lands, and the environment.
- 5.1.3 It is a policy to be permissive of local scale commercial and light industrial uses throughout the planning area that are in character with the surrounding area, provide employment, and diversify the economic base, where they will not interfere in the reasonable enjoyment of a neighbour's use of their property.
- 5.1.4 It is a policy to accommodate secondary residential uses in conjunction with commercial main uses in appropriate zones.
- 5.1.5 It is a policy to identify the boundary extents of the Community Core on the Zoning Map in Schedule A.
- 5.1.6 It is a policy to encourage industrial operations to locate within an industrial park to create local employment opportunities while minimizing negative impacts to the environment and neighbouring properties.
- 5.1.7 It is a policy to establish a Community Centre zone. The Community Centre zone shall allow a mix-use development pattern in the area with provisions for commercial uses that are compatible with residential uses.
- 5.1.8 It is a policy to establish the Highway Commercial Zone. The Highway Commercial Zone shall allow for commercial and light industrial operations that are more intensive than operations in the Rural Zone, but less intensive than industrial operations in the industrial parks.
- 5.1.9 It is a policy to establish an Industrial Zone. The Industrial zone shall provide for higher intensity industrial development.
- 5.1.10 It is a policy to establish the Comprehensive Development zone to accommodate development consisting of uses of land, buildings, or structures contained in a specific proposal described in a resolution or agreement.

### **5.2 Proposals**

- 5.2.1 It is proposed that commercial and industrial development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes and wetlands.
- 5.2.2 It is proposed that new industrial development outside of industrial parks be subject to an amendment process to provide for community input.

5.2.3 It is proposed that the health and safety of residents, transportation requirements, and impacts on the environment and surrounding land uses be considered when locating commercial and industrial development.

## **6 Institutional Uses**

### **6.1 Policies**

6.1.1 It is a policy to foster institutional uses and community facilities that provide meeting and gathering places for residents and help create a sense of community.

6.1.2 It is a policy to control the location and the on-site and off-site impacts of institutional uses through appropriate provisions and through Schedule A, the Municipality of Grand Lake Zoning Map.

6.1.3 It is a policy to establish the Institutional zone to accommodate new large scale institutional developments.

### **6.2 Proposals**

6.2.1 It is proposed that institutional uses of land be directed to appropriate locations that conveniently meet the needs of the local community and that minimize potential incompatibility with surrounding land uses.

6.2.2 It is proposed to encourage institutional uses to locate in areas that are easily accessible to all residents, particularly in areas of concentrated development, to provide an optimal level of service to residents.

6.2.3 It is proposed that churches and other institutional uses, such as assembly halls, be adaptively reused in a way that supports the community through the provision of housing, services, and/or contributes to the economic development of the Municipality and is in keeping with the overall intention of the Rural Plan.

6.2.4 It is proposed that for new institutional uses, on-site service volumes and off-site vehicular and pedestrian traffic be considered when making siting decisions.

## **7 Recreational Facilities and Public Open Spaces**

### **7.1 Policies**

7.1.1 It is a policy to facilitate the development of recreation activities and public open spaces for the enjoyment of the people living in the community.

7.1.2 It is a policy to encourage the continued operation of the tourism industry and associated uses.

7.1.3 It is a policy to preserve public ownership of land that provides access to Grand Lake and other water bodies in the Municipality.

7.1.4 It is a policy that public open spaces be permitted throughout the Municipality, provided they are not in conflict with existing adjacent or nearby land uses.

7.1.5 It is a policy to maintain and improve existing recreational facilities.

## **7.2 Proposals**

7.2.1 It is proposed that new recreational vehicle parks, campgrounds, lodges, cottage establishments, and similar uses be located outside of the community centre.

7.2.2 It is proposed that Council create an inventory that outlines areas that provide for recreation within the Municipality of Grand Lake.

## **8 Resource Uses**

### **8.1 Policies**

8.1.1 It is a policy to support the development of woodlots subject to sustainable forestry practices being followed and conflicts between logging operations and other neighbouring uses being minimized.

8.1.2 It is a policy to provide for agricultural uses at a variety of intensities through zoning provisions.

8.1.3 It is a policy that new pit and quarry operations not be permitted in the Community Core.

8.1.4 It is a policy that new pit and quarry operations outside the Community Core be subject to provisions to minimize negative impacts to the environment and surrounding landowners and to ensure a rehabilitation plan is in place.

8.1.5 It is a policy to encourage and facilitate the development and long-term viability of resource-based industries in a way that conserves and protects the natural environment and avoids major conflicts with neighbouring land uses.

8.1.6 It is a policy to establish the Agriculture & Resource zone to accommodate forestry, resource extraction, and agricultural uses on large tracts of land outside the community core.

### **8.2 Proposals**

8.2.1 It is proposed to consider noise, dust, vibration, visual impacts, hours of operation, access, pollution, and safety features when locating new resource uses.

## **9 Protection of Water Supplies**

### **9.1 Policies**

9.1.1 It is a policy to protect ground and surface water supplies for the use of existing and future residents by discouraging developments which have the potential to degrade or deplete the resource and to prohibit development where groundwater and surface water quality and quantity are determined unsuitable for the intended use.

9.1.2 It is a policy to discourage types of development that pose a significant risk to groundwater resources.

## **9.2 Proposals**

9.2.1 It is proposed that the water supply assessment guidelines adopted by the Regional Service Commission be applied throughout the Municipality.

9.2.2 It is proposed that existing agricultural land, farming operations, and fertile lands be evaluated under the *Clean Water Act* prior to locating public wells.

## **10 Heritage Buildings and Sites of Historical or Archaeological Interest**

### **10.1 Policies**

10.1.1 It is a policy to recognize and protect those buildings and sites having special historic or architectural merit.

10.1.2 It is a policy to cooperate with the Provincial and Federal government as well as non-governmental organizations in preserving valuable heritage resources.

### **10.2 Proposals**

10.2.1 It is proposed to maintain those sites best depicting the Municipality's long service history.

10.2.2 It is proposed that those buildings and sites exhibiting the following attributes be identified and placed on a municipal register of historic places to be nominated to the Canadian Register of Historic Places:

- (a) a historically relevant architectural, cultural, social, political, economic, or military feature; or
- (b) an association with a historically significant individual, event, or institution.

## **11 Conservation of Physical Environment**

### **11.1 Policies**

11.1.1 It is a policy to minimize negative impacts on the natural environment.

11.1.2 It is a policy to protect land and resources that are environmentally sensitive to development, including rivers, streams, wetlands, steep slopes, and groundwater recharge and discharge areas.

11.1.3 It is a policy to permit recreational land uses that conserve or improve fish and wildlife habitats in waterbodies, floodplains, and wetlands.

11.1.4 It is a policy to enforce the Municipality of Grand Lake's *Dangerous or Unsightly Premises Bylaw* as a means to address public safety concerns.

- 11.1.5 It is a policy to recognize watersheds for their important ecological, recreational, aesthetic, and historical qualities and to strive to enhance and maintain natural watercourses and wetlands in their clean and natural state.
- 11.1.6 It is a policy to establish the Environmental Constraint zone to protect areas of known environmental significance.
- 11.1.7 It is a policy to establish the Conservation zone for areas of land covered by the *Protected Natural Areas Act*.

## **11.2 Proposals**

- 11.2.1 It is proposed to encourage operators of private septic and communal wastewater systems to ensure that systems function properly and undertake regular performance monitoring to ensure that the discharge does not pose a risk of contamination.
- 11.2.2 It is proposed to encourage the timely remediation of known contaminated areas to limit the migration of pollutants to additional lands, wells, and watercourses.

## **12 Climate Change**

### **12.1 Policies**

- 12.1.1 It is a policy to establish a floodplain overlay to limit certain types of high-occupancy development in flood risk areas.
- 12.1.2 It is a policy to consider opportunities to minimize climate change impacts such as avoiding flood-prone areas and protecting natural buffers.
- 12.1.3 It is a policy to ensure all necessary Provincial approvals, including setback regulations from watercourses and wetlands and watercourse or wetland alteration permits have been obtained prior to the issuance of any municipal permits.
- 12.1.4 It is a policy to implement a minimum floor elevation through the general provisions for flood hazard areas with the intention of reducing impacts to public safety from flooding events.

### **12.2 Proposals**

- 12.2.1 It is proposed that the Municipality explore the development and implementation of a Climate Change Adaptation Plan.

