

Beaubassin-est Rural Community Rural Plan

BY-LAW 09-1

**Established under the *Community Planning Act*
A By-Law enacting the Beaubassin-est Rural Community Rural Plan**

The Beaubassin-est Rural Community Council, under Section 77.2 of the *Community Planning Act*, enacts as follows:

1. This by-law may be cited as the Beaubassin-est Rural Community Rural Plan.
2. The area of land indicated on the map attached as Schedule B-1 is designated for the purpose of the adoption of a rural plan and is the area to which this by-law applies.
3. The Beaubassin-est Rural Community Rural Plan, as detailed in this by-law, is adopted for the Beaubassin-est Rural Community described in Schedule A.
4. The document entitled Beaubassin-est Rural Community Rural Plan, prepared in 2009 by the Beaubassin-est Rural Community Council in collaboration with the Beaubassin Planning Commission and the Beaubassin population, and attached to this by-law as Schedule A; Schedules B-1 to B-7, Schedule C *Guidelines for Evaluating the Water Supply Source*, as well as Schedule D of Fact Sheet 1; constitute the Beaubassin-est Rural Community Rural Plan.
5. By-law 07-1 under the *Community Planning Act*, being the Beaubassin-est Rural Community Rural Plan, and all of its amendments are hereby repealed with the exception of the following:

99-1D, 99-1E, 05-1Q, 06-1S, 07-1A, 07-1C, 07-1D, 07-1F, 07-1G, 07-1H, 07-1I , 07-1K and 07-1L.

6. This by-law comes into force on the day it is filed at the registry office.

FIRST READING BY TITLES: May 19, 2009
Date

SECOND READING IN ITS ENTIRETY: June 22, 2009
Date

THIRD READING AND ENACTMENT: June 22, 2009
Date

Ola DRISDELLE, Mayor

Christine LeBLANC, Clerk-Treasurer

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Schedule A: Beaubassin-est Rural Community Rural Plan

Quality of life, environmental protection, and community development are examples of objectives that can be pursued by a community wishing to enjoy coordinated steady development. Residents of the Beaubassin-est Rural Community also want to accomplish specific objectives that will allow them to maximize the use of land, infrastructures, and facilities. By adopting a rural plan, this community hopes to equip itself with a tool that will soundly frame land use planning to meet the current needs of its citizens without compromising the quality of life of future generations, while taking into account present constraints and opportunities.

The general objectives to be accomplished are:

- a) to maintain a population growth ensuring an optimum population density on the basis of existing infrastructures and their capacity,
- b) to control the various developments and their locations,
- c) to protect the environment,
- d) to maintain and improve the overall quality of life; and
- e) to establish standards for setting up buildings and structures.

POLICY STATEMENTS AND PROPOSALS

A) Residential Uses

Policy

It is the policy of the community to conserve the rural character of the existing residential zones.

It is the policy of the community to allow residential development in regions with the proper infrastructures for the uses intended.

Proposals

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It is proposed that development involving buildings containing dwellings for more than two families shall be permitted uses only in areas near community facilities and structures.

It is proposed that development along a secondary road be low density.

It is proposed that residential development do not take place near uses creating certain hazards.

It is proposed that the residential area be predominant in areas close to community centres and be integrated with previously developed areas.

It is proposed that development and construction standards be established and enforced on a consistent basis for seasonal and permanent residences.

It is proposed that cottage and resort development be controlled and coordinated so that it may eventually be transformed successfully into permanent development.

It is proposed that only one mobile home or mini-home may be located on an individual lot, with the exception of mobile home parks and temporary residences as outlined in this by-law.

B) Commercial Uses

Policies

It is the policy of the community to encourage the development of commercial uses that are complementary to the residential fabric or integrated with the community centre zones.

It is the policy of the community to recognize the importance of tourist development in the Beaubassin-est Rural Community. Such development must be harmoniously integrated with the development area heritage and with the primary industries of agriculture, forestry and fishing, while being compatible with the other stated objectives and proposals.

It is the policy of the community to organize most of the new commercial developments as a core, close to the existing commercial centres and major centres adjacent to the Beaubassin-est Rural Community planning area, in order to consolidate these centres and prevent haphazard rural expansion.

It is the policy of the community to organize commercial uses requiring large areas and creating slightly more nuisances than smaller businesses, in terms of transportation, noise, dust, traffic, storage, etc., in areas that are far from residential zones, but close to major roads.

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Proposals

It is proposed that new commercial uses be encouraged to target areas located near existing commercial uses.

It is proposed that uses of a neighbourhood business type be permitted.

It is proposed that cultural and general entertainment activities be permitted as commercial uses only if they do not feature descriptions of parts of the anatomy or specific sexual activities.

C) Community Centres

Policy

It is the policy of the community to promote centralized community centre uses to increase the vitality of community life in each sector of the Beaubassin-est Rural Community.

Proposals

It is proposed that the architectural, social, and cultural heritage of the Beaubassin-est Rural Community be recognized as expressed in its existing community centres, and that the expansion of community services be permitted in areas where existing public service uses are located.

It is proposed that new facilities, community structures, and public service uses constitute permitted uses only in areas located near such existing uses and uses of community establishments and structures as well as uses of current public services.

D) Industrial Uses

Policy

It is the policy of the community to promote industrial uses that are related to both traditional and non-traditional sectors.

Proposals

It is proposed that the various possible industrial development scenarios be inventoried and evaluated with the help of local stakeholders and/or a consultant.

It is proposed that industrial uses be encouraged to expand without diminishing the quality of life of residents.

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It is proposed that new industrial uses be strategically located to meet the objectives of the rural plan and to minimize conflicting land uses.

E) Recreational Facilities and Public Open Spaces

Policies

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

It is the policy of the community to promote recreational and tourist facilities related to beach and outdoor activities while ensuring the protection of the environment.

Proposals

It is proposed that recreational facilities and public open spaces be permitted uses everywhere within the boundaries of Beaubassin-est Rural Community, provided they do not conflict with residential uses or environment conservation zones.

It is proposed that outdoor trails and bicycle paths be developed within the community area, except in industrial sectors.

F) Environment Conservation

Policies

It is the policy of the community to maintain and enhance the quality of life of its residents, to preserve the natural beauty of the environment and to protect it against hazards.

It is the policy of the community not to enforce the legislation of the Department of the Environment, but to support it in its functions.

It is the policy of the community to control developments carried out in ecologically sensitive areas in order to prevent erosion, flooding, pollution, and other events that pose a threat to the fauna, flora, and other aspects of the environment.

It is the policy of the community to ensure that development in coastal areas is uniform.

Proposals

It is proposed that any development, structure or alteration that poses a threat to the environment through erosion, flooding, pollution or otherwise shall be a permitted use only if the applicant clearly demonstrates his or her risk management strategy and if the Council approves the use through the creation of an integrated development zone with

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terms and conditions.

It is proposed that all environments consisting of wetlands be designated for conservation use.

It is proposed that, because wetlands evolve, when a development scheme targets an area near a wetland, the applicant may have to mark off the boundaries of the wetlands.

It is proposed that coastal landowners wishing to obtain a building permit be informed that scientific studies show which properties are located inside potential flood risk zones.

It is proposed that permitted uses related to business, industry, and natural resources that have a negative impact on the natural environment of the Beaubassin-est Rural Community have mitigation and rehabilitation plans to protect and maintain the quality of life of the residents, to control polluting emissions, and to preserve the natural beauty of the environment.

It is proposed that any development requiring an environmental impact assessment (EIA) shall not be permitted for as long as it takes for the Department of the Environment to approve the said development scheme.

G) Natural Resources

Policy

It is the policy of the community to encourage activities related to natural resources while preserving land that is suitable for development for future generations.

It is the policy of the community to diversify uses related to natural resource development.

Proposals

It is proposed that activities related to gravel and/or sand pits be accompanied by a site map, a rehabilitation plan, a drainage plan, and a mitigation plan to ensure that such activities do not adversely affect the quality of life of current and future residents.

H) Peatland Development

Policy

It is the policy of the community to minimize conflicts that can occur between peatland development and other land uses.

It is the policy of the community to promote the diversification of peatland-related activities when they do not affect the quality of life of residents and do not degrade the quality of the environment.

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It is the policy of the community to promote peatland use for the protection and conservation of wildlife, flora, and overall water resources.

Proposals

It is proposed that all conforming peatlands that were in operation when this by-law came into effect be permitted to continue their activities.

It is proposed that protection measures be implemented to reduce particulate emissions into watercourses.

It is proposed that particular measures be taken to minimize potential conflicts between peatland development activities, other land uses, and the protection and conservation of the environment

1) Protection of Water Supplies

Policies

It is the policy of the community to protect its water supplies in order to have an adequate supply of water at all times.

It is the policy of the community to protect its water supplies from pollution by not allowing any unsuitable development or any development producing hazards that cannot be lessened to an acceptable and safe level.

It is the policy of the community to target potential water supplies to create water supply reserves.

Proposals

It is proposed that certain ecologically sensitive areas, or areas showing high potential to become a public source of water, be reserved and protected.

It is proposed that cooperation with local organizations be encouraged to raise awareness of the area's water resources and to better determine the needs of local stakeholders.

It is proposed that the creation of common drinking water and wastewater infrastructures be encouraged.

It is proposed that developments with a higher population density be restricted near water supplies if these developments use common infrastructures that generate very few environmental hazards.

It is proposed that any development serviced by private individual wells creating or containing ten lots or more meet the requirements described in the document entitled

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Guidelines for Evaluating the Water Supply Source of Developments Serviced by Private Individual Wells, in Schedule C of this by-law, and which is an integral part of this by-law.

J) Heritage Sites and Buildings of Historical and Archaeological Interest

Policies

It is the policy of the community to recognize and protect the heritage of the communities in the Beaubassin-est Rural Community.

It is the policy of the community that the local heritage character be defined, and that sites, areas, buildings, or structures of architectural or historical interest be regularly identified.

Proposals

It is proposed that heritage resources be preserved in a manner that is consistent with their heritage character.

It is proposed that adequate measures of protection be taken for particular sites, buildings, or structures.

It is proposed that discussions with local stakeholders take place to increase knowledge of Beaubassin-est's heritage and make the population awareness of its richness.

K) Agriculture / Silviculture and Fishing

Policy

It is the policy of the community to maintain and promote primary and secondary activities related to agriculture, silviculture and fishing in a manner that is consistent with other stated objectives and proposals.

Proposals

It is proposed that soil cultivation be encouraged in conducive sectors.

It is proposed that the community work closely with farmers, fishermen, and forest workers to ensure sufficient space for this type of activity without diminishing the quality of life or harming the environment.

It is proposed that hay cutting be permitted within the entire area of the community.

It is proposed that agricultural activities be adequately supervised to promote local

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productivity and diversified operations without diminishing the quality of life of residents.

It is proposed that aquacultural activities be appropriately supervised to allow the expansion of this industry while protecting the quality of life of residents through close cooperation with the Department of Agriculture, Fisheries, and Aquaculture.

L) Signs

Policy

It is the policy of the community to encourage the posting of signs in both official languages through a signage awareness campaign conducted by the Council.

It is the policy of the community to encourage the use of a limited number of high quality signs to avoid oversaturating the area.

