



September 2024

Fundy-St. Martins Rural Plan

BY-LAW #11

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Section

01

Part I: Introduction

Part I: Introduction

The Rural Plan

The Rural Plan

The Village of Fundy-St. Martins Rural Plan - By-law #11 may also be cited as the Rural Plan.

Area of Designation

The area of land lying within the territorial limits of the Village of Fundy-St. Martins, as described in Regulation 2022-50 (Section 48) under the *Local Governance Act* and as outlined on the attached Schedule A, entitled “Village of Fundy-St. Martins Zoning Map” is designated as the area for the adoption of this Rural Plan.



Repeal of Existing By-laws

The following by-laws and regulations or portions of by-laws and regulations that regulate lands within the Village of Fundy-St. Martins are hereby repealed and replaced:

- a) Village of St. Martins Rural Plan By-law #20
- b) Simonds Parish Planning Area Rural Plan Regulation

The Fundy-St. Martins Rural Plan By-law #11 replaces the St. Martins Planning Area Basic Planning Statement Adoption Regulation.

Purpose

The Rural Plan sets out the Council’s long-term priorities and establishes clear policies to guide decision-making within the realms of land use; housing choice and affordability; infrastructure and services; arts, culture, and heritage, and climate change; and to inform operating and capital budgeting and priorities. The Rural Plan should be reviewed every ten years in accordance with the provisions of the *Community Planning Act*. Periodic amendments to the Plan may be required. These should be undertaken with due process, including public consultation, as outlined in the *Community Planning Act* for rural plan amendments. It is recommended that Council trigger a one year performance review of the Plan to determine how the plan is facilitating growth and development, and if necessary, initiate minor housekeeping amendments to further refine the Plan’s approach.

The adoption of a Rural Plan does not commit Council or the Province to undertake any directive proposed herein. Section 35 of the *Community Planning Act* prevents the undertaking of any development that is inconsistent, at variance with or in direct conflict with any policy adopted as part of the Rural Plan.

In this Rural Plan, a Policy is a statement reflecting community objectives and outlining a means to achieve them. Policies are the foundation of the Rural Plan. All other components of the Rural Plan, including the zoning and development standards, as well as any amendments thereto, are to conform to the intent of these policies.

Section

02

Part 2: Vision & Objectives



Community Vision & Objectives of the Rural Plan

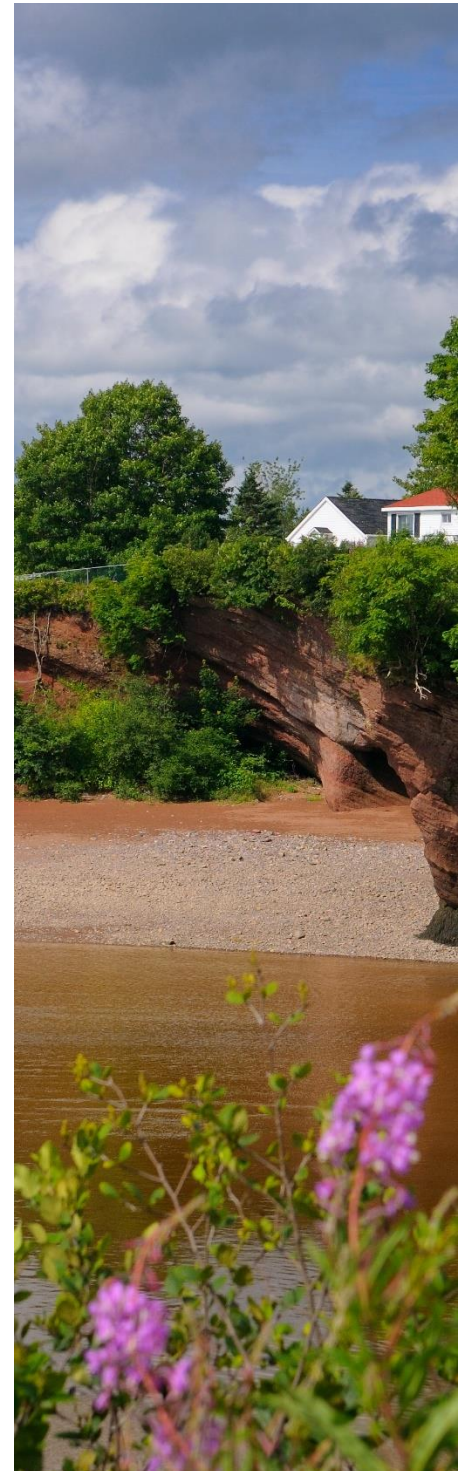
The approach to fostering community and managing land use was created using feedback collected from residents and stakeholders during the development of the Rural Plan. The community vision statement sets an ambitious direction for development through the lens of those who know the place best; the residents of Fundy-St. Martins. Using the community vision as a guide, a series of objectives were created to set the tone for the Rural Plan. Together, the community vision and objectives provide an overarching framework for development within Fundy-St. Martins and will support a sustainable and prosperous future.

Land Acknowledgement

Fundy-St. Martins acknowledges, honours and respects to the land on which we live and operation – the traditional territory of the Wolastoqiyik, Mi'kmaw and Peskotomuhkati. We recognize the historical treaties that were signed – those that did not deal with the surrender of lands and resources, but recognizes historical title and established rules for nation-to-nation relationship. Fundy-St. Martins is proud of the place we call home and are committed to creating a new standard in relationship-building and creating respectful and responsible nation-to-nation partnerships with the rightsholders of the land.

Community Vision

Fundy-St. Martins is a thriving, sustainable community where the charm of rural living blends seamlessly with thoughtful development. Our vibrant economy supports a range of housing options and safeguards our unique coastal and agricultural heritage. Dedicated to environmental stewardship and public safety, we ensure a high quality of life for all.



Objectives of the Rural Plan

- Minimize land use conflicts through orderly and efficient management of land;
- Retain rural charm, while balancing progressive growth that increases economic opportunity;
- Build capacity around land use planning through a common-sense approach that is broadly permissive and responsive to today's challenges and in keeping with the community's vision;
- Encourage a variety of housing types to meet the needs of all ages, abilities, and incomes;
- Support economic development through the zoning provisions that locate non-residential development appropriately;
- Provide sufficient lands for community amenities such as recreation facilities, walking trails and parks;
- Acknowledge the heritage of the community and the importance of the natural coastal environment to the community's identity;
- Appropriately protect agricultural lands and resource industries that form an important part of the economic history of the area; and
- Enable environmental stewardship, access to nature, and public safety by applying development standards that are responsive to the vulnerabilities that come with living along the Fundy coastline.



Section

03

Part 3: Rural Plan Policies

Part 3: Rural Plan Policies

The policies of the Rural Plan support strong and representative decision making on development decisions throughout the Village. The policies are designed to uphold the vision and objectives of the Rural Plan and implement a development framework that is permissive and adaptable to the community's wants and needs.

General Land Use Policies

- LU-1** Council shall adopt the Zoning Map (Schedule A) to direct land use that supports the community's vision for Fundy-St. Martins.
- LU-2** Council shall encourage the orderly and efficient use of lands within the Village through the implementation of the Rural Plan.
- LU-3** Council shall encourage flexible development standards that support and allow for the adaptive reuse and conversion of existing structures through appropriate provisions in sections 4 through 7 of the Rural Plan.
- LU-4** Council shall permit the following uses in any zone:
- Municipal utilities;
 - Cemeteries and crematoria;
 - Community Garden;
 - Land for Public Purpose;
 - Street or Highway;
 - Park or Playground;
 - Public Display;
 - Mobile Vendor;
 - Passive Recreation;
 - Seasonal or Temporary Market, Festival, or Event;
 - Stormwater Management System;
 - Temporary Parking Lot to Facilitate Snow Clearing;
 - Walking Trail; and
 - The use of land for the purposes of exploration, staking and prospecting of minerals and carboniferous deposits, subject to all applicable legislation.
- LU-5** Council shall work with the Fundy Regional Service Commission to support the facilitation of the development framework contained within the Rural Plan.
- LU-6** Council shall ensure all proposed development is in keeping with the Zoning, Subdivision, and other Village by-laws deemed relevant to assessing a development application.

Part 3: Rural Plan Policies

- LU-7** Council shall amend the Rural Plan in conjunction with any future water and sewer systems to support the appropriate intensification of serviced areas. Council shall consider areas with improved capacity for increasing dense residential housing types.
- LU-8** Council shall conditionally permit the creation of flag lots in instances where the lot width requirements of this Rural Plan cannot be satisfied, but where all other provisions of Parts 5 and 6 of the Rural Plan can be met, and where the flag lot will not prejudice the possibility of further subdividing the property or convenient subdividing of adjoining and nearby land.
- LU-9** Council shall not prescribe minimum parking requirements, but provide for parking stall and lot design through provisions in Part 4 and 5 of the Rural Plan.
- LU-10** Council shall manage the on-going use, maintenance, and additions or alterations of non-complying buildings or lots through provisions in Part 5.
- LU-11** Council shall prevent any development from occurring on lands with a slope in excess of 20%.

Housing & Residential Land Use

The approach to housing is intended to provide sufficient and appropriate lands for a range of housing options that meet the needs of the community now and in the future. Consideration for a broad and permissive approach to housing is required to ensure the continuation of rural character while ensuring opportunities for an increased variety of housing options are permitted. The policies of this section direct effective zoning provisions and ensure the unique context of the community is considered in development decisions.

- H-1** Council shall encourage a variety of housing types that are responsive to the needs of the community including consideration for gentle increases in density in appropriate areas.
- H-2** Council shall encourage affordable housing through advocating for residents to have equitable access to safe and adequate housing.
- H-3** Council shall advocate to the Province for improved access to low income and affordable housing options and programming including rental and ownership models.
- H-4** Council shall collaborate with local and regional partners to explore the housing needs and opportunities of the community.
- H-5** Council shall explore funding opportunities to incentivize housing, including affordable, market, and mixed market housing throughout the Village.
- H-6** Council shall encourage orderly, diverse, and compact residential development through directing more dense housing types to be located in the mixed-use areas and/or serviced areas of the Village.
- H-7** Council shall encourage subdivision design that follows sustainable community design principles to ensure the protection of environmentally sensitive areas and provides common amenity space for residents.
- H-8** Council shall provide for a broad range of housing types through the zoning provisions found in Part 6 of the Rural Plan.
- H-9** Council shall provide for the conversion of existing buildings to accommodate one or more residential units through appropriate provisions found in Part 5 through 7 of the Rural Plan.
- H-10** Council shall encourage new residential infill development to respect the scale, form, and character of the general surrounding area through sensitive design and landscaping considerations.

Part 3: Rural Plan Policies

- H-11** Council shall permit more than one main dwelling on a lot in rural areas through appropriate zoning provisions provided in Parts 5 and 6 of this Rural Plan.
- H-12** Council shall establish a Rural Residential (RR) Zone in Part 6 of the Rural Plan and implement the zone through the Zoning Map in Schedule A. The RR zone shall capture rural residences on smaller lots than those found in the RU zone and provide for appropriate secondary and accessory uses typical of rural residential areas.
- H-13** Council shall consider a rezoning to Rural Residential (RR) zone when:
- a) the lot is smaller than 4,000 square metres;
 - b) the lot is outside of the Village Centre (VC) zone;
 - c) the proposed development aligns with the policies and provision of the Rural Residential (RR) zone;
 - d) the proposed development may be serviced by municipal or private water or sanitary sewer infrastructure;
 - e) the lot is contiguous with other Rural Residential properties; and
 - f) there are reasons to limit land uses to protect groundwater drinking water sources.
- H-14** Council shall permit garden and secondary suites in association with all main uses, including provisions for garden and secondary suites in accessory buildings, in accordance with the Building Code Administration Act.
- H-15** Council shall provide for a range of compatible uses such as home industries and occupations, and small-scale agricultural uses in conjunction with residential uses through zoning provisions in Parts 5 and 6 of the Rural Plan.
- H-16** Council shall provide for seasonal residential uses, including cabins, cottages, and tourist accommodations through appropriate provisions in Part 5 and 6 of the Rural Plan.
- H-17** Council shall provide for dwelling group clusters, such as tiny home or mobile-home communities through a Dwelling Group zone that permits incidental retail and business uses.

Commercial Land Use & Economic Development

This policy section supports an approach to commercial land use that establishes a mixed-use development pattern in the Village Centre zone that allows for long-term, sustainable economic development across the Village. The Village of Fundy-St. Martins is a regional centre for tourism, with the Bay of Fundy, Fundy Trail and Fundy National Park in close proximity, further compounded by significant public investment in the expansion of the Fundy Trail. As such, the Village Centre zone is a significant tourist destination and driver of the local economy and is supported by policy that protects the vibrancy of the area. In tandem, varying intensities of commercial uses are accommodated throughout the remainder of the Village to ensure the mixed-use nature of the established rural development pattern is positioned to continue. The policies of this section direct zoning provisions that capture the opportunities of the Village Centre zone as a local hub while respecting the diverse economic opportunities offered by the more rural areas.

