BY-LAW NO 26-XX

By-law adopting the Rural Plan of the Municipality of Five Rivers

Under the authority vested in it by subsection 33(1) of the Community Planning Act, S.N.B. 2017, c.19, the Municipal Council of Five Rivers, duly gathered, adopts the following:

1 This By-law may be cited under the title:
"*By-law to adopt the Rural Plan of the Municipality of Five Rivers"*

2(1) The Rural Plan of the Municipality of Five Rivers is hereby adopted.

2(2) The document titled "*Rural Plan of the Municipality of Five Rivers*" dated October 2026 attached to the present By-law, is identified as "Schedule A" constitutes the Rural Plan referred to in subsection 2(1) and is an integral part of this By-law.

2(3) The map entitled "*Zoning Map of the Municipality of Five Rivers"* attached to the present By-law and identified as "Schedule B" forms an integral part of "Schedule A" referred to in subsection 2(2) and of this By-law.

2(4) By-law No. 12-01 entitled "By-law to Adopt the Rural Plan of the village of Rexton*"* enacted *November 13th, 2012 and* all amendments thereto, are hereby repealed.

2(5) Regulation No. 17-HAR-54-00 entitled "*Harcourt Local Service District Rural Plan – Community Planning Act"* enacted *June 6th, 2017,* with all of its amendments thereto, are hereby repealed.

First Reading: _____

Second Reading: _____

Third Reading and Adoption: _____

Seal

_____ _____

Kevin Scully
Mayor

Rob Webber
CAO & Municipal Clerk

Rural Plan of the Municipality of Five Rivers

(Schedule A)

FIVE RIVERS

Fall 2026

Commission de services régionaux de Kent
Kent Regional Service Commission

Table of Contents

PART 1 - INTRODUCTION 1
- *1.1 Indigenous Land Acknowledgement* 1
- *1.2 Area of Implementation* 1
- *1.3 Purpose* 1
- *1.4 Zoning Map and Classification* 1
- *1.5 Obligation to Comply* 2
- *1.6 Powers of the Council* 2
- *1.7 Powers of the Commission* 3
- *1.8 Amendments to the Rural Plan* 3

PART 2 – POLICIES AND PROPOSAL 4
- *2.1 Residential* 4
- *2.2 Commercial* 4
- *2.3 Industrial* 5
- *2.4 Community* 5
- *2.5 Natural Ressources* 6
- *2.6 Agriculture* 6
- *2.7 Conservation of the Environment* 7
- *2.8 Water Supply Protection* 8
- *2.9 History, Archaelogy and Heritage* 8
- *2.10 Integrated Development* 8

PART 3 – ZONING PROVISIONS 10
- *3.1 Definitions* 10
- *3.2 Zone : One and Two Family Residential (R2)* 21
- *3.3 Zone : Multi-Family Residential (R3)* 23
- *3.4 Zone : Rural Residential (RR)* 24
- *3.5 Zone : Central Commercial (CC)* 26
- *3.6 Zone : Tourism Commercial (CT)* 28
- *3.7 Zone : Rural Commercial (CL)* 29
- *3.8 Zone : Community (CO)* 30
- *3.9 Zone : Light Industrial (IL)* 31
- *3.10 Zone : Heavy Industrial (ID)* 32
- *3.11 Zone : Resources (RE)* 33
- *3.12 Zone : Agriculture (AG)* 35
- *3.13 Zone : Integrated Development (AI)* 36

PART 4 – GENERAL PROVISIONS 37
- *4.1 Professional Home Occupations* 37
- *4.2 One single main building per lot* 38
- *4.3 Off-street parking* 38
- *4.4 Off-street loading and unloading* 39
- *4.5 Accessory dwellings* 39
- *4.6 Fences* 40
- *4.7 Fences for swimming pools* 41
- *4.8 Topsoil removal* 41
- *4.9 Signs and signage* 42
- *4.10 Safety and sign maintenance* 43
- *4.11 Standards for aggregate extraction* 44
- *4.12 Drinking water protection* 45
- *4.13 Existing undersized lots* 45
- *4.14 Bed & breakfasts and inns* 45
- *4.15 Kennels* 45
- *4.16 Restrictions on developement in areas affected by sea levels* 46
- *4.17 Standards for liveable/seasonal/moveable vehicles* 46
- *4.18 Green energy* 47
- *4.19 Commercial containers & trailers as accessory structures* 47

PART 1 – INTRODUCTION

The *Rural Plan of the Municipality of Five Rivers* [hereinafter referred to as the *Rural Plan*] is prepared in order to provide the Municipal Council with a framework and a decision-making tool to guide development.

This *Rural Plan* is prepared in accordance with Subsection 33(1) of the *Community Planning Act*, S.N.B. 2017 c.19 [hereinafter referred to as *Community Planning Act.*] of New-Brunswick. This *Rural Plan* constitutes Schedule A of the By-law No. 26-XX entitled "*By-law to Adopt the Rural Plan of the Municipality of Five Rivers*".

1.1 INDIGENOUS LAND ACKNOWLEDGEMENT

The Five Rivers Municipal Council and the Five Rivers Rural Plan Review Committee wish to recognize that we are present on the traditional, ancestral and unceded territory of the Mi'kmaq people. The territory is covered by the Peace and Friendship Treaties that the Wəlastəkwiyik and Mi'kmaq first made with the British Crown in 1726. The treaties recognized their title and established the rules for what was to be an ongoing relationship between nations.

The Municipality of Five Rivers wishes to work in collaboration with neighboring Indigenous communities to ensure the development of our territory in a respectful and responsible manner.

1.2 AREA OF IMPLEMENTATION

1.2.1 The Rural Plan applies to all the area as shown on the Zoning Map of the Municipality of Five Rivers included as Schedule B.

1.2.2 In order to precisely delineate the area of the Municipality to which this Rural Plan applies; we refer to Schedule 45 of New Brunswick Regulation 2022-50 enacted under the Local Governance Act (O.C. 2022-228):

1.3 PURPOSE

1.3.1 The present *Rural Plan*:

a) divides the Municipality into zones, subject to the powers conferred to the Commission, specifies:

   (i) the designated uses of land, buildings and other structures located in a zone, and;
   (ii) the mandatory standards relating to land use, and the installation, erection, alteration and use of buildings and structures;

b) prohibits the use, installation, erection or alteration of land, buildings or structures which fail to satisfy the purpose and standards mentioned in this *Rural Plan.*

1.4 ZONING MAP AND CLASSIFICATION

1.4.1 For the purpose of this plan, the Municipality is divided into zones as delineated on the map which constitutes Schedule B hereto and entitled *Zoning Map of the Municipality of Five Rivers [*hereinafter *Zoning Map*] & dated October 2026.

1.4.2 The *Zoning Map* referred at 1.4.1 is an integral part of this *Rural Plan*.

1.4.3 The extent and boundaries of zones are shown on the *Zoning Map* and the provisions of this *Rural Plan* shall apply respectively to all zones, if applicable.

1.4.4 The symbols used in the *Zoning Map* show the pertinent zones which are established according to the classification provided in this *Rural Plan*.

1.4.5 Areas identified on the *Zoning Map* are classified and designated as followed:

a) One and Two-Family Residential (R2);

b) Multi-Family Residential (R3);

c) Rural Residential (RR);

d) Central Commercial (CC);

e) Tourism Commercial (CT);

f) Rural Commercial (CL);

g) Community (CO);

h) Light Industrial (IL);

i) Heavy Industrial (ID);

j) Resources (RE);

k) Agriculture (AG);

l) Integrated Development (AI);

1.5 OBLIGATION TO COMPLY

1.5.1 In any zone:

a) the land can be used and developed, and buildings and structures may, in whole or in part, be installed, erected, altered or used for the purposes mentioned in this *Rural Plan* relating to the specific zone and in compliance with the requirements specified therein and any other provisions of this *Rural Plan;*

b) land shall not be used or developed and a building or structure shall not, in whole or in part, be installed, erected, altered or used for purposes or in a manner not permitted by this *Rural Plan*.

1.6 POWERS OF THE COUNCIL

Refusal to issue a building permit

1.6.1 The Council may prohibit the erection of a building for which the Council deems that satisfactory measures were not taken to supply it with electric power, water, sewer, roads and other services or equipment.

Unsightly premises

1.6.2 When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may;

(a) improve, remove or demolish such building or structure at the expense of the owner thereof; or

(b) acquire the parcel of land on which such building or structure is located.

Payment of a sum in lieu of supplying parking spaces

1.6.3 Pursuant to subsection 4.3.1(5), the Council may, at its discretion, authorize a developer to pay to the Municipality the sum of $5,000.00, in accordance with the terms and conditions determined by Council, in lieu of providing the off-street parking spaces required hereunder.

1.7 POWERS OF THE COMMISSION

1.7.1 It is not permitted to erect a building or structure on any location where it would otherwise be permitted by the *Rural Plan*, when the Commission considers that the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for the proposed purpose due to the nature of the soil or topography.

1.7.2 The Commission may, on such terms and conditions deemed appropriate

a) authorize for a temporary period not exceeding one year, a development otherwise prohibited by the *Rural Plan*, and;

b) require the termination or removal of a development authorized under paragraph in a) at the end of the authorized period.

1.8 AMENDMENTS TO THE RURAL PLAN

1.8.1 Any person who wishes to amend this *Rural Plan* must:

a) submit a written and signed request, addressed to Council for this purpose, induplicate, including the following:

(i) the zoning By-law to which the amendment is sought;
(ii) a list of the properties affected;
(iii) a list of the owners involved;
(iv) a description of the current use of the lands, buildings or structures;
(v) a description of the proposed use of the lands, buildings or structures;
(vi) plans and drawings in order to properly visualize the project;
(vii) a description of the amendment sought, and
(viii) a list of reasons for requesting the amendment, along with any supporting documents considered necessary to show that the proposal is useful; and

b) pay a fee of $1,500.00 to the Council.

PART 2 – POLICIES & PROPOSALS

The policies and proposals of the *Rural Plan* are based on the observations contained in the *Preliminary Study* as well as the resulting discussions and sessions of the working committee. In this regard, Part 2 aims to set out the policies and proposals relating to land use.

2.1 RESIDENTIAL

A current issue, the housing topic is currently a major subject either because of its shortage of or its financial inaccessibility. It will be essential for the Municipality to encourage the arrival of new housing to meet the needs of its increasingly diverse and growing population.

2.1.1 The Council intends, as a policy, to allow for a variety of low-density residential uses in rural areas of the Municipality that are not served by public services in order to preserve the rural, natural and forested character of the community.

2.1.2 The Council intends, as a policy, to allow for gentle residential densification by permitting additional residential units on existing and future properties in accordance with the various provincial guidelines in effect.

2.1.3 The Council intends, as a policy, to maintain and improve existing road, electrical, water and sewer infrastructure offered to residential lots in order to maintain efficient use of these assets and equipment.

2.1.4 Through a proposal, Council will first promote new residential development in areas where facilities, infrastructure, and services are existing or planned.

2.1.5 Through a proposal, Council will intend to allow suites and residential units of up to 4 housing units on a residential property in order to densify existing areas and to offer a range of housing options to the population in order to offer varied and affordable housing options.

2.1.6 The Council intends, as a policy, to allow certain professional activities at home provided that these activities do not produce unintended effects or consequences in the residential area such as noise, parking problems, vehicle or truck traffic or any other non-negligible factors for residents.

2.2 COMMERCIAL

2.2.1 The Council intends, as a policy, to encourage the concentration of commercial activities in the existing commercial cores, namely the Main Street commercial thoroughfare in Rexton, the smaller Route 126 commercial section located in Harcourt and in Bass River.