## Part C: Zoning Provisions

### 13 Definitions

13.1.1 In this by-law,

#### A

“accessory building” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure, a sea container may only be used as an accessory building outside the community core;

“accessory structure” means a 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;

“accessory use” means a use, other than human habitation, of land or a building or structure which is not the main or secondary use of the land, building, or structure on a lot, and which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure on the lot;

“agricultural use” means an agricultural operation that is carried out for gain or reward or in the hope or expectation of gain or reward, and includes:

- a. the clearing, draining, irrigating or cultivation of land,
- b. the raising of livestock and livestock facilities, including poultry,
- c. the raising of fur-bearing animals,
- d. the raising of bees,
- e. the production of agricultural field crops, excluding a cannabis production facility,
- f. the production of fruit and vegetables and other specialty horticultural crops, excluding a cannabis production facility,
- g. the production of eggs and milk,
- h. the operation of agricultural machinery and equipment, including irrigation pumps,
- i. the preparation of farm products for distribution from the farm gate, including cleaning, grading, and packaging,
- j. the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- k. the storage, use or disposal of organic wastes for farm purposes,
- l. the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
- m. the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes,
- n. a greenhouse or nursery, excluding a cannabis production facility, or
- o. any other agricultural activity or process prescribed by the applicable acts and regulations;

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

“amusement centre” means one or more buildings or structures, or premises, used for amusement oriented uses, which may include, but is not limited to, indoor laser tag and paintball arenas, billiard halls, mini-golf, batting cages, bumper cars, and may include accessory arcades, restaurants, and retail sales;

“animal unit” means the number of livestock or poultry to be supported on one acre of land, animals are grouped into one animal unit as follows:

- a. 1 bull, cow, donkey, horse, mule, bison, buffalo, or steer including offspring until weaning,
- b. 4 llamas, sheep, goats, pigs, emus, or ostrich including offspring until weaning,
- c. 7 alpaca or deer including offspring until weaning,
- d. 20 fox, geese, mink, rabbits including offspring until weaning,
- e. 30 chickens or turkeys as well as any offspring until sexual maturity;

“arterial highway” means an arterial highway as classified under the *Highway Act*;

“artisan shop” means a shop in which arts or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use;

“automotive repair shop” means a building or structure used for the general repair, rebuilding, or reconditioning of engines, motor vehicles, recreational vehicles, freight trucks, or trailers such as body repair and frame straightening, painting and upholstery, vehicle steam cleaning, and undercoating, and includes motor vehicle inspection, but does not include a salvage yard;

“automotive sales or rental establishment” means a building, structure, or premises where motor vehicles are stored or displayed for the purpose of sale, lease, or short-term rental and where such vehicles may be picked up or dropped off;

“aquaculture use” means the cultivation of aquatic plants or animals, but does not include the cultivation of aquatic plants or animals in a laboratory for experimental purposes or in an aquarium;

## **B**

“backyard chickens” means a secondary use on a residential lot to house a small number of hens;

“bakery” means a retail establishment primarily engaged in the sale of baked products for consumption off site;

“bank” means a building for the custody, loan, or exchange of money;

“bare-land condominium” means a condominium in which the units are defined in relation to the land rather than in relation to a structure;

“bed and breakfast” means an owner-occupied single- unit dwelling in which there are rooms for rent as short-term accommodation and breakfast is served to overnight guests for commercial purposes;

“billboard sign” means a large sign with one face larger than three square metres which is independently and permanently fixed to the ground or entirely attached to, and supported by, a wall of a building, or to a structure associated with, or joined to, a building, and of which both sides are visible;

“buffer” means a landscaped or fenced area intended to visibly separate one use from another or to shield or block noise, lights, or other nuisances;

“building” means any structure used or intended for supporting or containing any use or occupancy;

“bunkhouse” means a building that is a dormitory only, and provides no kitchen or bathroom, not exceeding 45 square metres in size;

“business or professional office” means any building or part of a building used for the management or direction of an agency, business, or organization, but excludes such uses as a retail sale, manufacturing, assembly or storage of goods, or places of gathering and amusement;

## C

“camping facility” means an area of land, managed as a unit, either used or maintained for the general public or belonging to or restricted for the use and enjoyment of particular persons, to provide their own sleeping facilities for short-term or seasonal accommodations for three or more of any combination of tents, yurts, domes, cabins, bunkhouses, or recreational vehicles. Accessory uses may include, but are not limited to, a laundromat, office for the camping facility, washroom facilities, canteen, park or playground, sanitary and waste disposal facilities, and recreational facilities;

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

“cannabis production facility” means a facility and/or premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products;

“caretaker’s dwelling” means a single dwelling unit that is secondary to an agricultural, institutional, commercial, or industrial use for occupancy of the owner or an employee responsible for the maintenance, repair, or security of the property;

“cemetery” means land that is set apart for the burial of human and/or animal remains;

“collector highway” means a collector highway as classified under the *Highway Act*;

“commercial recreational establishment” means a recreational facility operated as a business and open to the public for a fee and, without limiting the generality of the foregoing, may include a golf course, amusement centre, or sports facility;

“commercial use” means any use that exists primarily for the purpose of financial gain by means of sell, lease, or rental of a product or service directly to the public;

“Commission” means the Regional Service Commission having jurisdiction and as established under the *Regional Service Delivery Act*;

“community centre” means a building intended for public assembly or social and cultural activities;

“composting operation” means a commercial composting activity in which vegetable matter, table scraps, garden waste, manure, and other organics are brought to a central location to be rendered into an organic soil additive for resale to the public;

“condominium” means real estate, units of which are designated for individual ownership with the remainder designated for common ownership by the individual owners;

“confined livestock area” means an outdoor non- grazing area where livestock is confined by fencing or other structures or topography, and includes a feedlot and an exercise yard;

“conservation use” means a wildlife refuge, natural buffer, or other such use that serves to protect or maintain an environmentally sensitive area;

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work;

“convenience store” means a retail commercial establishment supplying groceries, sundries, and other daily household necessities to the immediate surrounding area, but does not include a gasoline bar;

“crematorium” means a building or structure fitted with the proper appliances for the purposes of the cremation of human or animal remains;

## D

“depth” means, in relation to a lot, the length of the line segment lying between the front and rear lot lines along a line joining the mid-point between the two exterior front corners and the mid-point between the two exterior rear corners;

“development” means development as defined by the *Community Planning Act*;

“dwelling” means a main residential building or structure, or part thereof, containing one or more dwelling units;

“dwelling unit” means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family;

## E

“early learning and childcare facility” means an early learning and childcare home, a full-time early learning and childcare centre, or a part-time early learning and childcare centre as defined by and in accordance with the *Licensing Regulation of the Early Childhood Services Act*;

“eating establishment” means a building or part thereof where food is offered for sale or sold to the public for immediate consumption and without limiting the generality of the foregoing, may include such uses as a restaurant, café, cafeteria, take-out counter, ice-cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room, stand, or food truck;

“electronic static copy” means, with respect to a sign, colour, graphic, logo, symbol, word, numeral, text, image, message, picture, or combination thereof displayed electronically, in a manner that is fixed for a set period of time;

“emergency services” means the a building or use for the purpose of protecting or restoring safe conditions in the community and without limiting the generality of the forgoing may include fire stations, police stations, and ambulance services;

“environmentally sensitive area” means the habitat required for the maintenance and conservation of rare, threatened, or endangered species and sensitive natural features that provide critical habitat to various plant and animal communities;

“erect” means to construct, build, assemble, or relocate a building or structure, including any physical operation preparatory thereto;

“excavation site” means a disturbance of the ground for the purposes of mining or extracting quarriable substances for sale or off-site use and includes a gravel pit and a quarry;

## F

“factory outlet” means a building or part of a building which is secondary to permitted industrial use where products manufactured by that industry are kept for wholesale or retail sale;

“farmer’s market” means an establishment or premises where farm products of a predominantly local farming community are sold at retail from areas designated for individual retailers;

“fixed sign” means a sign that is painted on, attached to and supported by a wall of a building or structure or by a fence or wall or by a canopy and of which only one side is visible.

“flood” (flooding, flood event) means, in general, an event that occurs when ditches, streams, lakes, or rivers overflow their banks or channels as a result of one or more of the following: a) prolonged or intense precipitation, b) melting snow, or c) blockage of flow;

“forestry use” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, may include silviculture activities, the raising and cutting of wood, pulpwood, saw logs, and other primary forest products, and the growing, harvesting, and production of Christmas trees, maple syrup, and fiddleheads, but does not include a sawmill;

“freestanding sign” means any sign supported independently of a building and permanently fixed to the ground by posts or a monument style base;

“front lot line” means a lot line dividing the lot from an abutting roadway;

“front yard” means, in relation to any building, structures, or part thereof on a lot, that part of the lot between such building, structure, or use and a front lot line;

“funeral home” means a building or part thereof designed for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of a dead human body for interment or cremation, and may include a crematorium as a secondary use subject to the applicable legislation;

## G

“garage suite” means a one- or two-bedroom dwelling located above a detached garage on the same lot but clearly secondary to an existing main residential use;

“garden centre” means a building or premises where plants, trees, shrubs, and other gardening products are sold to the public and may include greenhouses or other structures for growing or storage, but which does not include the growing of cannabis;

“garden suite” means a one storey, one- or two-bedroom, self-contained dwelling located on the same lot, but clearly secondary to an existing main residential use, ;

“gasoline bar” means one or more pump islands, each consisting of one or more gasoline or diesel pumps and may include a shelter or canopy as well as involve the sale of liquids and small accessories required for the operation of motor vehicles;

“general service establishment” means an establishment for servicing, repairing, installing or renting things and equipment, including but not limited to radio or television service or repair shops, locksmith shops, small appliance service or repair shops, or household and carpenter tool service or repair shops;

“golf course” means a facility, other than a mini-golf course, for the playing of golf at which there may be a clubhouse including restrooms and locker rooms.