- CED-1** Council shall encourage the expansion of the local employment base while protecting the viability of established industries through creating appropriate zoning provisions that encourage the establishment of employment lands and other ancillary uses, such as employment housing.
- CED-2** Council shall identify the boundary extents of Village Centre zone on the Zoning Map in Schedule A.
- CED-3** Council shall establish a Village Centre zone in Part 6 of the Rural Plan and implement the zone through the Zoning Map in Schedule A. The Village Centre zone shall capture the mixed-use development pattern of the area, with provisions for commercial uses that are compatible with residential uses.
- CED-4** Council shall consider expansion of the Village Centre zone when:
- a) the proposed expansion maintains a contiguous Village Centre zone; spot rezonings shall not be permitted;
 - b) the proposed development initiating the expansion of the Village Centre zone cannot be reasonably accommodated within the existing extents of Village Centre zone; and
 - c) the proposed development initiating the expansion, in the opinion of Council:
 - I. positively contributes to the Village character by way of look and feel of the proposed building or renovation;
 - II. provides opportunity for local or seasonal employment; and
 - III. is generally compatible with the surrounding development pattern.
- CED-5** Council shall not rezone properties within the Village Centre zone that creates a non-contiguous area. A proposed development that does not conform to the Village Centre zone shall be considered through a text amendment.

Part 3: Rural Plan Policies

- CED-6** Council shall encourage new commercial development to consider the surrounding development pattern and include considerations for the scale, form, and character of the general area.
- CED-7** Council shall encourage the on-going promotion and investment of the tourism industry, recognizing the immense value of our natural assets.
- CED-8** Council shall direct larger format publicly-facing commercial businesses to be located along Highways 111 and 825 and in established mixed use areas to ensure high quality access and compatibility with surrounding land uses.
- CED-9** Council shall permit and may set standards with respect to temporary or seasonal commercial uses through provisions in Parts 5 and 6 of the Rural Plan.
- CED-10** Council shall provide for more than one main commercial use on a lot through appropriate provisions in Parts 5 and 6 of the Rural Plan.
- CED-11** Council shall accommodate secondary residential uses in conjunction with commercial main uses throughout the Village.
- CED-12** Council shall provide for tourism establishment uses, through appropriate provisions in Part 5 and 6 in the Rural and Village Centre zones.
- CED-13** Council shall provide provisions to manage the siting and impacts of campgrounds, including luxury camping (glamping domes) at a commercial scale, anything over three individual units or sites.
- CED-14** Council shall explore the development of an economic development plan that considers the context of tourism and resource industries, provides insight into the local market, and builds a strategy for business development, attraction, and retention.
- CED-15** Council shall encourage accommodating a combination of residential uses, tourism-based accommodation and supportive retail, food service and similar uses within the Village Centre zone.
- CED-16** Council shall establish an Integrated Development Zone to accommodate development consisting of combinations of uses or land, buildings, and or structures contained in a specific proposal described in a resolution or agreement adopted.

Municipal Services

The Village provides residents with an increasing variety of services and amenities. With the changing landscape of regional cooperation and increasing environmental pressures, the scope of municipal services are expected to evolve. This policy section provides direction to explore an equitable approach to services while providing support for improved service delivery.

- MS-1** Council shall continue to explore options and opportunities for municipal water and sewer systems.
- MS-2** Council shall manage the provision of solid waste management services.
- MS-3** Council shall explore opportunities to evaluate municipal processes and procedures for efficient service delivery.
- MS-4** Council shall ensure the future installation of municipal water and sewer systems supports increasingly dense residential development and the overall efficient use of land.
- MS-5** Council shall develop criteria for the expansion of municipal infrastructure services to undeveloped areas and shall explore approaches to cost sharing that include defined responsibilities for the developer.
- MS-6** Council shall explore opportunities to use green infrastructure solutions when considering new infrastructure assets or the maintenance of existing assets.

Local Environment & Climate Change Adaptation

The Village's coastlines and vast wilderness areas help define the community's identity. An appropriate level of protection for environmentally sensitive areas and lands impacted by the changing climate are facilitated by this policy section. The policies established here are implemented in conjunction with the Province's environmental policy framework and directives. The overall approach to environmental protection and climate change are expected to evolve as information improves.

- ECC-1** Council shall establish the Environmental Conservation (EC) Zone in the Zoning Map in Schedule A. The EC zone shall be applied to flood prone areas, riparian areas, 30 metres from wetland and watersheds, wellhead protection areas, steep slopes, groundwater recharge and discharge areas, coastal marshes, beaches, unstable soils, and known areas of environmental significance.
- ECC-2** Council may explore sources for future drinking water supply and, upon discovery of a reliable water source, amend the Rural Plan to ensure the area is protected under the Environmental Conservation zone.
- ECC-3** Council shall direct development away from environmentally sensitive or hazardous areas and land that is otherwise unsuitable by virtue of soil or topography.
- ECC-4** Council shall encourage the preservation of the night sky through appropriate lighting standards in Part 5 of the Rural Plan.
- ECC-5** Council shall consider and mitigate climate change impacts when undertaking development decisions.
- ECC-6** Council may explore the development and implementation of a Climate Change Adaptation Plan.
- ECC-7** Council shall advocate that the Province of New Brunswick undertake an erosion study to determine reasonable and appropriate setbacks for future development along the coastline and shall make amendments to the Rural Plan to implement recommendations of the study, as appropriate.
- ECC-8** Council shall ensure that development adheres to the Province's standards for the provision for on-site water and septic as appropriate.
- ECC-9** Council shall explore opportunities to permit green energy generation, including solar and wind energy, at a variety of scales through provisions in Parts 5 and 6 of the Rural Plan.

Coastal Erosion

- CE-1** Council recognizes the vulnerability of the community to the threat of climate change impacts such as sea level rise, increasing severity and frequency of storm events, coastal erosion, and storm surge.

- CE-2** Council shall work with the Province of New Brunswick to establish known areas of and rate of significant erosion and utilize these findings to implement a future Coastal Erosion Control Setback Overlay through the Zoning Map in Schedule A and limit development in those areas through Parts 5 and 6 of the Rural Plan.

Recreation and Community Uses

Recreation amenities, community facilities, parks, playgrounds, and trails are an integral part of a community's make up. Access to nature and the wide expanse of coastline attract residents and visitors into Fundy-St. Martins. This policy section seeks to enhance natural recreation amenities like access to the Bay while providing direction for equitable access to recreation facilities and programming.

- RC-1** Council shall collaborate with community organizations, the private sector, and other levels of government, to improve existing facilities, establish new facilities, and develop programs that maximize opportunities for affordable and equitable recreational activity for all residents.
- RC-2** Council shall establish the Open Space and Recreation zone in the Zoning Map in Schedule A. The Open Space and Recreation zone shall be applied to recreation facilities including sports fields, parks, playgrounds, and other recreation amenity space provided throughout the Village.
- RC-3** Council shall ensure cemeteries are permitted in the Open Space and Recreation zone through appropriate provisions in Part 5 and 6 of the Rural Plan.
- RC-4** Council shall support the continued maintenance of the 4 Season Complex.
- RC-5** Council shall provide for commercial recreation opportunities through provisions in Part 5 and 6 of the Rural Plan.
- RC-6** Council shall encourage new recreation amenities to be conveniently located for increased ease of access for the community.
- RC-7** Council shall encourage community uses that support cultural, social, and educational needs of the community through appropriate provisions in Parts 5 and 6 of the Rural Plan.
- RC-8** Council shall continue to advocate for appropriate educational facilities and modernized educational programming to ensure broad access to education for residents of all ages and abilities.
- RC-9** Council shall work with local and provincial partners to ensure the continued provision of health care services within the Village and advocate for increased access to senior-focused care for aging residents.
- RC-10** Council shall explore opportunities to increase age-friendly amenities and infrastructure.

Industrial Land Uses

There are limited pockets of industrial uses throughout Fundy-St. Martins. These more intensive land uses contribute to the local economy and employment base and their continued operation are a priority. Industrial development that has limited impacts on surrounding lands is prioritized through the policy approach detailed in this section. More intensive industrial land uses, specifically those that may be considered offensive or noxious, require an additional level of scrutiny and are to be guided through a public approval process.

- I-1** Council shall prioritize the natural environment and the rural character of the community by limiting the intensity of industrial land uses permitted through Parts 5 and 6 of the Rural Plan.

- I-2** Council shall accommodate existing industrial uses in the Rural zone on the Zoning Map in Schedule A. The Rural zone shall consider low intensity industrial land uses that are limited in their risk of causing impacts to land, air or water and limited in their risk to causing land use conflicts with neighbouring uses.

- I-3** Council shall consider noise, dust, vibration, traffic, and visual impacts when considering new industrial lands uses and these uses are located in areas separated or sufficiently buffered from residential and commercial development, wherever possible.

- I-4** Council shall consider, through consultation with the public, new industrial uses through a plan amendment and will be evaluated relative to the following considerations:
 - a) Compatibility with the surrounding community, especially adjacent land uses, on the basis of noise, traffic, dust, and odours;
 - b) Scale and nature of the operation;
 - c) Visual buffers;
 - d) Topography;
 - e) Soils;
 - f) Drainage;
 - g) Flood plains; and
 - h) Any other aspect of the proposed development that could pose a danger to residents or contaminate the environment.

- I-5** Council may establish provisions for Cannabis Production Facilities in a future Industrial zone.

Agriculture

The following policy section provides an approach that is reflective of the existing pattern of agricultural uses within the Village. There are a variety of agricultural practices at a variety of scales and intensities presently operating with Fundy-St. Martins. Policy direction is provided to support and encourage both career and hobby farming with considerations for the cultivation of land and the keeping of livestock that is typical of a rural community.

- A-1** Council shall provide for agricultural uses at a variety of intensities through provisions in Part 5 and 6 of the Rural Plan.
- A-2** Council shall provide for hobby farm-type uses in association with residential uses in Part 5 and 6 of the Rural Plan.
- A-3** Council shall encourage and promote initiatives that support local food production.
- A-4** Council shall provide for the keeping of livestock as a secondary use on a residential lot through provisions in Part 5 and 6 of the Rural Plan.
- A-5** Council shall encourage new development adjacent to active agricultural operations to consider additional setbacks to limit land use conflict and encroachment into agricultural lands.
- A-6** Council may identify prime agricultural land (Class 2, 3 or 4) soils as defined by the Canadian Land Inventory on the Zoning Map and include provisions in Part 4-6 which protect these resources from encroaching rural residential development.

Resource Uses

The following section offers an approach to resource management and includes guidance on fishery uses, aggregate extraction, and forestry uses. The identity of the community is substantially tied to the working harbour. The presence of the local fishery requires consideration for the storage of boats and equipment in a variety of contexts. Aggregate extraction uses exist throughout the community at a variety of intensities, including pits and quarries extracting aggregate for road maintenance and concrete plants. There are mineral deposits throughout the Village and therefore an approach to guide the future consideration of pits, quarries, and mines is required. Forestry-uses including the raising and harvesting of wood, as well as sawmills currently exist and are becoming increasingly popular as demand for local lumber increases.

- R-1** Council shall provide for a broad range of resource uses through appropriate provisions in Part 5 and 6 of the Rural Plan.
- R-2** Council shall encourage a sustainable approach to natural resource management and support the implementation of best practices that minimize impacts to the natural environment.
- R-3** Council shall create a Resource and Aggregate Extraction zone in Part 6 of the Rural Plan. The Resource and Aggregate Extraction zone shall be applied to pits, quarries, or mines through a rezoning process.
- R-4** Council shall differentiate gravel pits and wayside pits and allow these through appropriate provisions within the Rural zone.
- R-5** Council shall zone existing aggregate extraction uses with an approval to operate from the Province that is valid as of the date of the Rural Plan adoption as Resource and Aggregate Extraction on the Zoning Map in Schedule A.
- R-6** Council shall encourage existing resource extraction uses to continue in conjunction with approved certificates of operation issued by the appropriate provincial agency.
- R-7** Council shall, through consultation with the public, when considering a new pit, quarry or mine through an amendment to the Rural Plan, consider the following:
 - a) Compatibility with adjacent land uses and overall surrounding context;
 - b) Potential of noise, dust, vibration, traffic, and visible impacts such as outdoor storage;
 - c) Size, type, and intensity of the proposed operation;
 - d) Visual and auditory buffers;
 - e) Topography and soils;

Part 3: Rural Plan Policies

- f) Drainage;
- g) Risk of pollution to air, water, and soil;
- h) Any other risk to residents or the environment that could occur should the proposed development proceed; and
- i) Site rehabilitation measures at the end of the activity lifecycle.

