

PART A: TITLE AND AREA DESIGNATION

1.0 TITLE AND AREA DESIGNATION

Under section 77.2 (1) of the *Community Planning Act*, the Council of the Rural Community of Campobello Island adopts the following Rural Plan By-law:

1. This By-law may be cited as the Campobello Island Rural Plan.
2. The area of land situated on Campobello Island as described in Regulation 2010-138 under the *Municipalities Act*, and more particularly shown on attached Schedule 'A', entitled "Campobello Island Zoning Map", is designated for the purposes of the adoption of this Rural Plan and is the area to which this By-law applies:
3. The Campobello Island Rural Plan contained herein is hereby adopted for the area described in Schedule A.

PART B: OBJECTIVES OF THE RURAL PLAN

The General Objectives of the Campobello Island Rural Plan are:

- (a) *to preserve the aesthetic beauty and character of Campobello Island in order to maintain its attractiveness to residents and visitors;*
- (b) *to preserve existing public access to the intertidal zone and encourage further provisions and development of public access;*
- (c) *to recognize the attributes and needs of Campobello Island and facilitate the provision and development of Island-based infrastructure, services, and facilities; and*
- (d) *to foster community economic development while ensuring land is used and developed in an environmentally responsible manner and minimizing the potential for land use conflicts.*

The objectives listed above reflect the community's aspirations for the future development of the area. The objectives provide a reference for those who administer and enforce the Campobello Island Rural Plan to use when making land-use decisions.

1.0 STATEMENTS OF POLICY AND PROPOSAL

To move towards the Community's objectives, this plan establishes policies and proposals, which lay the foundation and direction for the zoning provisions, contained in Part C of this document. The plan is written to be flexible and to adapt to changing circumstances over the course of time. This Rural Plan should not be perceived as the end of the planning process, rather it should be viewed as a beginning. Reviews will be conducted in accordance with the requirements of the Community Planning Act.

The purpose of this Rural Plan is to provide a framework for the orderly development and growth of the planning area in accordance with sound land use planning policies and principles. It will guide development for a period of approximately 20 years. The plan has a long term perspective but provides mechanisms for short term and intermediate term decision making.

A policy is a statement of community objective and initiates a means to achieve them. Policies are the foundation of the Rural Plan. A policy is a statement of intent; a strategy. It is binding to the Council and the Minister, not individuals. All other components of the Rural Plan, including the zoning and development standards, as well as any amendments thereto, are guided by and must conform to the intent of these policies.

A proposal is an action or project that is desirable, to meeting the objectives of the Rural Plan. Proposals are the actions taken on by the community and its organizations, in order to achieve the stated policies. They are the methods by which the Community will accomplish the outlined strategies. The Community Planning Act does not require Rural Plans to contain Proposals so there is no obligation to the Council or the Minister to follow these – 77.2(4). However, a land use or development cannot interfere or conflict with the stated purpose of a proposal.

a) Residential Uses

Policy

It is a policy to encourage a mixture of housing options and increased opportunities for affordable housing in the planning area while remaining consistent with the nature of existing housing stock.

Proposal

It is proposed that consideration be given to sustainable community development proposals and that the development of communal septic and wells be encouraged in areas where appropriate.

b) Commercial and Industrial Uses

Policy

It is a policy to facilitate growth and development on Campobello Island by encouraging land uses that create employment opportunities and provide access to goods and services.

It is a policy to permit those industrial uses that are in keeping with the rural area and to consider all other industrial uses as an amendment.

c) Institutional Uses

Policy

It is a policy to permit the provision of institutional uses to serve the cultural, religious, social, and educational needs of the area.

d) Recreational Facilities and Public Open Spaces

Policy

It is a policy to encourage initiatives which foster co-operation and stewardship with the federal and provincial governments, community service groups and/or private citizens for the purposes of maintaining existing or developing new facilities and public open space.

It is a policy to preserve existing public access and encourage the development of further public access to the intertidal zone.

Proposal

It is proposed to pursue the development of a trail system to connect recreational, tourism, institutional and commercial areas and residential neighborhoods.

e) Heritage Buildings and Sites of Historical or Archaeological Interest

Policy

It is a policy to encourage the preservation of historic sites and buildings, open spaces and natural features that define the heritage and character of the planning area.