Proposals

It is proposed that French be given priority on signage to promote the Acadian nature of the Beaubassin-est Rural Community.

It is proposed that, whenever possible, the number of off-site signs along Highway 15 be limited.

It is proposed that business owners be encouraged to use customized signage.

M) Crown Lands

Policy

It is the policy of the community to encourage development of activities that would be compatible with the development plan and the objectives of the Department of Natural Resources and the Beaubassin-est Rural Community Rural Plan on Crown Lands.

Proposal

It is proposed that pieces of land owned by the Crown be developed in compliance with applicable policies, regulations and Acts from the Department of Natural Resources and other government agencies.

N) Communication Towers and Antennas

Policies

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It is the policy of the community to ensure that radiofrequency field emissions do not endanger the health of citizens.

It is the policy of the community to ensure that environmental concerns be considered when placing, erecting, building, or altering antennas, communication towers, and similar structures in the community.

Proposals

It is proposed that developers of radiocommunication installations and other new or altered radiocommunication structures be encouraged to first consult the appropriate federal agencies and the Beaubassin Planning Commission.

It is proposed that radiocommunication installations and other new or altered radiocommunication structures be permitted subject to terms and conditions described in this by-law.

It is proposed that the Beaubassin Planning Commission encourage developers to:

- a) consider local concerns;
- b) plan networks with a regional perspective;
- c) install antennas on existing towers (or other existing structures);
- d) limit the height of new towers;
- e) respect aviation safety standards;
- f) respect security limits on exposure to radiofrequency fields;
- g) choose sites far from residential properties;
- h) consider the compatibility of the radiocommunications installations with existing land use;
- i) avoid ecologically sensitive zones;
- j) respect the natural landscape;
- k) promote the coexistence of towers and their use by several users; and
- l) remove towers and antennas that have been abandoned for more than 12 consecutive months

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O) Kennels

Policies

It is the policy of the community to minimize conflicts that may occur between kennels and other land uses.

It is the policy of the community to ensure that animal accommodations in kennels be adequate, safe, and sanitary.

Proposals

It is proposed that a minimum setback be maintained between animal accommodations and adjacent properties.

It is proposed that kennels meet the proposed standards and the recommendations made by the appropriate animal protection and health authorities.

It is proposed that the health and safety of animals sheltered in kennels be protected.

P) Accesses

Policies

It is the policy of the community to encourage the construction of public streets.

It is the policy of the community to recognize that certain developments are serviced by existing private accesses.

It is the policy of the community to recognize safety issues that are related to the state, maintenance, and clearing of an access and/or street.

Proposals

It is proposed that the community work with the Department of Transportation to raise awareness on the necessity of building sound highway infrastructures.

It is proposed that any new street or access be constructed according to the Department of Transportation's standards for a public street.

It is proposed that standards be outlined in the Beaubassin-est Rural Community Subdivision By-Law regarding the extension of existing streets or accesses.

It is proposed that all existing landowners and any person wanting to subdivide lands must adhere to the standards described in the Beaubassin-est Rural Community Subdivision By-Law.

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It is proposed that existing streets and accesses that cannot meet the Department of Transportation's standards for a public street or the standards of the Beaubassin-est Rural Community Subdivision By-Law concerning convertible private accesses be not considered as convertible and may not therefore be subdivided. However, existing main and secondary buildings can be maintained and renovated, and existing lots can be developed.

It is proposed that constructing streets or accesses near marshes, wetlands, and streams be avoided if it is physically possible to build the street or access elsewhere. All construction work must comply with the environmental protection legislation and regulations as well as with engineering standards for building streets.

Q) Integrated Development

Policies

It is the policy of the community to acknowledge that some development schemes are unusual and cannot meet the zoning provisions established in the rural plan.

It is the policy of the community to promote integrated development schemes that will have little to no negative impacts on the neighbouring area or the environment.

It is the policy of the community to permit integrated development schemes if such schemes are beneficial to the entire community and hazards can be considerably mitigated.

It is the policy of the community to reserve the right to refuse an integrated development scheme if the aforementioned conditions are not met.

Proposals

It is proposed that requests for an integrated development zone be meticulously studied and each decision be based on a complete analysis of the available information.

It is proposed that Beaubassin-est rural community seek the advice of the Beaubassin Planning Commission and all other stakeholders who could help to analyze the request.

It is proposed that the creation of an integrated development zone be subject to the terms and conditions outlined in the *Community Planning Act*.

It is proposed that the Beaubassin-est Rural Community reserve the right to refuse a rezoning request to create an integrated development zone if this zone is in conflict with the rural plan's objectives, if it poses a threat to the environment or public health, or if it diminishes the quality of life of the residents and/or the community as a whole.

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R) Energy

Policies

It is the policy of the community to organize and encourage the installation of facilities that produce clean energy.

It is the policy of the community to supervise the installation of turbines on its territory.

Proposals

It is proposed that the installation of turbines or any other equipment that produces clean energy maintain the quality of the environment in inhabited areas and rural landscapes.

It is proposed that installation and integration standards and provisions be defined to minimize negative visual impacts on the built and natural landscapes, changes to natural areas, noise pollution and/or odour nuisances.

ZONING PROVISIONS

SECTION 1 – ZONING MAPS AND INTERPRETATION

1.1 The zoning maps included in Schedules B-1 to B-7, made in April of 2009, are the zoning maps designated for the Beaubassin-est Rural Community Rural Plan By-Law.

1.2 In this by-law,

“**access**” means any public street or private access pursuant to the standards established in the Beaubassin-est Rural Community Subdivision By-Law;

“**accessory building**” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is exclusively accessory to the main use of the land, main building, or the main structure;

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

“**accessory use**” means a use which is normally or naturally incidental, subordinate, and exclusively devoted to the main use, or to the main building or structure, and located on the same lot as the main use, building or structure;

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“**Act**” means the *Community Planning Act*;

“**adult cabaret**” refers to a nightclub, bar, restaurant, or similar establishment that features live performances that are characterized by the exposure of particular parts of the anatomy;

“**alignment**” means the common boundary of a lot and a street or an access;

“**alter**” means to make changes, structurally or otherwise, to a building or structure that are not solely for maintenance purposes, and is not restricted to painting, replacing part of a stoop, changing a window without widening the window frame, or replacing the roofing of a residential building;

“**aquaculture**” means the culture of marine plants and animals, but does not include the culture of marine plants and animals in a laboratory or aquarium for experimental purposes;

“**arterial and collector highways**” means highways so classified under the *Highway Act*;

“**artificial pond**” means a pond or other artificial structure that remains outside year round and that contains or is intended to contain water for purposes other than swimming or diving deeper than one metre (39 inches) or more;

“**attached building**” means any building that is attached at the roof or that shares one or more party walls for which the common area is equal or superior to 25% of the total area of the party wall;

“**automobile repair shop**” means an establishment used for repairing cars, trucks, motorcycles, and snowmobiles, but not for repairing heavy-duty vehicles; the establishment may also be used for selling, installing, servicing, and machining car parts and accessories, as well as for providing on-the-spot repairing, servicing, and cleaning services. It also includes uses such as wheel alignment services, exhaust system and car windows and windshields repair work, transmission repairs, upholstery shops, tire shops, and carwashes;

“**aviculture**” means raising poultry;

“**balcony**” means any platform that is attached to or extending out from the walls of a building surrounded by a balustrade or a railing and that sometimes has a roof;

“**basement**” means one or more floors of a building located under the ground floor;

“**bed and breakfast**” means a single-family dwelling in which overnight accommodation and breakfast are provided to travelers and includes a tourist home, but does not include a boarding house, a rooming house, a residential care facility, a group home, a hotel, or a

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motel;

“**boarding house**” means a dwelling or part thereof in which boarders are housed and fed in return for remuneration;

“**building**” means any roofed erection with solid exterior walls permanently installed on land, and which is used or intended as a shelter for persons, animals, or materials and equipment, as well as any structure with non-solid walls intended for non-residential uses;

“**building area**” means the largest horizontal area of a building above grade, calculated within the outside surface of the exterior walls or within the outside surface of the exterior walls and the centre line of the firewalls;

“**building inspector**” means a building inspector appointed by the Commission in accordance with the *Community Planning Act* and having jurisdiction in the area or any part of the area;

“**building line**” means any line that defines the position of a building or structure;

“**building width**” means the smallest building elevation, regardless of its direction;

“**business office**” means an establishment that provides professional services, management services, support and consultation services, and that meets administrative needs of non-profit businesses, organizations, government agencies, and offices or that sells services, such as travel agencies and insurance brokers;

“**cabin**” refers to a building with an area of less than 20 square metres, located on a campground, intended exclusively for overnight accommodation and not equipped with culinary or sanitary facilities;

“**camp**” refers to a building with an area of less than 45 square metres (485 square feet) that is exclusively intended for temporary seasonal and temporary use and that should not be used continuously;

“**carport**” means an accessory structure usually made of canvas;

“**car sale or rental**” means an establishment used for the sale and/or rental of motor vehicles, trucks, minivans, motorcycles, snowmobiles, camper trailers, caravans, boats, or other recreational vehicles or boats, and includes additional vehicle maintenance, the sale of automotive parts and accessories, and the sale of gas for vehicles rented by the rental or sale service or that belong to it;

“**caterer**” means a restaurant that prepares and sells food and drinks for consumption by a client outside the building;

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“catering service” means a home occupation where the landowner uses part of his or her building, in accordance with the provisions of this by-law, to prepare food that is delivered to a client on another property, generally for receptions, conventions or any other social gathering;

“cemetery” means land mainly used as an open space landscaped for the internment of coffins containing human remains and where chapels, crematoria, and related facilities may be incorporated as accessory uses;

“Code” means the National Building Code of Canada in force (2005) as adopted by the Beaubassin-est Rural Community Building By-Law;

“commercial vehicle” means a motor vehicle used for commercial purposes and to which a truck or delivery box is permanently attached. Commercial vehicles include ambulances, hearses, buses, tractors, and transport trucks;

“commission” means the Beaubassin Planning Commission as established by the *Community Planning Act*;

“community service” means the use of lands, buildings or structures for public or non-profit purposes, and may include, without being limited to the generality of the foregoing, such uses as schools, places of prayer, interior recreational facilities, community centres, public hospitals and government buildings;

“community use” means a non-profit use of a building or a part of a building used for community activities;

“convenience store” means a retail store which serves the daily and occasional needs of residents of the immediate area with a variety of goods such as groceries, patent medicines, various items, tobacco, hardware, magazines, newspapers, and other similar products;

“Council” means the Beaubassin-est Rural Community Council;

“cultivation” means all operations suitable for harvesting vegetables that are useful to humans and domestic animals;

“cultural facility” means any structure, hall or land designed or used primarily for plays or dance performances, concerts, movies, conferences or lectures, or miscellaneous artistic, cultural, academic or scientific exhibitions that do not feature a description or representation of parts of the anatomy or specific sexual activities;

“day care centre” means an establishment where day care services are provided;

“depth of the lot” means the average horizontal distance between the front and rear lot lines;

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“development officer” is the person appointed by the *Community Planning Act* to administer and enforce the provisions of this by-law;

“development” means:

(a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices, pipelines as defined in the *Gas Distribution Act, 1999*, except for buildings and structures far from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;