R-8 Council recognizes the importance of the fishing industry and shall provide for fishery and coastal uses through appropriate zoning provisions to ensure these historic industries are supported while providing parameters for their reasonable expansion.

R-9 Council shall provide for the storage and repair of fishery equipment and supplies on the same lot as residential uses through provisions in Part 5 and 6 of the Rural Plan.

R-10 Council shall provide for reasonable and adequate separation between resource uses such as aggregate extraction and forestry uses through provisions in Part 5 and 6 of the Rural Plan.

R-11 Council shall encourage renewable energy sources, including wind and solar energy projects throughout the Planning Area and the scale is regulated through provisions in Sections 5 and 6.

Heritage & Culture

The Village is home to significant architectural heritage that helps define the identity of the community. As a coastal community, the interplay of historic buildings and active coastline make the Village a vibrant and beautiful place to live and to visit. Opportunities to celebrate the heritage of the area are celebrated through the local museums and galleries as well as cultural programming. The policies contained in this section encourage the continued support of the Village's history and culture.

- HC-1** Council shall explore programs, including wayfinding and signage, to identify sites or areas of archaeological or historical interest, and buildings of architectural or historical interest throughout the Village.
- HC-2** Council shall explore the feasibility of a municipal heritage registry and preservation by-law to encourage the protection of the Village's built form heritage.
- HC-3** Council shall seek opportunities for funding the preservation of heritage character in the Village Centre.
- HC-4** Council shall ensure continued and safe public access to the coastline.
- HC-5** Council shall explore the development of a public art policy to encourage high quality and representative public art installations.
- HC-6** Council shall encourage the development of a festival and event guideline.
- HC-7** Council shall facilitate the development of beautification programs for the Village Centre to enhance the character of the area.



Section

04

**Part 4: Purpose, Administration,
Classification, and Conformity**

4.1. Purpose

4.1.1. The purpose of Part 4 to 7 is to:

1. Divide the Village into zones which are represented in Schedule A: The Village of Fundy-St. Martins Zoning Map;
2. To prescribe:
 - 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;
3. To prohibit the use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in paragraph (2).

4.2. Powers of Council

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

4.3. Powers of the Commission

4.3.1. No building or structure may be erected on any site where it would otherwise be permitted under this Regulation 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.

4.3.2. Temporary Use:

1. The Commission may, subject to such terms and conditions as it considers fit, authorize, for a temporary period not exceeding one year, a development otherwise prohibited by the Rural Plan;
2. The Commission may, subject to subsection (a), extended the temporary use for a period not exceeding one year, if an application to rezone the subject land has been received and accepted as complete by the Development Officer; and
3. The Commission may require the termination or removal of a development authorized under subsection (a) or (b) at the end of the authorization period.

4.3.3. Delegate Authority

1. As provided by Sections 55(5), 77(1) and 108(6) of the Community Planning Act, the Commission may delegate its authority to the development officer and the development officer may then delegate their authority to any person.

4.4. Amendments to the Rural Plan

4.4.1. A person who seeks to have this Rural Plan amended shall:

1. Submit an application, signed by the property owner or their delegate, to the Development Officer;
2. Pay a fee of \$1,500.00 payable to the Commission; and
3. An application shall include:
 - I. a description of the intended use for the subject property; and
 - II. a site plan indicating:
 - a) proposed locations for development;
 - b) proposed locations for any accesses or driveways;
 - c) location of all existing buildings or structures;
 - d) location of any proposed on-site servicing ;
 - e) the location of any registered wells on abutting or nearby properties; and
 - f) any additional information required by the Development Officer to facilitate the processing of the application.

4.5. Fees for Service

The following services are subject to the following fees:

Table 1: Fees for Service

Zoning Confirmation	\$100
Zoning Compliance	\$200
Rezoning or Text Amendment	\$1,500
Variance	\$250
Terms and Conditions	\$250
Similar or Compatible Use	\$250
Development Permit	\$25

4.6. Development Permits

- 4.6.1. No person shall undertake a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this by-law.
- 4.6.2. A development permit shall be in force for a period of one (1) year from the date of issuance or until the project has been completed or is discontinued for a period of one year. Any permit may be re-issued upon request, subject to review by the Development Officer and provided it conforms to any applicable regulation or policy that is in effect at the time of reissuance.
- 4.6.3. Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.
- 4.6.4. No development permit may be issued under this By-law before any applicable fee (Section 4.5) has been paid.

4.7. Zones

- 4.7.1. For the purposes of this Rural Plan, the Village is divided into zones delineated in Schedule A, the “Village of Fundy-St. Martins Zoning Map”.
- 4.7.2. The zones mentioned in subsection (a) are classified and referred to as follows:

Table 2: List of Zones and Abbreviation

Zone	Abbreviation
Village Centre	VC
Rural Residential	RR
Rural	RU
Open Space and Recreation	OSR
Environmental Conservation	EC
Resource and Aggregate Extraction	RA
Integrated Development	ID
Dwelling Group	DG

4.8. Conformity

- 4.8.1. No person shall, within any zone, use any land or place, erect, alter or use any building or structure except in accordance with the provisions of the Rural Plan.

4.9. Boundaries of the Zones

- a) Where a zone boundary follows a lot line, that lot line is the zone boundary.
- b) Where a zone boundary follows the sideline of a highway, road, lane, or street, such sideline is the zone boundary;
- c) Where a zone boundary follows a transmission right-of-way, rail right-of-way, or watercourse, the centre of that feature is the zone boundary;
- d) Where a zone boundary follows the municipal boundary, the municipal boundary is the zone boundary;
- e) Should any feature described in this section cease to exist, the centre of the former feature is the zone boundary; and
- f) Where none of the above applies, the zone boundary is determined by measuring the Zoning Map directly.

4.10. Rural Plan Review

- 4.10.1.** Village Council shall undertake a review of the Rural Plan in accordance with the Community Planning Act no later than 10 years from its commencement or the last review.



Section

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5.1. Access

5.1.1. Access for Residential Purposes

1. An access for residential purposes means an access that serves a residential building.

5.1.2. Access for Non-Residential Purposes

1. No more than two (2) driveways shall be permitted per lot.
2. A Non-Residential Driveway, when facilitating two-way traffic, shall have a minimum width of 6 metres.

5.2. Accessory Buildings & Structures

5.2.1. Accessory Building Standards

1. Except as otherwise provided by this Rural Plan, an accessory building shall be permitted in any zone subject to the requirements of this part.
2. In the Village Centre and Rural Residential Zone:
 - I. Except as otherwise provided by this Rural Plan, an accessory building shall not be placed, erected or altered so that it is so located as to block that which otherwise would be the only vehicular access to the rear of the lot. Should this be the location of the only vehicular access to the rear of the lot, then a minimum 3 metres must be retained for vehicle access.
 - II. Not exceed a cumulative gross floor area of 84m² or larger than 15% of the total lot area

5.3. Building and Structure Projections

5.3.1. Nothing in this Rural Plan shall prevent the following:

1. An air conditioning or heat pump unit, or solar collector in any required yard;
2. A balcony, deck, or veranda with a maximum projection of 50% of a required side or rear yard;
3. A canopy, chimney, cornice, eave, flue, gutter, pilaster, roof overhang, sill, smokestack, or other architectural feature with a maximum projection of 1 metre into any required yard;
4. A door or window awning with a maximum projection of 1.5 metres into any required yard;
5. The ordinary projection of skylights;

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6. A cantilevered floor in a main building above the first floor, which projects into a required front, flankage, side, or rear yard not more than 2 metres or 50% of said required yard, whichever is less.
7. A personal mobility lift or wheelchair ramps may be located in any required yard;
8. A fire escape or exterior staircase that projects into any required yard;
9. Steps providing access at the first storey level may be located in any required yard; and
10. An ornamental planting, retaining wall, or other similar landscaping installation may be located in any required yard.

5.4. Campgrounds

Where permitted, campgrounds are subject approval by the Planning Review and Adjustment Committee and must meet the following submission requirements and standards:

5.4.1. Campground Development Standards

1. Site Plan
 - I. A site plan for a Campgrounds shall be drawn to scale and illustrate the following information:
 - a) Delineation of the property to be developed on a legal survey;
 - b) Location and size of campsites;
 - c) Internal roads and accesses;
 - d) Parking areas;
 - e) Accessory uses (not limited to but including laundry facilities, storage areas, washrooms, showers, convenience store, and outdoor and indoor recreation facilities);
 - f) Pedestrian walkways and trails within the camping site;
 - g) Landscaping; and
 - h) Buffers and screening between the site and other nearby land uses.

5.4.2. Standards

1. No campsites shall be located closer than 10 metres (33 feet) from any property boundary. These setback areas shall be maintained as a buffer.
2. Refuse collection shall be fully enclosed and screened from the adjacent property. Any containers used for refuse shall be locked or include mechanisms that prevent access from wildlife.
3. Have a minimum lot size of 8,000m².

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5.4.3. Buffering, Landscaping, and Grading

1. Campsites shall be screened (as defined by the By-law) from a public street/road or adjacent properties (not including water bodies) by an opaque vegetative, topographic screen (berm), opaque fence, building or combination thereof.
2. A landscaped buffer area not less than 10 metres (33 feet) shall be retained and maintained from adjacent property boundaries. No activity or use shall be permitted within this landscaped buffer except for walkways and trails not exceeding 3 metres in width.
3. Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for areas along the campsite perimeter. iv. All areas disturbed by development shall be landscaped.

5.5. Conditions of Use: Buffering of Industrial Uses

- 5.5.1. When an industrial use abutting a residential lot, screening shall be required at the satisfaction of the Development Officer and may include fencing, or a landscaped buffer or trees or hedges, newly planted or existing.
- 5.5.2. A motor vehicle repair use and/or heavy equipment depot use identified as permitted in a zone shall not be located within 30 metres of a dwelling other than the dwelling of the proprietor of the business.

5.6. Daycares

5.6.1. Day Care Centre

Where permitted, a Day Care Centre shall be subject to the following conditions:

1. The Day Care Centre shall comply with all provincial regulations and be licensed appropriately;
2. Any fenced, outdoor play area shall be located in the rear or side yard;
3. Notwithstanding (b), a fenced, outdoor play area may be located in the front yard when the distance from the front property line to the fence is equal to or greater than the minimum required setback for the zone;
4. One on-site parking space shall be provided for every 10 children; and
5. Pick-up and drop-off of children must occur on-site.

5.7. Development Near a Watercourse, Wetland, Lake, or High Watermark

- 5.7.1. Any development within 30 m of a watercourse, wetland, lake, or from the high watermark shall be subject to the Regulations of the Province of New Brunswick and may require a Watercourse and Wetland Alteration permit.

5.8. Excavation & Resource Extraction

5.8.1. Excavation Minimum Standards

All resource excavation developments, including pits must meet the following minimum standards:

1. No excavation shall be undertaken within 30 meters of any wetland, coastal and inland waterbody, or other watercourse below the groundwater table;
2. The excavation site shall be of a minimum distance of 30 meters from all property lines, 7.5 meters from power lines, and 150 meters from any dwelling on any property;
3. A treed or landscaped buffer of at least 15 meters in width shall be maintained between the final perimeter of any excavation site and any public street or adjacent property;
4. The main entrances to the site shall have a barrier to control access to the site;
5. All excavation sites shall have adequate signs warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes or open holes; such signs shall be posted around the perimeter and visible from any access;
6. All surface water shall either be contained within the site limits, or the resource excavation development shall require the necessary approval from the Department of Environment and Local Government;
7. The excavation site shall not serve as a storage place or a dump for toxic materials, scrap iron, domestic wastes, construction residue or any other material likely to be harmful to the environment;
8. Any access within 100 meters of an existing residential use shall not be used for transporting excavated materials; and
9. All relevant provincial agencies have been consulted, including archaeology, before a development permit can be granted for the development.