“government office” means a building owned and operated by any level of government;

“gravel pit” means an open area of land where quarriable substances are excavated for sale or off tract use, without the use of explosives;

“grazing field” means a fenced enclosure or confined area used for the grazing of livestock which usually contains sufficient vegetation to serve as the principal food source for the livestock confined therein;

“grocery store” means a retail establishment primarily selling food products for home preparation and consumption and may also include the sale of other items of home and personal care, and which is generally larger and carries a broader range of merchandise than a convenience store;

“group home” means a residence, licensed or approved under provincial statute, for the accommodation of up to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioural, physical condition, or legal status, require a group living arrangement for their well-being, but does not include a “special care home”, as defined elsewhere within this By-Law;

## H

“health clinic” means a building or structure, or part thereof, used exclusively by physicians, dentists, or other health professionals and their staff or patients, for the purpose of consultation, diagnosis, and office treatment of humans and, without limiting the generality of the foregoing, may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms;

“heavy equipment sales or service operation” means a building or structure in which heavy machinery is manufactured, maintained, repaired, or offered for sale, rent, or lease;

“home occupation” means a secondary use conducted in a dwelling or an accessory building for gain or reward, and which is conducted by at least one member of the family residing in that dwelling;

“hospital” means a facility that provides long and short term medical and health care, overnight stays, surgery, laboratory and diagnostic services for treating human illness, disease, and injury;

“hotel” means an establishment designed to accommodate the travelling public, for gain or reward, that consists of one or more buildings containing three or more attached accommodation units accessible from the interior and that may or may not have facilities for serving meals, meeting rooms, and recreational facilities;

“hunting or recreation camp” means accommodations for seasonal use for hunting, fishing, snowmobiling, or similar recreational pursuits, and which is not used for gain or reward;

## I

“industrial abattoir” means a federally inspected facility that slaughters and processes livestock primarily for export and wholesale markets;

“industrial use” means the use of land, buildings, or structures for the manufacturing, processing, fabricating or assembling of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses;

“inflatable sign” means a non-rigid sign supported by gas or air pressure;

“institutional use” means the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such buildings as schools, places of worship, community centres, public hospitals, public libraries, community meeting rooms, cemeteries and government offices;

## J

“jail” means an institution for the confinement of persons held in lawful custody;

## K

“kennel” means an establishment containing pens, cages, or enclosures prepared to board, breed, train, or provide short-term care, for profit or gain, or in the hope or expectation of profit or gain, for five or more dogs or cats over the age of six months, but does not include veterinary services;

## L

“laundromat” means a building or structure where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning;

“light industrial use” means the use of land, buildings or structures for the making of finished products or parts, usually from already prepared materials, including the processing, fabrication, assembly, treatment, packaging, removal, storage, sales and distribution of such products or parts, but excluding industrial uses;

“livestock” means bull, cow, bison, buffalo, donkey, fox, rabbit, horse, mink, mule, pig, steer, llama, alpaca, deer, sheep, goat, ostrich, emu, chicken, turkey, or geese;

“livestock facility” means 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 or intended to be used to store manure;

“local highway” means a local highway as classified under the *Highway Act*;

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

“lot line” means a common boundary between a lot and an abutting lot or roadway;

## M

“main use” means the primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this By-Law;

“manufacturing operation” means a building or structure in which a product is fabricated and from which a product is shipped to a whole sale or retail outlet;

“medium scale wind turbine” means a wind turbine having a capacity of more than 10kW and less than 3MW;

“Microbrewery or micro-distillery” means a facility for the production of beer, cider, wine, or spirits, or a combination thereof where no more than 800,000 litres of beer or cider, 100,000 litres of wine, or 75,000 litres of spirits are produced per calendar year, and can include a tasting room;

“mini-home” means a building unit that is designed to be used with or without a permanent foundation as a dwelling, that has a width of less than six metres throughout its entire length exclusive of steps or porches, that is not fitted with facilities for towing nor to which towing apparatus can be attached, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“mini-home park” means a parcel of land, not in a Provincial Park, intended as the location, for residential purposes, of ten or more mobile homes or mini-homes, upon which at least two mobile homes or mini-homes are located for residential purposes;

“mining operation” means mining as defined by the *Mining Act* and includes stockpiles, office or administrative buildings, parking areas, or other uses incidental or accessory to extraction and processing activities;

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

“mobile home” means a factory built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system to a lot and which is suitable for year round occupancy in a similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, and placement on defined supporting structures, and does not include a recreational vehicle as defined elsewhere in this By-Law;

“motel” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing three or more attached accommodation units accessible from the exterior only and that may or may not have facilities for serving meals;

“multiple-unit dwelling” means a dwelling containing three or more dwelling units;

## N

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

## O

“office” means a building or part thereof where professional, business, consulting, clerical, or administrative services are provided;

“outdoor recreational use” means a recreational use conducted outdoors and, without limiting the generality of the foregoing, may include: trails used for hiking, snowmobiling, all-terrain vehicles, cross-country skiing, bicycling, or horseback riding; sleigh rides; nature interpretation activities; canoeing; or hunting and fishing in accordance with applicable regulations, but does not include a golf course or a site for organized competitions involving the operation of motorized vehicles;

## P

“park” means an area of land set aside for recreational purposes and may include, but is not limited to, playgrounds, baseball fields, tennis courts, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses, and includes the associated buildings and structures;

“party wall” means a wall shared by two adjoining properties;

“passive recreation use” means informal types of recreation which are non-consumptive uses such as, but not limited to walking, wildlife observation, and biking;

“personal service establishment” means a store or shop providing personal, professional, financial, or technical, services, assistance, or advice to consumers, and without limiting the generality of the foregoing, may include: barber and beauty shops, dressmakers and tailors, financial institutions, massage therapy clinics, pawnshops, printing and photocopy services, shoe repair shops, legal, architecture, and engineering offices, and professional photographers’ studios;

“playground” means an area of landscaped open space equipped with children’s play equipment such as slides, swings, or wading pools;

“portable milling machine” means a movable sawmill used on a temporary basis which produces less than 100 cords of wood within any given year;

“portable sign” means any sign which is specially designed or intended to be readily moved from one location or another and which does not rely on a building or fixed foundation for its structural support, and includes Signs commonly known as an “A-Board” or “Mobile Sign”, or fabric devices and banners (excluding national or provincial flags which are not for advertising or announcement purposes) tethered to any building, structure, vehicle, or other device;

“post office” means a business which provides packaging and mail services;

“projecting sign” means a sign which is wholly or partially dependent on a building or structure for support and which projects beyond such building or structure in such a way that both sides are substantially visible;

“protected natural area” means an area of land or water permanently set aside under the *Protected Natural Areas Act*;

“provincially inspected abattoir” means a provincially inspected facility that slaughters and processes livestock mainly for local or regional markets;

“provincial park” means a provincial park as defined and maintained by the *Parks Act*;

## Q

“quarriable substance” means ordinary stone, building or construction stone, sand, gravel, peat, clay, and soil;

“quarry” means a disturbance of the ground or an excavation for the purpose of removing a quarriable substance by the use of explosives;

## R

“rear lot line” means a lot line extending along the rear of the lot;

“rear yard” means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure, or use and a rear lot line;

“recreational facility” means a building or place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities;

“recreational vehicle” means a vehicular unit designed for travel, camping, or recreational use, such as, a travel trailer, pick-up camper, motorized camper, or tent trailer;

“redemption waste disposal site” means a premises where scrap or used materials are handled, dismantled, refurbished, or temporarily stored for resale or further disposal, subject to the applicable Act or Regulation; scrap or used materials include waste paper, rags, wood, bottles, glass, and metal;

“refreshment room” means a drinking establishment licensed under the *Liquor Control Act* of New Brunswick whose primary function is the service of alcoholic beverages for consumption on the premises; some establishments may also service food, or have entertainment but their

main purpose is to serve alcoholic beverages;

“religious institution” means a building for religious assembly which is maintained and controlled by a religious body;

“residential leased land community” means a parcel of land containing two or more manufactured homes or modular homes intended for residential occupancy, where the land is owned by one person or entity and the individual home sites are leased to occupants.