(b) where the purposes for which land, buildings and structures may be used are set out in a regional plan, municipal plan, rural plan, basic planning statement, development scheme, urban renewal scheme, zoning by-law or regulation, any change in the purpose for which any land, building or structure is used;

(c) any extraction of sand, gravel, clay, shale, limestone or other deposit for a development mentioned in paragraph (a) or for the sale or other commercial use of the material excavated; or

(d) the making of land by cutting or filling to a depth in excess of one metre except in the case of laying pipelines as defined in the *Gas Distribution Act, 1999*;

“dwelling” means a main building or a part of a main building with one or more rooms, but it does not refer to a hotel, a motel, a group home or a residential care facility;

“dwelling, single-family” means a dwelling other than a camper trailer or a motor home with only one dwelling unit;

“dwelling, two-family” means a dwelling with two dwelling units located on the same lot and completely separated by a wall or a ceiling and a floor without any opening, and having each its own entrance either directly or via a common hallway;

“dwelling, three-family” means a dwelling containing three dwelling units located on the same lot and completely separated by a wall or by a ceiling and a floor without any opening, and having each its own entrance either directly or via a common hallway;

“dwelling, four-family” means a dwelling with four or more dwelling units located on the same lot and completely separated by a wall or a ceiling and a floor without an opening, and having with its own entrance either directly or via a common hallway;

“dwelling, multiple-family” means a building, other than a hotel or motel, with four or more dwelling units;

“dwelling, semi-detached” means a single-family dwelling separated from another

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single-family dwelling by a party wall above ground level, with each dwelling located on a separate lot;

“dwelling unit” means a room or a group of two or more rooms designed or intended for use by an individual or by a household in which culinary and sanitary facilities are provided for the exclusive use of such individual(s), and including a private entrance outside of the building or from a common indoor hallway or stairway, but is not a hotel, motel, boarding house and/or furnished house, or a recreational vehicle;

“easement rights” means a right of way for public utilities;

“educational, use” means a place of instruction under the jurisdiction of a governmental authority where courses are given that are equivalent to those customarily offered in a place of instruction under the jurisdiction of a governmental authority, and may include a day care and residential buildings for staff and students, provided that such buildings are on the same lot as the place of instruction;

“environmentally significant area” means zones where live plant and animal species that are of scientific, economic, social, environmental or other interest. Disturbances in such areas could lead to serious consequences;

“equipment sale, rental, and repair” means an establishment used for retail and wholesale sales, rental, and/or repair of equipment, but does not include automobile repair shops and heavy equipment repair;

“erect” means to construct, build, assemble, reinstall, or relocate a building or structure and also refers to the preparatory work carried out for those purposes;

“excavation” refers to the use of soil, rocks, minerals, or other organic substances to lower the soil level;

“existing” means what exists on the effective date of this by-law;

“expansion” means any construction work performed to expand the floor area or the cubic capacity of a building or a structure;

“factory-built house” means a prefabricated house that is designed to be moved to a lot in one or several pieces;

“farm animals” means all domestic animals living on a traditional Canadian farm, including horses, pigs, cows, oxen, sheep, goats, hens, geese, and turkeys;

“fence” means a structure other than a low wall used to block passage or enclose a space;

“floor area” means the space delineated by exterior walls and the required firewalls on any floor of a building, including the space occupied by interior walls and partitions, but

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excluding exits and vertical service spaces or the structures that enclose them;

“furnished accommodation” means a furnished room for rent in a house;

“garden centre” means an establishment where house or ornamental garden plants, flowers, shrubs, and trees are grown, stored, and/or sold. It can also be used for the sale of fertilizers, chemical products for non-commercial gardens, garden tools and related products;

“gazebo” refers to a circular accessory building that may have a mosquito screen and that is not intended for storage;

“greenhouse” means a building where house or ornamental plants and trees are grown, stored and/or sold.

“ground floor” means the uppermost floor level that is located two metres or less above the grade;

“group home” means a residence that can accommodate one or more people, excluding staff members, living under supervision in a single unit and who, because of their emotional, mental, social, or physical condition, or their legal status, need group housing for their well-being. It does not include day care centres, halfway houses, or a temporary shelter for transient and homeless people;

“heavy-duty vehicle” means a bus, a coach, a tractor, a trailer, a semi-trailer, a road tractor, a long-load dolly or a double road train according to the *Motor Vehicle Act and Regulations*, and also includes excavators, power shovels, power rams as well as any other heavy-duty construction equipment;

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

“poultry house” means a building where 13 or more fowls are kept for personal or commercial purposes. For the purposes of this by-law, the term *fowl* includes but is not limited to chicken, geese, ducks, and turkeys;

“heritage resources” means any non-renewable structure or natural or man-made assemblage (showing use, construction, or alteration by humans) and that has an archaeological, historical, aesthetic, scientific, cultural, or educational value. Such resources may refer to a site, an area, a place or even an object, a building, a structure, or a combination thereof;

“hobby farming” means an activity or a secondary use to the permitted main residential use;

“hog house” means a building where five or more pigs are kept for personal or

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commercial purposes.

“home for the elderly and/or disabled” means a dwelling that is designed to accommodate, house, support, monitor, treat, or rehabilitate people because of their age or disability;

“home occupation” means a secondary use for a residential property, as described in this by-law, conducted for gain;

“household” means one or more people who are not necessarily related, and who occupy premises and form a single household, as opposed to a group of people occupying a hotel or a boarding or rooming house;

“industrial slaughterhouse” means any slaughterhouse servicing more than one farmer and where it is possible for a stock raiser, a farmer or any other third party to slaughter an animal;

“industrial small-scale use” means the use of a building to make, process, or assemble goods or raw materials, or to store goods, confined to the inside of a main or accessory building and subject to the conditions of this by-law;

“junk yard” means a piece of land mainly used as a fenced area where cars are temporarily placed for the removal of reusable parts before their bodies are sent to a recycling depot;

“kennel” means a commercial establishment where more than two domestic animals are sheltered for compensation and/or raised and/or sold and/or trained and/or groomed;

“landscaping” means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative masonry, asphaltting, fencing, or other architectural elements, all designed to aesthetically enhance a property;

“loading or unloading area” means a portion of land reserved and maintained on the lot of the main use and providing adequate space access to permit ingress and egress by means of driveways, lanes, and turnarounds, and which is used to temporarily park commercial motor vehicles while goods are being loaded or unloaded;

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

“lot coverage” means that percentage of a lot area that is covered by main and accessory buildings, other than outdoor swimming pools, open verandas, patios, sun decks, and aboveground swimming pool decks;

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

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

“**lot line, rear**” means the furthest line from the alignment;

“**lot**” means a parcel of land or two or more adjacent parcels held by the same owner, whether they are located on the same side as or face to face on either side of a road, street, highway, or access, and used or intended to be used for the location of a building or structure or an appurtenance thereof;

“**lot, corner**” means a lot located on an angle or at the intersection of two accesses;

“**lot, interior**” means a lot other than a corner lot or a through lot;

“**lot, river**” means a lot located between a street and a lake, river, or strait;

“**lot, through**” means a lot bounded on two opposite sides by accesses;

“**main building**” means the building in which the main use of the lot on which the building is located is conducted;

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

“**mini home**” means a living unit that is designed to be used with or without a permanent foundation as a dwelling for humans, that has a width of less than six metres throughout its entire length exclusive of steps or porches, that is not fitted with facilities for towing or to which a towing apparatus can be attached, and that can be transported by means of a flat bed trailer from the site of its construction without significant alteration;

“**mini home park**” means a parcel of land, not located in a provincial park, accommodating, for residential purposes, several mini homes, on which at least two are installed for residential purposes;

“**municipal amenity**” means a set of premises, facilities, and equipment necessary to promote the socio-economic development, growth, and enrichment of a community;

“**open space**” means any space used for physical and passive leisure activities or for gardens. The said space must be free from automobile traffic and parking, and must be accessible to everyone for whom it is intended;

“**outdoor storage**” means the storage of materials and equipment outside, but does not include the loading and parking of vehicles;

“**outdoor furnace**” means a heating device commonly called “outdoor wood furnace” or “Wood Doctor”, located outside or inside an accessory building and that mainly uses wood as fuel;

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“park or playground” means any park or playground requiring only minimal equipment and development, and includes, but is not restricted to a conservation park, nature trail, a recreation park or any other development that disturbs the natural environment as little as possible; a playground, a ball field, tennis courts, a soccer field, a public swimming pool and any related buildings or structures;

“parking lot” means an area reserved for temporarily parking or storing motor vehicles, equipped with sufficient access to enter and exit a motor vehicle via a street, highway, or towards a driveway, entrance, or turnaround;

“parking space” means a space reserved inside a parking lot for temporarily parking or storing a motor vehicle;

“party wall” means a wall erected to separate two dwellings that each have or can have separate owners;

“personal service establishment” means a business associated with cosmetology, health, and the maintenance and repair of items and accessories from personal clothing. It can refer to uses such as a hair salon, a beauty salon, a shoe repair shop, a laundromat, or a dry cleaning counter;

“place of amusement” means a building, hall or space providing facilities for any game of chance or skill, but does not include premises in which the only facilities are billiard tables, gambling machines, bowling alleys and bingo halls;

“place of entertainment” means a movie or other theatre, an arena, an auditorium, a public place, a billiard room, a bowling alley, a skating rink, a bingo hall, or other similar premises, but does not include adult cabarets;

“private garage” means an accessory building or part of a main building used mainly for parking motor vehicles and/or storing personal property;

“public garage” means a building, other than a private garage, that is used for minor repairs and servicing, installing parts necessary for the proper functioning of motor vehicles or a place where such vehicles are parked and stored for compensation, rental, or sale;

“public utility service” means any agency which, under a franchise or a proprietorship, provides the public with electricity, gas heating, steam, communications, rail transportation, water, sewers, waste collection or other services, or a similar private company with a franchise to provide a public utility service;

“public street” means a street owned by the Province or a municipality, or one of their entities;

“quarry” means a place where consolidated rock has been or is being removed for

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commercial purposes by means of an open excavation to supply materials for construction, industrial, or processing purposes;

“recreational facility” means a place designed and equipped for sports, recreational activities, and any other ordinary, customary, or recreational use;

“recycling depot” means an establishment used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for salvage and processing;

“religious institution” means a place of worship recognized by the government, including a room, residence or other related structures;

“repair shop” means an establishment used for the sale and repair of household articles and includes the repair and maintenance of communication parts and accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, and other similar devices, but not used for any motor vehicle repairs;

“residential care facility” means a profit-oriented or non-profit residence where supervisory care, personal care, or nursing is provided to seven persons or more who are not related by blood or marriage to the person operating the residence, and who, because of their age, disability, or mental or physical disability cannot completely care for themselves;

“resource extraction” means the extraction of sand, gravel, clay, shale, limestone, peat, or other materials, as well as tree cutting for development purposes or for the sale or other commercial use of the excavated material;

“restaurant” means an establishment that prepares and sells food and drinks to the public for consumption inside the building or structure or that can be taken out, and where a dining-room licence under the authority of the appropriate department(s);

“retail outlet” means a building or part thereof in which food, goods, products, substances, articles, and items are offered or kept for retail sale directly to the public;

“retaining wall” means a structure measuring at least 0.6 m high, built and erected between lands of different levels, in order to protect or prevent soil erosion or for decorative means;