Proposal

It is proposed to encourage owners of historic buildings to be sensitive to the original character of the buildings when undertaking renovations.

f) Resource Uses

Policy

In recognition of the dynamic nature of modern farming and the fishing industry, it is a policy to accommodate value added and supplemental activities that increase the local job opportunities by permitting a mix of compatible uses.

It is a policy to promote island sustainability by recognizing the importance of rural lands for food production and the provision of natural resources.

g) Conservation of the Physical Environment

Policy

It is a policy to encourage development which minimizes impacts to the air, land and water resources for the benefit of present and future generations.

It is a policy to encourage the timely remediation of known contaminated areas to limit the migration of pollutants to additional lands, wells and watercourses.

Proposal

It is proposed that development occur in a manner that minimizes negative impacts on coastal features.

h) Protection of Water Supplies

Policy

It is a policy to safeguard groundwater supplies for use by existing and future generations by directing developments that may potentially degrade or deplete the resource to appropriate locations.

Proposal

It is proposed to protect and preserve the existing freshwater springs and deep wells known to the area.

PART C: ZONING PROVISIONS

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 The zoning map attached and identified as Schedule “A”, entitled “Rural Community of Campobello Island Zoning Map”, is the zoning map designated for the Rural Community of Campobello Island Rural Plan.

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

“Act” means the *Community Planning Act*,

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

- (a) the cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of furbearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides for agricultural purposes,
- (j) a composting operation,
- (k) the operation of pick-your-own farms, from the gate agricultural operations, roadside stands, agricultural produce sales outlet and farm tourist operations as part of a farm operation,
- (l) the processing of a farm product for the purpose of preparing farm products for wholesale or retail consumption, and
- (m) the preparation of an agricultural product distributed from the farm gate, including cleaning, grading, and packaging;

“agricultural produce sales outlet” means a fruit, vegetable, flower or farm produce stand set up as an accessory use, used for the sale of produce and includes a pick-your-own farm and from the gate operations;

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

“aquaculture operation” means land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use;

“arterial highway” means a highway so classified under the *Highway Act*,

“automotive commercial garage” means a building where all functions of an automotive service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the salvage of motor vehicles awaiting scrapping;

“automotive service station” means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries changed, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;

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

“beverage room” means a licensed premises where liquor of all kinds is offered for retail sale to patrons for consumption only in the area as approved under the *Liquor Control Act* of New Brunswick, but does not include any special events license, or an establishment holding a dining-room license or wine serving license;

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

“building” means any structure used, or intended to be used, for supporting or sheltering any use or occupancy;

“bulk fuel station” means the use of land, building or structure for the storage and distribution of petroleum products in bulk quantities, and many include tanker vehicle storage and key-lock pumps, but does not include retail sales or processing;

“camping facility” means an area of land, managed as a unit, used or maintained for people to provide their own sleeping facilities, such as, tents, tent trailers, travel trailers, recreational vehicles and campers for a short-term stay;

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

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

“Council” means the collective (or quorum) of the elected Ward representatives of the Community.

“commercial use” means the use of land, building or structure for the purpose of buying and selling commodities and the supplying of services, and without limiting the generality of the foregoing, may include a retail store, tourism use, personal and professional service establishment, day care centre, eating establishment, automotive commercial garage, or machine and weld shop, but does not include such uses as manufacturing or assembling of goods, warehousing, and other similar uses;

“community care facility” means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, and may include a day care center, residence or residential centre as defined under the *Family Services Act*,

"community care home" means a special care home or day care home as defined by and operated in accordance with the *Family Services Act*;

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

"convenience store" means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area;

"cottage establishment" means a tourist establishment, composed of two or more cottages, owned or rented by the same person or party;

"day care centre" means a facility in which day care services are provided as defined by and operated in accordance with the *Day Care Regulation – Family Services Act*;

"day care home" means an owner-occupied single-family dwelling in which day care services are provided and includes a community day care home or a family day care home as defined by and operated in accordance with the *Day Care Regulation – Family Services Act*;

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

"development" means development as defined by the *Community Planning Act*;

"dwelling" means a main building or structure, or portion thereof, containing one or more dwelling units;