“retail use” means the sale of commodities or goods to individual consumers for personal use rather than for resale and, without limiting the generality of the foregoing, may include stores engaged in the sale of antique and second-hand articles, furniture, appliances and tools, art and crafts, books, clothing, garden supplies, recreation or sporting goods, bakeries, drug stores, liquor stores, florists, and video rental stores, but does not include any use separately listed in a zone;

## S

“salvage” means second-hand, used, discarded or surplus metals, goods or articles of every description, unserviceable, discarded or junked motor vehicles, bodies, engines, or other components parts of a motor vehicle, but does not include bottles, furniture, or books;

“salvage yard” means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another person and which is licensed as per the *Salvage Dealers Licensing Act*;

“sawmill” means a building or structure used to process wood from saw logs to another use and may include land used for open storage of raw or finished lumber or products but does not include a portable milling machine or portable firewood processing machine used on a temporary basis or which produces less than 20 cords of wood within any given year;

“school” means an institution where students are taught an education curriculum and may include before and after school programs and all necessary secondary services such as cafeteria, library, administration, theatre, and gymnasium;

“secondary suite” means a self-contained dwelling unit with a prescribed floor area located in and secondary to a detached single unit dwelling and where both units constitute a single real estate entity;

“secondary use” means a use in addition and subordinate to a main use;

“self-serve storage facility” means one, or more than one, building or structure containing separate spaces of varying sizes that are offered by lease or rent for the storage of chattels;

“seniors residence” means any home for senior citizens sponsored and administered by a public body, institutional body, or non-profit organization;

“service station” means a building or premises where gasoline, oil, grease, anti-freeze, tires,

and accessories for motor vehicles are stored or kept for sale and where minor repairs and inspections of motor vehicles are performed;

“sewage treatment facility” means a facility designed for the treatment of sewage that serves a given area;

“side lot line” means a lot line extending from a roadway to the rear of the lot;

“side yard” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the main building, structure, or use on a lot;

“sign” means a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot, which directs attention to an object, product, place, activity, person, institute, organization, or business;

“single unit dwelling” means a dwelling containing only one dwelling unit, and includes a mini-home, mobile home, or hunting or recreation camp;

“small scale agriculture” means a small agricultural use or hobby farm that is incidental to the principal residential use on a property, is either not carried out for financial gain or reward or does not constitute a principal income for the landowner, and does not exceed the livestock thresholds to be considered a livestock operation as set by provincial regulation;

“small scale wind turbine” means a wind turbine that is owned and operated for the owner’s use having a capacity of 10 kW or less;

“special care home” means an owner-occupied dwelling unit used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed ten and the facility complies with the applicable legislation;

“spring freshet” means a flood resulting from the spring snow thaw;

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

“structure” means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings;

“supportive care facility” means a use for the purposes of providing special and individualized care to elderly persons, children, or persons who require care for their emotional, mental, social, behavioral, or physical condition, provided the facility complies with applicable legislation, and without limiting the foregoing, may include a nursing home, special care home, group home, or seniors residence;

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

## T

“topsoil” means topsoil as defined within the *Topsoil Preservation Act*;

“topsoil removal” means the removal of topsoil for the purposes of the sale or commercial use of the material excavated;

“tourist establishment” means an area of land that is managed as a unit and operated to provide self-contained accommodations units to the traveling or recreating public, such as camping facilities, chalets, cabins, and yurts and that may include services and facilities in connection with the accommodations;

“trucking operation” means a building or land on which a business or industry involving the maintenance, servicing, storage or repair of trucks and similar commercial vehicles is conducted, including the dispensing of fuel and petroleum products and the sale of parts and accessories;

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

## U

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

## V

“veterinary clinic” means a building or structure, or part there-of, used for the provision of services by veterinarians for the purpose of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies;

## W

“warehouse” means a building, or part thereof, or structure used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles, and the like, but does not include fuel storage;

“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;

“wayside pit” means a temporary pit developed for use by the Department of Transportation and Infrastructure, directly or under contract, solely for the purpose of highway construction, not including private roads, and is not located within a highway as defined within the *Highway Act*;

“wetland” means land that:

- a. either periodically or permanently, has a water table at, near, or above the land 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;

“width” means, in relation to a lot

- a. where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- b. where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum setback intersects a line of midpoint of and perpendicular to the line to which it is parallel;

“wind turbine” means a structure specifically designed to convert the kinetic energy in winds into energy in the form of electricity and includes the wind turbine tower, rotor blades, and nacelle;

“wind turbine height” means the distance from the base of the structure to its highest point; the highest point for a horizontal-axis wind turbine is defined as the tip of the blade when the blade is in a vertical position above the hub where the rotor is attached;

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## 14 Purpose, Administration, Classification, and Conformity

### 14.1 Purpose

14.1.1 The purpose of Part C is:

- a. to divide the Village into zones;
- b. to prescribe, subject to powers reserved to the Commission,
  - i. the purpose for which land, buildings, and structures in any zone may be used, and
  - ii. standards to which land use and the placement, erection, alteration, and use of buildings and structures must conform; and
- c. to prohibit, other than in conformity with the purposes and standards mentioned in section 14.1.1(b),
  - i. land use, and
  - ii. use, placement, erection, or alteration of buildings or structures.

### 14.2 Powers of the Commission

14.2.1 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 Commission the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.

14.2.2 As provided in section 55 of the *Community Planning Act*, the Commission may permit, subject to terms and conditions as it considers fit,

- a. a proposed use of land or a building that is otherwise not permitted under the zoning provisions if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the provisions for the zone in which the land or building is situated; or
- b. such reasonable variance from the requirements of this by-law's zoning provisions falling within paragraph 53(2)(a) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of this by-law and with any statement hereunder affecting such development.

14.2.3 In all zones created by this by-law, the use of land for the purposes of:

- a. electric power;
- b. natural gas;
- c. water supply and storage;
- d. sanitary sewage disposal and treatment of sewage generated within the planning area;
- e. ambulance bays;
- f. cemeteries;
- g. drainage, including storm sewers;
- h. wayside pits;
- i. community gardens;
- j. municipal recreation use;
- k. walking trails;
- l. land for public purpose;
- m. mobile vendor;
- n. seasonal or temporary market, festival, or event;
- o. streets; and

- p. all other public or private utilities

including the location or erection of any structure or installation for the supply of any of the above-mentioned uses, shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.

### 14.3 Temporary Use

- 14.3.1 The Commission may, subject to such terms and conditions as it considers fit,
  - a. authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
  - b. require the termination or removal of a development authorized under section 14.3.1(a) at the end of the authorized period.

- 14.3.2 The Commission may authorize, subject to terms and conditions, the extension of a temporary use for an additional period not exceeding one year, if:
  - a. the applicant holds an authorization under section 14.3.1(a) that is to expire or has expired;
  - b. an application with respect to the land has been made to amend the Rural Plan; and
  - c. the Commission has received a resolution from the Council confirming that the Council will consider the application referred to in section 14.3.2(b).

- 14.3.3 The Commission may:
  - a. delegate its authority under section 14.3.1(a) to the development officer, and
  - b. authorize a delegate under section 14.3.3(a) to further delegate his or her authority under section 14.3.3(a) to any person.

### 14.4 Specific Powers of Council

- 14.4.1 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.

### 14.5 Classification

- 14.5.1 For the purposes of the By-Law the area is divided into zones as delineated on the plan attached as Schedule A, entitled “The Municipality of Grand Lake Zoning Map”.

- 14.5.2 The zones mentioned in subsection 14.5.1 are classified and referred to as follows:

<u>Zone</u>	<u>Symbol</u>
Community Centre	CC Zone
Rural Residential	RR Zone
Rural	RU Zone
Residential Leased Land Community	RLLC Zone
Institutional	INST Zone
Highway Commercial	HC Zone
Industrial	I Zone
Agriculture & Resource	A&R Zone
Environmental Constraint	EC Zone

#### 14.6 Conforming and Non-Conforming Uses

- 14.6.1 In any zone, all land on a lot shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered, or used only in conformity of, except as otherwise provided, the parts of this by-law pertaining to such zone.
- 14.6.2 A non-conforming use is as addressed within sections 60 and 61 of the *Community Planning Act*.
- 14.6.3 Notwithstanding section 14.6.2, where agricultural operations become non-conforming, a minimum 24-month vacancy period will be given prior to loss of non-conforming status.
- 14.6.4 Development on Crown Land may be exempt from zoning regulations contained herein as per section 129 of the *Community Planning Act*.

#### 14.7 Unauthorized Development

- 14.7.1 Nothing in this by-law shall be deemed to sanction any development not having obtained the appropriate permits prior to its date of enactment, whereby any such development becomes subject to the applicable provisions contained herein.

#### 14.8 Existing Building or Structure on an Undersized Lot

- 14.8.1 A building or structure, its development having commenced or been completed on or before the effective date of this by-law, upon a lot having less than the minimum frontage, depth, or area required by this by-law may be enlarged, reconstructed, repaired, or renovated provided that
- the zone-applicable minimum distances between the main building or structure and the lot lines are satisfied; and
  - all other applicable provisions have been met.

#### 14.9 Interpretation

- 14.9.1 Should uncertainty exist on the limit of any zone as depicted on Schedule A, the following guidelines will be followed:
- where the depicted limit follows a highway, road, or street, the centreline of such feature is the limit;
  - where the depicted limit does not coincide with that of a subdivision plan filed in the registry office or a plan of survey attached to a document registered in the registry office, the boundaries depicted on said plans supersede those of the zoning map;
  - where the depicted limit, intending to follow a lot line, differs from the ground location of the lot line, the ground location shall prevail;
  - where the depicted limit, intending to follow a lot line, differs from that shown on a more recent Service New Brunswick property map due to the correction of a cartographic error or

the settlement of a boundary dispute or uncertainty, the more recent depiction shown on said property map shall prevail;

- e. where the depicted limit, intending to follow a lot line, differs from that shown on a more recent Service New Brunswick property map due to subdivision or amalgamation, the depicted limit shall prevail; and
- f. where none of the above applies, the zone boundary is determined by measuring the Zoning Map directly.