“right of way” means the right to use one or more pieces of land to access other properties;

“rural community” means the Beaubassin-est Rural Community as defined in the *Municipalities Act*;

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“salvage yard” means an establishment for the storage, handling, processing or sale of scrap material, such as waste paper, rags, used bicycles, vehicles, tires, scrap metal, or other salvage materials or goods;

“sand pits and gravel pits” means an open piece of land from which sand, gravel, or other rock fragments are extracted to be sold or used outside the site;

“screen or buffer zone” means an open space, developed space, fence, wall, hedge, berm or any combination thereof to physically separate or create a screen between uses and owners in order to eliminate visually negative impacts, light, noise, or any other nuisance;

“secondary use” means a use other than the main or accessory use that is secondary to the main use and that is conducted, unless otherwise provided, within a building assigned to the main use, and for which the area used is smaller than the main use area;

“service station” means premises or a part thereof used or intended to be used to service or repair motor vehicles or motor vehicle bodies, or to sell fuel, oil, and accessories for motor vehicles, and may include a convenience store;

“setback” means the shortest horizontal distance between the lot line and the nearest point of the foundation or exterior building wall, whichever is the lesser;

“sign” means any display of public advertisement in the form of a placard, billposting, billboard or other form, means, or device, whether permanent or temporary, illuminated or not, used to advertise products, services, places, activities, people, businesses, or public notices, whether it is erected, pasted, or painted, intended, suitable, or adaptable for such purpose whether or not it is used for such purpose at the time in question;

“sign, facia” means a sign attached to, painted, placed, or erected on or against a wall or another surface of a building, the front of the sign being parallel to the wall or to another surface;

“sign, free-standing” means any aesthetically-pleasing sign supported independently and safely and that is permanently installed in the ground;

“sign, mobile” means any sign that is not attached to a building, that can be moved and that does not stand on a permanent base;

“sign perpendicular to a wall” means a sign that is hanging from one of the walls of a main building and perpendicular to it;

“silvicultural activities” means the use of an area of one hectare of land or more for conservation purposes and/or tree planting or tree cutting for the production of lumber products, that does not include sawmills, but includes maple sugaring;

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“**small wall**” means a wall made of stones, concrete, or brick that separates or simply adds aesthetic value to the property;

“**social organization**” means a non-governmental, non-commercial and non-profit organization which main activities are of a social, cultural, athletic or recreational nature;

“**stand-alone community sign**” means one publicity sign or more identifying various businesses or organizations, erected on a stand-alone structure in strategic areas of the rural community;

“**street**” means the width of a right of way between the boundaries of streets, lanes, and roads;

“**storey**” means the portion of a building situated between the top surface of any floor and the top surface of the next floor above it, and if there is no floor above it, the portion between the top surface of such floor and the ceiling above it;

“**structure**” means anything that is built, erected, or constructed of parts joined together at a specific location on the soil or fixed to an element at a specific location in or on the soil and includes buildings, walls, signs, but not poles, telephone lines, or power lines;

“**swimming pool**” means a tank or other structure that is situated outside, besides a pond, that is intended to contain water for the purpose of swimming or diving, and able to contain at least 0.91 metre (3 feet) of water depth;

“**temporary use**” means a use and/or structure authorized by the Commission for a limited period of time, however not exceeding one year;

“**trailer**” means any vehicle used for sleeping or eating and constructed in such a way that it can be attached to and drawn by a motor vehicle, whether such vehicle is jacked up or has its running gear removed, and including motor homes;

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

“**veterinary services**” means services provided by veterinarians, such as consultation, diagnosis, medical treatment, and keeping animals overnight, and may include the retailing of pet supplies.

“**wetlands**” means land that:

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

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“width” means, in relation to a lot:

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

(b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the alignment, such parallel line being drawn through the point at which the line of minimum setback, as described in this by-law, intersects a perpendicular line from the midpoint of the line joining both points of intersection;

“wind turbine” means a machine with a metal wheel and blades erected at the top of a tower that captures energy from the wind and converts it into electrical power;

“wind turbine, medium-sized” means a system for converting wind energy, including a wind turbine, a tower, an associated control or conversion electronic system, having a rated capacity that does not exceed 30 kW and measuring 12 metres high between the ground and the highest point of the turbine which propellers are at least six metres from the ground. Medium-sized turbines are intended to provide electrical power for onsite use (off-meter or off the grid) and not intended nor used to generate electricity for sale to a third party other than NB Power.

“wind turbine, small” means a system for converting wind energy, including a wind turbine, a tower, an associated control, and conversion electronic system, having a rated capacity of less than 1 kW and measuring 12 metres high between the soil and the highest point of the turbine which propellers have less than a 1.5 metre radius and are at least six metres from the ground. Small turbines are intended to provide electrical power for onsite use (off-meter or off the grid) and not intended nor used to generate electricity for sale to a third party other than NB Power.

“yard” means an open, uncovered space on a lot between a lot line or alignment and the main building or main structure as well as its real or imaginary extensions (see Fact Sheet 1 for examples);

“yard, front” means an outdoor space extending from one side lot line to another included between the public street (alignment) and the front wall of a building or its real or imaginary extensions parallel to the public street, measured perpendicularly from the front lot line to the nearest wall point. On a corner or through lot, the front yard extends to all sides of the land abutting a street;

“yard, minimum prescribed” means a yard with a minimum depth set out in the general provisions on the location of buildings and structures in this by-law;

“yard, rear” means any outdoor space that extends from one side lot line to the other included between the back lot line and the back wall of a main building or its real or imaginary extensions parallel to the back line, measured perpendicularly from the back

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lot line to the nearest wall point;

“yard, side” means an outdoor space located between the front and rear yards, between the side wall of a building and the side lot line.

SECTION 2 - PURPOSE, ADMINISTRATION, CLASSIFICATION AND CONFORMITY

2.1 The purpose of Part C is:

- (a) to divide the area referred to in section 2, Part A, into zones;
- (b) to prescribe, subject to the powers reserved by the Commission:
 - (i) the purposes for which land, buildings and structures in any zone may be used,
 - (ii) the standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit:
 - (i) land uses, and
 - (ii) the use, placement, erection or alteration of buildings or structures, that do not conform to the purposes and standards mentioned in paragraph (b).

Powers of the Planning Commission

2.2(1) No building or structure may be erected on any site where it would otherwise be permitted under this by-law when, in the opinion of the Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

2.2(2) The Commission may, subject to such terms and conditions as it considers fit:

- (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law;
- (b) require the termination or removal of a development permitted under paragraph (a) at the end of the authorized period;

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- (c) authorize a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is located;
- (d) authorize any reasonable variance from the requirements of the zoning by-law falling within section 35 of the *Community Planning Act* that, in its opinion, is desirable for the development of a parcel of land, building, or structure and is consistent with the general intent of the by-law and any plan or statement hereunder affecting such development;
- (e) replace a use that does not conform to a category by another similar non-conforming use; and
- (f) impose some conditions as provided in paragraph 34(4)(c) and in subsection 34(5) of the *Community Planning Act*.

2.2(3) In all zones created by this by-law, the use of land for the purposes of the supply of:

- (a) electric power;
- (b) sanitary sewage disposal and treatment;
- (c) municipal water drainage, including storm sewers;
- (d) streets; or
- (e) all public utility services,

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, notwithstanding the general provisions of the rural plan.

Amendments to this by-law and various rates

2.3(1) Any person seeking to have this by-law amended must:

- (a) address a written and signed application, completed in duplicate, to the Council and to the Commission;
- (b) provide the Council and the Commission with details on the development scheme, a site plan, and any other required information; and
- (c) pay a fee of \$1,000 to the Council.

2.3(2) The Council may return to the applicant all or any part of the fee referred to in paragraph (1)(c).

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2.3(3) An application presented under this section must include any information that the Council and/or Commission requests.

2.3(4) The Council can refuse to consider an application submitted under this section, if the application request:

- (a) involves rezoning a section of land from one zone type to another;
- (b) was not signed by one or more owners in the area of the land mentioned in paragraph (a); or
- (c) involves amending this by-law.

2.3(5) Before releasing its opinion on any application submitted under this section, the Commission and/or one of its designated agents may conduct whatever investigations it deems necessary.

2.3(6) In addition to the provisions of this rural plan and the various applicable Acts and Regulations, the development officer and/or the planner must consider the natural features when evaluating all development proposals and all motions to amend this by-law. Natural features include:

- (a) topography;
- (b) geomorphology;
- (c) geology;
- (d) hydrology;
- (e) flood plains; and
- (f) any other environmental aspect that could be affected by the development.

2.3(7) Any person seeking to receive one of the following services from the Commission is subject to the fees in this following table:

Services	Fees
Letter of Compliance	\$200
Zoning confirmation	\$100
Temporary license application	\$100
Similar and compatible use application	\$100
Waiver application	\$200
Document approval	\$100

Classification

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2.4(1) This by-law divides the development area in zones as indicated in Schedules B-1 through B-7 made in April 2009.

2.4(2) The zones mentioned in subsection (1) are classified as follows:

- (a) Residential Zones
 - (i) Rural Residential - RR Zone
 - (ii) Medium Density Residential – MR Zone
 - (iii) Coastal Residential – CR Zone
- (b) Commercial Zone
 - (i) General Commercial - GC Zone
- (c) Community Centre Zone
 - (i) Community Centre – CC Zone
- (d) Industrial Zone
 - (i) Light Industry – I Zone
- (e) Protection Zone
 - (i) Environment Conservation – E Zone
- (f) Rural Zone
 - (i) Resource Development – RD Zone
 - (ii) Intensive Resource Development – IRD Zone
 - (iii) Port – P Zone
- (g) Integrated Development Zone
 - (i) Integrated Development - ID

Obligation and Conformity

2.5 In any zone, all land must be used and all buildings and structures, or parts of

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buildings and structures shall be placed, erected, altered, or used only in conformity with the provisions of this by-law that pertain to such a zone, unless otherwise provided in the Act.

SECTION 3 – RESIDENTIAL ZONES

RR Zone – Rural Residential

3.1(1) Subject to this section, land, buildings or structures in a RR zone shall be used for the following purposes only:

- (a) one of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling
 - (iii) a day care centre,
 - (iv) a rooming house, boarding house, or furnished accommodation,
 - (v) a park, playground or playing field;
- (b) practicing one or more home occupations in compliance with this by-law;
and
- (c) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

3.1(2) One of the following main uses of a land or building shall only be permitted subject to the terms and conditions imposed by the Commission under paragraph 34(4)(c) of the *Community Planning Act*, and when it occupies a maximum surface area of 112 square metres. These uses include:

- (a) the following home industry uses:
 - (i) a carpentry workshop,
 - (ii) a cabinet-making workshop,
 - (iii) a craft workshop,
 - (iv) a clothing workshop, and
 - (v) an upholstery workshop;

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- (b) the following home businesses:
 - (i) an art gallery or studio,
 - (ii) an antique shop,
 - (iii) a craft shop,
 - (iv) a gift or souvenir shop,
 - (v) a museum, and
 - (vi) a bed and breakfast or tourist home;
- (c) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

3.1(3) Subject to the approval of the Commission in accordance with the powers granted by paragraph 34(4)(c) of the Act, the uses mentioned in subsection (2) may be considered as secondary uses, subject to the provisions pertaining to home occupations of this by-law, with the necessary adjustments.