2.2.2 Through a proposal, Council will prioritize and strengthen existing commercial areas by increasing permitted use options to provide greater flexibility for a variety of future business opportunities.

2.2.3 The Council intends, as a policy, to encourage commercial development that provides local employment opportunities.

2.2.4 Through a proposal, Council will permit the installation of small commercial establishments and/or home occupations in those areas in which residential uses are predominant.

2.2.5 The Council intends, as a policy, to allow commercial establishments in rural areas in order to better serve its residents for their basic needs; since they may live away from the Rexton commercial core.

2.2.6 The Council intends, as a policy, to encourage local purchase and local products.

2.2.7 Through a proposal, Council will work with various organizations to raise awareness among the population to shop in the Municipality and to focus on buying local and prioritizing local products.

2.3 INDUSTRIAL

2.3.1 The Council intends, as a policy, to promote the maintenance or even the growth of the industrial sector while respecting the environment:

(a) by setting aside land suitable for industrial development in areas designated for this type of use;
(b) by prioritizing options to increase employment opportunities, without disrupting the quality of life of its residents;
(c) by enhancing the municipal business park.

2.3.2 Through a proposal, the Council will propose that new industries with operations that may result in risks of noise, fire, light flashes, explosions or odors be subject to public consultation or consultation with relevant provincial departments, as appropriate.

2.3.3. Through a proposal, the Council will propose that new industrial projects requiring a rezoning process be evaluated relative to their impact on the ambient environment and the surrounding areas, especially residential dwellings, watercourses, and also in order to protect the quantity and quality of our water supply.

2.3.4 The Council intends, as a policy to encourage home based small industries, workshops, and home occupations which would promote and create income and prosperity for its residents.

2.3.5 The Council intends, as a policy, to encourage new environmentally friendly companies and technology companies to get established in Five Rivers.

2.4 COMMUNITY; RECREATIONAL EQUIPMENT, PUBLIC SPACES, LEISURE AND RECREATION

2.4.1 The Council intends, as a policy, to preserve and maintain existing community facilities, spaces, and buildings in order to provide a sense of belonging and community spirit in all neighborhoods of the Municipality.

2.4.2 The Council intends, as a policy, to share and have agreements with neighboring municipalities regarding their community facilities such as arenas, pools, and other such infrastructures in order to reduce cost and overlapping.

2.4.3 The Council intends, as a policy, to create a vibrant and healthy community; by permitting and encouraging new community facilities in strategic locations in the Municipality to ensure that they are used in the best way possible.

2.4.4 Through a proposal, the Council will work in consultation with the KRSC recreation department and will find inspiration in its current recreation master plan.

2.4.5 Through a proposal, Council will promote active lifestyles and enhanced social vitality for residents through recreational and cultural programs, events, and activities.

2.4.6 Through a proposal, Council will encourage the development of walking or bicycle trails that will ensure connectivity with the provincial trails network.

2.5 NATURAL RESOURCES & EXPLOITATION

2.5.1 The Council intends, as a policy, to ensure that resource development activities will be clean, sustainable, and protective of the natural environment in Five Rivers.

2.5.2 The Council intends, as a policy, to ensure that resource development activities respect environmentally sensitive areas in Five Rivers, especially along riverbanks.

2.5.3 The Council intends, as a policy, to allow a variety of uses in natural resource areas, including forested areas, as delineated on the zoning map.

2.5.4 The Council intends, as a policy, to allow the exploitation of natural resource areas so long as the exploitation does not conflict with land uses in neighboring areas with different zoning.

2.5.5 Through a proposal, Council will encourage sustainable forestry management in the rural forested areas of the Municipality, particularly the areas located outside of the former Village of Rexton boundaries.

2.5.6 With its large areas of forest and natural areas, the Council intends, as a policy, to protect the fauna and flora and to preserve the essential value they provide to the ecosystem of the greater Five Rivers region.

2.5.7 The Council intends, as a policy, to only consider new developments related to the operation, mining or extraction of bituminous shale, oil, natural gas, mineral, aggregates after undertaking a rezoning process and public consultation.

2.5.8 Through a proposal, Council will require that projects under policy 2.5.7 consider the possibility of imposing reasonable terms and conditions or other matters provided under Section 59 of the Community Planning Act. Secondly these new projects would need to adhere and conform to all provincial or federal governmental regulations, standards, or policies applicable.

2.5.9 The Council intends, as a policy, recommends that all biosolid processing industries that seek to add, expand, or modify operations in Five Rivers will be subject to appropriate rezoning and public consultation processes.

2.6 AGRICULTURE

Although forested land represents the largest natural resource in the Five Rivers community, agricultural activities have been present since the first settlements in the region and it remains a considerable element in terms of land use. Especially in this day when local products and small-scale farms reinforce current trends in food supply and food security, it is necessary to take this into account. Therefore, small scale and family farming should be encouraged. Large scale farming could also be able to prosper but at the same time it should be respectful of nearby residential uses, all the while the protection of the environment should be essential.

2.6.1 The Council intends, as a policy, to support initiatives aimed at preserving and optimizing the existing agricultural lands of the Municipality of Five Rivers.

2.6.2 Through a proposal, Council will consider the Canada Land Inventory, Agriculture and Agri-Food Canada's CLI mapping and the provincial Farm Land Identification Program (FLIP) inventory to determine the best options for agricultural land use.

2.6.3 The Council intends, as a policy, to encourage community gardens and to continue the existing educational component of the same theme by the KRSC.

2.6.4 The Council intends, as a policy, to highlight opportunities for the promotion of local products and value-added products.

2.6.5 The Council intends, as a policy, to encourage agricultural activities in areas suitable for these purposes so as not to harm the residential character and to avoid incompatible conflicts of use in residential areas.

2.6.6 Through a proposal, Council will put in place measures such as setbacks when agricultural uses are near residential uses, watercourses and any other bodies of water or an ecologically sensitive area in order to protect them from an adjacent agricultural use.

2.7 CONSERVATION OF THE ENVIRONMENT; AIR, WATER AND SOIL

The natural environment of Five Rivers is under threat from *increasingly extreme weather events* that are occurring as a result of *climate change*. For that reason, it is critical for all development activity in Five Rivers to be planned and executed in ways that protect the air, water, soil, and other natural resources of Five Rivers for future generations.

2.7.1 The Council intends, as a policy, to soundly and responsibly manage our sources of drinking water, while working in collaboration with other private and public organizations to protect and conserve our drinking water.

2.7.2 The Council intends, as a policy, to ensure that its wastewater system is safely and effectively operated, managed, and monitored.

2.7.3 The Council intends, as a policy, to promote the presence of light industry that appropriately uses local resources.

2.7.4 The Council intends, as a policy, to limit the amount of land available to heavy industry to a few strategic locations where the risk of environmental degradation and damage can be minimized and mitigated.

2.7.5 The Council intends, as a policy, to preserve sensitive ecological zones such as banks, wetlands, and the aquatic environment.

2.7.6 The Council intends, as a policy, to encourage adaptation measures to climate change.

2.7.7 The Council intends, as a policy, to encourage and promote renewable energy sources and green energy alternatives.

2.7.8 The Council intends, as a policy, to encourage the reduction of greenhouse gas emissions emitted by the Municipality and its residents.

2.7.9 Through a proposal, The Council will encourage research and studies on climate change in partnership with businesses and universities to study the impacts of climate change on the Municipality's waterways and forests.

2.7.10 The Council intends, as a policy, to identify and raise awareness about special ecosystems and natural spaces and places in Five Rivers, while informing and educating residents, tourists, developers, and others who threaten to degrade or disrupt them.

2.7.11 The Council intends, as a policy, to establish a system to rate and rank the value of special natural areas in Five Rivers according to multiple factors, including ecological value, presence of wildlife and flora, and opportunity for development or exploitation.

2.7.12 The Council intends, as a policy, to limit soil and water pollution by encouraging the limited use of pesticides, insecticides, petroleum products and other contaminants or by trying to find more bio/environmentally sensitive alternatives.

2.7.13 The Council intends, as a policy, to support regulatory measures and administrative actions that serve to reduce the threat and effects of waterfront erosion.

2.7.14 The Council intends, as a policy, to work with the provincial government to clarify the territorial jurisdiction of (a) Five Rivers and (b) the Department of Environment and Local Government, as it relates to the management of coastal areas.

2.7.15 The Council intends, as a policy, to establish a zoning system or framework that recognizes municipal lands in Five Rivers that are in contact with bodies of water and subject to tidal fluctuations.

2.7.16 The Council intends, as a policy to revise the By-laws of Five Rivers to align with changes to federal and provincial regulations and policies respecting coastal areas.

2.8 WATER SUPPLY PROTECTION

2.8.1 Since all water supply sources in Five Rivers are from private and individual wells, the Council intends, as a policy, to require a study of adequate quality and quantity of ground water for any large-scale projects requiring large amounts of groundwater.

2.8.2 The Council intends, as a policy, to identify and protect water sources that could be used for municipal purposes in the future.

2.8.3 Through a proposal, Council will favor, and may pursue, the designation of its own Wellfield Protected Area under the Clean Water Act, New Brunswick Regulation 2000-47.

2.8.4 The Council intends, as a policy, to prohibit developments which could negatively affect water supply sources based on the elements which can be adapted from all related departmental laws, regulations, policies and objectives prescribed by government.

2.8.5 Through a proposal, Council will seek to ensure that groundwater and water table supplies are preserved and protected by discouraging large impact developments that threaten to degrade or deplete the resource.

2.8.6 The Council intends, as a policy, to encourage residents to preserve and conserve water and to raise awareness of its importance in the Municipality.

2.9 HISTORY, ARCHAEOLOGY AND HERITAGE

2.9.1 The Council intends, as a policy, to recognize and enhance the local heritage character of the community of Fiver Rivers.

2.9.2 Through a proposal, Council will support the initiatives of residents, historians, authors or any other relevant groups wishing to highlight the local built heritage.

2.9.3 The Council intends, as a policy, to identify and preserve sites, areas, buildings or structures of architectural or historical interest.

2.9.4 Through a proposal, Council will ensure that the protection, preservation and renovation of local historic sites is encouraged using the Heritage Conservation Act as a resource & guide.

2.10 INTEGRATED DEVELOPMENT

2.10.1 The Council intends, as a policy, Council will consider certain combinations of land, buildings, and structures to be beneficial in specific areas.

2.10.2 Through a proposal, Council will support integrated developments that can be expected to benefit the community as a whole and where related nuisances can be mitigated.

2.10.3 Through a proposal, Council will permit integrated developments in places where they would can be expected to be conducive to community development, especially in places where the zoning already permits such development.

2.10.4 Through a proposal, Council will permit all integrated development zones to be created as part of a rezoning and in accordance with paragraph 53(3)(b) and sections 58 and 59 of the Community Planning Act.

PART 3 – ZONING PROVISIONS

3.1 DEFINITIONS

3.1.1 In this By-law;

"abut" means having direct access to; in the case of a lot line, sharing a common point;

"acceptable farm practice" means a practice that is carried on:

(a) In a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations under similar circumstances, including the use of innovative technology in conjunction with advanced management practices; and
(b) In conformity with any standards set out in applicable regulations.