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

“eating establishment” means an establishment the main use of which is that, for compensation, food is cooked, prepared or served for consumption on the premises or elsewhere, and without limiting the generality of the foregoing, may include a restaurant, “take-out” counter, tea or lunch room, dairy bar, or coffee shop;

“easement” means a right to use land, most commonly for access to other property or as a right-of-way for a utility service, or for a municipal service;

“erect” means to construct, build, assemble, or relocate a building or structure, any physical operations preparatory to the construction, building, assembly, or relocation of the building or structure;

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

“family” means one or more persons, not necessarily related, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or a boarding or rooming house;

“ferry slip” means a specialized docking facility or shore terminal that receives a ferryboat that has transported people, vehicles, or goods across a body of water;

“fish processing plant” means any land, premises or other place on or in which seafood is processed, including all methods of handling, canning, drying, gutting, salting, and freezing, to enhance their market value;

“fishing and fishery support use” means a use of land, wharves and buildings which is intended to provide for fisherman and assistants in the harvesting, processing, storage and sale of their catch as well as the construction, maintenance and storage of boats, traps, nets and equipment necessary to sustain fishing activity, excludes a fish processing plant;

“floor area” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical spaces and their enclosing assemblies;

“forestry use” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, may include: the raising and cutting of wood, pulp, lumber, and other primary forest products as well as the portable milling and sawing of wood; and the production of Christmas trees and specialty forest products such as maple syrup, fiddleheads, wreaths, bark mulch, and fine furniture wood;

“garden suite” means a temporary, one or two bedroom, self-contained dwelling on an otherwise occupied lot used for residential purposes, intended for the sole occupancy of an individual or couple who are related to the family of the primary dwelling, who by reason of age, infirmity or mental or physical disability are not fully able to care for themselves;

“golf course” means a public or private area operated for the purpose of playing golf and includes a clubhouse and recreational facilities, accessory driving ranges, and similar uses;

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

“home occupation” means a secondary use conducted in a single-family dwelling or accessory building or structure or upon associated lands for gain or support, and is conducted by at least one member of the family residing in that dwelling and without limiting the generality of the foregoing may include,

workrooms or a studio for fine arts, crafts, photography or instruction to students, estheticians, a bed and breakfast, rooming or boarding house, or an inn;

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

“industrial use” means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods on a large scale, or the warehousing or bulk storage of goods and related accessory uses, and without limiting the generality of the foregoing, may include, a mining operation, salvage yard, concrete or batching plant, bulk fuel station, or fish processing plant;

“inn” means an owner-occupied single-family dwelling in which there are rooms for rent as overnight sleeping accommodation, and includes the provision of served breakfast and evening meals to those persons residing temporarily at the establishment, and at least fifty percent of the rooms for rent must have access from inside the dwelling;

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

“intertidal zone” means the area that is exposed to the air at low tide and underwater at high tide;

“landscaped” means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity

of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land;

“livestock” means cattle, horses, mules, donkeys, alpacas, llamas, pigs, sheep, goats, ostriches, emu, foxes, mink or poultry and similar animals kept for domestic use but not as pets;

“livestock facility” means a building or structure for the housing or confining of livestock, and includes an area of land for the storing of manure;

“loading space” means a temporary parking space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used;

“local highway” means a highway so classified under the *Highway Act*,

“local named road” means a public road that is named rather than numbered by the Department of Transportation;

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

“machine and welding shop” means a building or structure equipped for carrying on the trades of welding, metal working or machine working;

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

“marina” means a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories

are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided;

“mineral” means any natural, solid, inorganic or fossilized organic substance and such other substances as are prescribed by regulation to be minerals, but does not include:

- (a) sand, gravel, ordinary stone, clay or soil unless it is to be used for its chemical or special physical properties, or both, or where it is taken for contained minerals,
- (b) ordinary stone used for building or construction,
- (c) peat or peat moss,
- (d) bituminous shale, oil shale, albertite or intimately associated substances or products derived therefrom,
- (e) oil or natural gas, or
- (f) such other substances as are prescribed by regulation not to be minerals;

“mini-home” means a building 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 towing apparatus can be attached and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“mini or mobile home park” means a parcel of land, not in a Provincial Park, intended as the location for more than one mini or mobile home;