3.1(4) Subject to the provisions of this by-law, hobby farming may be considered as a secondary use to a single-family dwelling in this zone.

3.1(5) Subject to the approval of the Commission under the authority granted by paragraph 34(4)(c) of the Act, a pond for sport fishing may be considered as a secondary use to a single-family dwelling in this zone.

3.1(6) Notwithstanding subsection (1), a day care centre can be considered as a secondary use to a single-family dwelling in this zone.

MR Zone - Medium Density Residential

3.2(1) In a MR zone, land, buildings, or structures shall be used for the following purposes only:

- (a) one of the following main uses:
 - (i) a multi-family dwelling
- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

CR Zone - Coastal Residential

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3.3(1) In a CR zone, land, buildings, or structures shall be used for the following purposes only:

- (a) one of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a rooming house, a boarding house, or a furnished accommodation, and
 - (iv) a park, a playground, or a playing field;
- (b) practicing one or more home occupations as a secondary use, with the exception of uses provided in paragraph 10.17(1)(f) and in compliance with this by-law; and
- (c) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

3.3(2) Notwithstanding subsection (1), a day care or a craft workshop may be considered as a secondary use to a single-family dwelling in this zone.

SECTION 4 – COMMERCIAL ZONE

GC Zone – General Commercial

4.1(1) Land, buildings, or structures shall be used for the following purposes only:

- (a) one or several of the main following uses:
 - (i) a retail outlet,
 - (ii) an office or office building,
 - (iii) a fruit, vegetable, fish and/or craft market, a service-oriented outlet,
 - (iv) an hotel, a motel, or a bed and breakfast,
 - (v) a restaurant and/or catering business,

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- (vi) an automobile repair garage and/or heavy-duty vehicle repair shop and/or a service station,
- (vii) a carpentry, cabinet-making, craft, pottery, painting, or upholstery workshop,
- (viii) a greenhouse or a nursery,
- (ix) a cottage cluster,
- (x) a campground or trailer park subject to subsection (3),
- (xi) a single-family dwelling,
- (xii) a two-family dwelling
- (xiii) a three-family dwelling,
- (xiv) a four-family dwelling,
- (xv) a rooming house, boarding house, or furnished accommodation,
- (xvi) an art gallery, a museum or a studio,
- (xvii) a day care centre,
- (xviii) an aquacultural activity approved by the Commission pursuant to paragraph 34(4)(c) of the Act,
- (xix) a park, playground, or playing field;
- (xx) a warehouse;
- (xxi) a landscaping business;
- (xxii) a place of entertainment or amusement;
- (xxiii) a pond for recreational fishing;
- (xxiv) an establishment that sells new and/or used vehicles;
- (xxv) a cocktail lounge, tavern or nightclub; and
- (xxvi) a kennel subject to section 10.26,

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- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use;
- (c) practicing one or more home occupations in compliance with this by-law;
- (d) a kennel, as a secondary use to a single-family dwelling subject to section 10.26; and
- (e) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

4.1(2) Subject to the provisions of this by-law, hobby farming may be considered as a secondary use to a single-family dwelling in this zone.

4.1(3) Campgrounds and trailer parks must:

- (a) meet all requirements of the applicable environmental laws;
- (b) meet all requirements of the Acts and Regulations under the authority of the Department of Tourism and Parks;
- (c) be equipped with an access suitable for emergency vehicles; and
- (d) have a sewage treatment system approved by the Department of the Environment or by the Department of Health.

SECTION 5 – COMMUNITY CENTRE ZONE

CC Zone – Community Centre

5.1(1) Land, buildings, or structures shall be used for the following purposes only:

- (a) one or more of the following main uses:
 - (i) a public service, social organization, cultural facility, recreational facility, or a use pertaining to other facilities of public assembly,
 - (ii) a school or an educational use,
 - (iii) a hospital, a nursing home, or a health care institution,
 - (iv) a park, playground, or playing field,
 - (v) a religious institution,
 - (vi) a senior citizens home,

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- (vii) a cemetery,
 - (viii) a retail outlet,
 - (ix) an automobile repair garage and/or a service station,
 - (x) a day care centre,
 - (xi) a business office,
 - (xii) a single-family dwelling,
 - (xiii) a two-family dwelling,
 - (xiv) a three-family dwelling,
 - (xv) a four-family dwelling,
 - (xvi) a multiple family dwelling,
 - (xvii) a rooming house, boarding house, or furnished accommodation,
 - (xviii) a convenience store or grocery store,
 - (xix) a restaurant and/or a catering business,
 - (xx) a hotel, a motel, or a bed and breakfast,
 - (xxi) an art gallery, a museum, a craft workshop or a studio,
 - (xxii) one or several warehouses,
 - (xxiii) a greenhouse or a nursery, and
 - (xxiv) a place of entertainment or amusement;
- (b) practicing one or several home occupations as secondary uses; and
 - (c) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

5.1(2) Subject to the provisions of this by-law, hobby farming may be considered as an accessory use to a single-family dwelling in this zone.

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SECTION 6 – INDUSTRIAL ZONE

I Zone - Industry

6.1(1) Land, buildings or structures shall be used for the following purposes only:

- (a) one of the following main uses:
 - (i) a warehouse,
 - (ii) a wholesale establishment,
 - (iii) an assembly plant,
 - (iv) a manufacturing establishment,
 - (v) a processing plant;
- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

6.1(2) All industrial or other wastes must be disposed of in the Westmorland-Albert solid waste landfill or sent to a salvage yard or recycling depot, or given to a business that officially collects, recycles, or reuses waste materials.

6.1(3) The area in front of the main building shall be fully landscaped within one year of the commencement of the construction, and can include grass, trees, a shrub bed, climbing and creeping plants, paths, and pedestrian walkways.

SECTION 7 – PROTECTION ZONE

E Zone – Environment Conservation

7.1(1) Land, buildings, or structures shall be used for the following purposes only:

- (a) one of the following main uses:
 - (i) a public or community park, playground or playing field, or a site for a statue, monument, cenotaph, fountain, or other ornamental structure,
 - (ii) a walking or bicycle path, or an interpretation trail,
 - (iii) an interpretation centre,
 - (iv) a rest or picnic area,

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- (v) a single-family dwelling subject to paragraph 34(4)(c) of the *Community Planning Act*;
- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

SECTION 8 – RURAL ZONES

DR Zone – Resource Development

8.1(1) Land, buildings, or structures shall be used for the following purposes only:

- (a) one or more of the main uses subject to subsections (2) and (3):
 - (i) raising farm animals as defined in this by-law,
 - (ii) raising waterfowl,
 - (iii) intensive agriculture,
 - (iv) silviculture,
 - (v) aquaculture,
 - (vi) hobby farming,
 - (vii) a fruit, vegetable, fish and/or craft market,
 - (viii) a park, playground, or playing field,
 - (ix) a single-family dwelling,
 - (x) a camp subject to subsection (4),
 - (xi) a kennel subject to section 10.26,
- (b) practicing of one or more home occupations as a secondary use;
- (c) a camp as a secondary use subject to subsection (4);
- (d) a kennel, as a secondary use to a single-family dwelling subject to section 10.26; and
- (e) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

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8.1(2) An industrial slaughterhouse, a poultry house, or a manure storage site for temporary and/or permanent storage or for composting must be located at least 100 metres from the lot lines and at least 150 metres from watercourses.

8.1(3) Any person engaged in livestock production in a resource development zone may not have a herd of more than 400 heads of cattle or more than 1,200 chickens.

8.1(4) A camp is permitted in this zone only if it is erected, installed, and located 100 metres or more from all collector and arterial roads that belong or not to the Province and that are maintained.

8.1(5) Subject to the provisions in this by-law, hobby farming may be considered as a secondary use to the main use of a single-family dwelling in this zone.

IRD Zone – Intensive Resource Development

8.2(1) Land, buildings, or structures shall be used for the following purposes only:

- (a) one or more of the following main uses:
 - (i) intensive agricultural and/or an industrial slaughterhouse subject to subsections (2) and (3),
 - (ii) silviculture,
 - (iii) a kennel subject to section 10.26,
 - (iv) resource extraction, which includes water, oil, natural gas, trees, sand, gravel, clay, shale, limestone, peat or any other material for development purposes, for sale, or for any other commercial use subject to subsection (4);
- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

8.2(2) An industrial slaughterhouse, a poultry house, or a manure storage site for temporary and/or permanent storage or for composting must be located at least 100 metres from the lot lines and at least 150 metres from watercourses.

8.2(3) Industrial slaughterhouses and hog houses with 100 pigs or more must be located at least 250 metres from the lot lines and watercourses.

P Zone - Ports

8.3(1) Land, buildings, and structures shall be used for the following purposes only:

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- (a) one or several of the following main uses:
 - (i) a seafood processing and storage plant,
 - (ii) a storage, manufacturing, and repair outlet for marine equipment and supplies,
 - (iii) a fishing products retail outlet ;
 - (iv) a fishing gear and equipment retail outlet;
 - (v) tourist activities, shops and/or events;
 - (vi) a restaurant and a catering business;
- (b) one or more buildings, structures, or uses accessory to the main use of the land, building, or structure, if this section permits such a main use.

SECTION 9 – INTEGRATED DEVELOPMENT ZONES

9.1(1) Inside an integrated development zone, all land must be used and all buildings must be installed, erected, altered, or used solely in compliance with a specific proposal outlined in a resolution passed or an agreement entered into under section 39 of the Act.

SECTION 10 – GENERAL PROVISIONS

Number of Main Buildings or Structures on a Lot

10.1(1) Except as otherwise provided in this by-law, no more than one main building or structure may be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot.

Lot Sizes

10.2(1) Subject to subsection (2), no building or structure may be erected, located or relocated, altered, or replaced on a lot unless the lot meets the requirements of this section.

10.2(2) A building or structure may be erected, located or relocated, altered, or replaced on a lot that does not meet the provisions of this section if the following requirements are met:

- (a) the lot is an existing lot before this plan comes into force,

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- (b) the lot is serviced by an access as specified in this by-law,
- (c) the zone allows the proposed development,
- (d) the development may meet the requirements concerning the prescribed yards and lot occupancy, and
- (e) the development is approved by the Department of Health and/or the Department of the Environment and/or the Greater Shediac Sewerage Commission concerning the drainage and sewage systems.

10.2(3) Where a lot is serviced by a public water system and a public sewer system, the lot shall have:

- (a) for a single-family dwelling or a building or structure not used for residential purposes:
 - (i) a width of at least 18 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 540 square metres;
- (b) for a two-family dwelling,
 - (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;
- (c) for a three-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) for a multiple family dwelling,
 - (i) a width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of four,
 - (ii) a depth of at least 30 metres, and

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- (iii) an area of at least 1,080 square metres, plus 68 square metres for each dwelling unit in excess of four.

10.2(4) Where a lot is serviced by a public sewer system, but not by a public water system, the lot shall have:

- (a) for a single-family dwelling, building or structure not used for residential purposes,
 - (i) a width of at least 23 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 690 square metres;
- (b) for a two-family dwelling,
 - (i) a width of at least 27 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) and area of at least 810 square metres;
- (c) for a three-family dwelling,
 - (i) a width of at least 32 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 960 square metres;
- (d) for a multiple family dwellings,
 - (i) a width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of four,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 1,080 square metres, plus 102 square metres for each dwelling in excess of four.