"accessory building" means a subordinate building or structure on the same lot as the main building and used exclusively for an accessory use; it does not include a building attached to the main building;

"accessory dwelling" means a self-contained dwelling unit located within or adjacent to a house, separate from the main dwelling, including garden suites, in-law suites, garage suites or basement apartments, but excludes mobile homes;

"Act" means the New Brunswick Community Planning Act;

"advertisement poster" means a freestanding, two-sided, triangular poster that is not permanently fixed to the ground and is designed to be movable;

"agricultural operation" means an agricultural operation, other than a cannabis production facility, 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,
g) the production of eggs and milk,
h) the operation of agricultural machinery and equipment, including irrigation pumps,
i) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
j) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
k) the storage, use or disposal of organic wastes for farm purposes,
l) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
m) the application of fertilizers, conditioners, in insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes, or
n) any other agricultural activity or process prescribed by regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

“agricultural processing” means the use of land, buildings, and structures for the receiving, cleaning, grading, sorting, storing, processing, packaging, and distribution of agricultural products, whether produced on-site or sourced from within the region. These uses may include:

a) meat processing facilities, including butcher shops;
b) cideries, wineries, breweries, and similar beverage production facilities utilizing agricultural products;
c) cold storage facilities; and
d) agricultural product processing facilities, including maple syrup, grain, and produce processing.

“agri-tourism” means an activity related to agriculture that takes place on a farm and is carried out by a farm operator. The activity complements the farm operation and primarily highlights its own production or agricultural activities. The purpose is to bring visitors into contact with farming in an informative, educational, and entertaining manner while generating supplementary income.

Agri-tourism may include:
a) on-farm retail sales, including farm shops, roadside stands, and markets primarily offering products produced on-site;
b) u-pick operations;
c) farm stay accommodations and similar lodging;
d) guided farm tours;
e) educational workshops and agricultural classes;
f) event barns and similar facilities;
g) petting zoos or demonstration farms;
h) horse boarding, riding lessons, and equestrian training;
i) farm-to-table dining establishments featuring products produced on-site or within the region;
j) foraging activities conducted as part of an agricultural operation; and
k) vertical farming.;

“alteration” means any change to a structural component or increase in the volume of a building.

“amusement place” means a building or area equipped for playing games of chance or skill, excluding places containing only pool tables, gaming machines, bowling alleys or bingo halls.

“amenity area” means an area of land or portion of a building in a multi-unit dwelling set aside for visual improvement, recreation or relaxation.

“animal unit” means the number of livestock or poultry equivalent to one (1) animal unit, as follows:
a) One (1) horse, cow, pig, steer, bull, mule, donkey, bison, buffalo, fox, or mink, including offspring until weaning;
b) Three (3) llamas, alpacas, or deer, including offspring until weaning;
c) Six (6) sheep or goats, including offspring until weaning;
d) Ten (10) turkeys, ostriches, emus, or fur-bearing animals, excluding fox or mink; and
e) Twenty (20) chickens, ducks, or geese.

“attached building” means an otherwise complete building that shares one or more above-grade walls with an adjacent building.

“automotive repair outlet” means a building or part of a building used for repairs to light trucks

and passenger vehicles, including auto-body and mechanical work, but excluding manufacturing and fuel retailing.

"back yard" means a yard extending across the full width of a lot between the rear lot line and the nearest main wall.

"bed and breakfast / tourist home" means a single detached dwelling where the owner resides and provides overnight accommodation and meals to travellers.

"building" means any roofed structure, temporary or permanent, used or built for the shelter or enclosure of persons, animals, materials or equipment, and includes vessels or containers used for such purposes.

"building inspector" means a person appointed by Council or the Commission under the Community Planning Act or Local Governance Act to administer this By-law.

"CGVD2013" means the Canadian Geodetic Vertical Datum 2013 of Natural Resources Canada.

"Code" means the National Building Code of Canada in effect in New Brunswick.

"cannabis" means cannabis as defined in the Cannabis Act.

"cannabis production facility" means a facility licensed by the Government of Canada to grow, produce, test, store or distribute cannabis, excluding retail sale.

"canopy sign" means a sign attached to or integrated into a permanent projection of a building or a fixed projecting structural frame protruding from the exterior wall.

"car wash" means a building containing wash bays for washing vehicles.

"cemetery" means land used primarily for interment of human remains and may include chapels, churches, funeral homes, crematoria and related accessory uses.

"climate change adaptation" means the process of adjusting to actual or expected climate change and its effects, in order to moderate harm or take advantage of potential opportunities.

"climate change mitigation" means efforts to avoid, reduce or remove greenhouse gas emissions, as defined in the Climate Change Act.

"**climate resilient lands**" means lands able to withstand and recover from extreme weather events and protect other lands and developments from the impacts of climate change, including:

a) wetlands,
b) dunes,
c) beaches,
d) floodplains,
e) riparian zones, and
f) vegetated and forested areas

“Commission” means the Kent Regional Service Commission.

“**community garden**” means a shared or collective garden managed by residents for food production, with shared responsibility for common areas.

“condominium development” means a building or buildings where occupants own their dwelling units, as set out in the Condominium Property Act.

“construction” means any work erected or assembled using components joined together, fixed to or leaning against the ground or other structures.

“convenience store” means a retail store serving daily or occasional needs of residents with goods such as groceries, beverages, dairy products, hardware, newspapers, etc.

“corner lot” means a lot abutting two or more intersecting streets.

“Council” means the Municipal Council of the Municipality of Five Rivers;

“crop and livestock production” means the use of land, buildings, and structures for the cultivation, raising, and management of agricultural products and animals for commercial sale, processing, or export. This use forms the primary agricultural activity of a farm operation and may include:

a) Crop production, including field crops, vegetables, fruit, and specialty crops;
b) Livestock production, including cattle, poultry, swine, sheep, goats, equine, and similar agricultural animals, in accordance with the Animal Unit table in *Schedule C*.

“cultural facilities” means land or buildings used for performances, exhibitions, concerts, conferences or similar activities.

“daycare centre” means an establishment providing care and supervision to children under the Child and Family Services Act.

“Director” means the Provincial Planning Director appointed under section 9 of the Community Planning Act.

“distribution centre” means a building used for storage, wholesaling and distribution of goods and materials.

“drive-thru business” means an establishment designed to provide goods or services to customers in their vehicles.

“dwelling” means a building or part of a building occupied as a residence, containing one or more dwelling units, excluding hotels or hostels.

“dwelling unit” means one or more habitable rooms used as a separate housekeeping unit with kitchen, sleeping and sanitary facilities for the exclusive use of occupants.

“elevation” means the vertical distance between the average high tide level (CGVD2013) and the highest waterproof point of the building’s foundation.

“entertainment place” means a theatre, arena, public hall, auditorium, billiard room, skating rink, bowling alley, bingo hall or similar venue.

“environmentally sensitive area” means:

a) Provincially Significant Wetland, Designated Watershed Protected Area or Designated Wellfield Protected Area published on the GeoNB website or a watercourse or other wetland, and;
b) lands that are federally or provincially designated for environmental protection or conservation.

“erect” means to construct, build, assemble or reinstall a building or structure, including preparatory site work.

“established grade” means the average elevation of the finished ground surface adjacent to a building.

“existing” means existing on the date this By-law comes into effect.

“extractive use” means buildings and facilities associated with excavation of rock, soil or similar material for commercial use, excluding structures integral to mining.

“face(s) of a sign” means the surface on which the sign is placed; signs with multiple visible sides have a corresponding number of faces.

“facade sign” means a sign attached, painted or otherwise represented on a building façade.

“family” means one or more persons, related or not, who occupy a dwelling as a single housekeeping unit, excluding groups in hotels or rooming houses.

“farm-related commercial and support” means uses, buildings, structures, and activities that are directly associated with and support a farm operation, agricultural production, or the sale, processing, storage, and distribution of agricultural products. These uses are complementary to agricultural uses of the property and are intended to support the viability of farming activities. Such uses may include:

a) equipment and motor vehicle repair establishments, including farm equipment and small engines;
b) welding and fabrication shops;
c) feed stores;
d) seed and fertilizer suppliers;
e) agricultural supply retail establishments (including fencing, gates, feeders, and related materials);
f) commercial greenhouses;
g) tree nurseries;
h) apiaries;
i) grain drying and storage facilities;

j) veterinary clinics; and
k) commercial kennels.

“fishery use” means use for

a) storing, repairing or creating fishing equipment for commercial or business use;
b) and the processing, storing, packaging and distributing of bait and aquatic plants and animals;

“flankage lot line” means a side lot line abutting a street on a corner lot;

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

“free-standing sign” means a sign supported by posts or masts anchored to the ground and not attached to a building;

“**front lot line**” means the line dividing the lot from the street or other means of access, and

a) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or

b) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line;

“front yard” means a yard extending across the full width of a lot between the front lot line and the nearest main wall;

“gasoline outlet” means an establishment, other than an automobile repair garage, where gasoline and other automotive fluids are sold to the public, and where everyday items may also be sold;

“green infrastructure” means natural, enhanced or engineered assets such as forests, urban trees, permeable pavements and green roofs that provide environmental benefits;

“green energy installation” means an installation that generates power from natural, zero-emission renewable sources, including sunlight, wind, and water, and includes solar panels, windmills, and similar installations.

“height (building)” means the vertical distance between the established grade and the highest point of the roof;

“height of a sign” means the vertical distance between the highest point of a sign and ground level;

“hobby farm” means a small-scale agricultural use that is accessory to a residential use, where agricultural activities are carried out primarily for personal use, enjoyment, or limited local sale, and are not intended to function as a main commercial agricultural operation;

A ***hobby farm in an Agriculture (AG)*** zone shall:
a) include the cultivation of crops, gardens, orchards, or similar agricultural production;
b) include the keeping of a limited number of livestock or poultry, in accordance with the animal unit table in *Schedule 3*;
c) not result in the contamination of water, air, or soil; and
d) ensure that all animals are properly fenced or contained.

Where a hobby farm is located in an Agriculture (AG) zone, accessory uses and activities that support the agricultural operation may also be permitted, including but not limited to:
a) on-farm retail sales such as farm stands or small farm shops;
b) farm-related commercial and support uses; and
c) educational workshops or agri-tourism activities.

A ***hobby farm in a Rural Residential (RR)*** zone shall:
a) be limited to a maximum of six (6) animal units, in addition to a maximum of twenty-five (25) chickens;
b) require a minimum lot area of 10,000 m² for two (2) animal units;
c) require a minimum lot area of 8,000 m² for up to twenty-five (25) chickens, or 4,000 m² for up to fifteen (15) chickens;
d) not include any farm building with a gross floor area exceeding 200 m²;
e) not result in the contamination of water, air, or soil;
f) not include agricultural processing uses; and
g) ensure that all animals are properly fenced or contained.

“a professional home occupation / at home business” means a secondary use clearly related and subordinate to the residential use of the property, carried out within a main building or, where permitted, an accessory building, or within part of a dwelling unit.

“hotel or motel” means a commercial building providing temporary accommodation for travellers, possibly with dining or convention rooms.

“in-law suite” means an apartment within a single detached dwelling that is internally accessible from the main dwelling unit.

“intensive livestock production operation” means a livestock facility or operation involving two hundred and fifty (250) or more animal units.

“interior lot” means a lot other than a corner or through lot.

“kennel, commercial” means a building or structure where more than four dogs are raised, bred or boarded, with or without veterinary care.

“loading and unloading space” means the part of a lot reserved to allow vehicles to park temporarily while loading or unloading goods.

“living space” means space within a dwelling unit used for normal living functions, including living rooms, kitchens, bathrooms, dens, and recreation rooms, including finished basement or attic spaces.

“lot” means a parcel of land described in a deed or subdivision plan.

“lot coverage” means the percentage of lot area covered by buildings above ground, excluding swimming pools and portions of buildings entirely below ground; the maximum lot coverage applies only to the portion of the lot within the zone.