“mining” means searching for or obtaining a mineral or mineral-bearing substance by disturbing, removing, crushing, washing, sifting, concentrating, roasting, dissolving, leaching, smelting, refining, reducing or otherwise treating or dealing with soil, earth, rock, stone or other material whether or not the soil, earth, rock, stone or other material has been previously disturbed, removed,

crushed, washed, sifted, concentrated, roasted, dissolved, leached, smelted, refined, reduced or otherwise treated or dealt with;

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

“Minister” means the Minister of Environment;

“mobile home” means a factory built, detached structural unit designed to be capable of being transported after fabrication, on its own chassis and wheel system to a lot and which is suitable for year round occupancy in similar fashion as a single-family dwelling, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures;

“motel” means a tourist establishment primarily for transients traveling by automobile, with a parking space on the lot for each lodging unit, and with access for each such unit directly from the outside;

“multiple-family dwelling” means a residential dwelling containing four or more dwelling units;

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

“open space” means space that is open to the sky and suitable for active or passive recreation or gardens; this space shall be free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is intended;

“outdoor recreational use” means a recreational use conducted outdoors and, without limiting the generality of the foregoing, may include trails used for hiking, snowmobiling, bicycling, or horseback riding, a playground, tennis court, athletic field, outdoor rink, boat launch, shooting range and swimming pool, and includes the buildings and structures in connection therewith;

“personal and professional service establishment” means a store or shop providing personal, financial, technical or repair services, assistance or advice to consumers, and without limiting the generality of the foregoing, may include: a convenience store, appliance repair shops, barber and beauty shops, bicycle repair shops, dressmakers and tailors, financial institutions, a dental or medical clinic, pawnshops, printing and photocopy services, shoe repair shops, woodworking and professional photographers’ studios;

“Planning Advisory Committee” means the Planning Advisory committee as created by the Planning Advisory Committee By-Law for the Rural Community of Campobello Island;

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

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

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

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

“redemption waste disposal site” means a collection facility and distribution point for bottles, cans and other recoverable materials to be reused or recycled, but does not include processing except assembly or packaging for shipping;

“residential dwelling” means a single-family dwelling, two-family dwelling, three-family dwelling, or multiple-family dwelling, and may include a mini-home or mobile-home;

“resource use” means a use linked to the primary industry sector including agriculture, aquaculture, forestry, mining and related uses;

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

“rooming or boarding house” means an owner-occupied single-family dwelling in which accommodations or accommodations and meals, are provide on a long-term and continuous basis to the public;

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

“salvage yard” means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another person;

“sawmill” means a building or structure used to process wood from sawlogs to another use and may include land used for open storage of raw or

finished lumber or products but does not include a portable milling machine used on a temporary basis;

“single-family dwelling” means a residential dwelling containing only one dwelling unit;

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

“self-service storage establishment” means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods;

“seniors residence” means a residential dwelling in which dwelling units are rented to persons of advanced age, and in which food and personal care services may or may not be provided;

“shooting range” means a range for shooting firearms which complies with all federal and provincial legislation and guidelines;

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

“solid waste transfer station” means a facility where waste materials are collected for shipment and may be sorted and/or prepared for transportation;

“special care home” means a secondary use in an owner-occupied single-family dwelling used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed ten (10) and the facility complies with the applicable legislation;

“special events license” means a special events license as per the *Liquor Control Act of New Brunswick*;

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

“structure” means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls or any sign, but does not include fences which do not exceed two metres in height;

“three-family dwelling” means a residential dwelling containing no more than three dwelling units;

“tourism use” means the use of land, building or structures for the purposes of leisure, recreation or hospitality services for and accommodation of the travelling public and, without limiting the generality of the forgoing may include an inn, bed and breakfast, camping facility, cottage establishment, recreational vehicle park, mini-golf, golf course, artisan shops, and a hotel or motel;

“two-family dwelling” means a residential dwelling containing no more than two dwelling units;

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

“warehouse” means any use concerned with storage, distribution, or transportation of goods and services or related activities;

“watercourse” means a waterbody recognized under the *Clean Water Act* and may include the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the

atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not;

“wetland” means land that

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

“width” means, in relation to a lot

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

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

2.0 PURPOSE, ADMINISTRATION, CLASSIFICATION & CONFORMITY

Purpose

2.1(1) The purpose of Part C is

- (a) to divide the Area referred to in Part A, paragraph 2 into zones;
- (b) to prescribe, subject to powers reserved to the Planning Advisory Committee,
 - (i) the purpose for which land, buildings, and structures in any zone may be used, and
 - (ii) standards to which land use and the placement, erection, alteration, and use of buildings and structures must conform; and
- (c) to prohibit
 - (i) land use, and
 - (ii) use, placement, erection, or alteration of buildings or structures; other than in conformity with the purposes and standards mentioned in paragraph (b).