10.2(5) Where a lot is serviced by a private sewer system, it must be approved by the Department of Health or the Department of the Environment and must have:

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- (a) for a single-family dwelling, building, or structure not used for residential purposes:
 - (i) a width of at least 54 metres abutting a public street or an access that meets the standards of this by-law,
 - (ii) a depth of at least 38 metres,
 - (iii) an area of at least 4,000 square metres, and
 - (iv) an approval from the Department of Health;
- (b) for a two-family dwelling:
 - (i) a width of at least 59 metres abutting a street or an access that meets the standards of this by-law, and
 - (ii) an area of at least 5,350 square metres;
- (c) for a three-family dwelling:
 - (i) a width of at least 63 metres abutting a public street, and
 - (ii) an area of at least 6,700 square metres;
- (d) for a four-family dwelling:
 - (i) a width of at least 68 metres abutting a public street, and
 - (ii) an area of at least 8,050 square metres.

10.2(6) The requirements governing the lots on which the dwellings referred to in paragraphs (3)(b), (3)(c) and (3)(d) do not apply to the lots resulting from the subdivision of the initial lot by a dwelling unit party wall.

10.2(7) The lots resulting from the subdivision of the initial lot by a dwelling unit party wall must:

- (a) have a width of at least 12 metres abutting a public street or an access that meets the standards of this by-law,
- (b) have a depth of at least 30 metres,
- (c) have an area of at least 360 square metres, and
- (d) be serviced by a public water system and a public sewer system.

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Size of Dwellings and Dwelling Units

10.3(1) No dwelling may be placed, erected or altered so that it has a ground floor area of less than 45 square metres.

10.3(2) The floor area of a dwelling may not be:

- (a) less than 32 square metres, in the case of a dwelling unit in a multiple family dwelling containing a combined living room and bedroom and is commonly known as a bachelor apartment;
- (b) 45 square metres, in the case of a dwelling unit in a multiple family containing one bedroom; or
- (c) 45 square metres, in the case of a dwelling unit other than one mentioned in paragraph (a) or (b).

10.3(3) For the purposes of this section, the ground floor area or floor area does not include garages, carports, porches, verandas, breezeways, approach halls or stairways, except for those completely contained in a dwelling unit.

Location of Buildings and Structures

10.5(1) Subject to the specific provisions of this section and section 10.13, no main building or structure may be placed, erected, or altered so that any part of it:

- a) is less than:
 - (i) 15 metres from the boundary of an arterial or collector highway, or
 - (ii) 7.5 metres from the boundary of a street, private access, lane, right-of-way servicing residences, or a highway other than an arterial or collector highway,
 - (iii) 3 metres from the boundary of a right-of-way other than the one specified in the subparagraph 10.5(1)(a)(ii);
- b) 1.5 metres from the side lot line and three metres from the other side lot line in a RR, CR or MR zone or at least three metres from the side lot lines for all others zones.
- c) at least six metres from the rear lot line.

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10.5(2) The minimum distances established in subsection (1) allow the establishment of the prescribed yards.

10.5(3) Notwithstanding subsection (1), no main commercial or industrial building shall be placed within less than 10 metres from the side and rear lot lines.

10.5(4) A building or structure may be placed, erected or altered so that it is as close to a boundary of a road, private access, lane, or right-of-way used as an access for vehicles or a street as existing buildings or structures, but cannot be closer than 4.5 metres from the alignment or the boundary of a private access, lane, or right-of-way, provided that:

- (a) the existing buildings or structures are located on each side of and immediately adjacent to such building or structure; and
- (b) the nearest side of each existing building or structure immediately adjacent thereto will be within 30 metres, inclusively, of the nearest side of the building or structure to be placed, erected or altered.

10.5(5) No accessory building or structure, except fences, shall be placed, erected or altered so that it is located:

- (a) in the prescribed front yard;
- (b) one metre from the side lot lines or the rear lot line, for accessory buildings and structures with a height of less than 4.5 metres; or
- (c) two metres from the side lot lines or the rear lot line, for accessory buildings or structures with a height of more than 4.5 metres.

10.5(6) Notwithstanding subsection (5), an accessory building or structure may be placed, erected, or altered in the front yard of a river lot adjacent to the Northumberland Strait and rivers as long as the building or structure:

- (a) is 4.5 metres or more from the alignment;
- (b) does not obstruct visibility or endanger bicycle, vehicle or pedestrian traffic;
- (c) is equipped with an adequate sheathing in accordance with the National Code as defined by the Beaubassin-est Rural Community Building By-Law;

Lot Occupancy

10.6(1) Buildings and structures on a lot shall not occupy more than 35% of the ground area of the lot where they are located.

Sewage Disposal

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10.7(1) Sewage shall be discharged into a sewer system for public use approved by the Department of the Environment and the Department of Health or a private system approved by the Department of Health.

Parking Standards

10.8(1) Except for parking spaces for persons with mobility limitations as specified in subsection (2), off-street vehicular parking spaces must be provided not less than 5.5 metres by 2.75 metres in area and at a distance of less than 200 metres from the use that they serve, with adequate accesses, must be provided in compliance with the following provisions:

10.8(2) Parking spaces for persons with mobility limitations must be provided:

(a) according to the following table for all main usages;

Type	Number of spaces required
Residential dwelling	1 for each dwelling unit + 1 additional per group of 4 dwelling units
Nursing home, homes for the elderly, health centres, hospitals	1 for every 2 rooms
Hotels, motels, bed and breakfasts, inns, rooming houses or boarding houses	1 for each room + 1 additional per group of 4 rooms
Business, professional, medical clinic offices, public service or institutional offices	1 for every 40 m ² of gross floor area
Retail or service outlets	1 for every 30 m ² of gross floor area
Restaurants	1 for each 4 places (determined by the Code or by the Fire Marshall) or 1 for every 20m ² of public floor area
Caterer, drive-through restaurants	1 for every 10 m ² of gross floor area
Cocktail lounges, taverns, nightclubs, billiard rooms	1 for every 10 m ² of gross floor area
Religious institutions, places of worship, community halls	1 for every 10 m ² of gross floor area
Schools, educational institutions	4 for each classroom
Funeral home	15 for every exhibition hall + 1 for every 5 m ² of floor area in the chapel
Day cares	1 for every 40 m ² of gross floor area
Auditoriums, movie theatres, theatres, bowling alleys, skating rink	1 for every 5 seats (determined by the Code or by the Fire Marshall) or 1 for every 20 m ² of public floor area
Gymnasiums, training and martial arts rooms, dance halls	1 for every 20 m ² of gross floor area
Warehouses, wholesale facilities	1 for every 100 m ² of gross floor area
Processing, manufacturing, assembly and assembly line plants	1 for every 50 m ² of gross floor area
Vehicle repair shop	1 for every 40 m ² of gross floor area
Any other usage or development not previously mentioned	1 for every 30 m ² of gross floor area

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(b) and every space must be at least 4 metres wide and cover an area of at least 22 square metres;

(c) and be situated less than 30 metres from the main entrance of the building;

(d) and must be identified individually by a sign displaying the international symbol of access standing from at least 1.5 metres from the ground.

10.8(3) Parking lots that are adjacent to a residential zone must be separated from residential buildings by a buffer zone consisting of a dense planted trees or shrubs to create a visual barrier.

Loading Area

10.9(1) An off-street loading area not less than 15 metres long and 4.5 metres wide, with access thereto, shall be provided for every building or structure used for any purpose involving the use of vehicles delivering goods:

(a) for a total floor area up to 1,727 square metres inclusively, at least one space;

(b) for a total floor area of over 1,727 square metres inclusively used for commercial or industrial use, at least two spaces; and

(c) for an institutional use, at least one space.

Enclosures for Swimming Pools and Outdoor Spas

10.10(1) Notwithstanding any other provision of this section, no part

(a) of a swimming pool must be situated

(i) less than 1.22 metres (4 feet) from the side or rear lot lines of a building;

(ii) in the prescribed front yard.

10.10(2) No land shall be used for a swimming pool or an outdoor spa unless it is enclosed by a fence or a building or structure wall, or by a combination of walls and fences, at least 1.52 metres (5 feet) in height from the highest ground or floor level and on a distance of 1.22 metres (4 feet) around the fence or enclosure described and meeting the requirements of this section.

10.10(3) An enclosure described in the subsection (2) may be omitted in the case where an outdoor spa is equipped with a cover that meets ASTM F1346-91 specifications;

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10.10(4) The fence or enclosure mentioned in subsection (2) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.

10.10(5) The walls of a swimming pool or outdoor spa can be part of the enclosure described in subsection (2) if:

(i) the height between the exterior walls and ground level is greater than 1.22 metres (4 feet);

(ii) the walls are rigid; and

(iii) they don't have horizontal bracings or openings that would facilitate climbing.

10.10(6) The fence or enclosure mentioned in subsection (2) must:

(a) in the case of a chain-link fence,

(i) not have any openings that can let through a spherical object of a diameter greater than 38 millimetres (1.5 inches);

(ii) be made of steel wire that is no less than no. 14 gauge;

(iii) have vertical steel posts at least 38 millimetres (1.5 inches) in diameter, set 1.22 metres (4 feet) deep in concrete and spaced three metres apart, with a top horizontal rail made of steel of at least 32 millimetres (1.25 inches) in diameter;

(b) in the case of a fence made of a diagonal wooden lattice,

(i) not have any openings that can let through a spherical object of a diameter greater than 38 millimetres (1.5 inches);

(ii) be at least 12 millimetres (0.5 inch) thick;

(iii) have supporting vertical wooden posts of at least 89 millimetres, square or round with a diameter of 89 millimetres (3.5 inches), set 1.22 metres (4 feet) deep in the ground and spaced not more than 2.5 metres (8 feet) apart, and the portion below grade treated with a wood preservative. The fence must have a top horizontal rail that is at least 38 millimetres (1.5 inches) wide and 89 millimetres (3.5 inches) high.

(c) in the case of a fence made of vertical wooden elements or similar materials,

(i) vertical boarding must be no less than 100 millimetres (4 inches);

(ii) boards must measure no less than 19 millimetres (3/4 inch) wide and

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89 millimetres high (3.5 inches);

(iii) have supporting vertical wooden posts of at least 89 millimetres, square or round with a diameter of 89 millimetres (3.5 inches), set 1.22 metres (4 feet) deep in the ground and spaced not more than 2.5 metres (8 feet) apart, and the portion below grade treated with a wood preservative. The fence must have a top horizontal rail that is at least 38 millimetres (1.5 inches) wide and 89 millimetres (3.5 inches) high.