#### **14.10 Amendments**

14.10.1 A person who seeks to have this by-law amended shall:

- a. address a written and signed application to the Commission; and
- b. pay a fee of \$1,500.00, payable to the Commission.

14.10.2 On the advice of the Council, the Commission may return to the applicant all or any part of a fee mentioned in section 14.10.1(b).

14.10.3 An application shall include such information as may be required by Council or the Commission.

14.10.4 For an application under this section which has been previously refused by Council, no further application may be considered for a period of one year after such application; unless, upon investigation, Council is of the opinion there is valid new evidence or change in conditions, where:

- a. in the case of rezoning, is in respect of the same area of land with which the original application was concerned; or
- b. not being in relation to rezoning, is similar to the original application.

#### **14.11 Rural Plan Review**

14.11.1 Council shall undertake a review of the Rural Plan within 10 years.

## 15 General Provisions

### 15.1 Permits

- 15.1.1 No person shall undertake a development, nor undertake or continue the building, locating or relocating, demolishing, altering, or replacing of main or accessory buildings or structures, without acquiring either a building permit or a development approval issued by the Building Inspector or by the Development Officer, subject to review by said Inspector or Officer. No permit or approval shall be issued unless all the provisions of this by-law are satisfied.
- 15.1.2 The Development Officer's approval of a development is required before the Building Inspector may issue a building permit.
- 15.1.3 Notwithstanding sections 15.1.1 to 15.1.2, no building permit or development approval will be required for the following:
- a. re-roofing;
  - b. non-structural repairs;
  - c. installation, including paving or bricking, of walkways or driveways;
  - d. window replacement of the same size or smaller, excluding bedroom windows;
  - e. retaining walls less than 1 metre in height from the top of the wall to the lowest adjacent surface;
  - f. any landscaping or planting activity, including the extraction of sand, gravel, and rocks, for the landowner's own on-site use;
  - g. recreation structures such as play equipment, poles for flags, or clotheslines;
  - h. insulating, finish floor replacement, wallpapering, replacing exterior cladding for residential properties only, eavestroughing, or cosmetic decorations;
  - i. a power or telephone pole or line;
  - j. fences less than 1.8 metres in height or other forms of lot line demarcation; and
  - k. repairing or replacing existing exterior decks, landings, or stairs, where the replacement is of the same configuration as the item being replaced.
- 15.1.4 Where the provisions of this By-law conflict with those of any other municipal, provincial, or federal regulations, By-laws, or codes, the higher or more stringent requirements shall prevail.

### 15.2 Location of Buildings and Structures on a Lot

- 15.2.1 No building or structure may be placed, erected, or altered in any zone unless such building or structure conforms to the following setback requirements:
- a. 15 metres from the limit of an arterial or collector highway;
  - b. 7.5 metres from the limit of a local highway or local road;
  - c. 1.5 metres from a side yard lot line inside the community core;
  - d. 3 metres from a side yard lot line outside the community core; or
  - e. 3 metres from a rear yard lot line.

15.2.2 Notwithstanding section 15.2.1, a building or structure may be placed, erected, or altered so that it is as near a boundary of a street or highway as existing buildings or structures, provided that the nearest side of each existing building or structure is immediately adjacent to and will be within 30 metres of the nearest side of the building or structure to be placed, erected or altered.

- 15.2.3 No accessory building or structure shall be placed, erected, or altered so that it is:
- a. closer to the front lot line than the main building or structure;
  - b. closer than 1.5 metres to a side lot line inside the community core;
  - c. closer than 3 metres to a side lot line outside the community core; or
  - d. closer than 3 metres to a rear lot line.

15.2.4 Per department of Transportation and Infrastructure requirements, no development shall be undertaken within 30 metres of the right-of-way of a provincial highway unless a valid setback permit or written approval has been obtained from the New Brunswick Department of Transportation and Infrastructure.

**15.3 Dwellings with Common Party Walls**

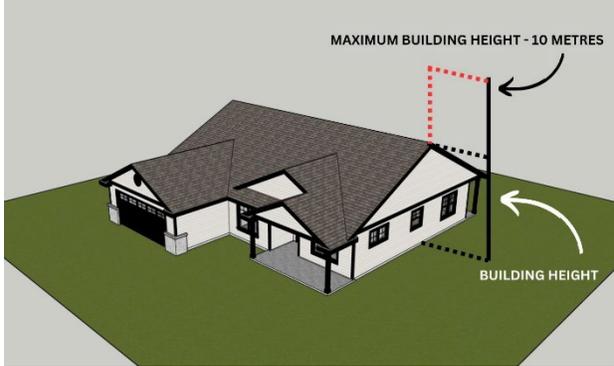
15.3.1 Notwithstanding any other section of this plan, dwellings with common party walls occupying more than one lot shall be considered as one building occupying one lot for the purposes of determining required setbacks, lot occupancy, lot area, etc.

**15.4 Dwellings per Lot**

- 15.4.1 No more than one building, containing one or more dwelling units, may be placed or erected on a lot, and no building or structure may be altered to become a second dwelling on a lot, except where the following uses are permitted:
- a. a garden suite;
  - b. a tourist establishment;
  - c. a residential land lease community;
  - d. a lot wherein dwellings are so located that they would be in conformity with the provisions of this By-law if the lot was divided into separate lots, each abutting a public street and containing one dwelling.

**15.5 Height of a Main Building or Structure**

- 15.5.1 No main building or structure may exceed 15 metres in height.
- 15.5.2 The height restriction in subsection 15.5.1 shall not apply to buildings in an industrial park, a silo, a barn, a livestock facility, a chimney, a church tower, a communication antennae, a wind turbine, or a water storage facility.



## 15.6 Lot Size

15.6.1 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.

15.6.2 Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall have and contain:

- a. for a single unit dwelling or a building or structure not used for residential purposes,
  - i. a width of at least 18 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 540 square metres;
- b. for a two-unit dwelling,
  - i. a width of at least 23 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 818 square metres;
- c. for a three-unit dwelling,
  - i. a width of at least 27 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 1,090 square metres;
- d. for a multiple unit dwelling,
  - i. a width of at least 36 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 1,272 square metres, plus 68 square metres for each dwelling unit in excess of four.

15.6.3 Where a lot is serviced by a sewer system for public use, and not by a water system for public use, the lot shall have and contain:

- a. for a single unit dwelling or a building or structure not used for residential purposes,
  - i. a width of at least 23 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 690 square metres;
- b. for a two-unit dwelling,
  - i. a width of at least 27 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 1,022 square metres;
- c. for a three-unit dwelling,
  - i. a width of at least 32 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 1,363 square metres; and
- d. for a multiple unit dwelling,
  - i. a width of at least 36 metres;
  - ii. a depth of at least 30 metres; and
  - iii. an area of at least 1,545 square metres, plus 100 square metres for each dwelling unit in excess of four.

15.6.4 Where a lot is not serviced by a sewer system for public use, a lot shall have and contain:

- a. for a single unit dwelling or a building or structure not used for residential purposes,

- i. a width of at least 54 metres;
- ii. a depth of at least 38 metres; and
- iii. an area of at least 4,000 square metres.

15.6.5 Where a lot is to be serviced by a private sewage disposal system and has been approved by the agency responsible, the lot may be used as the location for:

- a. a two-unit dwelling where the lot has and contains,
  - i. a width of at least 59, and
  - ii. an area of at least 5,350 square metres;
- b. a three-unit dwelling where the lot has and contains,
  - i. a width of at least 63, and
  - ii. an area of at least 6,700 square metres;
- c. a multiple unit dwelling where the lot has and contains,
  - i. a width of 68 metres, and
  - ii. an area of at least 8,050 square metres

15.6.6 Notwithstanding the provisions of this section, a lot created prior to the adoption of this by-law, not meeting the requirements of section 15.6, may be used for a single unit dwelling if approved by the Department of Public Safety for the installation of a septic tank and disposal field.

## 15.7 Undersized Lots

15.7.1 The Rural Plan does not prevent the use of a lot in existence prior to the adoption of the Rural Plan that does not conform to the minimum size requirements provided:

- a. the proposed use of the lot is permitted in the zone
- b. that the lot is serviced by an approved sewage disposal system; and
- c. that setbacks, lot occupancy, and all other relevant requirements are maintained.

## 15.8 Home Occupations

15.8.1 Where permitted, a home occupation may be conducted as a secondary use in a dwelling or an accessory building or a combination, subject to the following conditions:

- a. that the home occupation shall not consist of a convenience store, eating establishment, the production or sale of cannabis, automotive sales or rental establishment, salvage yard, machine and weld shop, an industrial use, or any use that involves an outdoor animal enclosure;
- b. that inside the community core, the home occupation shall not consist of an automotive repair shop, and outside the community core a home occupation that consists of an auto repair shop shall be subject to terms and conditions to address buffering, hours of operation, number of vehicles, etc;
- c. that no changes are made that will modify the residential characteristics of the dwelling unit or accessory building.
- d. the home occupation is limited to one sign pursuant to section 15.15;
- e. that no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit or accessory building;

- f. that the service does not produce inordinate amounts of water or create excessive noise, fumes, dust, vibration, glare, electronic interference, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood;
- g. that the service does not generate sewage in excess of what can be accommodated by an existing sewage disposal system;
- h. that the outdoor storage of materials, equipment, or products be screened from view from the street and neighbouring properties;
- i. that there be a limit of one commercially licenced vehicle parked on the premises at any one time; and
- j. that adequate on-site parking be provided.