General

2.2(1) Council may, by by-law, amend this rural plan under section 74(1) of the *Community Planning Act*, or rezone a lot, subject to terms and conditions, in accordance with section 39 of the said Act.

2.2(2) The powers of the Council, Planning Advisory Committee, Development Officer and Building Inspector are contained within the *Community Planning Act*, the *Municipalities Act* and other Rural Community by-laws and are not restricted, in any way, to those of this by-law.

Specific Powers of the Planning Advisory Committee

2.3(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 Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.

2.3(2) The Planning Advisory Committee may, subject to such terms and conditions as it considers fit,

- (a) authorize, for a temporary period not exceeding one year and for an additional period not exceeding one year, a development otherwise prohibited by this By-law, more fully described under paragraph 34(3)(h) of the *Act*;
- (b) require the termination or removal of a development authorized under paragraph (a) at the end of the authorized period;
- (c) permit, as provided for under section 35(1)(a), a proposed use of land or a building that is otherwise not permitted under the 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 situated; or
- (d) permit, as provided for under section 35(1)(b), such reasonable variance from the requirements of the By-law provisions falling within paragraph 34(3)(a) of the Community Planning Act as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of the By-law and any plan or statement hereunder affecting such development.

2.3(3) In all zones created by this By-law, the use of land for the purposes of the supply of

- (a) electric power;
- (b) natural gas;

- (c) water supply and storage;
- (d) sanitary sewage disposal and treatment of sewage generated within the planning area;
- (e) drainage, including storm sewers;
- (f) streets; and
- (g) all other public or private utilities;

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose in respect of which the Planning Advisory Committee may, subject to subsection 34(5) of the *Act*, impose terms and conditions or council may prohibit according to section 34(3)(d) of the *Act* the erection of any building, where compliance with the terms and conditions imposed cannot reasonably be expected.

2.3(4) Staking and claiming is permitted in all zones subject to other legislation including the *Environmental Impact Assessment Regulation - Clean Environment Act*, *New Brunswick Regulation 87-83*, *Mining Act*, the *Bituminous Shale Act*, and the *Oil and Natural Gas Act*.

Powers of Council

- 2.4(1) A person who seeks to have this By-law amended shall
- (a) address a written and signed application to the Council; and
 - (b) pay a fee of \$1500.00 to the Rural Community of Campobello Island.
- 2.4(2) Upon consideration, the Council may return to the applicant all or any part of a fee mentioned in paragraph (1)(b).
- 2.4(3) An application shall include such information as may be required by the Council or Planning Advisory Committee.
- 2.4(4) Unless, upon investigation, the Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been previously refused by the Council, no further application may be considered by the Council for one (1) year period after such application,
- (a) in the case of re-zoning, is in respect of the same area of land with which the original application was concerned; or
 - (b) not being in relation to re-zoning, is similar to the original application.

Fees

- 2.5(1) A person who seeks to have this Plan amended, including zoning, land uses, land subdivision, and variances shall address a written and signed application to the Administrative Clerk and pay a fee payable to the Rural Community of Campobello Island,
- (a) \$250.00 All Variances (dimensional, temporary, similar use, development officer);
 - (b) \$250.00 Non-Conforming Use Application;
 - (c) \$250.00 Terms & Conditions Application;

- (d) \$250.00 Temporary Permit;
- (e) \$200.00 Subdivision Type 1 + \$25.00/lot;
- (f) \$500.00 Subdivision Type 2 (road or private access) + \$50.00/lot;
- (g) \$500.00 Special PAC or Council Meeting; and
- (h) \$200.00 Parcel being added.

2.5(2) A person who makes a document request shall address a written and signed application to the Administrative Clerk and pay a fee payable to the Rural Community of Campobello Island,

- (a) \$100.00 Documents (deeds, leases, exemptions, easements, mortgages, zoning confirmation); and
- (b) \$200.00 Zoning Compliance.