(d) in the case of a fence constructed with different materials than the ones described in paragraphs (a), (b) and (c), this fence must:

(i) have the same rigidity and height as the ones described in paragraphs (a), (b) and (c);

(ii) be assembled in a manner in which a sphere of 100 millimetres (4 inches) cannot go through or under;

(iii) not have horizontal ramps or other elements that would facilitate climbing or in a situation described in paragraph (e);

(e) shall be constructed in such a way that the horizontal structural elements must be on the exterior of a swimming pool or outdoor spa and spaced by no less than 1.12 metres (3 feet, 8 inches) when the spacing of the vertical elements is greater than 50 millimetres (2 inches);

(f) shall be located at 1.22 metres (4 feet) from the edge of a swimming pool or an outdoor spa with the exception of a swimming pool or outdoor spa that meets the requirements of subsection (5);

(g) shall not, in all points between the enclosure and ground level or level of the top of the exterior walls, be greater than 100 millimetres (4 inches); and

(h) shall not be electrified or incorporate barbed wire or other dangerous materials.

10.10(7) Gates forming part of an enclosure mentioned in subsection (2) shall be

(a) constructed with materials, in a manner equivalent to the fence in subsection (7);

(b) no less than 1.52 metres (5 feet) from the highest ground or floor level on a distance of 1.22 metres (4 feet);

(c) supported by substantial hinges;

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- (d) equipped with a self-latching device at least 1.52 metres (5 feet) high on the inside wall of the swimming pool or outdoor spa; and
 - (e) located at least 1.22 metres (4 feet) from the exterior walls of a swimming pool or outdoor spa;
- 10.10(8) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (2),
- (a) no main or service entrance to the building shall be located therein;
 - (b) no bedroom window or a window that is less than 1.52 metres (5 feet) high from the building floor shall have a direct access to a swimming pool or outdoor spa;
 - (c) any door therein, shall be self-closing and equipped with a self-latching device at least 1.52 metres (5 feet) above the bottom of the door; and
 - (d) shall not be located at less than 1.22 metres (4 feet) of the exterior walls of a pool.

Residential Construction near Uses Creating Certain Hazards

10.11(1) Notwithstanding the other provisions of this by-law, no dwelling, lagoon or wastewater treatment plant shall be installed less than 100 metres from one another.

Mini homes

10.12(1) Only one mini home may be located on an individual lot in a zone where single-family dwellings are permitted.

Projections of Buildings and Structures

10.13(1) The provisions of this by-law concerning the placement, erection or alteration of a building or structure in relation to a lot line or alignment apply to all parts of the building or structure with the exception of projections on prescribed yards beyond:

- (a) 15 centimetres for window sills, downpipes, belt courses or other similar ornamental items;
- (b) 50 centimetres for chimneys or flues;
- (c) 75 centimetres for cornices or eaves;

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(d) one metre for window awnings or doors, balconies, as well as open or enclosed emergency stairways;

(e) subject to subsection (2),

(i) 1.5 metres for stairways or open porches, and

(ii) two metres for the upper floor balconies of single-family dwellings that are not enclosed over a height of one metre.

10.13(2) The projections referred to in paragraph (1)(e) may not project over a prescribed side yard beyond one half of the prescribed width for that yard.

10.13(3) Notwithstanding subsections (1) and (2), a ramp for mobility-impaired persons may project in a prescribed yard as long as it does not obstruct visibility or endanger the safety of the public.

Height of Buildings

10.14(1) The height of main buildings shall not exceed 11 metres for residential use buildings and 15 metres for other buildings.

10.14(2) The height for accessory buildings or structures shall not exceed 11 metres in all zones.

Fences

10.15(1) Notwithstanding any other provision in this by-law, and subject to the specific provisions of this section, a fence may be constructed or placed in a yard as long as it remains completely on the inside of the lot.

10.15(2) The height of a fence in a prescribed front yard shall not exceed 0.75 metre in the case of a fence completely or *more than 50%* partially opaque, or, in the case of a chain link safety fence through which it is easy to see, two metres in a residential zone (CR, MR, or RR) or 2.5 metres in any other zone.

10.15(3) Subject to subsection (2), no fence or wall shall exceed in height:

(a) two metres for a residential use; and

(b) 2.5 metres for any other use.

10.15(4) Notwithstanding the provisions of this section, the Commission may allow, under paragraph 34(4)(c) of the *Community Planning Act*, a fence higher than 2.5 metres for a commercial, agricultural, or industrial use if the Commission considers it necessary for the nature of the activity, and the fence shall have those characteristics specified in

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subsection 10.15(5) of this by-law.

10.15(4) Notwithstanding the provisions of subsection (4), a fence for agricultural purposes, as the Department of Agriculture and Agri-Food Canada and the Canadian Standards Association specifications, may be electrified.

10.15(1) Any owner or promoter that wants to put up a retaining wall is obliged to comply with the following provisions:

- a) the retaining walls are subject to the same provisions relating to the setback;
- b) for security purposes, the height of the retaining walls shall not be more than 1.2 metres. For any construction over 1.2 metres, an overhang of 0.6 metres must be installed;
- c) any retaining wall measuring more than 1.2 metres high shall be accompanied by a fence of no less than 1.2 metres.

Storage

10.16(1) Notwithstanding any other provision in this by-law,

- (a) a professional fisherman may store his fish apparatus and a boat on the land containing his residence and its accessory or secondary buildings; and
- (b) the owner of a pleasure boat may store it on the land containing his residence, or in its accessory buildings.

10.16(2) The use of a boat as a decorative feature is permitted in a commercial zone, provided that the boat is part of the landscaping display.

10.16(3) A fishing boat or pleasure boat shall not be stored in the front yard of the main building.

10.16(4) The storage space for a boat shall be located at least one metre from the side lot line or rear lot line.

Home Occupation

10.17(1) The following uses are home occupations permitted under this by-law, subject to the provisions of each zone:

- a) a business office, including a real estate agency, an insurance agency, or a photo studio;
- b) an office for a professional, including offices for architects, accountants, dentists, designers, engineers, Web administrators, doctors, or translators;

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- c) a home personal care shop, including a barber shop, a beauty salon, a hair salon, a dressmaking or shoe repair shop, or a catering service;
- d) a home teaching service, including teaching music, arts and crafts, or dance, or providing day care services;
- e) a home arts workshop, including dressmaking, woodworking, arts and crafts, painting, sculpture, moulding, or manufacturing or repairing garden or household ornaments, clothing, personal effects, or toys, and operating a catering service;
- f) subject to subsection (3), a home occupation, including carpenters, electricians, mechanics, cabinet makers, plumbers, landscapers, painters and pet grooming salons;
- g) a home repair shop, including radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops;
- h) a residential care facility; and
- i) recreational activities.

10.17(2) Practicing a home occupation is subject to the following conditions:

- (a) No more than 25% of the total floor area of a dwelling may be used for one or more home occupations.
- (b) No change shall be made to the outside appearance of the dwelling that will alter the residential character of the building.
- (c) No goods or services other than those directly pertaining to the home occupation shall be supplied or sold.
- (d) No sign shall be permitted other than one non-illuminated business sign, which gross surface area shall not exceed 1.5 square metres.
- (e) There shall be no external or outside storage or display of materials, equipment or containers in connection with the home occupation to indicate that any part of the property is being used for any purpose other than a single-family dwelling.
- (f) Two off-street parking spaces must be provided in addition to the parking space requirements of the zone.

10.17(3) The home occupations mentioned in paragraph (f) of subsection (1) can occur in

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an accessory building in order for the person practicing the occupation to store his or her equipment and materials and to allow mechanics, cabinet makers and carpenters to practice their occupation, provided that:

- (a) subject to paragraph (b), the accessory building respects the setbacks specified in this by-law for this type of building;
- (b) the accessory building is located in the rear yard at least 30 metres from the house and ten metres from the property line;
- (c) the total floor area of the accessory building is equal to or less than *112 square metres*;
- (d) mechanics must be registered with the province and follow the applicable provincial regulations.

Signs

10.18(1) With the exception of a traffic control device as defined in the *Motor Vehicle Act*, a legal or judicial notice or a sign in the window of a store advertising goods for sale therein, all signs must meet the requirements of this section in terms of size, construction standards, type and position.

10.18(2) The sign shall be made of durable, weather-resistant materials and a building and development permit must be issued before the sign can be erected, altered, or relocated, except for signs mentioned in subsection (3), which do not require permits.

10.18(3) A non-illuminated sign may be placed, erected or installed on any land, building or structure, without the issuance of a building permit, if such a sign:

- (a) advertises the sale or rental of the land, building, or structure, and does not exceed 0.85 square metre in gross surface area;
- (b) specifically identifies a residential property or the residents, and does not exceed 0.45 square metre in gross surface area;
- (c) indicates a home occupation, and does not exceed 1.5 square metres in gross surface area;
- (d) warns against any intrusion, and does not exceed 0.45 square metre in gross surface area;
- (e) is a private sign indicating the direction of traffic, and does not exceed 0.24 square metre in gross surface area;

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- (f) identifies the architects, engineers, contractors or other individuals or corporations working on the construction of a building or structure, in which case it shall however be removed within 14 days following the commencement of the intended use of the building or structure;
- (g) advertises a candidate for public office during a provincial or federal election, in which case it shall however be removed within 14 days following the election; or
- (h) identifies a subdivision by its name, and does not exceed three square metres in gross surface area.

10.18(4) One front facia sign, other than the sign referred to in subsection (3), can be placed, erected or altered in a zone other than residential, if the total surface area of this type of sign on the façade of the building does not occupy more than 25% of the area of the said façade.

10.18(5) Subject to subsection (6), a free-standing sign, other than a private free-standing sign indicating the direction of traffic, that does not exceed 0.24 metre, shall:

- (a) be setback at least three metres from the alignment;
- (b) have a maximum height of ten metres;
- (c) have a maximum gross area of 14 square metres;
- (d) have a size, location, content, colours, or type of lighting that may not be confused with, interpreted as or tend to obscure a traffic control device.
- (e) be setback laterally equal to the height of the sign.

10.18(6) Notwithstanding the provisions of subsection (5), a private free-standing sign indicating the direction of traffic and not exceeding 0.24 square metre may be installed less than two metres from the street alignment, but shall not protrude beyond that alignment.

10.18(7) No sign shall:

- (a) be an imitation of a traffic control device or contain the words “stop,” “caution,” “danger,” “warning,” or similar words so arranged as to be interpreted as a traffic control device or have an intermittent light;
- (b) have a size, location, content, colours or type of lighting that may be confused with, interpreted as or tend to obscure a traffic control device;

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- (c) advertise an activity, business, product or service that no longer exists **at less than 2,000 metres of the location where the sign is installed or exists elsewhere, except for signs that respect the provisions of subsection (8) or those near** Highway 15 that advertise a business related to the tourism industry and that were approved by the Department of Transportation; and
- (d) endangers the safety and health of the public.

10.18(8) Notwithstanding the provisions of this section, community signs may only be installed in a 45 metre radius of the intersection of routes 15, 133, 933, 940, 945 and 950:

- (a) the number of free-standing signs per intersection be limited to one (1);
- (b) all signs must only identify the name, the logo, the functions, the distance and the direction of a business located on a road transportation artery with the exception of arterial or collector highways;
- (c) the area of every individual sign shall not be more than 1 square metre, and the combination of every individual signs by free-standing structures shall not be more than 14 square metres;
- (d) the signs are non-illuminated;
- (e) the signs are only installed on a stand-alone structure, and no parts of that structure can be closer than 3 metres from all property lines, or be more than 10 metres from ground level;
- (f) the land owner must give his consent to the installation of the sign.