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5.8.2. Quarries

Quarry developments must meet the following minimum standards:

1. Prior to the commencing of an excavation upon the lands, a copy of a rehabilitation plan, as approved by the Department of Environment and Local Government, shall be submitted to the Development Officer, where required;
2. The operation shall maintain a rock wall and a 10-meter buffer cleared of vegetation from the edge of all slopes steeper than one and one-quarter ($1\frac{1}{4}$) meters horizontal to one (1) meter with brightly coloured 1 m² warning signs placed at 20-meter intervals along the top length of that slope;
3. Prior to the commencing of an excavation upon the lands, all development and activities shall comply with all applicable acts, permits and approvals as required, including but not limited to: the Air Quality Regulation – Clean Air Act, the Environmental Impact Assessment Regulation and the Water Quality Regulation – Clean Environment Act, Clean Environment Act, Approval to Operate, Approval to Construct, the Watercourse and Wetland Alteration Regulation, and the Water Well Regulation – Clean Water Act, and the Species at Risk Act; and
4. An excavation involving the blasting of rock shall not be placed within 600 meters of a dwelling on any property without the written consent of the owners of any affected dwellings.

5.8.3. Pits

Pit developments must meet the following minimum standards:

1. The land shall not be used for temporary or permanent asphalt production;
2. No excavations involving any blasting of aggregate or mining shall be permitted; and
3. The land shall not be used for any aggregate crushing.

5.9. Signs

5.9.1. A sign may be placed, erected or displayed on any land, building or structure if such sign

- I. advertises the sale, rental or lease of the land, building or structure;
- II. identifies a residential property or the residents of that property;
- III. denotes a home-based business permitted hereunder; or
- IV. prohibits trespassing.

5.9.2. A sign referred to in subsection (1) shall not:

- I. exceed, in number, one for each purpose mentioned therein;
- II. exceed 1.5 square meters in size;

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- III. employ neon or flashing lights; or
- IV. be of a colour, intensity or location so as to be confused with traffic or other warning devices.

5.9.3. A sign shall be exempt from the requirements of this Regulation if the sign:

- I. warns against danger;
- II. is permitted in accordance with the Posting of Signs on Lands Regulation – Fish and Wildlife Act;
- III. is a traffic control device as defined in the Motor Vehicle Act;
- IV. is a legal notice; or
- V. is a store window sign advertising goods for sale in the store.

5.10. Existing Buildings

5.10.1. A building that has been erected on or before the effective date of the adoption of this Plan on a lot that has less than the minimum area, frontage, or depth, or having less than the minimum setback or side yard or rear yard required by this Plan, the building may be enlarged, reconstructed, repaired or renovated, provided that:

- 1. the enlargement, reconstructions, repair or renovation does not further reduce the front yard or side yard, and
- 2. all other applicable provisions of this Plan are satisfied.

5.11. Garden Suites

5.11.1. Where permitted, a garden suite shall:

- 1. Be secondary to the main dwelling;
- 2. In a Village Centre or Rural Residential Zone, not be located in the required front yard.
- 3. A mobile or mini home may be used as a garden suite;
- 4. Be provided with adequate water and sewer services acceptable to the Department of Justice and Public Safety.
- 5. No vehicle bodies, recreational vehicles, or shipping containers may be used as a garden suite; and
- 6. Notwithstanding (g), a shipping container may be used as a building material for a garden suite if the construction drawings are reviewed and stamped by a Professional Engineer.

5.12. Height Restrictions

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

5.13. Hobby Farms and Livestock Facilities

- 5.13.1.** Hobby farms may be established in the Rural, Rural Residential, and Village Centre zones subject to lot size as per the following table:

Table 3: Hobby Farm Lot Size

Type	Livestock	Maximum Number of Livestock	Minimum Lot Size
A	Large animal (cattle, horses, llamas, emus etc.)	N/A*	4000 square metres/animal
B	Small hooved animals (sheep, goats, etc.)	10	8000 square metres
C	Small animals or fowl (any combination of chickens turkeys, rabbits, etc.)	25	4000 square metres
D	Backyard hens (does not include roosters)	12	2000 square metres

*Facilities must receive site plan determination from the provincial Registrar of Livestock Operations.

Please note: minimum lot sizes listed in the table above must be tallied for sites with more that one animal type.

- 5.13.2.** Animals associated with sites must be appropriately fenced, penned, or housed to prevent trespass onto public roads and adjacent properties.
- 5.13.3.** Housing for Type A and B livestock (as listed in **Table 3**) must be situated in the rear yard, but not closer to the side or rear lot line than 15 metres.
- 5.13.4.** Housing for Type C and D livestock (as listed in **Table 3**) must be situated in the side or rear yard, but not closer to a lot line than 5 metres.
- 5.13.5.** No livestock facility, barn, stable feedlot, abattoir or manure pile shall be located closer than 20 meters from any lot line or closer than 90 meters from any existing watercourse; and

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- 5.13.6.** A livestock operation shall be developed in accordance with and adhere to all applicable Provincial regulations.

5.14. Home Industry

- 5.14.1.** Where permitted, a home industry is subject to the following:

1. A home industry may be considered a second main use on a lot which contains a one-unit dwelling.
2. A home industry shall be located within a separate building from the main dwelling.
3. A home industry shall conform to the rules of the zone to which it is proposed.
4. Parking shall be provided in accordance with section 5.22
5. No more than four vehicles with an image, logo, graphic, or sign associated with the home industry are permitted on the lot. This does not include vehicles stored and fully enclosed within an accessory building (garage).

5.15. Home Occupation

- 5.15.1.** Home Occupation General Requirements

A Home Occupation may be conducted subject to the following conditions:

1. A Home Occupation may be permitted as a secondary use within a dwelling unit or an accessory building, or both for the same home occupation, and must be clearly secondary to the residential use;
2. A Home Occupation shall be the principal residence of the operator;
3. The maximum area of the Home Occupation located within a dwelling unit shall not exceed 33% of the gross floor area of the dwelling unit;
4. When the Home Occupation operates from an accessory building, the accessory building shall meet the regulations for maximum gross floor area permitted on the property;
5. No exterior changes will be permitted which would change the architectural appearance of the dwelling;
6. Parking shall be accommodated on the site of the Home Occupation;
7. The following environmental standards shall apply:
 - I. No emissions of odorous gas or particulates that can be discerned at the lot line;
 - II. No production of noise in excess of a normal street traffic experience;
 - III. No physical hazards or nuisance including fire, toxic waste, explosion, glare or vibration to adjacent properties;

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- IV. No discharge of any waste material or pollutant onto the ground of property or adjacent property or any waterway or drainage facility; and
- V. Outdoor storage must be located in the rear yard containing the Home Occupation and must be screened.

5.15.2. Home Occupations Permitted in Association with any Residential Dwelling

- 1. Art or Craft Person Studio;
- 2. Bed & Breakfast;
- 3. Day Care – One Unit Dwelling only;
- 4. Home Business Office – no additional staff;
- 5. Personal Service;
- 6. Pet Grooming;
- 7. Carpentry and Repair Shops, including incidental retail sales;
- 8. Kennel, including breeder, subject to 5.16

5.15.3. Home Occupations Permitted by Advisory Committee Approval

- 1. Art Gallery
- 2. Retail Sales
- 3. Food Service
- 4. Any other use, subject to the terms and conditions imposed by the Planning Review and Adjustment Committee

5.15.4. Conditions for Home Occupations Permitted by Advisory Committee

To ensure that home occupations maintain the residential character of neighbourhoods while minimizing the potential nuisance effects, the following conditions may be applied by the Commission to all specified Home Occupations permitted in 5.14.3:

- 1. Operational Limits
 - I. Home occupations must operate within designated hours to minimize disturbance during early morning and late evening hours.
- 2. Traffic and Parking
 - I. Delivery and service vehicles must adhere to designated operating hours to minimize traffic congestion and noise.

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3. Environmental Controls
 - I. Adequate measures must be taken to control noise, odour, and lighting, ensuring they do not adversely affect neighbouring properties. This may include soundproofing, ventilation systems, and directional or shielded lighting.
4. Safety and Compliance
 - I. Home occupations must comply with all relevant local, provincial and federal regulations, including health and safety standards; and
 - II. Regular inspections may be required to ensure ongoing compliance with these conditions and any other relevant regulations.

5.16. Kennels

- 5.16.1.** The lot used for a kennel shall be a minimum of 4000 squares metres.
1. Where permitted in the Village Centre and Rural Residential zone, be permitted through terms and conditions applied by the Advisory Committee that considers the impacts of noise and safety.

5.17. Lighting

- 5.17.1.** Lighting
1. No exterior lighting shall be used in a manner which produces a direct glare on the neighboring property, or which produces a visual disturbance that obstructs scenic views:
 - I. All exterior lighting shall be downcast.
 - II. Industrial, Commercial, or similar uses interior or exterior lighting or lighted signs shall only light necessary areas and no lighting shall be directed toward any adjacent use.
 - III. Lighting provided for pedestrian or active transportation trails shall be illuminated with a shielded light source.

5.18. Loading Standards

- 5.18.1.** A loading space not less than 9 meters long, 3.5 meters wide and 4 meters 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.

5.19. Location of Buildings and Structures on a Lot

- 5.19.1.** No building or structure may be placed, erected or altered so that any part of it is within:

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1. 15 meters from the boundary of an arterial or collector highway, or
 2. 7.5 meters from the boundary of a street or highway other than an arterial or local road; unless otherwise stated in Part 6.
- 5.19.2.** Notwithstanding (a), 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:
1. the existing buildings or structures are on each side of and immediately adjacent to, such building or structure; and
 2. the nearest side of each existing building or structure, immediately adjacent thereto, will be within 30 meters of the nearest side of the building or structure to be placed, erected or altered.

5.20. Lot Sizes

- 5.20.1.** No building or structure may be built, located or relocated, altered or replaced on a lot, unless the lot meets the requirements of this section or requirements specified in individual zones.
- 5.20.2.** A building or structure may be erected, located, or relocated, altered or replaced on a lot that does not meet the provisions of this Section or provisions specified in individual zones if the following requirements are met:
1. The lot was existing before this plan came into effect;
 2. The lot is serviced by an access as specified in this by-law;
 3. The zone allowed the proposed development; and
 4. The development is approved by the appropriate agencies concerning on-site septic or sewage systems.
- 5.20.3.** Where a lot is serviced by both a public water and sewer or public sewer and private water the lot shall have:
1. For the main building and for a one or two 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 545 square metres
 2. For a three to six 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 1090 square metres

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3. In excess of 6 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 1272 square metres

5.20.4. Where a lot is serviced by a public sewer system, and not by a water system for public use, the lot must be approved by the appropriate provincial agencies and must:

1. For a one unit dwelling or building or structure not used for residential purposes:
 - I. A width of at least 23 metres
 - II. A depth of at least 38 metres, and
 - III. An area of at least 672 square metres
2. For a two unit dwelling:
 - I. A width of at least 27 metres
 - II. A depth of at least 30 metres
 - III. An area of at least 1,222 square metres
3. For a three unit dwelling:
 - I. A width of at least 32 metres
 - II. A depth of at least 30 metres
 - III. An area of at least 1,363 square metres
4. For a multiple unit dwelling:
 - I. A width of at least 36 metres
 - II. A depth of at least 30 metres
 - III. An area of at least 1,545 square metres plus 102 square metres for each dwelling unit therein.

5.20.5. Where a lot is serviced by a private sewer system, the lot must be approved by the appropriate provincial agencies and must:

1. For a one unit dwelling or 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
2. For a two unit dwelling:
 - I. A width of at least 59 metres

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- II. An area of at least 5,350 square metres
- 3. For a three unit dwelling:
 - I. A width of at least 63 metres
 - II. An area of at least 6,750 square metres
- 4. For a multiple unit dwelling:
 - I. A width of at least 68 metres
 - II. An area of at least 8,050 square metres

5.21. Number of Dwellings on a Lot

5.21.1. No more than one building containing one or more dwelling units shall be erected on any lot, except:

- 1. one garden suite, where permitted;
- 2. a mini-home park, where permitted;
- 3. In the Rural zone, where such dwellings are so located that they would be in conformity with the provisions of all applicable regulations regarding size, frontage, setback and configuration of lots if the lot was divided into separate lots, each abutting a publicly-owned street and containing one dwelling.

5.22. Parking Standards

5.22.1. Where developed, a parking area shall:

- 1. Be located no closer than 7.5 metres from a street lot line shared with an arterial or collector highway; and
- 2. Conform with the Barrier-Free Design Building Code Regulation – Building Code Administration Act.

5.23. Salvage Yards

5.23.1. Where permitted, Salvage Yards are subject to terms and conditions by the Planning Review and Adjustment Committee, which may include, but are not limited to:

- 1. Fencing
 - I. A fence must be 3 metre in height and of a material that restricts that view from public roads and neighbouring properties;

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- II. Fences and gates shall be constructed in a manner that impedes visibility from off-site; and
 - III. Fences shall be located a minimum of 2m from any lot line.
2. Setbacks
- I. 15 metres from any street;
 - II. 30 metres from any watercourse or wetland; and
 - III. 30 metres from an adjacent residential use.