“lot frontage” means the horizontal distance between side lot lines measured along the front lot line; on a corner lot the front and flankage lines are extended to their theoretical point of intersection to calculate frontage.

“lot line” means a boundary line between a lot and an abutting lot, street, lane, parcel or waterbody.

“main building” means a building in which the main use of the lot is carried out.

“main wall” means the exterior front, side or rear wall of a building.

“medical and health office” means an establishment used by qualified medical practitioners and staff to provide outpatient health services, including medical or dental offices, physiotherapy, counselling, chiropractic services and ancillary clinic services, but excluding veterinary services.

“micro-brewery / distillery” means a use where beverages are produced in limited annual volumes (beer ≤ 800,000 L, wine ≤ 100,000 L, spirits ≤ 75,000 L).

“mini home or mobile home” means a factory-built dwelling designed to be transported as one integral unit and placed on a foundation.

“multi-family dwelling” means a building containing three or more dwelling units.

“natural gas” has the meaning assigned in the Oil and Natural Gas Act.

“natural resource development area” means lands on which a natural resource operation is carried out for gain or reward or expected gain or reward and includes:

a) lands identified for potential future natural resource extraction and development or the production of natural resources, including any associated infrastructure;
b) forested lands used for reforestation, silviculture and harvesting;
c) lands used for the extraction and development of aggregates, peat, mineral resources and oil and natural gas;
d) lands used for the development and production of renewable electrical energy, including wind, solar and tidal;

“office” means a room or rooms where business is transacted, a service is performed, or consultation is provided, but does not include manufacturing or retail sales.

“parking garage” means an enclosed establishment containing communal parking spaces.

“parking space” means an area for temporary parking of motor vehicles with adequate access for ingress and egress.

“pet, domestic, familiar” means an animal ordinarily kept inside a dwelling, an outdoor enclosure or accessory building solely for pleasure or companionship, excluding livestock, sheep, horses,

pigs, poultry, bees and animals ordinarily kept as livestock. This definition includes dogs, cats, rabbits, small birds, small lizards and rodents.

"prime agricultural area" means an area that meets one or more of the following criteria:

a) the area is Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use;
b) the area is being used for, being prepared to be used for or has been identified for the future development of maple sugaries or the production of wild blueberries or cranberries;
c) the area is an existing woodlot that is associated with an agricultural operation and is part of an area that includes Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use; or
d) the area is Canada Land Inventory Class 5, 6 or 7 land and is part of an area that includes Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use.

"projecting sign" means a sign wholly or partially supported by a building and projecting more than 30 cm beyond that building.

"recreational facility" means a place equipped for sports, recreation or related activities.

"recycling depot" means a building used for depositing, collecting and handling recyclable materials to be shipped off-site for processing or salvage.

"rear lot line" means the lot line farthest from the front lot line.

"resource extraction" means excavation of sand, gravel, clay, shale, limestone or similar deposits for sale or commercial use.

"residence for seniors" means a multi-unit residential building designed for residents requiring proximity to community services, with shared common areas (minimum 10% of the building), and which may include limited secondary uses such as clinics or personal services.

"residential care facility" means a facility providing accommodation and care to more than three persons with social, emotional, mental or physical challenges, licensed under provincial legislation, excluding hospitals or detention facilities.

"retail store" means a building or part of a building where goods are sold directly to the public, including minor food processing related to sales.

"rowhouse dwelling" means a building divided vertically into three or more dwelling units each.

"secondary dwelling unit" means a dwelling unit secondary to the main dwelling unit.

"semi-detached dwelling" means a dwelling attached to another dwelling by a common wall, each on its own lot.

"self-storage facility" means a business renting locked storage units accessible to tenants at any time.

“service shop” means a building or part of a building used for the sale and repair of household items, including glass replacement, radio, television and appliance repair, but excluding industrial uses, manufacturing, motor vehicle repair, or repair of heavy equipment or tractor-trailers.

“shopping centre” means a commercial building with a minimum floor area of 1,500 m² containing more than one commercial establishment, designed, developed, operated or managed as a unit, with shared parking and common entrances.

“sign” means any indication, description, illustration or logo, illuminated or not, providing information such as a product, location, activity, person, institution or business, and posted outside a building; excludes traffic signs.

“sign, community identification” means a permanent sign identifying a community such as a municipality, neighborhood, subdivision, multi-unit residential complex, condominium building, or institutional building.

“sign, illuminated” means a sign that provides artificial light directly or through transparent or translucent material from a source of light attached to the sign, or a sign illuminated by an external light directed at its surface.

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

“side yard” means a yard extending between the front and rear yards, between a side lot line and the nearest main wall.

“small wind turbine” means a wind turbine with generating capacity of 100 kW or less.

“storey” means the portion of a building between the top of any floor and the top of the floor above, or the ceiling above if no floor exists.

“subdivision sign” means a temporary sign showing the design plan of a subdivision or project, including the name of the subdivision and the names of architects, engineers, landscape architects, contractors, owners, funding partners, sponsors or other parties involved in the project.

“sustainable development” means development that meets present needs without compromising the ability of future generations to meet theirs.

“temporary sign” means a sign not permanently attached to a foundation or not installed at least 1 m deep into the ground.

“through lot” means a lot bounded on two opposite sides by streets.

“micro-dwelling/tiny home” means a single-family dwelling unit under 600 sq. ft., anchored to a permanent foundation and connected to utilities.

“two-family dwelling” means a building containing two dwelling units.

“urban agriculture” means an accessory use to a main residential use, carried out on the same lot within a residential zone, involving the small-scale cultivation of plants and food products for personal use or limited local sale. This use may include a maximum of six (6) hens, but shall not

include any other livestock. Buildings and structures associated with this use shall not exceed twenty percent (20%) of the total lot area;

Where permitted, hens and chicken coops shall be subject to the following:

a) hens shall only be permitted on a property containing a single-unit dwelling;
b) hens shall be kept contained at all times;
c) a chicken coop shall have a minimum setback of 3 metres from any side or rear lot line;
d) a chicken coop shall have a minimum setback of 7.5 metres from a dwelling on an adjacent property;
e) feed shall be stored in a weatherproof container to prevent access by other animals; and
f) manure shall be stored in a fully enclosed container.

A chicken coop shall be enclosed on all sides and shall include:

a) a roof, lockable doors, and predator-resistant wire mesh with openings no larger than 2.5 centimetres;
b) a minimum floor area of 0.37 m² per hen;
c) a minimum outdoor run area of 0.92 m² per hen;
d) at least one perch providing a minimum of 15 centimetres per hen, and at least one nesting box; and
e) a heating device capable of maintaining an interior temperature above 0°C.

"variable electronic sign" means a sign displaying messages or images using LED, LCD, plasma or similar technology.

"warehouse" means a building used primarily for storage of goods and materials.

"watercourse" means any lake, river, stream, ocean or other body of water.

"wholesale establishment" means a building where goods are sold mainly to industrial, institutional or commercial users or to retailers for resale.

"wind turbine" means equipment intended to convert wind energy into mechanical energy.

"width of the façade of a building" means the horizontal measurement of the portion of a building facing the street.

"yard" means an open or unoccupied space on a lot adjoining a building, other than a space bounded on two or more sides by buildings.

3.2 ZONE: ONE AND TWO FAMILY RESIDENTIAL (R2)

Permitted Uses

3.2.1 Any land, building, or structure in an R2 zone can only be used for the purposes of,

a) the following main use:

(i) a single-family dwelling;
(ii) a two-family dwelling;
(iii) a park or playground;
(iv) a community garden;

b) under 4.1.1 and subject to such conditions as the Municipality and the Commission may establish, the following secondary use:

(i) a professional home occupation / at home business;

c) under 4.5 and subject to such conditions as the Municipality and the Commission may establish, an accessory dwelling unit such as:

(i) a garden suite, garage suite, in-law suite, and basement apartment;

c) and subject to such conditions as the Municipality and the Commission may establish, the following secondary use:

(i) urban agriculture;

e) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Lot Sizes

3.2.2(1) No lot may be used for one of the purposes referred to in section 3.2.1 unless such lot is serviced by the municipal sewer system or private system.

3.2.2(2) No main building or structure may be placed, erected or altered on a lot, and no building or structure may be altered to become a dwelling on a lot, unless the lot has;

a) in the case of a single-family dwelling serviced by the Municipality's sewer services,

(i) a width of at least 23 metres;
(ii) a depth of at least 30 metres; and;
(iii) an area of at least 690 square metres;

b) in the case of a single-family dwelling not served by the Municipality's sewer services,

(i) a width of at least 54 metres,
(ii) a depth of at least 38 metres, and;
(iii) an area of at least 4000 square metres;

c) in the case of a two-family dwelling,

(i) a width of at least 27 metres,
(ii) a depth of at least 30 metres, and

(iii) an area of at least 810 square metres;

(d) in the case of a two-family dwelling that is not served by the Municipality's sewer services,

(i) a width of at least 54 metres,
(ii) a depth of at least 38 metres, and
(iii) an area of at least 6000 square metres;

Size of Dwellings and Dwelling Units

3.2.3(1) No dwelling may be placed, erected or altered so that its ground floor area is less than,

(a) in the case of a single-family dwelling,

(i) 75 square metres, for a one-storey dwelling,
(ii) 65 square metres, for a one and one-half storey dwelling,
(iii) 55 square metres, for a two- storey dwelling; or,

(b) in the case of a two-family dwelling,

(i) 67 square metres, for a one-storey dwelling,
(ii) 58 square metres, for a one and one-half storey dwelling,
(iii) 50 square metres, for a two-storey dwelling;

3.2.3(2) For the purposes of this section, ground floor area does not include garages, carports, porches, verandas, breezeways or stairways.

Yards for a Main Building or Structure

3.2.4(1) No main building or structure may be placed erected or altered so that it is within:

(a) 7.5 metres of a street line;
(b) subject to subsection (2) with respect to a side lot line, 1.5 metres from one side and 2.5 metres from the other side;
(c) 7.5 metres from the rear lot line,

3.2.4(2) The widest side yard required by subsection (1) may be reduced to 1.5 metre if a carport or garage allows vehicles access to the rear yard.

Height of a Main Building or Structure

3.2.5 No main building or structure may exceed 9 metres in height.

Accessory Buildings or Structures

3.2.6(1) No accessory building or structure may not:

a) exceed two story or exceed the height of the main building;
b) exceed an area of 93 square metres (1000 ft²);
c) be placed, erected or altered so that it is:
(i) within the front yard of the main building or structure,
(ii) within 1 metre of a side or rear lot line, or
(iii) so located as to block that which would otherwise be the only vehicular access to the rear of the lot, or

3.2.6(2) Accessory buildings or structures shall not occupy more than 10% of a lot.

Lot Occupancy

3.2.7 Buildings and structures on a lot may not occupy a greater portion of the area of the lot than

(a) 35 percent, for an interior lot, or
(b) 30 percent, for a corner lot.

Landscaping

3.2.8 (1) Subject to this section, the owner of a lot developed for residential purposes shall landscape:

(a) the front yard of the main building within 24 months after the completion of construction, and
(b) that part of the lot within 1.5 metre of any building thereon.

(2) The landscaping referred to in subsection (1):

(a) shall include, at a minimum, a lawn and ornamental shrubs, and

(b) may include the placement of paths, patios, walkways and trees.

(3) The yard referred to in subsection (1) may be used to a reasonable degree for the purpose of walks and driveways for access to the main building or other uses on the lot.