Building and Development Permits

2.6(1) No person shall undertake a development as defined by the *Community Planning Act*, without acquiring a development permit issued by the Development Officer and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.

2.6(2) No person shall undertake or continue the building, locating or relocating, demolishing, altering or replacing of main or accessory buildings or structures without acquiring a building permit issued by the Building Inspector and no building permit shall be issued unless the proposed development conforms to all provisions of this By-law.

2.6(3) Any issued development or building permit shall remain in force for a period of one (1) year from the date of issue or until the project has been completed or is discontinued for a period of 6 (six) months and any permit may be re-issued upon request, subject to review by the Development Officer or Building Inspector.

2.6(4) The development permit fee will be waived where a building permit is required.

2.6(5) No permit waiver may be issued under this By-law unless a fee of \$25.00 has been paid.

2.6(6) No development permit may be issued under this By-law unless a fee of \$50.00 has been paid.

Classification

2.7(1) For purposes of this By-law, the designated area is divided into zones as delineated on the map attached as Schedule "A", entitled "Rural Community of Campobello Island Zoning Map".

2.7(2) The zones mentioned in subsection 2.7(1) are classified and referred to as follows:

- (a) Mixed Use Zone – "MU" Zone; and
- (b) Park Zone – "P" Zone.

Conformity and Non-Conforming Uses

2.8(1) In any zone, all land shall be used, and all buildings and structures, or parts of said buildings and structures, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise provided, the parts of this By-law pertaining to such zone.

2.8(2) Uses which are legal non-conforming are subject to section Sections 40 and 41 of the *Community Planning Act*.

Development within the Roosevelt Campobello International Park and Herring Cove Provincial Park

2.9(1) All Acts and Regulations dealing with the Roosevelt Campobello International Park and Herring Cove Provincial Park, lying within the area designation of this By-law, are applicable as specified within the appropriate Act or Regulation.

Subdivision of Land

2.10(1) The provisions of the *Provincial Subdivision Regulation – Community Planning Act*, being New Brunswick Regulation 80-159 under the *Community Planning Act*, respecting the subdividing of land shall apply.

3.0 GENERAL PROVISIONS

Lot Sizes

3.1(1) No building or structure may be built, located or relocated altered or replaced on a lot unless the lot meets the requirements of this section.

3.1(2) Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall have and contain:

- (a) for a single-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 545 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 818 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 1,090 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 six,
 - (ii) a depth of at least 30 metres, and
- (e) an area of at least 1,272 square metres, plus 68 square metres for each dwelling unit in excess of four.

3.1(3) Where a lot is serviced by a sewer system for public use, and not by a water system for public use, the lot shall have and contain:

- (a) for a single-family dwelling or a building or structure not used for residential purposes,
 - (i) a width of at least 23 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 672 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) an area of at least 1,022 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 1,363 square metres; and
- (d) for a multi-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
- (e) an area of at least 1,545 square metres, plus 102 square metres for each dwelling unit in excess of four.

3.1(4) Where a lot is not serviced by a sewer system for public use, the lot,

- (a) shall have and contain
 - (i) a width of at least 54 metres,
 - (ii) a depth of at least 38 metres, and
 - (iii) an area of at least 4,000 square metres;

- (b) shall not be used as the location for a two-family dwelling, three-family dwelling or multi-family dwelling.

3.1(5) Notwithstanding subsection (4), where a lot is to be serviced by a private sewage disposal system and has been approved by the district medical health officer, the lot may be used as the location for:

- (a) a two-family dwelling where the lot has and contains,
 - (i) a width of at least 59 metres abutting a public street, and
 - (ii) an area of at least 5,350 square metres;
- (b) three-family dwelling where the lot has and contains,
 - (i) a width of at 63 metres abutting a public street, and
 - (ii) an area of at least 6,700 square metres;
- (c) a multi-family dwelling, where the lot has and contains,
 - (i) a width of at 68 metres abutting a public street, and
 - (ii) an area of at least 8,050 square metres; or
- (d) a group home or special care home, where the lot abuts a public street.