5.24. Sawmills

- 5.24.1. The lot used for a sawmill shall be a minimum of 4000 square metres.

5.25. Small-Scale Fishery Operations

- 5.25.1. Notwithstanding anything else in this By-law, small-scale fishery uses, structures, or buildings, are permitted in the Rural or Village Centre zones subject to the following conditions:
- 1. that all other provisions of this regulation, including setbacks, are complied with;
 - 2. that the lot on which the small-scale fishery use is located is not to be used as a storage place for rubbish, salvage, or derelict equipment;
 - 3. that any mechanical equipment associated with the use, with the exception of transport vehicles, be operated inside of a building with a sound-damping enclosure or be located at a minimum setback distance of 90 meters from any residential dwelling on another lot. This includes refrigerated shipping containers used to store catch; and
 - 4. that any associated bait, catch, or dead animals are only stored in sealed containers, live holding tanks, and be refrigerated as appropriate.

5.26. Secondary Suites

- 5.26.1. Where permitted by this Rural Plan, a one-unit, two-unit, rowhouse, and townhouse dwelling may also contain a Secondary Suite subject to the following:
- 1. It shall not exceed 80% of the gross floor area of the main dwelling unit or 80 square metres, whichever is less;
 - 2. The presence of the Secondary Suite shall not change the exterior appearance of the main building; and
 - 3. One on-site parking space shall be provided for the Secondary Suite.

5.27. Supportive Care Facility

5.27.1. Where permitted by this Rural Plan, a Supportive Care Facility subject to the following:

1. New long term care facilities are permitted in the Rural, Rural Residential, and Village Centre zone.
2. Subject to the following maximum bed densities:

Table 4: Supportive Care Facility Density Thresholds

Zone	Maximum Density Threshold 2 or more storeys	Maximum Density Threshold 1 storey
Village Centre zone	1 bed per 140 square metres of lot parcel	1 bed per 230 square metres of lot parcel
Rural and Rural Residential zone	1 bed per 275 square metres of lot parcel	1 bed per 370 square metres of lot parcel

5.28. Swimming Pool Enclosures

5.28.1. Swimming Pool enclosures must meet the requirements of the *Provincial Building Regulation – Community Planning Act*.

5.29. Temporary or Seasonal Use

5.29.1. Any seasonal or temporary use is required to apply and be approved for a development permit on a regular basis at the discretion of the development officer, typically annually. For some uses the development officer may require a new permit be applied and approved for with more frequency.

5.30. Undersized Lots

5.30.1. The Rural Plan does not prevent the use of an existing lot that does not conform to minimum size requirements provided:

1. that the proposed use of the lot is permitted in the zone; and
2. that the setbacks, height, lot occupancy and all other relevant requirements of the zone are maintained.

5.31. Uses Permitted in All Zones

5.31.1. Nothing in this Rural Plan shall prevent the use of any land for:

1. Municipal utilities;
2. Cemeteries and crematoria;
3. Community Garden;
4. Land for Public Purpose;
5. Street or Highway;
6. Park or Playground;
7. Public Display;
8. Mobile Vendor;
9. Passive Recreation;
10. Seasonal or Temporary Market, Festival, or Event;
11. Stormwater Management System;
12. Temporary Parking Lot to Facilitate Snow Clearing;
13. Walking Trail; and
14. the use of land for the purposes of exploration, staking and prospecting of minerals and carboniferous deposits shall be permitted subject to all applicable legislation.

5.32. Vehicle Bodies

- 5.32.1.** A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels having been removed, shall not be used, in any zone, as a dwelling unit in any zone.
- 5.32.2.** A motor vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power, notwithstanding its wheels having been removed, may be used as a commercial main building subject to the terms and conditions imposed by the Planning Review and Adjustment Committee.
- 5.32.3.** Notwithstanding section (1) and (2), a shipping container may be used as building materials for a dwelling so long as plans are designed, reviewed, and stamped by a Professional Engineer.

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- 5.32.4.** Notwithstanding section (1) and (2), a shipping container may be used as an accessory building or structure in any zone subject to the following:
1. the shipping container shall be in the rear yard;
 2. the shipping container shall be set back from the side and rear lot line by a minimum of 3 metres;
 3. Subject to subsection (4) below, any recreational equipment or unoccupied non-commercial trailer shall be stored in the rear yard of a main building or an accessory building;
 4. Where an unoccupied trailer is stored in a rear yard, it shall be at least:
 - I. 1.5 metres from a side or rear lot line; and
 - II. 3 metres from any building or structure.
 5. Shipping containers proposed for seasonal, temporary use will be considered at the discretion of the Planning Review and Adjustment Committee.

5.33. Wind and Solar

- 5.33.1.** Where an energy system is a permitted use the following provisions shall apply:
1. Small Scale Wind Turbines shall be set back a minimum of 1.5 times the turbine height from any road, public right-of-way and the property boundary.
 2. Large Scale Wind Turbines shall be set back a minimum of 550 metres from an existing dwelling.
 3. Solar developments, including ground collectors are subject to the setback distance in the zone they are permitted, but are not subject to lot occupancy or lot coverage requirements.
- 5.33.2.** Small Scale Wind Turbines
1. A small wind turbine (SWT) shall only be permitted as accessory use in all zones.
 2. A SWT shall be setback no less than 1.5 times the total height from the property line.
 3. All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.
- 5.33.3.** Large Scale Wind Turbines and Wind Farms
1. Large scale wind turbine or wind farm development are permitted as main uses in the Rural and Resource and Aggregate Extraction zones.
 2. A large scale wind turbine shall be setback no less than 1.5 times the total height from the property line.

3. All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line

5.34. Zone Delineation

5.34.1. Where uncertainty exists with respect to the boundaries of the various zones as shown on Schedule A the following shall apply:

1. Where the boundary is shown as following a street, lane, railway right-of-way or other right-of-way, such zone boundary shall be the centreline of the street, lane, railway right-of-way or other right-of-way;
2. Where the boundary is not shown to be a street, or other feature described in subparagraph (1), but is shown to substantially follow a lot line, such lot line shall be the zone boundary unless specifically indicated otherwise on Schedule A;
3. In the event that a public road, Crown Reserved Road, public lane or railway right-of-way is closed and conveyed into private ownership, the property formerly in such road, lane or railway shall assume the same zone as abutting properties on either side of such closed feature, but where such closed feature forms a zone boundary and the new owner owns the abutting property, the feature shall assume the same zone as the owned abutting property;
4. Where an Environmental Conservation zone delineates the location of a flood plain and there is a discrepancy between the zone boundary and the most recent provincial flood plain mapping, the most recent provincial flood plain mapping shall be deemed to be the zone boundary;
5. Where the boundary follows the shoreline of any water body, the ordinary mean high-water mark shall be the zone boundary;
6. The Environmental Conservation zone boundary shall follow 30 metre setback from any watercourse or the edge of a wetland; and
7. Where none of the above interpretations can be applied, the location of the zone boundary shall be determined by the Development Officer.

An aerial photograph of a rugged coastline. The foreground shows a dense forest of green trees. Below the forest, there are prominent, reddish-brown rock formations that curve along the edge of a dark blue lake. The sky is a pale blue with some light clouds. A thick, yellow, braided rope graphic runs diagonally across the top right of the image, partially overlapping the landscape.

Section

06

Part 6: Zones

6.1. Village Centre (VC)

The Village Centre zone is intended to function as a flexible mixed-use area that allows for residential and non-residential uses to exist harmoniously in the Village Centre. Residential and non-residential uses are encouraged on singular lots.

6.1.1. Permitted Uses

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

1. One or more of the following main uses
 - a) Assembly use;
 - b) Commercial use;
 - c) Community centre;
 - d) Conservation use;
 - e) Day care centre, subject to 5.6;
 - f) Dwelling use;
 - g) Entertainment use;
 - h) Institutional use;
 - i) Microbrewery/micro distillery.
 - j) Office;
 - k) Outdoor recreational use, park, playground or open space;
 - l) Public use;
 - m) Recreation use;
 - n) Restaurant use;
 - o) Small Scale Fishery use, subject to 5.25;
 - p) Tourism use;
 - q) Veterinary clinic; and,
 - r) Water-dependent structure, including a utility, crane, wharf or pier.
2. One or more of the following secondary uses
 - a) Garden suite; and
 - b) Home occupation

Part 6: Zones

6.1.2. Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Review and Adjustment Committee:

- a) Kennel, subject to section 5.16;
- b) Service station;
- c) Supportive Care Facility, subject to section 5.27.

6.1.3. Zone Standards

Table 5: Zone Standards for Village Centre Zone

STANDARD	PERMITTED
Minimum Rear Yard	
Abutting Another zone	4.5 metres
Abutting Village Centre zone	2 metre
Side Yard	
Abutting Another zone	2 metres
Abutting Village Centre zone	2 metres
Maximum Building Height	9 metres
Maximum Lot Coverage	80%

6.2. Rural Residential (RR)

6.2.1 Permitted Uses

In a Rural Residential zone, any land, building or structure may be used for the purpose of, and for no other purpose than,

1. One of the following main uses:
 - a) One unit dwelling
 - b) Two-unit dwelling
 - c) Townhouse dwelling, up to four units;
 - d) Shared dwelling;
 - e) Mini home; and
 - f) Outdoor recreational use, park, playground or open space
2. One of the following secondary uses:
 - a) Home occupation
 - b) Garden suite

6.2.2 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following uses subject to such terms and conditions as may be imposed by the Planning Review and Adjustment Committee:

1. Bed and breakfast; and
2. Kennel, subject to 5.15.

6.2.3 Zone Standards

Table 6: Zone Standards for Rural Residential Zone

STANDARD	PERMITTED
Minimum Rear Yard	
Abutting a Commercial or Industrial use	10 metres
Abutting a Residential use	6 metres
Side Yard	
Abutting a Commercial or Industrial use	10 metres
Abutting a Residential use	1.5 metres
Maximum Building Height	9 metres
Maximum Lot Coverage	50%

6.3. Rural (RU)

The Rural zone accommodates a mix of uses including but not limited to unserviced residential development in various forms on larger lots, agricultural uses, and institutional uses outside of the Village Centre.

6.3.1 Permitted Uses

In a Rural zone, any land, building or structure may be used for the purpose of, and for no other purpose than,

1. One of the following residential uses
 - a) One-unit dwelling;
 - b) Semi-detached dwelling;
 - c) Townhouse dwelling, up to 4 units;
 - d) Two-unit dwelling;
 - e) Shared Dwelling; and
 - f) Recreational Vehicle (up to two).
2. One of the following non-residential uses
 - a) Agricultural use;
 - b) Assembly use;
 - c) Aquaculture use;
 - d) Cemetery;
 - e) Crematorium;
 - f) Contractor's Yard;
 - g) Commercial recreation establishment;
 - h) Commercial use;
 - i) Community centre;
 - j) Conservation use;
 - k) Day Care Centre, subject to section 5.6;
 - l) Drive-thru Restaurant;
 - m) Educational building;
 - n) Entertainment use;
 - o) Forestry use;
 - p) Garden suite, subject to section 5.10;
 - q) Home occupation, subject to section 5.15;

Part 6: Zones

- r) Home Industry, subject to section 5.14;
 - s) Industrial use, light;
 - t) Industrial use;
 - u) Institutional use;
 - v) Kennel, subject to section 5.16
 - w) Medical use;
 - x) Office;
 - y) Pits, subject to section 5.8
 - z) Public use;
 - aa) Recreation use;
 - bb) Restaurant use;
 - cc) Recreational facility;
 - dd) Supportive Care Facility, subject to section 5.27
 - ee) Small Scale Fishery use; subject to 5.25
 - ff) Tourism use;
 - gg) Veterinary clinic;
 - hh) Water-dependent structure, including a utility, crane, wharf or pier; and
 - ii) Wayside Pits.
3. One of the following secondary uses to a residential use
- a) Hobby Farm, subject to section 5.13; and
 - b) Livestock Facility, subject to section 5.13.

6.3.2 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following uses subject to such terms and conditions as may be imposed by the Planning Review and Adjustment Committee:

- a) Campground, subject to 5.4
- b) Sawmill, subject to section 5.24
- c) Large scall wind turbines, subject to 5.33

6.3.3 Conditions of Use

Any public facing commercial operation with a ground floor area in excess of 200 square metres must have frontage on Highway 111 or Highway 828.