3.3 ZONE: MULTI-FAMILY RESIDENTIAL (R3)

Permitted Uses

3.3.1 Any land, building, or structure in an R3 zone can only be used for the purposes of,

a) the following main use:

(i) a multi-family dwelling;
(ii) a park or playground;
(iii) a community garden;

b) and subject to such conditions as the Municipality and the Commission may establish, the following main use:

(i) a single-family dwelling;
(ii) a two-family dwelling;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Lot Sizes

3.3.2(1) No lot may be used for one of the purposes referred to in section 3.3.1 unless such lot is serviced by the municipal sewer system or private system.

3.3.2(2) No main building or structure may be placed, erected or altered on a lot, and no building or structure may be altered to become a dwelling on a lot, unless the lot has;

(a) a width of at least 36 metres, and 2 metres for each additional dwelling unit, if there are more than three (3) dwelling units;
(b) a depth of at least 30 metres;

(c) an area of at least 1080 square metres, as well as 67 square metres for each additional unit, if there are more than three (3) dwelling units.

Size of Dwellings

3.3.3 (1) No multi-family dwelling may be established, erected or modified in such way that it will form a dwelling unit with a floor area of less than;

(a) 65 square metres for a dwelling with three or four dwelling units, or;
(b) for a multiple unit dwelling other than that described in (a),

(i) 30 square metres for a studio-type one-room dwelling,
(ii) 40 square metres for a one-bedroom dwelling, or
(iii) 55 square metres for a two-bedroom dwelling, or
(iv) 65 square metres for a dwelling with three or more bedrooms.

3.3.3(2) If the dwelling is a one or two-family dwelling, the provisions found in 3.2.3(1) and 3.2.3(2) apply with the necessary modifications to the R3 zones.

Yards for a Main Building or Structure

3.3.4 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the R3 zones.

Height of a Main Building or Structure

3.3.5 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.3.6(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the R3 zones.

3.3.6(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

Lot Occupancy

3.3.7 Buildings and structures on a lot may not occupy a greater portion of the area of the lot than

(a) 35 percent, for an interior lot, or
(b) 30 percent, for a corner lot.

Landscaping

3.3.8 The provisions of section 3.2.8 with respect to landscaping apply.

3.4 ZONE: RURAL RESIDENTIAL (RR)

Permitted Uses

3.4.1 Any land, building, or structure in an RR zone can only be used for the purposes of,

a) the following main use:

(i) a single-family dwelling;

(ii) a two-family dwelling;
(iii) a park or playground;
(iv) a community garden;
(v) a cottage, camp, tiny home;
(vi) an accessory building;

b) the following secondary use:

(i) a professional home occupation / at home business;
(ii) a hobby farm;
(iii) an accessory dwelling;
(iv) an accessory building;
(v) a small wind turbine or solar panel installation;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main u se is permitted by this section.

Lot Sizes

3.4.2(1) No lot may be used for one of the purposes referred to in section 3.4.1 unless such lot is serviced by the municipal sewer system or a private system.

3.4.2(2) No main building or structure may be placed, erected or altered on a lot, and no building or structure may be altered to become a dwelling on a lot, unless the lot has;

(a) in the case of a single-family dwelling serviced by the Municipality's sewer services,

(i) a width of at least 23 metres;
(ii) a depth of at least 30 metres; and;
(iii) an area of at least 690 square metres;

b) in the case of a single-family dwelling not served by the Municipality's sewer services,

(i) a width of at least 54 metres;
(ii) a depth of at least 38 metres; and;
(iii) an area of at least 4000 square metres;

c) in the case of a two-family dwelling,

(i) a width of at least 27 metres;
(ii) a depth of at least 30 metres, and;
(iii) an area of at least 810 square metres;

d) in the case of a two-family dwelling that is not served by the Municipality's sewer services,

(i) a width of at least 54 metres,
(ii) a depth of at least 38 metres, and
(iii) an area of at least 6000 square metres;

Size of Dwellings and Dwelling Units

3.4.3(1) No dwelling may be placed, erected or altered so that its ground floor area is less than,

a) in the case of a single-family dwelling,

(i) 75 square metres, for a one-storey dwelling,
(ii) 65 square metres, for a one and one-half storey dwelling,
(iii) 55 square metres, for a two- storey dwelling; or,

b) in the case of a two-family dwelling,

(i) 67 square metres, for a one-storey dwelling,
(ii) 58 square metres, for a one and one-half storey dwelling,
(iii) 50 square metres, for a two-storey dwelling;

3.4.3(2) For the purposes of this section, ground floor area does not include garages, carports, porches, verandas, breezeways or stairways.

Yards for a Main Building or Structure

3.4.4 (1) No main building or structure may be placed erected or altered so that it is within:

(i) 7.5 metres of a street line;
(ii) subject to subsection (2) with respect to a side lot line, 1.5 metres from one side and 2.5 metres from the other side;
(iii) 7.5 metres from the rear lot line;

3.4.4 (2) The widest side yard required by subsection (1) may be reduced to 1.5 metre if a carport or garage allows vehicles access to the rear yard.

Height of a Main Building or Structure

3.4.5 No main building or structure may exceed 9 metres in height.

Accessory Buildings and Structures

3.4.6(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the R3 zones.

3.4.6(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

Lot Occupancy

3.4.7 Buildings and structures on a lot may not occupy a greater portion of the area of the lot than

(a) 35 percent, for an interior lot, or
(b) 30 percent, for a corner lot;

3.5 ZONE: CENTRAL COMMERCIAL (CC)

Permitted Uses

3.5.1 Any land, building, or structure in an CC zone can only be used for the purposes of,

a) the following main use:
(i) a single or two-family residential use;
(ii) multi-family residential use, apartments, condos, townhouses;

(iii) a retail establishment;
(iv) a financial institution;
(v) a convenience store;
(vi) a pharmacy;
(vii) a hardware store;
(viii) a grocery store;
(ix) a food service establishment or bar;
(x) a microbrewery;
(xi) a hotel, motel, inn or B&B;
(xii) a gas station, service station or automobile garage;
(xiii) a car wash, self-serve or automatic;
(xiv) an EV (electric vehicle) charging station;
(xv) an automobile sales or repair establishment;
(xvi) a service shop or small machinery;
(xvii) a daycare centre;
(xviii) a fitness centre;
(xix) a health centre, clinic or hospital;
(xx) a professional services establishment;
(xxi) an office building/office space;
(xxii) a veterinary clinic for domestic animals;
(xxiii) a recreational use; open space, public park, playground or sports field;
(xxiv) a community, religious or educational use;

b) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Size of Dwellings

3.5.2(1) If a dwelling is a one or two-family dwelling, the provisions found in 3.2.3(1) and 3.2.3(2) apply with the necessary modifications to the CC zones.

3.5.2 (2) No multi-family dwelling may be established, erected or modified in such way that it will form a dwelling unit with a floor area of less than;

(a) 65 square metres for a dwelling with three or four dwelling units, or;
(b) for a multiple unit dwelling other than that described in (a),

(i) 30 square metres for a studio-type one-room dwelling,
(ii) 40 square metres for a one-bedroom dwelling, or
(iii) 55 square metres for a two-bedroom dwelling, or
(iv) 65 square metres for a dwelling with three or more bedrooms.

Yards for a Main Building or Structure

3.5.3 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the CC zones.

Height of a Main Building or Structure

3.5.4 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.5.5(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the CC zones.

3.5.5(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

3.6 ZONE: TOURISM COMMERCIAL (CT)

Permitted Uses

3.6.1 Any land, building, or structure in an CT zone can only be used for the purposes of,

a) the following main use:

(i) a food service establishment; restaurant, canteen or bar,
(ii) an amusement park;
(iii) a water park/swimming pool;
(iv) a golf course/mini-golf course;
(v) a fitness centre;
(vi) a monument/statue;
(vii) a historic place or building;
(viii) a cultural centre;
(ix) a conference centre/event centre;
(ix) a resort;
(x) a health center & spa;
(xi) a hotel, motel, inn or B&B;
(xii) a serviced campground;
(xiii) a natural unserviced campground;
(xiv) a lot with cabins, cottages or domes;
(xv) a recreation or sports facility;
(xvi) a park;
(xvii) a natural area;
(xviii) a hiking or bicycle trail;
(xix) a snowmobile & ATV trails;
(xx) a marina/boat launch

b) and subject to such conditions as the Municipality and the Commission may establish, the following main use:

(i) a single-family dwelling;
(ii) a two-family dwelling;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Size of Dwellings

3.6.2(1) If a dwelling is a one or two-family dwelling, the provisions found in 3.2.3(1) and 3.2.3(2) apply with the necessary modifications to the CT zones.

3.6.2 (2) No multi-family dwelling may be established, erected or modified in such way that it will form a dwelling unit with a floor area of less than;

(a) 65 square metres for a dwelling with three or four dwelling units, or;
(b) for a multiple unit dwelling other than that described in (a),

(i) 30 square metres for a studio-type one-room dwelling,
(ii) 40 square metres for a one-bedroom dwelling, or

(iii) 55 square metres for a two-bedroom dwelling, or
(iv) 65 square metres for a dwelling with three or more bedrooms.

Yards for a Main Building or Structure

3.6.3 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the CT zones.

Height of a Main Building or Structure

3.6.4 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.6.5(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the CT zones.

3.6.5(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

3.7 ZONE: RURAL COMMERCIAL (CL)

Permitted Uses

3.7.1 Any land, building, or structure in an CL zone can only be used for the purposes of,

a) all uses permitted in Central Commercial (CC) zones in addition to the following additional uses;
(i) a warehouse or wholesale establishment;
(ii) an establishment selling or repairing ATVs, boats, trailers;
(iii) a car body shop;
(iv) a veterinary clinic for domestic animals and farm animals;
(v) a recycling centre with indoor or outdoor facilities;
(vi) a commercial greenhouse, a garden centre, vertical farming;
(vii) a landscaping company;

b) and subject to such conditions as the Municipality and the Commission may establish, the following main use:

(i) a single-family dwelling;
(ii) a two-family dwelling;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Size of Dwellings

3.7.2(1) If a dwelling is a one or two-family dwelling, the provisions found in 3.2.3(1) and 3.2.3(2) apply with the necessary modifications to the CL zones.

3.7.2 (2) No multi-family dwelling may be established, erected or modified in such way that it will form a dwelling unit with a floor area of less than;

(a) 65 square metres for a dwelling with three or four dwelling units, or;
(b) for a multiple unit dwelling other than that described in (a),

(i) 30 square metres for a studio-type one-room dwelling,

(ii) 40 square metres for a one-bedroom dwelling, or
(iii) 55 square metres for a two-bedroom dwelling, or
(iv) 65 square metres for a dwelling with three or more bedrooms.

Yards for a Main Building or Structure

3.7.3 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the CL zones.

Height of a Main Building or Structure

3.7.4 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.7.5(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the CL zones.

3.7.5(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

3.8 ZONE: COMMUNITY (CO)

Permitted Uses

3.8.1 Any land, building, or structure in an CO zone can only be used for the purposes of,

a) the following main use:

(i) a government establishment; federal, provincial, municipal or local;
(ii) an establishment intended for public gatherings or intended for public gatherings or social, cultural or recreational activities;
(iii) a park, an open space, a playground, sports field or a recreational facility;
(iv) a building intended for education; kindergarten, school, college;
(v) a daycare centre;
(vi) a hospital;
(vii) a paramedical use, a doctor's office, a health clinic;
(viii) a dental clinic;
(ix) an optometry clinic;
(x) a church, place of worship or any other place of religious gathering;
(xi) a cemetery;
(xii) a funeral home;
(xiii) a care home or a residence for the elderly;
(xiv) a telecommunications tower;
(xv) a monument, building or historical site;
(xvi) a municipal lagoon, a water treatment facility, a drinking water tower or any other source of drinking water;
(xvii) a green energy installation;

b) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Yards for a Main Building or Structure

3.8.2 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the CO zones.