10.18(9) To determine the amount of signs authorized by this section, one sign is considered a single exhibition surface or a displaying device that has organized elements, and are interconnected or composed in such a way to make a whole. Double-sided signs will be considered as one sign. When the information is posted randomly, with no organic link between elements, or in the case of reasonable doubt about the links between its different elements, every element is considered composing a simple sign.

10.18(10) The authorized gross area of a sign is equal to the area of the smallest triangle, rectangle or circle that can completely define the limits of a single-sided or double-sided sign in the plan of its largest size.

Standards for Aggregate Extraction Sites

10.19(1) Subject to this section, no person shall undertake or continue the extraction of

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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 regulation.

10.19(2) The extraction site shall not:

- (a) damage the adjacent property;
- (b) cause water to accumulate to a depth of more than 60 centimetres at any time in a non-fenced extraction site, and
- (c) serve as a storage place or dump for toxic materials, scrap metal, domestic wastes, construction wastes, or any other material likely to harm the environment,

10.19(3) All extraction sites shall be subject to the following conditions:

- (a) No extraction may be done within 60 metres of any water surface.
- (b) The site shall be supported by a professional engineer certification that confirms that the extraction will not have harmful effects on the water.
- (c) The operator must ensure that accesses and public streets over which materials are transported remain dust-free. These access routes must be located at least 100 metres from any main building and be paved or chip sealed at a distance of at least 100 metres from the back of neighbouring residences to a public street before a building permit is issued.
- (d) The site shall be located at least 300 metres from any dwelling.
- (e) The site shall be located at least 30 metres from of its property lines.
- (f) The operator must provide a rehabilitation plan approved by the Commission following consultation with interested agencies.
- (g) The safety of the site shall be ensured as follows:
 - (i) when an excavation site is not fenced, the operator must maintain a slope of less than 50 %, or
 - (ii) when an excavation site is fenced, the fence surrounding the site must be at least two metres high, have a gate, and have the characteristics detailed in section 10.20, and one or more signs bearing the word "danger" in letters at least 15 centimetres high must be installed at the entrance of the quarry or sandpit.

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- (h) Where the extraction operations have ceased for more than ten months, or another period as determined by the Commission, the land must be restored as follows:
- (i) the facilities, equipment, buildings, or structures installed on the site for excavation purposes must be removed;
 - (ii) all stockpiles, earth, sand, gravel, or other excavated material shall be placed back in the excavation, spread out on the site, or removed from the site;
 - (iii) the site must be levelled and/or sloped in such a manner that at any time there is no more than 60 centimetres of water accumulated; and
 - (iv) all debris must be removed from the site.

Standards for Fencing Aggregate Extraction Sites

10.20(1) The fence of an aggregate extraction site as mentioned in subparagraph 10.19(3)(g)(ii) shall not have rails, bracings or other attachments on the outside thereof that would facilitate climbing.

10.20(2) The fence mentioned in subsection 10.20(1):

- (a) shall be a chain-link fence, with galvanized, vinyl or other CSA-approved coating, or shall be made of wood or other materials, as prescribed by subsection (3);
- (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
- (c) shall be located:
 - (i) at least four metres from the edge of the extraction site, and
 - (ii) at least 1.25 metres from any object or landform that would facilitate climbing from the outside.

10.20(3) A fence designed and built in accordance with this section shall:

- (a) in the case chain-link fences:

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- (i) be made of diamond mesh no greater than four centimetres,
 - (ii) be made of steel wire that is no less than no. 12 gauge or no. 14 gauge if the latter has a CSA-approved coating with a thickness equivalent to a no. 12 gauge wire, and
 - (iii) have steel posts at least four centimetres in diameter, set below frost in an envelope of concrete and spaced three metres apart, with a top horizontal rail made of steel that is at least four centimetres in diameter;
- (b) in the case of a wooden fence,
- (i) vertical boarding, no less than 2.5 centimetres by ten centimetres nominal dimensions spaced no more than four centimetres apart, attached to supporting members and arranged in such manner as to not facilitate climbing on the outside, and
 - (ii) supporting cedar posts of at least 20 centimetres, square or round with a diameter of ten centimetres, set below frost and spaced not more than 2.5 metres apart, and the portion below grade treated with a wood preservative. The fence must have a top horizontal rail that is at least five centimetres wide and five centimetres high; and
- (c) in the case of a fence constructed with different materials and in a manner other than described in this subsection, the fence must be designed and constructed in a manner that will ensure a rigidity equal, according to the Commission, to the design and construction prescribed by this subsection.

10.20(4) Gates mentioned in subparagraph 10.19 (3)(g)(ii) shall be:

- a) constructed with materials, in a manner, and of a height equivalent to the fence; and
- b) shall be supported by substantial hinges.

Removal of Topsoil

10.21(1) Topsoil shall be removed in accordance with the *General Regulation - Topsoil Preservation Act, New Brunswick Regulation 95-66*.

10.21(2) No plant matter or soil, with the exception of whatever is needed for the construction or the development of the site, shall be removed within less than 100 metres of a watercourse.

Communication Towers and Antennas

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10.22(1) Radiocommunications installations, antennas, and or similar structures are permitted in RD, ID, and I zones, but are subject to the conditions that may be imposed by the Commission under paragraph 34(4)(c) of the *Community Planning Act*.

Wind Turbines

10.23(1) Subject to subsections (2), (3) and (4), wind turbines are permitted as long as they meet those terms and conditions that the Commission may establish under paragraph 34(4)(c) of the *Community Planning Act*.

10.23(2) The installation and integration of small wind turbines must meet the following requirements:

- (a) A small turbine shall not have a height of more than 12 metres.
- (b) A small turbine shall not be installed in a prescribed front yard.
- (c) A small turbine shall not be installed less than 15 metres from a lot line, which is the required minimum setback.
- (d) A small turbine shall not be installed at a distance equal to its height from the main or secondary neighbouring building.
- (e) One small turbine only is permitted per lot.
- (f) The lot on which a small turbine is installed shall be at least 4,000 square metres.
- (g) No small turbine shall be installed on a wetland.
- (h) The installation of a small turbine must not interfere with the airspace used for air navigation or contravene any federal or provincial legislation or jurisdiction.
- (i) The installation of a small turbine must not interfere with communication towers.
- (j) Small turbines must be of a neutral colour to minimize the visual impact.

10.23(3) The installation and integration of medium-sized wind turbines must meet the following requirements:

- (a) A medium-sized turbine shall not be higher than 12 metres.
- (b) A medium-sized turbine shall not be installed on a prescribed front yard.

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- (c) A medium-sized turbine shall not be installed less than 50 metres from a lot line, which is the required minimum setback;
- (d) A medium-sized turbine shall not be installed at a distance equal to its height from the main or secondary neighbouring building.
- (e) One medium-sized turbine only is permitted per lot.
- (f) The lot on which a medium-sized turbine is installed shall be at least 4,000 square metres.
- (g) No medium-sized turbine shall be installed on a wetland.
- (h) The installation of a medium-sized turbine must not interfere with the airspace used for air navigation or contravene any federal or provincial legislation or jurisdiction.
- (i) The installation of a medium-sized turbine must not interfere with communication towers.
- (j) Medium-sized turbines must be of a neutral colour to minimize the visual impact.

10.23 (4) An agreement must be made under section 39 of the *Community Planning Act* for all wind farm requests.

Hobby Farming

10.24(1) Notwithstanding the provisions of this by-law, hobby farming is permitted under the following conditions:

- (a) The area of the lot where the activity takes place must be at least two acres.
- (b) No more than two buildings shall be used for such an activity.
- (c) A building used for a hobby farming activity and where animals are kept shall be located at least 75 metres away from the main building of the adjacent property.
- (d) Animal wastes must be stored at least 100 metres away from the residence of the adjacent property and 30 metres away from all watercourses.

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Soil Cultivation

10.26(1) Soil cultivation is permitted in rural residential, commercial, and resource development zones as a secondary use to a single-family dwelling.

Kennels

10.26(1) Kennels constitute a specific use permitted in resource development zones for which the Commission can impose terms and conditions under paragraph 34(4)(c) of the *Community Planning Act*.

10.26(2) The land used for a kennel must have an area of at least 4,000 square metres.

10.26(3) No building, structure, or animal shelter shall be built on a front yard prescribed under this by-law.

10.26(4) No building, structure, or animal shelter shall be built less than ten metres from the adjacent properties.

Trailers

10.27(1) Subject to subsection (2), the use of a trailer as a seasonal home is allowed in zones where a single-family dwelling is permitted. It should be pointed out that the landowner's trailer is excluded where the provisions of subsection (2) apply.

10.27(2) The installation of trailers must respect the following provisions:

- (a) Subject to paragraph (b), when the lot has a well or is serviced by a public water distribution system, it is permitted to install:
 - (i) a maximum of one (1) trailer on a lot of 672 square metres or more serviced by a public sewage system;
 - (ii) a maximum of one (1) trailer on a lot of 2,000 square metres or more *that is not serviced by a public sewage system; and*
 - (iii) a maximum of two (2) trailers on a lot of 2,000 square metres *or more that is not serviced by a public sewage system;*
- (b) When the lot is occupied by a residence or another main use, one trailer only may be installed regardless of the size of the lot.

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10.27(3) The landowner must obtain a development permit from the Commission at the cost in effect at the time of the request before proceeding to install one or more trailers on his or her land. The following requirements must be met to obtain a development permit:

- (a) The landowner must submit a plan drawn to scale that shows:
 - (i) the lot lines and the area of the lot;
 - (ii) the location of the proposed sites for the trailers ;
 - (iii) the use, location, and size of all existing and proposed buildings and structures on the lot;
 - (iv) the access points and the exits to the lot from the public street, and/or to an access;

- (a) The installation of an accessory building or structure with an area of 16.7 square metres for storage and for the electrical service is permitted on the lot and following structures:
 - (i) a gazebo that takes an area of less than 16.7 metres;
 - (ii) a fence;
 - (iii) a swimming pool.

- (b) Lots that are not serviced must be equipped with a sewage disposal system approved by the Department of Health if the trailer is permanently installed, or with a composting system or a retaining system inside the trailer (or any other system approved by the Department of Health) if the trailer is installed temporarily or seasonally;

- (c) Trailers must have a minimum setback of:
 - (i) 7.5 metres from the alignment;
 - (ii) 100 metres from a collector or arterial road and/or a road belonging to the province that is maintained; *except when the propriety is situated in a coastal residential zone;*
 - (iii) three metres from the side and rear lines of the lot;
 - (iv) three metres from any other building.

- (d) No trailer shall be installed less than ten metres from the mean high water mark of the Northumberland Strait and any watercourse.

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- (e) Trailers may be occupied on a seasonal basis only, from May 1st to October 31st of each year, at the latest. It is prohibited to occupy or use a trailer as a permanent dwelling.

10.27(4) Subject to this by-law, trailers can be installed in a campground.

10.27(5) A camper trailer can be placed in the back yard of an existing residence or business for occasionally accommodating visitors, for up to three weeks.

Outdoor Wood Furnaces

10.28(1) It is prohibited to install an outdoor furnace, commonly called an “outdoor wood furnace” or a “WOOD DOCTOR,” for purposes other than industrial, provided that the unit is located at least 250 metres from all property lines.

Please note that the French version of this document takes precedence over the English version.