### **15.9 Early Learning and Childcare Facilities**

- 15.9.1 Where permitted, an early learning and childcare facility shall be subject to the following:
- a. the facility shall comply with all provincial regulations and be licensed appropriately;
  - b. any fenced, outdoor play area shall be located in the side or rear yard;
  - c. pick-up and drop-off of children must occur on-site; and
  - d. for a childcare conducted on a residential lot, no bed and breakfast, garden suite, secondary suite, or supportive housing is permitted in any building on the lot.

### **15.10 Garden Suites and Garage Suites**

- 15.10.1 Where permitted, a garden suite or a garage suite may be located on a lot containing a one- or two-unit dwelling provided:
- a. there is only one garden suite or garage suite per lot;
  - b. the garden or garage suite is located on a lot with an area of at least 4000 square meters;
  - c. the garden suite or garage suite meets the required setbacks;
  - d. the garden suite or garage suite meets the requirements for fire separation per the National Building Code of Canada;
  - e. the garden suite or garage suite is clearly secondary to the main dwelling;
  - f. the garden suite or garage suite is not located closer to the front lot line than the main dwelling;
  - g. the garden suite or garage suite has a gross floor area less than 115 square metres;
  - h. the use not exceed 4.25 meters in height for a garden suite or 6.25 meters in height for a garage suite;
  - i. the garden suite or garage suite is provided with adequate water and sewer systems, as acceptable to the Department of Justice and Public Safety or other agency having jurisdiction;
  - j. there is adequate on-site parking provided for the garden suite or garage suite; and
  - k. the garden suite or garage suite is subject to terms and conditions as may be imposed by the Commission.

### **15.11 Secondary Suites**

- 15.11.1 Where permitted, a secondary suite is subject to the following requirements:
- a. the suite shall be located within a one-unit, two-unit, or rowhouse dwelling where each main unit is a single real estate unit per the National Building Code of Canada;
  - b. the suite shall not exceed 80% of the gross floor area of the main dwelling or 80 square metres, whichever is less;

- c. the suite shall contain a maximum of 2 bedrooms with the floor area of each bedroom not exceeding 20 square meters;
- d. the presence of a secondary suite shall not change the exterior appearance of the main building; and
- e. there is adequate on-site parking provided for the secondary suite.

### 15.12 Parking Standards

15.12.1 All uses of land shall provide adequate on-site parking, so that no on-street parking is required for the use.

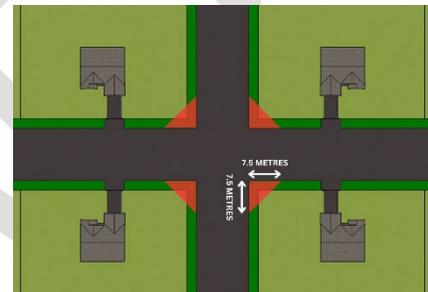
15.12.2 For non-residential uses, barrier free parking shall be required as per the *Barrier-Free Design Building Code Regulation – Building Code Administration Act*.

### 15.13 Loading Standards

15.13.1 A loading space, not less than 9 metres long, 3.5 metres wide, and 4 metres high, with access thereto, shall be required for every building or structure used for any purpose involving the receipt or distribution of goods, animals, salvage, materials, or commodities.

### 15.14 Visibility on Corner Lots

15.14.1 On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by street lines and a line joining points on the street lines at a distance of 7.5 metres from the point of intersection.



### 15.15 Outside Storage

15.15.1 With the exception of outside storage on a lot zoned for industrial use, no equipment, vehicle parts, aggregate, or scrap of any kind may be stored outside buildings or structures, unless:

- a. it is not visible from the street;
- b. it is located in the back or side yards of the main building or, where there is no main building, at least 30 metres from the street line; and
- c. the back and side yards are enclosed by a fence or other buffer to screen the use.

### 15.16 Excavation Sites

15.16.1 An excavation site shall not be located in the Community Core.

15.16.2 At minimum, the final perimeter of all excavation sites shall not be located within:

- a. 30 metres of a road, street, highway, easement, or right-of-way;
- b. 150 metres of the foundation of any building;
- c. 150 metres of a private water supply well;
- d. 60 metres of the ordinary high water mark or the bank of a watercourse;
- e. 30 metres from the boundary of any existing area that has been designated as a Natural Protected Area under the *Protected Natural Areas Act*;

- f. 50 metres of a residential property boundary; and
- g. 30 metres of any lot line of an abutting property.

15.16.3 Removal of any quarriable substance by the use of explosives shall not occur within 600 metres of any drinking water supply well.

15.16.4 All excavation site operations shall have adequate signage posted around the perimeter that is visible from any access, warning people of any dangerous situations associated with the operation, including, but not limited to, blasting, steep slopes, or open holes.

15.16.5 A treed or landscaped buffer of at least 15 metres in width shall be maintained between the final perimeter of any excavation site and any public street or adjacent property.

15.16.6 A barricade such as a fence or a berm shall be put in place around any extraction site that has a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 metres in height.

15.16.7 The excavation site shall not serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues, or any other material likely to be harmful to the environment.

15.16.8 No excavation may take place to a depth below the groundwater table unless it is demonstrated by a qualified hydrologist that there will be no negative consequences to the water table and the availability of water to surrounding wells.

15.16.9 All relevant provincial agencies shall be contacted, including archeology, and a rehabilitation plan shall be submitted to the Development Officer prior to a development approval being granted for an extraction site.

#### **15.17 Bed and Breakfast**

15.17.1 A bed and breakfast may be conducted in a single unit dwelling subject to the following:

- a. it is not conducted in a dwelling that also includes an early learning and childcare facility, special care home, or secondary suite;
- b. it has adequate water and sewer services in accordance with the appropriate provincial or municipal requirements; and
- c. it has adequate off-street vehicle parking for employees and overnight guests.

### 15.18 Tourist Establishment

- 15.18.1 Where permitted, a tourist establishment shall be subject to the following provisions:
- a. the lot has an area of at least 4,000 square metres;
  - b. all tents, recreational vehicles, camps, cottages, bunkhouses, and their accessory uses shall be located at least 5 metres from any property line;
  - c. the tourist establishment has acceptable connection to water and sewer/septic in accordance with the appropriate provincial and municipal requirements;
  - d. a camping facility shall have a minimum of two separate access points onto a street that is at least 6 metres in width;
  - e. when abutting a residential use, a 2 metre tall opaque fence shall be required, unless an adequate treed buffer is maintained to reasonably shield the use from view;
  - f. where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for areas along the perimeter;
  - g. refuse collection shall be fully enclosed and screened from adjacent properties;
  - h. containers for refuse shall include mechanisms that prevent access from wildlife; and
  - i. if the property is located within the floodplain overlay, any portable accommodations, such as tents and recreational vehicles, must be either secured in a manner to not be displaced by a flood event or be removed from the property for the duration of the spring freshet.

### 15.19 Storage of Recreational Vehicles

- 15.19.1 With the exception of a tourist establishment, where permitted, recreational vehicles shall comply with the following:
- a. any number of recreational vehicles greater than what is permitted in the following subsections shall be considered a tourist establishment and shall meet all the requirements for that use,
  - b. within the Community Core,
    - i. a maximum of one recreational vehicle per acre shall be permitted on the property;
      1. notwithstanding the above, for any property smaller than one acre, a maximum of one recreational vehicle shall be permitted on the property;
    - ii. the recreational vehicle shall not be located in the front yard and shall be located a minimum of 1.5 metres from all other property lines;
    - iii. no recreational vehicle shall be stored on a vacant lot;
    - iv. no recreational vehicle shall be used, leased, or rented out as a permanent dwelling unit; and
    - v. if a property is located within the floodplain overlay, the recreational vehicle must be either secured in a manner to not be displaced by a flood event or be removed from the property for the duration of the spring freshet,
  - c. outside of the Community Core,
    - i. a maximum of five recreational vehicles per acre may be located on a lot;
    - ii. on an occupied lot, recreational vehicles shall not be located in the front yard and shall be located a minimum of 1.5 metres from any other property line;
    - iii. on a vacant lot the recreational vehicles shall be located within the required setbacks of section 15.2; and

- iv. if a property is located within the floodplain overlay, the recreational vehicles must be either secured in a manner to not be displaced by a flood event or be removed from the property for the duration of the spring freshet.