Height of a Main Building or Structure

3.8.3(1) Subject to 3.8.3(2), the height of a main building or structure shall not exceed 14 metres; except in the case of a telecommunications tower or a wind turbine.

3.8.3(2) A religious building or institutional structure shall not exceed in height;

(a) 20 metres for the main portion of the building, and
(b) 30 metres for gables, steeples or other subsidiary components.

Accessory Buildings and Structures

3.8.4(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the CO zones.

3.8.4(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

Landscaping

3.8.5 The provisions of section 3.2.8 with respect to landscaping apply.

3.9 ZONE: LIGHT INDUSTRIAL (IL)

Permitted Uses

3.9.1 Any land, building, or structure in an IL zone can only be used for the purposes of,

a) the following main use:

(i) a light manufacturing, assembly or processing industry that is operated and wholly contained in a building;
(ii) a transportation, storage or distribution facility;
(iii) a construction equipment establishment;
(iv) a self-storage facility
(v) office spaces;
(vi) a retail or wholesale establishment;
(vii) a government use;
(viii) a research and development facility,
(ix) a fitness centre;
(x) a daycare centre;
(xi) a restaurant;
(xii) a gas station, EV charging stations;
(xiii) an automobile repair garage;
(xiv) a recycling centre, a recycling facility, a recycling centre, an indoor recycling depot;
(xv) a municipal lagoon, a water treatment facility, a drinking water tank, a water tower;
(xvi) a technology company, an eco-friendly or sustainable company;
(xvii) a self-storage facility;
(xviii) a micro-brewery;

(xix) a green energy installation;
(xx) vertical farming;
(xxi) a telecommunication tower;

b) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Lots

3.9.2 No main building or main structure shall be placed, erected or altered and no building or structure shall be altered unless the lot has,

Serviced lots;
a) a minimum width of 35 metres;
b) a minimum depth of 38 metres, and
c) a minimum area of 1330 square metres.

Unserviced lots;
a) a width of at least 54 metres;
b) a depth of at least 38 metres, and
c) an area of at least 4000 square metres;

Yards for a Main Building or Structure

3.9.3(1) The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the IL zones.

3.9.3(2) Notwithstanding 3.9.3(1), no main building or a main structure shall not be placed, erected or altered in such a way that it is within 30 metres from a property line separating this property and an adjacent lot with a different zoning than *IL.*

Height of a Main Building or Structure

3.9.4 The height of a main building or structure shall not exceed 14 metres; except in the case of a telecommunications tower or a wind turbine.

Accessory Buildings and Structures

3.9.5(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the IL zones.

3.9.5(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

3.10 ZONE: HEAVY INDUSTRIAL (ID)

Permitted Uses

3.10.1 Any land, building, or structure in an ID zone can only be used for the purposes of,

a) the following main use:

(i) slaughterhouses;
(ii) crematorium;
(iii) a plant or undertaking whose purpose is to burn or destroy an agricultural, animal, natural and/or human product either by means of chemicals or by combustion, heat or fire;

(iv) storage, preparation or processing of agricultural products and all other derived products thereof;
(v) storage, preparation or processing of forest products;
(vi) storage of chemicals on a wholesale basis or necessary for production;
(vii) storage of hydrocarbons and fuels on a wholesale basis or necessary for production;
(viii) storage, preparation or processing of fish and seafood products and all other products derived from it;
(ix) storage, preparation or processing of meat;
(x) a factory or enterprise having heavy machinery causing flashes of light, flames or which may cause explosions;
(xi) commercial sawmills;
(xii) transportation businesses; trucking, heavy haul;
(xiii) storage or parking of machinery, trucks, paving equipment, mechanical crane, etc.…;
(xiv) aggregate extraction/quarries/gravel pits and sand pits;
(xv) a technology company, an eco-friendly or sustainable company;
(xvi) a sewer, sewage sludge, solid waste, biosolid and wastewater treatment plant or facility;
(xvi) subject to a rezoning process under section 59 of the Community Planning Act; a cannabis production facility;

b) any building, structure or use that is accessory to the main use of the land, building or structure, if such main use is permitted by this section.

Yards for a Main Building or Structure

3.10.2(1) The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the ID zones.

3.10.2(2) Notwithstanding 3.10.2(1), no main building or a main structure shall not be placed, erected or altered in such a way that it is within 30 metres from a property line separating this property and an adjacent lot with a different zoning than *ID.*

Height of a Main Building or Structure

3.10.3 The height of a main building or structure shall not exceed 14 metres;

Accessory Buildings and Structures

3.10.4(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the ID zones.

3.10.4(2) No accessory building or structure may be placed, erected or altered so that it is within 3 metres of a side lot line or rear lot line.

3.11 ZONE: RESOURCES (RE)

Permitted Uses

3.11.1 Any land, building, or structure in an RE zone can only be used for the purposes of,

a) the following main use:

(i) a forestry/silviculture use;
(ii) a peat moss use (cultivation & harvesting/processing & transformation);
(iii) an agricultural use;
(iv) a park, open space or natural area;
(v) a recreational use;
(vi) a community use;

(vii) a government use;
(viii) a public services use;
(ix) a telecommunications tower;
(x) a green energy installation;
(xi) a facility or development related to the preservation of fauna and flora;
(xiii) a commercial kennel;
(xiv) a single or two-family residential use;
(xv) a hobby farm or vertical farming;
(xvi) a cottage, camp or tiny home;

b) the following secondary use:

(i) a professional home occupation / at home business;
(ii) a hobby farm;
(iii) an accessory dwelling;
(iv) an accessory building;
(v) a small wind turbine or solar panel installation;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main u se is permitted by this section.

Lot Sizes

3.11.2(1) No lot may be used for one of the purposes referred to in section 3.11.1 unless such lot is serviced by a private septic system.

3.11.2(2) No main building or structure may be placed, erected or altered on a lot, and no building or structure may be altered to become a dwelling on a lot, unless the lot has;

a) in the case of an unserviced single-family dwelling;

(i) a width of at least 54 metres;
(ii) a depth of at least 38 metres; and;
(iii) an area of at least 4000 square metres;

b) in the case of an unserviced two-family dwelling;

(i) a width of at least 54 metres;
(ii) a depth of at least 38 metres; and;
(iii) an area of at least 6000 square metres;

Size of Dwellings and Dwelling Units

3.11.3 The provisions found in 3.4.3(1) and 3.4.3(2) apply with the necessary modifications to the RE zones.

Yards for a Main Building or Structure

3.11.4 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the RE zones.

Height of a Main Building or Structure

3.11.5 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.11.6(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the RE zones.

3.12 ZONE: AGRICULTURE (AG)

Permitted Uses

3.12.1 Any land, building, or structure in an AG zone can only be used for the purposes of,

a) the following main use:

(i) crop and livestock production;
(ii) an agricultural processing use;
(iii) agri-tourism;
(iv) a forestry/silvicultural use;
(v) a farm-related commercial and support use;
(vi) a park, open space or natural area;
(vii) a recreational use;
(viii) a community use;
(ix) a government use;
(x) a use of public services;
(xi) a telecommunications tower;
(xii) a green energy installation;
(xiii) a facility or development related to the preservation of fauna and flora;
(xiv) an installation or facility for flood protection and erosion control;
(xv) a kennel;
(xvi) a hobby farm;
(xvii) a single-family or two-family residential use;
(xviii) a cottage, a camp, a tiny home;

b) the following secondary use:

(i) a professional home occupation / at home business;
(ii) a hobby farm;
(iii) an accessory dwelling;
(iv) an accessory building;
(v) a small wind turbine or solar panel installation;

c) any building, structure or use that is accessory to the main use of the land, building or structure, if such main u se is permitted by this section.

Lot Sizes

3.12.2 The provisions found in 3.11.2(1) and 3.11.2(2) apply with the necessary modifications to the AG zones.

Size of Dwellings and Dwelling Units

3.12.3 The provisions found in 3.4.3(1) and 3.4.3(2) apply with the necessary modifications to the AG zones.

Yards for a Main Building or Structure

3.12.4 The provisions found in 3.2.4(1) and 3.2.4(2) apply with the necessary modifications to the AG zones.

Height of a Main Building or Structure

3.12.5 No main building or structure may exceed 14 metres in height.

Accessory Buildings and Structures

3.12.6(1) The provisions found in 3.2.6(1) and 3.2.6(2) apply with the necessary modifications to the AG zones.

3.13 ZONE: INTEGRATED DEVELOPMENT (AI)

3.13(1) No use or development is allowed, and lands, buildings or structures shall only be located on a lot in an *AI* zone if the Minister has approved a specific proposal regulated under section 58 of the *Community Planning Act*.

3.13(2) The standards and requirements for the *AI* zones cannot be subject to this By-law, but rather are governed by the proposal approved by Council under section 59 of the *Community Planning Act.*

PART 4 – GENERAL PROVISIONS

4.1 Professional home occupations

4.1.1 Subject to the provisions of 4.1.2, if the operation of a professional home occupation in the home is permitted by this By-law, the main residence may be used for the exercise of one of the professional activities listed below;

a)
- (i) a real estate/insurance agent;
- (ii) an architect, draftsman, surveyor, architect, an engineer, consultant or other professional;
- (iii) a lawyer or notary;
- (iv) a financial professional;
- (v) a seamstress or tailor;
- (vi) a daycare centre at home;
- (vii) a healthcare professional;
- (viii) a teacher; dance, music or other;
- (ix) a beauty/tanning salon (maximum of 2 chairs) (maximum of 2 units);
- (x) a pet grooming salon (dog kennel excluded);
- (xi) a computer technician;

b) in addition to the professional occupations in the home named above, the following professional occupations in the home are permitted in the Rural Residential (RR), Resource (RE), Agriculture (AG) zones;

- (i) at home car sales (maximum of 4 vehicles);
- (ii) a dog sitting service (maximum of 10 dogs);
- (iii) a kennel for dogs/cattery, according to 4.15
- (iv) the preparation and sale of homemade and artisanal products;
- (v) the repair and maintenance of small machinery and equipment;

c) any other similar or related professional activity, with approval and under such terms and conditions that Council and the Commission may establish.

4.1.2 The operation of a home occupation is subject to the following conditions:

(a) the number of employees is limited to the owner in addition to one (1) additional employee;
(b) it is restricted to the main building and cannot be established, even partially, in an accessory building or structure, except in rural residential (RR), resource (RE), agriculture (AG) zones;
(c) the occupancy area shall not exceed twenty-five (25) per cent of the total floor area of the dwelling and shall not exceed fifty (50) square metres;
(d) other than a sign permitted to be displayed within the zone, no alteration to the architecture of the residence shall be visible from the outside;
(e) a daycare licensed by this By-law shall comply with all provincial regulations relevant to its operations and any future amendments and updates thereof;
(f) two (2) off-street parking spaces shall be provided in addition to those prescribed by the main residential use;

4.2 One single main building per lot

4.2.1 Unless specifically stipulated elsewhere in this By-law, no more than one main building or main structure may be placed or altered on a lot, and a building or a structure shall not be converted into a second main building or second main structure.

4.2.2 Council and the Commission may establish, under the conditions it deems reasonable, approve uses in areas where it is proposed that uses other than single-family and two-family dwellings, excluding condominium projects, occupy more than one main building on the lot.