Part 6: Zones

Table 7: Zone Standards for Rural Zone

STANDARD	PERMITTED
Minimum Rear Yard	
Industrial Use abutting any other use	50 metres
Residential Use	7.5 metres
Residential Use abutting an agricultural use	15 metres
Industrial Use	15 metres
Institutional Use abutting Residential Use	15 metres
Institutional Use	10 metres
Minimum Side Yard	
Industrial Use abutting any other use	50 metres
Residential Use	3.5 metres
Residential Use abutting an agricultural use	15 metres
Industrial Use	10 metres
Institutional Use abutting Residential Use	10 metres
Institutional Use	3 metres
Maximum Building Height	9 metres
Maximum Lot Coverage	35%

6.4. Open Space and Recreation (OSR)

The Open Space and Recreation zone is intended to provide lands for the purpose of parks, public recreational spaces, commercial recreation operations, and other similar uses.

6.4.1 Permitted Uses

In a Open Space and Recreation zone, any land, building or structure may be used for the purpose of, and for no other purpose than:

- a) Greenhouse;
- b) Recreational use;
- c) Park; and
- d) Community Use.

6.5. Environmental Conservation (EC)

The Environmental Conservation zone is intended to protect environmentally sensitive areas. This includes preventing development on or in close proximity to these lands. Some passive recreation uses shall be permitted.

6.5.1 Permitted Uses

In Environmental Conservation zone, any land, building or structure may be used for the purpose of, and for no other purpose than:

- a) Conservation;
- b) Passive recreation
- c) Other uses, subject to section 6.5.2

6.5.2 Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Planning Review and Adjustment Committee:

- a) Structure, incidental to a Conservation use.
- b) Other uses, permitted in any 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, applies.

6.5.3 Zone Standards

Setbacks of new structures in this zone are subject to the approval of the appropriate Provincial agency.

6.6. Resource and Aggregate Extraction Zone (RA)

The Resource and Aggregate Extraction zone is intended to host pit, quarry, and mining type uses in line with policies and provisions in Parts 3 and 5.

6.6.1 Permitted Uses

In a Rural zone, any land, building or structure may be used for the purpose of, and for no other purpose than,

- a) One of the following main uses
 - 1. Quarry, subject to section 5.8;
 - 2. Pit, subject to section 5.8; and
 - 3. Mining Operation, subject to section 5.8.
- b) One of the following secondary uses to a main use
 - 1. Office

Table 8: Zone Standards for Resource and Aggregate Resource Zone

STANDARD	PERMITTED
Minimum Front Yard	30 metres
Minimum Rear Yard	
Abutting any other zone	50 metres
Abutting a Dwelling Use	75 metres
Abutting Aggregate Resource Zone	15 metres
Minimum Side Yard	
Abutting any other zone	50 metres
Abutting a Dwelling Use	75 metres
Abutting Aggregate Resource Zone	15 metres
Maximum Building Height	9 metres
Maximum Lot Coverage	50%

6.7. Integrated Development Zone (ID)

The Integrated Development zone is intended to accommodate development consisting of combinations of uses of land, buildings, and or structures contained in a specific proposal described in a resolution or agreement.

6.7.1 Permitted Uses

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

6.7.2 Zone Standards

- a) Standards shall not be subject to the General Provisions, Parts 4-9, but shall be those standards of the proposal approved by Council pursuant to section 59 of the *Community Planning Act*.
- b) 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 not limited to, context, site, building, elevation, landscaping, grading, servicing, stormwater, and traffic.

6.8. Dwelling Group Zone (DG)

The Dwelling Group zone is intended for clusters of dwellings, such as tiny homes or mobile homes that are managed as communities and may have shared amenities and services managed by private business.

6.8.1 Permitted Uses

In a Dwelling Group zone, any land, building or structure may be used for the purpose of, and for no other purpose than:

- b) Dwelling, One-Unit;
- c) Retail Use
- d) Restaurant Use
- e) Business Office, related to the management of the *Dwelling Group cluster*.

Table 9: Zone Standards for the Dwelling Group Zone

STANDARD	PERMITTED
Minimum Rear Yard	
Abutting a Commercial or Industrial use	10 metres
Abutting a Residential use	6 metres
Side Yard	
Abutting a Commercial or Industrial use	10 metres
Abutting a Residential use	1.5 metres
Maximum Building Height	9 metres
Maximum Lot Coverage	50%

An aerial photograph of a rugged coastline. The top half of the image shows a dense forest of green trees covering a landmass. Below the forest, there are prominent, reddish-brown rock formations that curve along the edge of a dark blue lake. The sky is a pale blue with some light clouds. A thick, yellow, braided rope graphic curves across the top and right side of the image, partially overlapping the landscape.

Section

07

Part 7 Definitions

Definitions

In this By-law, words have their ordinary meaning except when indicated or defined otherwise:

A

“**abut**” means adjoining and having access thereto directly.

“**access**” means an access, exit, or driveway from a street to a lot.

“**accessory building**” means a building that is detached, incidental, subordinate, and exclusively devoted to the main use, main building, or structure located on the same lot.

“**accessory use**” means a permitted use in a zone that is incidental to and exclusively devoted to a main use of any land, building, or structure located on the same lot.

“**Act, the**” means the *Community Planning Act* of New Brunswick.

“**Advisory Committee**” means the Planning Review and Adjustment Committee established under Section 3 of the *Community Planning Act* or a Planning Advisory Committee under the *Regional Services Delivery Act*.

“**aggregate extraction use**” means the use of land for the surface extraction, crushing, screening and stockpiling of sand, gravel, clay, shale, bedrock, limestone or other aggregate, as well as peat and may include washing and blasting where permitted under the appropriate provincial regulation;

“**agricultural use**” means an agricultural operation that is carried on 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, including poultry;
- c) the raising of fur-bearing animals;
- d) the raising of bees;
- e) the production of agricultural field crops;
- f) the production of fruit and vegetables and other specialty horticultural crops, including a greenhouse or nursery;
- g) the productions of eggs and milk;
- h) the production of maple syrup or similar products;

Part 7 Definitions

- i) the operation of agricultural machinery and equipment, including irrigation pumps;
- j) the preparation of a farm product distributed from the farm gate, including cleaning, grading, and packaging;
- k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption;
- l) the storage, use or disposal of organic wastes for farm purposes;
- m) the operation of pick-your-own farms, roadside stands, farm gate sales and farm tourist operations;
- n) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes;
- o) a greenhouse;
- p) a Horse boarding stable or riding operation; and
- q) any other agricultural activity or process prescribed by provincial regulation.

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

“amenity space” means that part of a lot or building intended to be used privately or commonly for recreation or relaxation, such as, but not limited to, a balcony, courtyard, deck, garden, garden room, gym or fitness room, landscaped area, lounge area, gaming or computer room, movie room, pergola, play area, porch, rooftop deck, swimming pool, or veranda, but does not include a driveway or a parking lot.

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

“Assembly use” means the occupancy or use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational, or like purposes, and may include the consumption of food or drink including banquet halls.

“automotive sales and rental establishment” means an operation for the sales or rental of automobiles, light trucks, vans, motorcycles, recreational vehicles, or boats, as a main use, and may include the repair and maintenance of such vehicles and the sale parts and accessories to such vehicles, as an accessory use, but not including the public sale of fuels;

Part 7 Definitions

B

“**banquet hall**” means a room or building used for hosting a party, banquet, function, reception, or other social event such as a dinner theatre, and may include an area for food preparation. The use may be licensed with a Dining Room or Special Facility Licence under the Liquor Control Act.

“**bar, lounge, or nightclub bar**” means an establishment licensed under the Liquor Control Act where liquor is served to the public, which may include live entertainment as a secondary use.

“**Barrier free parking space**” means a parking space designed for the exclusive use of a person with a disability who displays on or in a vehicle a disabled persons identification plate, permit or placard issued under the authority of the *Motor Vehicle Act*.

“**basement**” means that portion of a building which is partly underground but which has an average of at least one-half of its height on three sides above the grade of the lot at such walls. May also be defined as a cellar.

“**bed and breakfast**” means an owner-occupied single unit dwelling in which there are rooms for rent as short-term accommodation, and may include the provision of meals for persons staying temporarily at the establishment;

“**buffer**” means a spatial separation or setback between a defined use and a property line.

“**Building**” means any roofed structure with solid exterior walls, whether temporary or permanent, designed or used for the accommodation, enclosure, or shelter of an animal, chattel, person, or material.

“**Building inspector**” means the person appointed by Council as the Building Inspector for Hampton, or any person designated by the Building Inspector to perform a duty on behalf of the Building Inspector with respect to this By-law.

“**building line**” means any line defining the position of a building or structure on a lot. Also referred to as the front yard line.

“**Building permit**” means a permit issued under the Building By-Law.

C

“**campground**” means an area of land, managed as a unit (three or more), providing short-term or seasonal accommodation any combination of tents, glamping dome, cottage cluster, tent trailers, travel trailers, recreational vehicles and campers, and includes services and facilities in connection with the accommodations.

“**cannabis**” means cannabis as defined by the Government of Canada, pursuant to the federal *Cannabis Act*, and the provincial *Cannabis Control Act*.

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“cannabis production or manufacturing facility” means a facility and premises authorized by a license issued pursuant to the federal *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.

“cannabis retail sales” means the retail sale of cannabis or cannabis related products to the general public. **“Car wash”** means a structure containing facilities for washing automobiles.

“cemetery” means any land, building, or structure used for burying or interring the dead, and may include a pet cemetery, columbarium, mausoleum, mortuaries and associated building for grounds keeping, equipment storage, or administrative office space but does not include facilities associated with cremation.

“Clean Water Act” means the Clean Water Act, SNB 1989, c C-6.1, of the Province of New Brunswick.

“commercial recreation” means a recreational facility operated as a business for gain or reward, but does not include campgrounds, tracks or facilities intended to be used for motocross, auto racing or similar activities;

“commercial entertainment” means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to, an arcade, auditorium for the performing arts, bingo hall, bowling alley, cinema or movie theatre, or other such amusement place, but does not include an adult entertainment facility or a casino.

“Commercial group” means two or more commercial buildings located on a lot or adjoining lots that have been designed as a unified development with respect to the placement of buildings and any associated accessory buildings or structures, amenity spaces, driveways, landscaping, or parking areas.

“Commercial use” see “use, commercial”

“Community centre” means an establishment that provides for non-commercial purposes cultural, educational, recreational, or social activity or event.

“community garden” means an area of land primarily cultivated by the public.

“Conditional use” means those uses of land, buildings and structures which are permitted, subject to terms and conditions imposed by the Planning Review and Adjustment Committee and which use may be prohibited by the Planning Review and Adjustment Committee, where compliance with terms and conditions imposed by it cannot be reasonably expected.

“conservation use” see “use, conservation”

“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 store which serves the daily or occasional needs of the community with a variety of goods including grocery, sundries, hardware, magazines, and newspapers.

“Council” means the mayor and councillors of the Village.

Part 7 Definitions

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

“cultural establishment” means any use that provides display, storage, restoration, or an event related to art, literature, music, history, performance, or science, and includes, but is not limited to, an art gallery, archive, auditorium, library, museum, performing arts or interpretive centre, or theatre.

D

“day care centre” means an establishment that provides care and supervision for children under the appropriate Provincial legislation, licensing, and regulations.

“development” means:

- a) The erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building, structure, or tent other than utility poles and wires, traffic control devices and pipelines defined in the *Pipeline Act, 2005* except for buildings and structures remote from a pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
- b) Any change in the purpose for which any land, building, or structure is used;
- c) Any excavation of sand, gravel, clay, shale, limestone, or other deposit for a development mentioned in (a) or for purposes of the sale or other commercial use of the material excavated; or
- d) The making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines defined in the *Pipeline Act, 2005*.

“Development Officer” means the person appointed by Council as the planning officer, or any person delegated authority by the municipal planning officer with respect to this By-Law.

“Director” means the Planning Director as defined within the *Community Planning Act* and *Regional Services Delivery Act*. The Planning Director of the Local Government is the Development Officer of the Local Government and may delegate development officer authority to others.

“driveway” means the portion of any lot or parking lot designed or intended to provide vehicular access from a street to a parking space or parking aisle.

“drive-thru restaurant” means an establishment that serves prepared food to customers who pull up in their vehicles to a microphone and/or window while the customers remain in their vehicles.

“dry cleaning or laundry depot” means an establishment for the drop-off and pickup of fabrics, textiles, or other clothing to be cleaned off-site.

“dwelling” means a building or part of a building designed, occupied, or intended as a home, living quarters, or residence by one or more persons and containing one or more separate dwelling units, including a supportive house, but does not include a hostel, hotel or motel.

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“dwelling use” see *“use, dwelling.”*

“dwelling unit” means any room or suite of rooms used or intended to be used as a place of habitation by one or more persons.

“dwelling, multi-unit” means a building or a portion thereof designed for or occupied as three or more dwelling units, but does not include a motel, hotel, or rooming house.

“dwelling, one-unit” means a detached dwelling unit.