Development on Undersized Lots

3.2(1) New buildings and structures, on undersized lots in existence prior to the adoption of this By-law, may be permitted provided that,

- (a) the undersized lot meets all other provisions of this By-law for the zone in which it is located;
- (b) the undersized lot meets all other applicable Provincial regulations and requirements; and
- (c) any new septic system installed be approved by the Department of Health.

Dwellings Per Lot

3.3(1) No more than one dwelling, shall be erected on any lot except for the following:

- (a) a garden suite, where permitted;
- (b) a mobile or mini home park; and
- (c) a lot wherein dwellings are so located that they would be in conformity with the provisions of this By-law if the lot was divided into separate lots, each abutting a publicly-owned street and containing one dwelling, as per subsection 11(2) of the *Provincial Building Regulation – Community Planning Act*.

Lot Occupancy

3.4(1) No single-family or two-family dwelling may occupy more than 35% of the area of the lot on which they are located.

Location of Buildings and Structures on a Lot

3.5(1) No building or structure may be placed, erected or altered in any zone unless such building or structure conforms to the following setback requirements:

- (a) arterial or collector highway – 15 metres from the highway limit;
- (b) local highway or local road – 7.5 metres from the highway limit; and
- (c) side or rear yard – 3 metres from each yard limit.

Size of Dwellings and Dwelling Units

3.6(1) No dwelling or dwelling unit may be placed, erected or altered so that it has a ground floor area less than 45 square metres.

3.6(2) For the purposes of this section, ground floor area or floor area does not include garages, carports, balconies, porches, verandas, breezeways, approach halls or, except, for those completely contained in a dwelling unit, stairways.

Sewage Disposal

3.7(1) Sewage shall be discharged into a sewer system for public use approved by the Department of Environment and the Department of Health or a private system approved by the Department of Health.

Garden Suites

3.8(1) Where permitted, a garden suite shall,

- (a) be removed from the property within six months should it cease to be occupied by the person or persons intended; and
- (b) be constructed, erected or placed in such a manner as to be removable from the lot.

Home Occupations

3.9(1) Where permitted, a home occupation may be conducted subject to the following conditions:

- (a) the rural residential character of the building in which the home occupation is conducted is maintained;
- (b) the home occupation shall not consist of a salvage yard;
- (c) there shall be only incidental and minimal use or storage of toxic or flammable materials; and

- (d) that the service not produce smoke, fumes, dust, obnoxious odours, noise, vibration, heat, humidity, glare or electronic interference exceeding that normally produced by a residential use.

Parking Standards

3.10(1) Any building or structure erected, enlarged or altered after the adoption of this By-law shall be provided with maintained off-street parking upon the same lands as the building or structure is located, in accordance with the requirements of this section.

3.10(2) Off-street vehicular parking spaces, not less than 18 square metres in area and with adequate access, shall be provided as follows:

- (a) for a residential dwelling – at least 1 space for each dwelling unit;
- (b) for a retail store at least 1 space for every 18 square metres of public floor area;
- (c) for a business or professional office, medical or dental clinic – at least 1 space for every 18 square metres of floor area;
- (d) for a gas bar – 1.25 spaces per pump and 1 space per employee;
- (e) for a gas bar with convenience store – 1.25 spaces per pump, 1 space per employee, plus 1 space for every 18 square metres of public floor space;
- (f) for a personal service establishment or repair shop – 1 space for every 27 square metres of floor area used for providing services;
- (g) for an institutional use such as a community hall, church, or place for public assembly – 1 space for every 10 square metres of floor area;

- (h) for a group home, special care facility or special care home – 1 space per 2 beds, 1 space per employee, in addition to spaces required for single family dwelling;
- (i) for a daycare centre or daycare home – 1 space for every 30 square metres of floor area, 1 space per employee, in addition to 1 space per dwelling unit, if required;
- (j) for a eating establishment, full-service – the greater of 3 parking spaces or 20 parking spaces per 100 square metres or gross commercial floor area;
- (k) for a eating establishment, take-out – the greater of 3 parking spaces or 10 parking spaces per 100 square metres of gross commercial floor area;
- (l) for a campground or recreational park – 1 parking spaces per campsite;
- (m) for an educational facility – the greater of 2 parking spaces per classroom, 1 parking space per 3 square metres of floor area in the gymnasium or auditorium;
- (n) for an industrial occupancy – 1 space for every 36 square metres of floor area or storage space;
- (o) for a bed and breakfast or inn – 1 space per sleeping unit available for rent, plus parking requirements for a single family dwelling;
- (p) hotel or motel – 1 parking space per bedroom plus 1 parking space per 10 square metres of public use area;
- (q) for any other non-residential use not previously mentioned – 1 space per 30 metres of gross commercial floor area; and
- (r) for a warehouse, storage yard or transportation yard, one space for every 36 square metres of storage space.