4.3 Off-Street Parking

4.3.1 Subject to the following conditions, a building or structure shall not be placed, erected, altered or used unless the off-street parking areas have been provided in conformity with the requirements of provisions 4.3.1(1) to 4.3.1(5).

4.3.1(1) Off-street parking spaces referred to in 4.3.1 must be calculated as follows:

(a) housing units (at least 1.5 spaces per dwelling);
(b) retail stores, similar establishments (one space at least per 14 square metres of floor area);
(c) food establishments and bars, (at least one space per group of 4 customers that can be served);
(d) offices (at least one space for every 90 square metres of gross area up to a maximum of 270 square metres and one additional space per 45 square metres beyond 270 square metres);
(e) recreation facilities, churches, community centres and other gathering places, (one space for at least 5 seats fixed to the floor or at least one space for every 20 square metres of gross area, whichever is greater);
(f) hotels and motels, (one space per guestroom) and at least 2 additional spaces;
(g) schools and youth clubs, (at least one space per class/room and if the club or premises includes an auditorium or assembly area, one additional location per 20 square metres of the auditorium or assembly area);
(h) industrial establishment, warehouses, yards or storage buildings, maintenance and repair establishment, (one space at least per 2 employees in addition to one space for each office unit.

4.3.1(2) A standard parking space:

(a) must be at least 6 metres long and 3 metres wide;
(b) must have easy access from a street; and
(c) must be within 150 metres of the building being served;

and for reduced mobility;

(a) must be at least 7 metres long and 4 metres wide;
(b) must be located in an area that allows easy access to the building;
(c) must be designated and identified separately from other parking spaces, and
(d) the number of spaces required must be in accordance with the current National Building Code of Canada.

4.3.1(3) If the number of parking spaces is not less than the prescribed area for all the required spaces, joint arrangements may be made for parking spaces on the same lot serving two or more buildings.

4.3.1(4) If measures have been taken jointly for off-street parking spaces under 4.3.1(3), the parking spaces must;

(a) be paved with durable materials that are dust-proof;
(b) have access to and exits which, in the opinion of the Commission, take into account the topography of the land and traffic in general; and
(c) not be used for the repair or maintenance of automobiles except in an emergency.

4.3.1(5) Notwithstanding sections 4.3.1(1) to 4.3.1(4), Council may, if it deems appropriate, permit the developer of a project to pay to the Municipality the sum of $5,000.00 per space in lieu of establishing off-street parking as required by this By-law.

4.4 Off-street loading and unloading

4.4.1 The owner of any building, structure or premises used, in whole or in part, for a use requiring the use of vehicles to receive or deliver goods or equipment must, in accordance with the following terms, set up and maintain off-street parking spaces on the adjoining land for the purpose of parking these vehicles and carrying out loading and unloading operations.

(a) for retail or wholesale stores, bulk storage facilities, warehouses and other similar establishments:

(i) at least one space if the gross floor area is equal to or less than 450 square metres;
(ii) at least two spaces if the gross floor area is greater than 450 square metres or less than 2,250 square metres: and
(iii) one additional space per additional 2,250 square metres of gross floor area.

(b) for commercial buildings or office buildings, public gathering places, schools, hotels or other buildings or similar premises:
(i) at least one space; and
(ii) one additional space for each 30 square metres of gross floor area, when the gross floor area is more than 2,700 square metres.

4.4.2 Loading and unloading areas mentioned in 4.4.1 must:

(a) have a length, width and overhead clearance of at least 9 metres, 3 metres, 5 metres respectively;
(b) be located in such a way as to permit the loading and unloading of merchandise or material on the premises being served;
(c) have suitable facilities for entry and exit and unobstructed maneuvering lanes; and
(d) be paved with durable materials and designed to avoid dust.

4.5 Accessory Dwellings

4.5.1 When permitted by this By-law, accessory dwellings must comply with the following requirements:

4.5.1(1) Garden Suite:

a) be located a minimum of 1.2 metre from a side line or a minimum of 2.4 metres from the rear lot line;
b) it may not exceed 6 metres in height;
c) it is located in the backyard;
d) it is located on a lot that has only one single-family dwelling as its main use;
e) it shall not exceed 75 square metres of gross floor area;
f) it must be serviced by the municipality's sewer system or by a private system;

g) an additional parking space is provided in addition to the parking required for the main residential use;
h) The driveway access point is common for both the main dwelling and the garden suite;
i) Only one (1) garden suite is permitted per property or lot.

4.5.1(2) In-Law Suite:

(a) it is contained within the main dwelling and shares the same entrance;
(b) it cannot occupy an area greater than 35 percent of the gross floor area of the dwelling;
(c) it must be serviced by the municipality's sewer system or by a private system;
(d) one parking space shall be required in addition to the parking required for the main use of the lot;
(e) the driveway access shall be common for both the main dwelling and the in-law suite.
(f) Only one (1) in-law suite is permitted per property or lot.

4.5.1(3) Basement apartment:

a) it is contained in the main dwelling unit and shares the same entrance, but may also have a separate entrance door;
b) it must be serviced by the municipality's sewer system or by a private system;
c) one parking space shall be required in addition to the parking required for the main use of the lot;
d) the driveway access shall be common for both the main dwelling and the basement apartment.
e) Only one (1) basement apartment is permitted per property or lot.

4.5.1(4) Garage Suite:

a) be located a minimum of 1.2 metres from a side line or a minimum of 2.4 metres from the rear lot line;
b) it may not exceed 6 metres in height;
c) it is located in the side yard or backyard;
d) it is located on a lot that has only one single-family dwelling as its main use;
e) it shall not exceed 75 square metres of gross floor area;
f) it must be serviced by the municipality's sewer system or by a private system;
g) an additional parking space is provided in addition to the parking required for the main residential use;
h) The driveway access point is common for both the main dwelling and the garage suite.
i) Only one (1) garage suite is permitted per property or lot.

4.6 Fences

4.6.1 Notwithstanding any other provision of this By-law and subject to this section, a fence may be erected or located in a yard.

4.6.2 A fence erected within eight (8) metres of a street line shall not be more than one (1) metre in height at any location.

Subject to subsection 4.6.2, a fence may not exceed in height;

a) 1.5 metre in a residential zone;
b) 2.5 metres in any other zone.

4.6.3 A barbed wire fence may be permitted in commercial, industrial and agricultural zones, as long as the minimum height of the fence is 2 metres.

4.7 Fences for swimming pools

4.7.1(1) A swimming pool may not be installed unless it is surrounded by a fence or a wall, a building or a structure or both and its height must reach 1.5 metres and comply with provisions 4.7.1(1) to 4.7.1(6).

4.7.1(2) When a wall of a building forms part of the enclosure indicated in 4.7.1(1);

a) a main entrance or a service door cannot be part of it; and
b) a door in this location, other than the door to a residence or a dwelling unit, shall be equipped with an automatic closing mechanism and an automatic safety lock installed at (1.5) metres from the bottom of the door.

4.7.1(3) The enclosure described in 4.7.1(1) shall not be surrounded by ramps, railings or other accessory items which could facilitate the climbing of the wall.

4.7.1(4) A fence, as indicated in 4.7.1(1);

a) must be made of chain-link;
b) of galvanized chain or covered with vinyl or other products approved by the CSA group; the fence can also be made of wood or other materials as specified in 4.7.1(5);
c) shall not be electrified, no barbed wire or any other dangerous product; and
d) shall be installed

    (i) at a distance of at least 1.25 metre from the edge of the pool, and
    (ii) at least one 1.25 metre from anything that would facilitate climbing from outside the fence.

4.7.1(5) The disposition and construction of a fence in accordance with the requirements of this by-law must have:

a) when it consists of chain-link,

    (i) diamond-shaped links no larger than 4 centimetres;
    (ii) steel wire must be at least 12 or 14 gauge and have an approved covering equivalent to the thickness of a 12-gauge steel wire and;
    (iii) steel poles with a diameter of at least 4 centimetres; to be buried below the freezing point with a coating of cement and spaced at a maximum of 3 metres; and fitted at the top with a horizontal rail with a diameter of at least 4 centimetres;

b) in the case of a wood fence,

    (i) vertical planks measuring at least 2.5 x 10 centimetres, spaced at a maximum of 4 centimetres attached to structural lumber and arranged in such a way as to prevent climbing from the outside; and
    (ii) square cedar supporting posts measuring at least 10 centimetres or cylindrical posts with a diameter of at least 10 centimetres, buried in the soil below freezing point and placed at 2.5 metre intervals; the part buried in the ground must be treated with a preservative and the fence shall be attached at the top with a horizontal rail measuring at least (5 x 15) centimetres; and

c) if it consists of a structure with material not mentioned in (a) and (b), its strength must match what is prescribed herein.

4.7.1(6) The fences forming an enclosure as indicated in 4.7.1(1):

a) must constitute a whole with the fence in terms of its structural aspects and its height;
b) shall have solid hinges; and
c) shall be equipped with an automatic lock placed at a height of (1.5) metres from the bottom of the door, allowing the door to close automatically.

4.8 Topsoil removal

4.8.1 Subject to this section, no person shall strip, excavate, farm sod or otherwise remove topsoil for the purpose of sale or any other commercial use or personal use from a lot or other parcel of land, except where permitted in the Gravel Pit Excavation, Peat Extraction or Quarry Excavation operation or where, in connection with the construction of a building, structure or roadway, there is an excess of topsoil other than that required for grading and landscaping. Subject to this section, it's forbidden to remove, by extraction or any other way, the topsoil from a lot or any other parcel for the purpose of selling or using it.

4.8.2 The removal site:

a) shall not damage any adjacent property;
b) shall not serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues or any other material likely to be harmful to the environment.

4.8.3 All removal sites shall be subject to the following conditions:

a) no extraction may be done within 100 metres of a lake, a river, brook or wetland;
b) the accesses and public streets over which materials are transported, and which are located within 400 metres of all main buildings, shall be maintained by the exploiter of the excavation site in a dust-free condition;
c) a new access road to a new excavation site shall be located at least 30 metres from any main building;
d) be located at a minimum distance of 400 metres of a dwelling and 300 metres of all public roads, in all other cases;
e) be secure and have a setback of 5 metres of an abutting property line; and
f) be in accordance with the General Regulation – *Topsoil Protection Act, New Brunswick Regulation*.

4.9 Signs and signage

4.9.1(1) A person shall not construct, erect, display, alter or relocate a sign; In addition, the owner or lessee of a property shall not permit, tolerate or authorize the construction, installation, display, alteration or relocation of a sign on land without a permit to display a sign being obtained in accordance with the provisions of this By-law.

A permit is not required for the following types of non-illuminated signs and the total number of signs below is limited to (2) and;

a) advertises the sale or lease of the land, building or structure and does not exceed (1) square metre of gross area;
b) identifies the residents of the property and does not exceed (1) square metre in gross area;
c) warns of trespassing or hazards and does not exceed (1) square metre of gross area;
d) is a traffic control device as defined in The Motor Vehicle Act;
e) is legal notice;
f) advertises a special event organized by the community or erected for the sole purpose of decorating for a special occasion;
g) announces a political candidate in an election, in which case it should be removed within (14) days after the election;

h) provided information on a construction project where professionals who carry out work on a building are to be removed upon completion of the authorized project;
i) identifies a subdivision by name and does not exceed (3) square metres of gross area;
j) identifies a professional home occupation permitted by this by-law.