### 15.20 Keeping of Livestock

15.20.1 The keeping of Livestock is subject to *the Livestock Operations Act and Regulation* and to any terms and conditions that may be imposed on the holder of a livestock operation license issued under the *Livestock Operations Act*. If the use is determined to be exempt from the *Livestock Operations Act and Regulation* due to livestock numbers, the keeping of livestock shall be subject to the following requirements:

- a. the maximum number of animals permitted on a property shall not exceed
  - i. for a lot 1.5 acres or smaller, one animal unit or fewer of rabbits, chicken, turkey, geese, sheep, or goats;
  - ii. for a lot greater than 1.5 acres, the equivalent of one animal unit per acre;
- b. manure shall be stored under cover, on an impervious pad and liquid manure shall be stored in a covered tank or otherwise protected from overflow;
- c. manure storage shall not be located closer than 20 metres from any lot line or closer than 100 metres from any watercourse, wetland;
- d. fences and walls shall be well maintained and kept in proper repair to keep all livestock on the property where the livestock facility or grazing field is located;
- e. the following requirements for livestock facilities are met:

Minimum Lot Size	Minimum Setback from all Lot Lines	Minimum Separation Distance*
1 acre	3 m	20 m
> 1 to 2 acres	6 m	35 m
> 2 to 5 acres	10 m	50 m
> 5 acres	10 m	100 m

\* Separation distances are measured between the livestock facility and an occupied dwelling or a well, other than the residential dwelling or well located on the same lot as the livestock facility. Separation distances are reciprocal.

### 15.21 Backyard Chickens

15.21.1 Where permitted, the keeping of chickens shall be considered a secondary use on a lot containing a single dwelling unit, subject to the following:

- a. for a lot with an area of at least 1,100 square metres, no more than 6 chickens may be kept at any given time;
- b. for a lot with an area of at least 4,000 square metres, no more than 10 chickens may be kept at any given time;
- c. male fowl are not to be kept at any time;
- d. a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
- e. the enclosure shall be located in the rear yard and shall be visually screened from a public street and neighbouring properties;
- f. the enclosure shall be located a minimum of 3 metres from any potable water well and shall be located a minimum of 3 metres from any lot lines;

- g. any waste material shall be removed from the site or composted on a regular basis;
- h. written statements of support are obtained from all adjoining property owners; and
- i. the activity is registered with the clerk.

#### 15.22 Kennels

15.22.1 Where permitted, a kennel shall be subject to the following:

- a. a kennel is permitted on a lot with an area determined by the number of dogs kept on the premises as follows:
  - i. between 5 and 10 dogs, an area of at least 6,000 square metres;
  - ii. between 11 and 15 dogs, an area of at least 10,000 square metres;
- b. the kennel is located at least 15 metres from the street line and 10 metres from any other property line;
- c. the kennel is visually and audibly screened by a buffer such as a continuous barrier of coniferous trees, hedges, or solid wooden fencing, each having a minimum height of 1.8 metres; and
- d. the total occupancy of the kennel shall not exceed a total of 15 adult dogs at any one time.

#### 15.23 Wind Turbines

15.23.1 Small scale wind turbines:

- a. shall only be permitted as an accessory use in all zones;
- b. shall be set back a minimum of 1.5 times the turbine height from any property line;
- c. all structures associated with the turbine, including anchors, shall be setback a minimum of 3 metres from and property line; and
- d. the turbine shall be removed if not in use for a period of two consecutive years.

15.23.2 Medium scale wind turbines and wind farms:

- a. shall only be permitted as a main use on all zones
- b. shall be set back a minimum of 1.5 times the turbine height from any property line;
- c. shall be set back a minimum of 550 metres from any existing dwelling;
- d. shall be setback a minimum of 3.5 times the height of the turbine from the right-of-way of a public highway;
- e. all structures associated with the turbine, including anchors, shall be setback a minimum of 3 metres from any property line; and
- f. the turbine shall be removed if not in use for a period of two consecutive years.

#### 15.24 Salvage Yards

15.24.1 Where permitted, a salvage yard shall be located on a lot with an area of at least 2 hectares and shall be subject to terms and conditions as may be imposed by the Commission.

#### 15.25 Development in the Floodplain

15.25.1 No main building may be erected, constructed, or modified unless it meets the following minimum requirements:

- a. in the case of a new main building:

- i. the parcel of land does not have sufficient space outside the Floodplain Overlay Zone to contain the use;
  - ii. a minimum floor elevation greater than the known minimum flood extent;
  - iii. provide a drainage plan, if adaptation measures result in more than 1 vertical metre of fill;
- b. in the case of an existing building, the building may be expanded or modified if:
  - i. it does not reduce the elevation of the existing building;
  - ii. any expansion of habitable space is limited to 40% of the area of the building footprint that existed at the time of this Rural Plan coming into effect;
- c. this section does not apply to accessory buildings or structures, open spaces, or temporary uses.

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## 16 Floodplain Overlay

16.1.1 These provisions shall prevail over underlying zone and provision standards within this area, including, but not limited to, permitted uses.

16.1.2 Notwithstanding any underlying zone standard in this by-law, all land, new development, or building or structure shall adhere to the following:

- a. the following uses are not permitted:
  - i. an institutional use with a residential component such as hospitals, prisons, residential care homes, and similar facilities;
  - ii. a multiple unit dwelling;
  - iii. a building for emergency services;
  - iv. a government office;
  - v. an early learning and childcare facility;
  - vi. a public or private school;
  - vii. a facility for the manufacturing, processing, packaging, or storage of hazardous materials; or
  - viii. a facility for the storage and/or treatment of liquid or solid waste.

## 17 Community Centre – CC Zone

The CC Zone is intended for mixed-use development that allows for residential and non-residential development to exist harmoniously.

### 17.1.1 Permitted Uses

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

- a. One or more of the following main uses:
  - i. an artisan shop;
  - ii. a bank;
  - iii. a business or professional office;
  - iv. a convenience store;
  - v. a general service establishment;
  - vi. a grocery store;
  - vii. a bakery;
  - viii. a hotel or motel;
  - ix. a laundromat;
  - x. a health clinic;
  - xi. a personal service establishment;
  - xii. an eating establishment;
  - xiii. a post office;
  - xiv. a retail store, not including adult entertainment or merchandise;
  - xv. a religious institution under 700 square metres in floor area;
  - xvi. a community centre;
  - xvii. emergency services;
  - xviii. a funeral home;
  - xix. a government office;
  - xx. a hospital;
  - xxi. a supportive care facility;
  - xxii. a school;
  - xxiii. an early learning and childcare facility, subject to section 15.9;
  - xxiv. a park or playground;
  - xxv. a single-unit dwelling;
  - xxvi. a two-unit dwelling;
  - xxvii. a multiple-unit dwelling;
  - xxviii. a self-serve storage facility;
- b. One or more of the following main uses subject to terms and conditions as may be imposed by the commission:
  - i. an automotive repair shop;
  - ii. a service station and gasoline bar;
  - iii. an automotive sales or rental establishment;
  - iv. a garden centre;
  - v. a veterinary clinic;
  - vi. a microbrewery or micro-distillery;

- c. One or more of the following secondary uses:
  - i. for a religious institution, a caretaker's dwelling;
  - ii. one or multiple dwelling units occupying the basement level or upper levels of a building containing a permitted main use;
  - iii. a home occupation, subject to section 15.8;
  - iv. a garden suite or garage suite, subject to section 15.10;
  - v. a secondary suite, subject to section 15.11;
  - vi. a bed and breakfast, subject to 15.17;
  - vii. the storage of a recreational vehicle, subject to section 15.19;
  - viii. backyard chickens, subject to section 15.21;
  - ix. a kennel, subject to section 15.22
- d. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

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## 18 Rural Residential – RR Zone

The RR Zone is intended for residential uses on smaller lots and certain other uses incidental to residential development.

### 18.1.1 Permitted Uses

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

- a. One or more of the following main uses:
  - i. a single-unit dwelling;
  - ii. a two-unit dwelling;
  - iii. a multiple-unit dwelling up to four units;
  - iv. an early learning and childcare facility, subject to section 15.9;
  - v. a park or playground;
- b. One or more of the following secondary uses:
  - i. a home occupation, subject to section 15.8;
  - ii. a garden suite or garage suite, subject to section 15.10;
  - iii. a secondary suite, subject to section 15.11;
  - iv. the storage of a recreational vehicle; subject to section 15.19;
  - v. backyard chickens, subject to section 15.21;
- c. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

## 19 Rural - RU Zone

The RU Zone is intended to accommodate a mix of uses including, but not limited to, unserviced residential development on larger lots, agricultural development, and institutional uses.