“dwelling, semi-detached” means a single unit Dwelling attached to one other single unit dwelling by a common above grade wall with each Dwelling Unit located on a separate abutting lot.

“dwelling, shared” means a use where bedrooms are rented for remuneration as separate rooms for residential accommodation and includes shared bathroom and kitchen facilities made available to all tenants. This does not include a bed and breakfast or supportive housing use.

“dwelling, townhouse” means a building abutting a street that contains three or more dwelling units arranged side by side and vertically separated with each said dwelling unit having an independent exterior entrance.

“dwelling, two-unit” means a building divided into not more than two dwellings each of which has an independent entrance, either directly from an outside entrance or through a common vestibule and both units are on a single lot and can include a one-unit dwelling with a basement apartment.

E

“engineer” means a professional engineer who is a member in good standing with the Association of Professional Engineers and Geoscientists of New Brunswick and registered or licensed to practice engineering in the Province of New Brunswick.

“erect” means to construct, build, assemble, or relocate a building or structure, and includes any physical operation preparatory thereto.

“Excavation” means the extraction of sand, gravel, clay, shale, limestone or other deposits for the construction of a building or structure or for purposes of the sale or other commercial use of the material extracted.

“excavation site” means a disturbance of the ground for the purposes of mining or extracting quarriable substances for sale or off-site use.

F

“farmers market” means an establishment where local farm products, which may also include other foods, beverages, or arts and crafts, are sold to the public by a group of retailers from within a building or outside of a

Part 7 Definitions

building and may include the sale and service of alcohol subject to the appropriate liquor licensing requirements.

“Financial institution” means the premises of a bank, trust company, finance company, mortgage company, or investment company where money is deposited, retained, loaned, exchanged or managed.

“flood plain” means an area of low-lying land that is subject to flooding from adjacent or nearby water bodies.

“floor area” means the maximum area bounded by the exterior faces of a building.

“forestry use” means the general growing, harvesting, and storage of trees and, without limiting the generality of the foregoing, may include silviculture activities, the raising and cutting of wood, pulpwood, sawlogs, sawmills, and other primary forest products, and the growing, harvesting and production of Christmas trees, maple syrup and fiddleheads

“frontage” refer to Lot Frontage

“Fundy Regional Service Commission (FRSC)” means Regional Service Commission 9 under the *Regional Services Delivery Act*.

“Funeral home” means an establishment that provides the preparation of the dead for interment or cremation and the holding of a memorial service and may include the accessory sale and storage of caskets, urns, and other related funeral items. An associated chapel or crematorium are permitted as accessory uses.

G

“garden centre” means the use of lands, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

“garden suite” means any secondary use to another dwelling unit that is established in a separate building on the same lot.

“General service shop” means a shop 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.

“grade” means the finished level of the ground at the exterior walls of a building or structure.

“greenhouse” means a primary or accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal use.

“grocery store” means a building used for the sale primarily of food products and which specifically excludes the sale of specialty products as a principle use.

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“gross floor area” or “GFA” means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

“ground floor” means the lowest storey of a building, approximately at or first above the finished grade level, excluding any basement, cellar, subcellular and/or car parking areas

“groundwater” means water occurring below the soil surface that is held in soil itself, subsurface water, or water stored in capillary pores cracks or crevices in the ground below the water table, and water occurring in the zone of saturation below the earth’s surface.

“group home” means a residence, licensed, or approved under Provincial statute, for the accommodation of a maximum of five (5) people, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being, but does not include a special care home, or nursing home

“guy wire” means a cable or wire used to support a tower.

H

“heavy equipment manufacturing, sales or service operation” means a building or part of a building or structure in which heavy machinery is manufactured, maintained, repaired, or offered for sale, rent, or leased.

“height” means the vertical distance between the average finished grade and a structure’s highest point but shall not include any construction used as an ornament or for the mechanical use of the building including chimney tower, steeple, solar collector, antenna, satellite receiving dish or wind turbine.

“hobby farm” means a small-scale farm that is clearly accessory to a residential use. A hobby farm is intended for recreation and personal enjoyment rather than primary income. It may include the cultivation of land, the raising of animals.

“Home occupation” means an accessory used in a portion of a dwelling unit or accessory building where a business is conducted by the occupant of the dwelling unit.

“Home industry or farm industry” means a gainful occupation, trade or service accessory to a residential use for which purpose an accessory building or structure may be used, and, without limiting the generality of the foregoing, would include a shop for carpentry, electric equipment repair, woodworking, window framing, welding, plumbing, machine or auto repair, riding stables, a service shop, a blacksmith, and a storage building for vehicles, equipment and commodities.

“Horse boarding stable or riding operation” means any land, building or structure used for the feeding, housing, exercising or riding of horses for gain or profit.

Part 7 Definitions

“Hostel” means an establishment where temporary lodging is provided for individual travellers or transients in a shared or dormitory style room, but does not include a hotel, motel, or rooming house.

“hotel” means an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the interior and that may or may not have facilities for serving meals.

I

“Incidental use” means a use subordinate to or ancillary to a main or accessory use that is expected to be carried out as part of the function of the permitted use.

“infill” means development consisting of either construction on one or more lots in an area which is mostly developed, or new construction between existing structures.

“institutional” means land, building, structures, or part of structure used by any organization, group, or association for the promotion of charitable, educational or benevolent purposes.

“interior lot” a lot with only one frontage on a street.

K

“kennel” means an establishment for the housing, breeding, boarding, or training of five or more dogs over the age of six months.

“kilowatt or kW” means a measure of power for electrical current.

L

“landscaping” means any combination of trees, shrubs, flowers, grass or other horticultural elements designed to enhance the visual amenity of a property and/or to provide screening to mitigate the impact of a land use, building or structure on an adjacent property.

“large scale wind turbine or LWT” means a wind turbine which has a power generation capacity of greater than 100kW.

“liquor licensed establishment” means an establishment licensed under the *Liquor Control Act* where liquor may be sold and/or consumed.

Part 7 Definitions

“livestock” means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes dairy and beef cattle, horses, swine, sheep, poultry, goats, geese, mink and rabbits.

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area.

“lot” means a parcel or contiguous parcels of land in one ownership.

“lot area” means the total area within the property lines of a lot

“lot coverage” means the percentage of lot area covered by buildings and structures above established grade, but does not include uncovered swimming pools, unenclosed porches, patios, decks and above-ground pool decks

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

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

“lot, flag” means a lot that is, generally, in the shape of a flag extended at the end of a pole, wherein the pole portion of the lot serves to provide street frontage and access, and the flag portion of the lot serves to provide the buildable area of the lot parcel. The pole portion of the lot parcel will be excluded from lot coverage calculations.

“lot line, rear” means the line furthest from or opposite from the front lot line.

“lot line” means the boundary or exterior line of a lot.

“lot, corner” means a lot having two adjacent sides fronting on two intersecting roads.

“lot, existing” means a lot, in existence at the time of the enactment of this Regulation.

“lot, interior” means a lot other than a corner lot.

“lot, through” means a lot other than a corner lot which is bounded on opposite sides by two streets.

“lot line, side” means a lot line other than the front, flankage or rear lot line.

“lot line, front” means the line dividing a lot from the street, in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and where such lot lines are of equal length, the

Part 7 Definitions

front lot line shall be either of the two lines. In the case of a through lot each boundary dividing the lot from the street shall be deemed to be the front lot line.

M

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

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

“manufacturing or processing facility” means a building or part of a building used primarily for the modification or fabrication of materials into products of all kinds to be supplied or sold for further manufacturing or processing or for wholesale or retail outlets but does not include salvage yards.

“medical clinic” means a building, or part thereof, used exclusively by physicians, dentists or other health professionals, their staff and their patients for the purpose of consultation, diagnosis and office treatment of the general public, and 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.

“medical use” see *“use, medical”*

“microbrewery/distillery” means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits. This use may include incidental retail sales include a licensed tasting room.

“Minister” the Minister responsible for the *Community Planning Act*.

“mini home park” means a lot under single ownership divided into two or more rentable spaces for the purposes of placing mini or manufactured homes up to 10x23 metres.

“mini home” means a detached, single dwelling unit having a width of 106 m or less that is designed to be transported and placed on a permanent foundation or similar support system.

“motel” means an establishment that

- (a) consists of one or more buildings containing one or more attached accommodation units;
- (b) may possess facilities for serving meals; and
- (c) is designed to accommodate the traveling public whereby the automobile is the principal means of transportation.

Part 7 Definitions

N

“**nursing home**” means a residential facility 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 operator of the home and who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves but does not include an institution operated under the Mental Health Act, the Hospital Services Act, the Hospital Act or the Family Services Act.

O

“**office**” means any building or part of a building in which one or more persons are employed in the management, directing or conducting of an agency, business, brokerage, bank, labour or fraternal organization or where professional, business, consulting, clerical, administrative, or similar services are provided.

“**outdoor storage**” means a use where goods, products or equipment is stored outside but does not include waste

“**outfitter**” means guiding services and may include the provision of supplies and equipment for hunting, fishing, and trapping.

“**overlay**” means a set of requirements described in this By-law, mapped in Schedule A, and imposed in addition to those of the underlying land use zone. Development within an overlay must conform to the requirements of both the overlay and the zone or the more restrictive of the two.

P

“**parking lot**” means a vehicular parking area serving the main use of the property.

“**passive recreation**” means a recreational activity that generally does not require a developed site, the removal of trees and vegetation, or an overnight stay and may include, but is not limited to: trails used for hiking, cross-country skiing, bicycling, or horseback riding, nature interpretation, public boat launch, or observation activities, and gardening but shall not include trails for motorized vehicles or golf courses.

“**personal service**” means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail goods is only accessory to the provisions of such service, including, but without limiting the generality of the foregoing, barber shops, beauty shops, tailor shops, laundromat, shoe repair, health and wellness centres and excludes automobile service, dry-cleaning of articles or fabrics and the manufacturing or fabrication of goods for retail or wholesale distribution. A personal service may also include an establishment providing pet grooming and the breeding or boarding of less than five dogs and or cats.

Part 7 Definitions

“pet day care” means an establishment where domestic animals such as dogs are cared for or boarded during daytime hours but does not include overnight boarding of the domestic animals. Such use may be commonly referred to as a ‘doggy day care’.

“pet grooming” means an establishment where animals are groomed and washed and may include the ancillary sale of products related to this service but does not include any associated outdoor kennel or overnight accommodation.

“pit” means a disturbance of the ground or an excavation for the purposes of removing a quarriable substance without the use of explosives.

“planner” means a *Registered Professional Planner* per the *New Brunswick Registered Professional Planners Act*.

“place of worship” means a building used for public worship by any religious organization.

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

Q

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

“quarriable substance” means sand, gravel, clay, soil, ordinary stone, building or construction stone, and rock other than metallic ores, but does not include topsoil;

R

“recreational facility” means a building or space designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, and which may serve food and beverage in a manner which is incidental to the main recreational use but does not include a commercial recreational establishment.

“recreational vehicle” means any vehicle used for sleeping or eating accommodation on an occasional-basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle and not used as a full-time residence.

“recycling facility”, means a building which is used for the deposit, collection and handling of wastepaper, rags, tires, bottles or other materials which are to be delivered wholesale to other off-site operations for further processing or salvage, but does not include salvage yards.

Part 7 Definitions

“restaurant”, means a building or portion thereof where food and drinks (alcoholic and/or non-alcoholic) are prepared and served for public consumption, either within the restaurant or external to the restaurant, including a catering service or take-out restaurant, but does not include a drive-thru restaurant.

“retail (use)” a use or building or part of a building primarily used for the sale of goods for different use or consumption by the purchaser at a separate location, including establishments such as shoe stores, clothing stores, furniture stores, paint and hardware stores, bookstores, grocery stores, and appliance and electronics stores.

S

“salvage yard”, means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include wastepaper, rags, used bicycles, vehicles, tires, metal or other scrap material or salvage.

“sawmill” means a building or structure used to process wood from sawlogs 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 used on a temporary basis.

“secondary suite” means a secondary, small dwelling unit is established within a one- or two-unit dwelling or townhouse dwelling.

“secondary use” means a use, other than a main or accessory use; and that is conducted, unless otherwise provided (expressly or by definition), entirely within a building or structure containing the main use on the lot.

“self-storage” means an establishment where goods or personal items are stored inside separate compartments within a building each having separate exterior access or separate access through a common hallway. means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies.

“service station” means an establishment where fuel or lubricants are offered for sale via a gasoline bar, and may include minor automobile repair or maintenance, sale of convenience items, or a car wash inside a building or structure, but shall not include a vehicle repair garage, a vehicle body and paint shop, vehicle sales and leasing, or a vehicle rental use.