The ownership or nature of a commercial, industrial or community business may be indicated by a freestanding sign located at least (1) metre from the street line and/or by one or more signs on a surface placed against the facade of the building provided that;

a) the gross surface area of a sign (per face) in a *Commercial, Community, Industrial*, can't exceed the product of a linear width of the lot on which the building is located multiplied by 0.457 to a maximum surface area of (5) square metres;

b) the gross surface area of a sign (per side) in a *multi-family residential* zone *and resource* zone must not exceed the product of the linear width of the lot on which the building is located multiplied by 0.457 to a maximum area of (3) square metres;

c) the gross surface area of a sign (per side) for a professional home occupation in a *residential* zone must not exceed (1) square metre, must not be illuminated and the height of the sign must not exceed (2) metres from the ground;
d) the total number of freestanding signs is limited to (1) per lot and single-sided signs placed against the façade of a building may not exceed more than (3) signs per building;

e) a freestanding sign is permitted provided that it does not have a clear space of less than (3) metres and a maximum height of (10) metres from ground level;

f) variable electronic signs are permitted in a commercial, industrial or community zone provided that the sign is located at a minimum distance of (100) metres from a residential dwelling, and its maximum area will be (2) square metres;

g) illuminated signs must not contain neon lights, flashing lights or be intermittent that could affect the visibility or safety of pedestrians and other road users.

h) signs must not imitate a traffic control device or contain the words "stop", "caution", "danger", "warning" or any other similar term;

i) commercial or shipping containers may not be used as signs, signage, or billboards in any form.

Unless otherwise indicated, temporary signs, portable signs, and signs mounted or manufactured on rolling vehicles, trailers or other devices or devices used to move signs from one location to another are prohibited. If these signs are permitted, they are subject to the following conditions:

a) any other conditions imposed by the order;
b) this provision does not apply to vehicles carrying goods or persons;
c) it must not impede the visibility of pedestrians and other road users.

4.10 Safety and sign maintenance

4.10(1) The owner or lessee of a property on which a sign is located is prohibited from allowing the sign, its supports, anchoring and electrical system to become unsightly, squandered or dangerous.

4.10(2) Signs, including their frames, brackets, anchors and electrical wiring, must be constructed in accordance with the building by-law, and the relevant provincial, national fire & electrical codes.

4.10(3) It may become necessary to remove a sign that has become unsightly or dilapidated if it constitutes a safety hazard.

4.11 Standards for Aggregate Extraction

4.11(1) Subject to this section, no person shall undertake or continue the excavation of sand, gravel, clay, shale or limestone or any other material for the purpose of sale or any other commercial use except in conformity with the standards of this by-law.

4.11(2) The extraction site shall not:

a) damage any adjoining property;
b) allow the accumulation of water to a depth greater than 60 centimetres at any time during the year, for an extraction site not fenced; or
c) serve as a storage place or dump for toxic materials, scrap iron, domestic waste, construction material or any other material likely to be harmful to the environment.

4.11(3) All extraction sites shall be subject to the following conditions:

a) no extraction may be done within 250 metres of any water surface;
b) the owner of the land must keep the access roads and streets used for the transport of materials free of dust; These access roads must be located at least 30 metres from any main building;
c) be located at least 300 metres from any dwelling;

be located within 30 metres of the boundaries of private land, unless written permission is obtained from the owner;

a) be located within 100 metres of the foundation of a structure, unless written permission is obtained from the owner;
b) be located at a distance of 100 metres from a private drinking water well, in the case of a gravel pit or sand pit, unless written permission is obtained from the owner;
c) be located within 300 metres of a commercial, industrial, agricultural or communal well, in the case of a gravel pit or sand pit, unless the applicant has obtained prior written permission from the Department of Environment and Local Government;
d) be located within 600 metres of a water supply well, in the case of a rock quarry, unless the owner or user of the well and the Department of Environment and Local Government have written permission to do so; in any case, activities must be held at a minimum distance of 300 metres;
e) Have the top or base of the slope of the excavation, or any building, structure or site of any intended repair or storage located at more than 350 metres from a public highway or private access road;
f) The owner of the land is responsible for maintaining a safe site (barriers, fences, signs, etc.) and complying with various provincial regulations that may apply;
g) have a survey map of the extraction site;
h) the extraction of material on the site will not exceed a depth where water continually accumulates over more than 5 centimetres for a period spanning 12 months; however, in the event of a continual accumulation of water exceeding the above-mentioned criterion, the operator responsible will completely cover the accumulated water with material similar to that of the extraction site until there is no more water accumulation;
i) the owner of the land is responsible for limiting the times of extraction operations to between 6:00 am and 9:00 pm.

4.11(4) Where extraction operations have ceased for more than 10 months following expiry of the permit, or for a longer period determined by the Commission or the Municipality, the land shall be restored as followed:

a) removal of equipment, buildings and structures related to the extraction work;
b) all stockpiles, earth, sand, gravel or other material can be put back into the excavation, spread out on the site or removed from the site once the slope of the excavation has been levelled to 30 degrees of the horizon;
c) the site must be levelled and/or be sloped to prevent the accumulation of water to a depth of more than 60 centimetres at any time, except during the snow melt period, and the site must be free of debris from the project.

4.12 Drinking water protection

4.12(1) Lot servicing through the installation of a private or public drinking water well must be done in compliance with the New Brunswick Regulation 90-79; *Clean Water Act*.

4.13 Existing undersized lots

4.13(1) A structure or building may be erected, located, moved, altered or relocated on a lot that does not meet the provisions of this section or specified provisions in individual zones, if the following requirements are met:

a) the lot existed prior to the coming into force of this rural plan By-law;
b) the lot is served by an access, as specified in this by-law;
c) the proposed development respects the setbacks, height, occupancy ratio and any other relevant requirements of the zone and any other applicable provincial regulatory measures;
d) the lot must be serviced by the municipality's sewer services or by a private system.

4.14 Bed & Breakfasts and Inns

4.14(1) All tourist establishments authorized by this by-law must comply with the applicable provincial requirements and regulations and must also comply with the following requirements:

a) one (1) parking space must be available for each room to be rented;
b) where the tourist establishment is carried out in a residential zone, the maximum number of rooms to be rented shall be four (4).

4.15 Kennels

4.15(1) Kennels are a specific use permitted in the Resource Zone (RE), Agriculture Zone (and Rural Residential (RR) for which the Commission and Council may impose terms and conditions subject to subsection 53(4) of the Community Planning Act.

a) the land intended to accommodate a kennel must be at least 12,000 square metres in area;
b) no building, structure or housing for animals shall be located in the front yard;
c) no building, structure or shelter for animals is permitted within 20 metres of an adjacent property.

4.15(2) Under section 53(3)(c) of the Community Planning Act, the Commission may issue terms and conditions for the protection of the health, safety and welfare of the general public, and the protection of surrounding properties. Such terms and conditions may include, but are not limited to:

a) standards of protection and safety for the public and animals as set out in the document entitled " A Code of Practice for Canadian Kennel Operations ", 3rd Edition, 2018 (or its most recent edition, if applicable) and published by the Canadian Veterinary Medical Association;
b) an adequate ventilation of the premises to reduce humidity and prevent disease;
c) an adequate management of animal waste;
d) a service contract with a veterinarian;
e) to obtain a license in accordance with the Pet Establishment Regulation - Society for the Prevention of Cruelty to Animals Act

4.16 Restriction on development in areas affected by sea levels

4.16(1) Notwithstanding any other provision in this Regulation and subject to section 4.16(2), it is prohibited to develop a habitable area with less than 3.8 metres (CGVD2013) of elevation in relation to a flood plain, wetland or watercourse.

4.16(2) Notwithstanding section 4.16(1), no main building or liveable structure may be placed, erected or altered, unless it complies with the following terms and conditions:

a) in the case of a new building:

i) the liveable or public space must be equal to or greater than 3.8 metres of elevation (CGVD2013);
ii) the permit application must be accompanied by a plan showing the elevations of the building space, as stated in 4.16(2)a)i;
iii) the minimum exempt elevation is free of any opening in the foundation that may make the building susceptible to water penetration;
iv) the foundation in 4.16(2)a)iii) constitutes an area that cannot be made into a liveable space.

b) In the case of an existing building, the building may only be enlarged if the work does not reduce the minimum elevation prescribed in this Regulation.

4.17 Standards for liveable/seasonal/moveable vehicles

4.17(1) Subject to this section, a trailer, caravan, motor home or any other liveable vehicle shall not be installed, except where it complies with this by-law.

4.17(2) The uses mentioned in 4.17(1) shall not:

(a) be within the front setback of the main building or structure, except for installations in the driveway of the property;
(b) be less than three (3) metres from a side or rear lot line;
(c) occupy more than two (2) spaces per cadastral lot;
(d) contravene applicable laws and regulations in the case of connections to appropriate systems of the main building, such as drinkable water supply, wastewater disposal, electricity or other;
(e) be for-profit units;
(f) be altered in order to be installed permanently;
(g) be located in the following zones: residential (R2), (R3) and any commercial, industrial or community;

4.17(3) Micro dwellings/tiny homes must not:

(a) be installed less than 7.5 metres from a front setback;
(b) be installed less than 6 metres from a side or rear lot line;
(c) contravene applicable laws and regulations in the case of connections to appropriate systems of the mains building, such as potable water supply, wastewater disposal, electricity or other.

(d) be located in one of the following zones: Multi-Family Residential (R3) and any commercial, industrial or community;
(e) exceed (3) units per 4000m^2 of subdividable land in the case of an installation exceeding a period of one (1) year;
(f) be considered a main building in residential zones (R2), in these zones they may be considered as an accessory dwelling unit with a maximum of one (1) unit per property.

4.17(3) A tiny home is considered uninstalled if still on wheels, not on a permanent foundation.

4.18 Green Energy

4.18(1) Where a wind energy system is a permitted use, the following provisions apply:

a) a wind energy system is subject to a site plan/location at the time of application;
b) small wind turbines must be at least 1.5 times their height from any highway, public or private right-of-way and property line;
c) wind turbines, other than small wind turbines, must be set back at least 550 metres from any existing residential dwelling;
d) the wind turbine must not produce noise that exceeds 45 decibels (dBA), which measurement will be taken from any point within the boundaries of the property concerned;
e) a maximum of one (1) wind turbine per residential lot;
f) any wind energy system must adhere to relevant and applicable provincial or national standards prior to the issuance of the permit.

4.18(2) Notwithstanding any other provision of this by-law and subject to this section, where an energy system with solar panels is permitted, the following provisions apply:

a) a solar panel system may be installed in all zones if it adheres to the following requirements;
    i) if the installation is not on a building roof and is instead located on a platform or similar base, the setbacks of an accessory building in the relevant zone apply;
    ii) a solar panel system must adhere to relevant and applicable provincial or national standards prior to the issuance of the permit.

4.19 Commercial containers and trailers as accessory structures

4.19(1) By way of variance and once certain conditions have been established, a shipping container or a commercial trailer without a hitch and without wheels may be approved as an accessory building, except in (R2), (R3) zones. The variance may only be granted if the Council and the Commission determine that there will be no negative impact on safety or other important considerations for the community, and that the visual impact on the neighborhood will be modest or comparable to that of an accessory building.

4.20 Repeals

4.20(1) *By-law No. 12-01 and Ministerial Regulation (17-HAR-054-00)* are repealed

Schedule C

Type of animal	Animal Unit
Dairy cow	1.0
Beef cow	
Beef feeder	
Horse	
Mule	
Donkey	
Bison	
Buffalo	
Ostrich	4.0
Emu	
Llama	
Sheep	
Goat	
Sow with litter	
Feeder hog	
Alpaca	7.0
Deer	
Geese	35
Fox	
Mink	
Rabbit	
Chickens, layers	120
Turkey broilers	
Chicken, broilers	