### 19.1.1 Permitted Uses

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

- a. one or more of the following main uses:
  - i. a single-unit dwelling;
  - ii. a two-unit dwelling;
  - iii. a multiple-unit dwelling;
  - iv. a special care facility;
  - v. an early learning and childcare facility, subject to section 15.9;
  - vi. a personal service establishment;
  - vii. a religious institution;
  - viii. a tourist establishment, subject to section 15.18;
  - ix. a recreational vehicle, subject to section 15.19;
  - x. a forestry use;
  - xi. a passive recreation use
  - xii. a park or playground;
  - xiii. an outdoor recreational use;
  - xiv. an eating establishment
  - xv. a retail use under 1000 square metres in area;
  - xvi. a community centre;
  - xvii. a school;
  - xviii. a health clinic;
  - xix. a supportive care facility;
  - xx. a hotel or motel;
  - xxi. a veterinary clinic;
  - xxii. a self-serve storage facility;
  - xxiii. a conservation use;
  - xxiv. a business or professional office;
  - xxv. a funeral home;
  - xxvi. a light industrial use;
  - xxvii. a farmer's market; or
  - xxviii. an agricultural use, subject to section 15.20; and
- b. One or more of the following main uses, subject to terms and conditions as may be set by the Commission:
  - i. a gasoline bar;
  - ii. an automotive repair shop;
  - iii. an automotive sales or rental establishment;
  - iv. a contractor's yard;
  - v. a kennel, subject to section 15.22;
  - vi. a provincially inspected abattoir;

- vii. a commercial recreational establishment;
- c. One or more of the following secondary uses:
  - i. an office for the management of a permitted main use;
  - ii. a home occupation, subject to section 15.8;
  - iii. a garden suite or garage suite, subject to section 15.10;
  - iv. a secondary suite, subject to section 15.11;
  - v. a bed and breakfast, subject to section 15.17;
  - vi. the storage of a recreational vehicle, subject to section 15.19;
  - vii. a caretaker's dwelling;
  - viii. a portable milling machine;
  - ix. backyard chickens on a residential lot, subject to section 15.21; or
- d. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

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## 20 Residential Leased Land Community – RLLC Zone

The RLLC Zone is intended for groups of dwellings that are managed as a community and may have shared amenities and services managed by a private business.

### 20.1.1 Permitted Uses

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

- a. One or more of the following main uses:
  - i. a mini-home park;
  - ii. a bare-land condominium, subject to applicable legislation;
- b. One or more of the following secondary uses:
  - i. an office relating to the management of the main use;
  - ii. a home occupation;
  - iii. backyard chickens, subject to section 15.21;
- c. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

## 21 Institutional – INST Zone

The INST zone is intended for large scale institutional uses.

### 21.1.1 Permitted Uses

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

- a. One or more of the following main uses:
  - i. a community centre;
  - ii. a religious institution;
  - iii. a health clinic;
  - iv. a supportive care facility;
  - v. a community care facility or seniors residence;
  - vi. a school;
  - vii. a jail;
  - viii. a government office;
  - ix. a park or playground;
- b. One or more of the following secondary uses:
  - i. an office relating to the management of the main use;
  - ii. a caretaker's dwelling; and
- c. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

## 22 Highway Commercial – HC Zone

The HC Zone is intended to host commercial and light industrial uses which are lower impact than uses permitted in the industrial parks.

### 22.1.1 Permitted Uses

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

- a. one or more of the following main uses
  - i. a single unit dwelling;
  - ii. a forestry use;
  - iii. a sawmill;
  - iv. a retail use;
  - v. a self-serve storage facility;
  - vi. a business or professional office;
  - vii. a meat cutting and sales establishment;
  - viii. a light industrial use;
- b. one or more of the following main uses subject to terms and conditions as may be set by the Commission:
  - i. an automotive repair shop;
  - ii. an automotive sales and rental establishment;
  - iii. a trucking operation;
  - iv. a contractors yard;
  - v. a salvage yard, subject to section 15.24;
- c. one or more of the following secondary uses:
  - i. an office relating to the management of a permitted main use;
  - ii. a factory outlet;
  - iii. a home occupation subject to section 15.8;
  - iv. a garden suite or garage suite, subject to section 15.10;
  - v. a secondary suite, subject to section 15.11;
  - vi. the storage of a recreational vehicle, subject to section 15.19;
  - vii. a portable milling machine; and
- d. any accessory building, structure, or use to an authorized main or secondary use.

## 23 Industrial - I Zone

The I Zone is intended to host higher impact industrial uses which may be incompatible with residential uses of land.

### 23.1.1 Permitted Uses

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

- e. one or more of the following main uses
  - i. a contractor's yard;
  - ii. a warehouse;
  - iii. a self-serve storage facility;
  - iv. an automotive repair shop;
  - v. an automotive sales or rental establishment;
  - vi. a salvage yard, subject to section 15.24;
  - vii. an excavation site, subject to section 15.16;
  - viii. a composting operation;
  - ix. an industrial abattoir;
  - x. an aquaculture use;
  - xi. a redemption waste disposal site;
  - xii. an industrial use;
  - xiii. a trucking operation;
  - xiv. a heavy equipment sales or service operation;
  - xv. a manufacturing operation; or
  - xvi. a sawmill; and
- f. the following secondary uses:
  - i. an office relating to the management of the main use;
  - ii. a caretaker's dwelling;
  - iii. a factory outlet; and
- g. any accessory building, structure, or use to an authorized main or secondary use.

## 24 Agriculture & Resource – A&R Zone

The A&R Zone is intended to host resource extraction type uses and agricultural type uses.

### 24.1.1 Permitted Uses

24.1.2 In an A&R Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

- a. One or more of the following main uses:
  - i. a forestry use;
  - ii. a cannabis production facility, subject to applicable legislation;
  - iii. an aquaculture use;
  - iv. an agricultural use, subject to section 15.20;
  - v. a provincially inspected abattoir;
  - vi. a kennel, subject to section 15.22;
  - vii. an outdoor recreational use;
  - viii. a topsoil removal operation, subject to applicable legislation;
  - ix. a sawmill;
  - x. a single unit dwelling;
  - xi. a two-unit dwelling;
  - xii. a park or playground;
  - xiii. a passive recreation use;
  - xiv. a mining operation;
  - xv. an excavation site, subject to section 15.16 and any applicable legislation;
- b. One or more of the following secondary uses to a permitted main use:
  - i. an office relating to the management of the main use;
  - ii. a home occupation, subject to section 15.8;
  - iii. a garden suite or garage suite, subject to section 15.10;
  - iv. a secondary suite, subject to section 15.11;
  - v. a portable milling machine;
  - vi. backyard chickens, subject to section 15.21; and
- c. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

## 25 Environmental Constraint – EC Zone

The EC Zone is intended to protect environmentally sensitive areas. This includes preventing development on or in close proximity to these lands.

### 25.1.1 Permitted Uses

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

- a. One or more of the following main uses:
  - i. an agricultural use, subject to section 15.20;
  - ii. a park or playground;
  - iii. a passive recreation use;
  - iv. a conservation use;
- b. One or more of the following main uses subject to terms and conditions as may be imposed by the commission:
  - i. a structure incidental to a permitted main use;
  - ii. other uses, permitted in the immediate adjacent zone, permitted through the wetland and watercourse alteration permitting process, administered by the Department of Environment. In this instance, all zone standards of the adjacent zone that permits the use, apply; and
- c. Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

## 26 Conservation – C Zone

The C Zone is intended for land that is protected under the *Protected Natural Areas Act*.

### 26.1.1 Permitted Uses

26.1.2 In a C Zone, any land, building or structure may be used for the purposes of and for no other purpose than a use permitted under the *Protected Natural Areas Act* and the *General Regulation – Protected Natural Areas Act*.

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## 27 Comprehensive Development – CD Zone

The CD Zone is intended to accommodate development that due to its unique characteristics, innovation, or unusual site characteristics require specific regulation not available in other zones. This zone requires a specific proposal described in a resolution or agreement adopted or entered into under section 59 of the *Community Planning Act*.

### 27.1.1 Permitted Uses

27.1.2 In a CD Zone, any land, building or structure may be used for any use provided Council has approved a specific proposal that includes such use or uses pursuant to section 59 of the *Community Planning Act*.

27.1.3 Zone standards shall be those standards of the proposal approved by Council pursuant to section 59 of the *Community Planning Act*.

27.1.4 Council or the Development Officer will specify plans and/or studies necessary to be included in support of the rezoning application at the time of submission. Such plans and/or studies may include, but are not limited to, context, site, building, elevation, landscaping, grading, servicing, stormwater, and traffic.

**Municipality of Gand Lake  
Bylaw No. 12**

**Municipality of Grand Lake Rural Plan**

The council of the Municipality of Grand Lake, under authority vested in it by Section 33 of the *Community Planning Act*, enacts as follows:

1. A Rural Plan for the physical development and improvement of the Municipality is hereby adopted.
2. The document entitled "Municipality of Grand Lake Rural Plan" (By-law No. 12), including that part referred to as "Municipality of Grand Lake Zoning Map" attached as Schedule A, constitutes the Rural Plan mentioned in section 1.

READ A FIRST TIME:

READ A SECOND TIME:

READ A THIRD TIME AND ENACTED:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Andrea Mazerolle, Clerk

\_\_\_\_\_  
Kevin Nicklin, Mayor

I, Andrea Mazerolle, Clerk of the Municipality of Grand Lake, in the Counties of Sunbury and Queens and the Province of New Brunswick, do solemnly declare

1. THAT I am the clerk of the Municipality of Grand Lake, a municipal corporation, and that I am personally acquainted with the facts herein declared;
2. THAT the provisions of Sections 110 and 111 of the *Community Planning Act* have been complied with in respect of By-law No. 12 entitled the Municipality of Grand Lake Rural Plan, enacted by the Council of the Municipality of Grand Lake on \_\_\_\_\_.

Signed: \_\_\_\_\_  
Andrea Mazerolle, Clerk

Dated: \_\_\_\_\_

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