“Seasonal or Temporary Market, Festival, or Event” means a short-term gathering tied to a specific theme, holiday, or season. These activities are temporary in nature, often centered around cultural or social celebrations, and may include commerce, entertainment, and community engagement.

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

Part 7 Definitions

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

“small scale wind turbine or SWT” means a wind turbine which has a power generation capacity of no greater than 100kW.

“solar collector” means a device or collection of devices that collect and/or concentrates solar radiation from the sun for the purpose of generating energy and may include but is not limited to evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials. Solar collectors do not include windows or greenhouses.

“solar development” means a grouping of more than one interconnected solar panel on one lot or abutting lots used for the purpose of converting solar power to produce electricity installed in accordance with the appropriate provincial and federal regulations and guidelines.

“special care home” means a facility licensed by the Province of New Brunswick where nursing care or room and board is provided to individuals incapacitated in some manner for medical reasons but does not include a hospital as licensed by the Province of New Brunswick.

“special care facility” means a building 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.

“storey” means the portion of a building that is located between the top of a floor and the top of the next floor above it, or the portion between the top of a floor and the ceiling above.

“stormwater management system” means a system that has been constructed in accordance with an engineering drawing approved by the Village’s Engineer or their designate to collect and detain or retain stormwater on a lot or other parcel of land.

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

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

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

“swimming pool” means a tank or other structure, artificially created, at least in part, located outdoors year-round although used seasonally, intended to contain water for the purpose of swimming, diving, or wading.

Part 7 Definitions

T

“temporary garage” means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or the covering of and must be located behind the building line.

“topsoil” means topsoil as defined under the *Topsoil Preservation Act*.

“topsoil removal operation” means an operation involving the removal of topsoil for the purposes of the sale or commercial use of the material excavated.

“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.

U

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

“use, commercial” means any activity 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, including, but not limited to and may include but is not limited to

- a) Bar, lounge, or nightclub bar;
- b) Cannabis retail sales;
- c) Car wash;
- d) Commercial entertainment;
- e) Commercial group;
- f) Convenience store;
- g) dry cleaning or laundry depot;
- h) Farmers market;
- i) Funeral home;
- j) Garden centre;
- k) General service shop;
- l) Grocery store;
- m) Medical use;
- n) Outfitter;
- o) Personal service;
- p) Pet day care;
- q) Pet grooming; and
- r) Retail use.

Part 7 Definitions

“use, conservation” means a use for the purpose of preservation, protection and/or improvement of the components of the natural environment, primarily through human management and maintenance.

“use, dwelling” means any building where the main use is a place for people to live and includes but is not limited to:

- a. One Unit Dwelling
- b. Two Unit Dwelling
- c. Semi Detached Dwelling
- d. Dwelling, Cluster
- e. Multi-unit Dwelling
- f. Shared Dwelling

“use, entertainment” means any use where amusement or entertainment is provided to the public for a fee, such as, but not limited to:

- a. Restaurant
- b. Banquet hall
- c. Theatre
- d. Cultural establishment
- e. Performing arts
- f. Bingo hall
- g. Bowling alley
- h. liquor licensed establishment

“use, industrial” means a building or structure or part thereof used primarily for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging, warehousing, distribution, recycling operations and/or the bulk storage of goods and materials and related accessory uses and includes but is not limited to:

- a. Commercial Garage;
- b. Heavy equipment manufacturing, sales or service operation;
- c. Light industrial use;
- d. Manufacturing or processing facility;
- e. Outdoor Storage;
- f. Pit, subject to section 5.8
- g. Service Station;
- h. Self Storage;
- i. Vehicle body and paint shop;
- j. Vehicle repair garage;
- k. Vehicle sales and service;
- l. Warehouse; and
- m. Wind Turbines.

“use, institutional” means the use of land, buildings or other structures for some public or social purpose but not for a commercial use or for commercial business purposes and may include governmental, place of worship, educational, charitable, philanthropic, hospital or other similar but non-business uses.

Part 7 Definitions

“use, light industrial” 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 conventional industrial uses and may also include operations such as car sales and service, trucking operations, vehicle body and paint shops, vehicle repair garages, vehicle sales, rental, and service, crematoriums, self-storage, and Breweries or Distilleries.

“use, medical” means a use which includes and medical services including medical clinics, dentistry, urgent care centres, sexual health clinics, massage therapists, psycho-analytical services, medical clinics, and other similar uses.

“use, public” means a publicly owned use or service that is meant to benefit the residents or the village or provide public enjoyment and may include a library, ice rink, playground, basketball or tennis court, or community centres.

“use, recreational” means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, boat and yacht clubs, picnic areas and swimming pools, campgrounds, outdoor recreational facilities, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but does not include a track for the racing of any form of motorized vehicles or any animals, and can be not-for or for profit and owned publicly or privately and may specifically include:

- A) Commercial Recreation
- B) Passive Recreation

“use, resource” means the use of land, buildings or structures for the management, development and cultivation of forestry and mineral resources, and includes wind farming.

“use, tourism” means a use that is primarily geared towards tourists and may include accommodation uses (hotels, hostel, motels, inns), excursion-based businesses, gift shops, and tourism-based food service.

“utility” means any agency, which under public franchise or ownership or under certificate of convenience provides the public with electricity, gas, heat, steam, communication, telephone, telecommunication tower, rail transportation, water or sewage or other similar services.

V

“variance” means a a legal exception that allows a property owner to deviate from zoning regulations or requirements, typically due to unique circumstances or practical difficulties related to the property.

“vendor, mobile” means a movable business such as a fry truck, hotdog stand or similar.

“vehicle” A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include rail cars running only upon rails.

Part 7 Definitions

“vehicle body and paint shop” means an establishment where motor vehicle bodies and frames are repaired and/or painted.

“vehicle repair garage” means an establishment involved in the repair of automobiles, trucks, motorcycles, snowmobiles, cars, and recreational vehicles or other vehicles, and may include the sale, installation, servicing, or machining of automotive parts and accessories, or a drive thru vehicle inspection, repair, servicing, or cleaning facility such as, but not limited to, automotive glass replacement, exterior vehicle cleaning, muffler replacement, safety inspection, tire alignment, tire replacement, transmission repair, or vehicle upholstery cleaning, but does not include a vehicle body and paint shop.

“vehicle sales and service” means an establishment where new and or used vehicles are sold or leased and may include an associated vehicle repair garage that provides on-site servicing, repair, cleaning, or polishing of such vehicles and the sale of auto accessories or related products.

“veterinary clinic” means the office of a veterinary surgeon and premises for the treatment of animals but excludes a kennel.

“veterinary services” means 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 used primarily for the storage or containment of manufactured goods and materials and may include the wholesaling and distribution of such goods.

“watercourse” means a waterbody recognized under the *Clean Water Act* and may include 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 Pits” means a temporary pit or quarry opened solely for the purpose of a particular project, and not located on a road right-of-way.

“wetland” means land that

1. Either periodically or permanently, has a water table at, near or above the land surface or that is saturated with water;
2. sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions; or
3. As described by the appropriate provincial agency.

Part 7 Definitions

“Wind Farm” means a grouping of more than one interconnected wind turbine on one lot or abutting lots used for the purpose of converting wind power to produce electricity. These typically require a central computerized monitoring system that monitors the operation of the turbines.

“Wind Turbine, Small Scale” means a device for converting wind power to electricity, which has a nameplate capacity of not more than 100 Kilowatts (kW) and which is intended primarily to reduce on-site consumption of utility power.

“Wind Turbine, Large Scale” means a device for converting wind power to electricity, which has a nameplate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a stand-alone machine or be grouped with others in a wind farm.

“wind turbine height” means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor’s arc.

Y

“yard” means that part of a lot required to be unoccupied by buildings or structures.

“yard, front” 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 front lot line.

“yard, rear” 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.

“yard, side” 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 building, structure or use on a lot.

“yard, flankage” yard means, the yard on a corner lot which is not the front yard.

Z

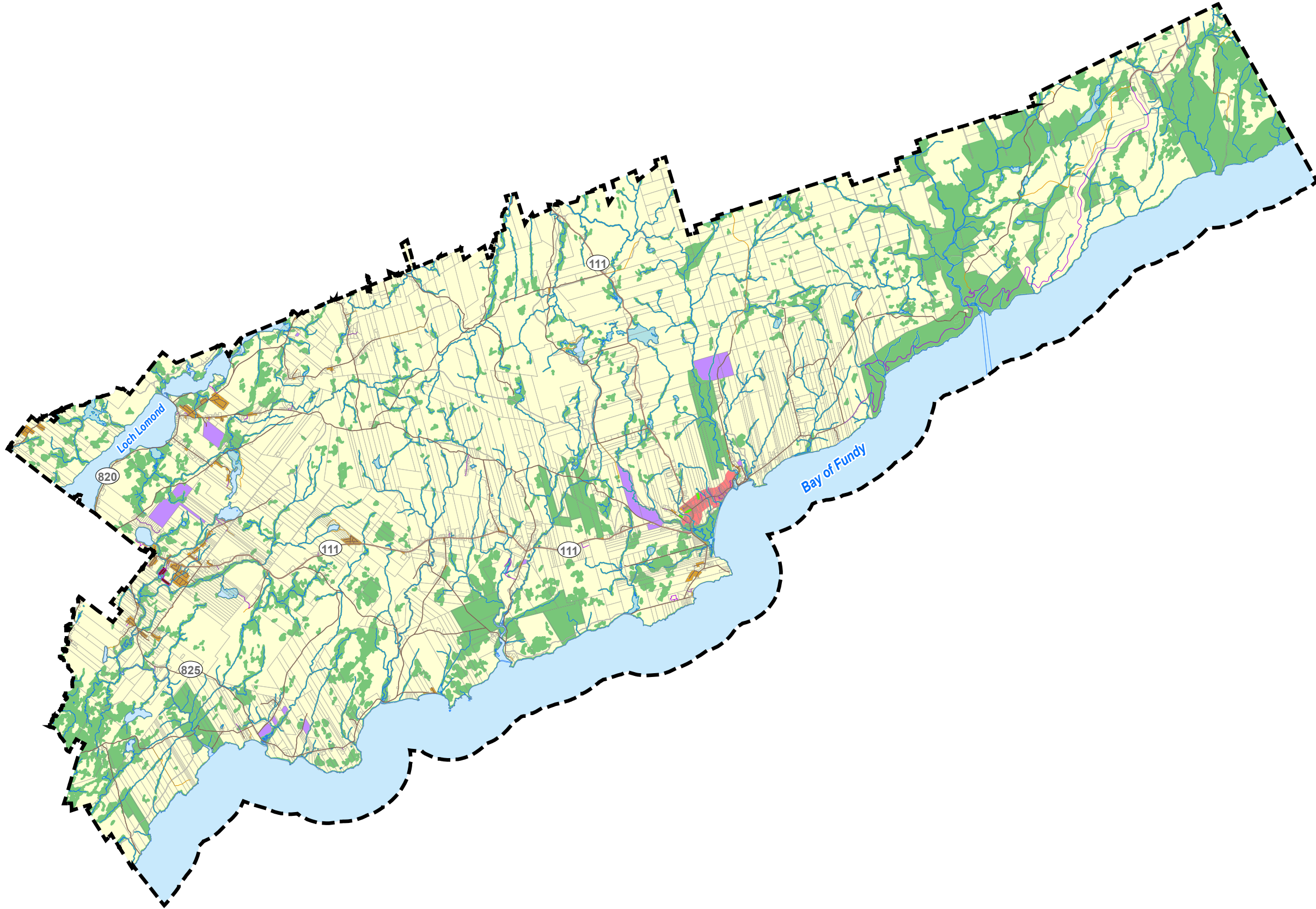
“zone” means a designated area of land use as shown on Schedule A of this By-law



Section

08

Part 8: Schedule A

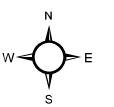


FUNDY-ST. MARTINS

SCHEDULE A: VILLAGE OF FUNDY-ST. MARTINS ZONING MAP

- Fundy-St. Martins Boundary
- Watercourse
- Waterbody
- Parcel
- Road**
 - Collector
 - Local
 - NBDOT Local
 - NBDNR Resource Road
- Zones**
 - Rural
 - Rural Residential
 - Dwelling Group
 - Village Centre
 - Resource & Aggregate Extraction
 - Open Space Recreation
 - Environmental Conservation

SCALE 1:170,000



MAP DRAWING INFORMATION:
DATA PROVIDED BY GEONB

MAP CREATED BY: RR
MAP CHECKED BY: TG
MAP PROJECTION: NAD 1983 CSRS New Brunswick Stereographic



PROJECT: 23-7261
STATUS: FINAL
DATE: 2024-09-09