3.10(3) An off-street parking space shall be,

- (a) at least 6 metres in length and not less than 3 metres in width;

- (b) parking areas and approaches shall be surfaced with concrete, asphalt, paving stone, crushed stone, gravel or a combination thereof; and
- (c) readily accessible from the nearest street.

3.10(4) All uses specified under this section requiring ten (10) or more parking spaces shall provide a minimum of one (1) barrier free parking space, and one (1) additional barrier free space for each additional 25 parking spaces required.

3.10(5) Barrier free parking spaces shall be,

- (a) provided and considered as part of the number of spaces required for a project;
- (b) designated as such by a sign or other marking;
- (c) located to provide the most convenient access to the use; and
- (d) at least 7.3 metres in length and not less than 3.8 metres in width.

Loading Standards

3.11(1) Off-street spaces not less than nine metres long, three and one-half metres wide and four metres high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the following requirements:

- (a) one space for a building or structure with a total floor area up to and including 1727 square metres;
- (b) two spaces for a building or structure with a total floor area over 1727 square metres and up to and including 4545 square metres; and
- (c) an additional space for each 4545 square metres, or fraction thereof, of total floor area thereof in excess of the first 4545 square metres.

Signs

3.12(1) Other than a traffic control device as defined in the *Motor Vehicle Act*, a sign permitted in accordance with the *Posting of Lands Regulation* under the *Fish & Wildlife Act*, a sign warning against a dangerous situation, a legal notice or a store window sign advertising goods for sale therein, the use of land or a building or structure for the placing, erecting or displaying of a sign not expressly permitted by this section is permitted only if approved by the Planning Advisory Committee and only on compliance with such terms and conditions as may be imposed by such Advisory Committee.

3.12(2) Signs shall,

- (a) be maintained; and
- (b) comply, where applicable, with the *Highway Advertisements Regulation - Highway Act*.

3.12(3) No sign shall,

- (a) have a size, location, content, colouring or manner of illumination, which does or may obstruct the view or inhibit the safe movement of traffic;
- (b) be designed so as may be confused with, an official traffic sign, signal or device;
- (c) display lights which resemble the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
- (d) obstruct a fire escape, door, window, or other required exit; or
- (e) be permitted where its faces, supports, electrical system or anchorage to become dilapidated or in such a state of disrepair to constitute a hazard or which no longer advertises a bono fide business or service on the premises.

3.12(4) Provisions in this By-law regarding signage are not intended to be retroactive and incumbent upon existing signs. However the relocation, significant alteration or removal of existing signs shall render such sign subject to the applicable provisions of this By-law.

Buffering

3.13(1) Any commercial or industrial use located adjacent to a residential use shall have, at or near the boundary of the lot on which it is situated, a minimum of a 5 metre wide buffer delineated with a fence or landscaped buffer.

Locating of Commercial and Industrial Development

3.14(1) Larger-scale commercial and industrial uses shall be located adjacent to arterial and collector highways.

Agricultural Uses

3.15(1) The raising or keeping of livestock on a lot which is less than 2 hectares in size may be subject to terms and conditions as may be set by the Planning Advisory Committee.

4.0 ZONING PROVISIONS

Mixed Use Zone – “MU” Zone

Permitted Uses

4.1(1) In a “Mixed Use” Zone, any land, building or structure may be used for no other purpose than,

- (a) one or more of the following main uses,
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a three-family dwelling,
 - (iv) a multi-family dwelling,
 - (v) an institutional use,
 - (vi) a commercial use, subject to sections 3.13 and 3.14,
 - (vii) a nursing home,
 - (viii) a community care facility,
 - (ix) an outdoor recreational use or open space,
 - (x) an aquaculture operation,
 - (xi) an agricultural use, subject to section 3.15,
 - (xii) a contractor's yard,
 - (xiii) a marina,
 - (xiv) a forestry use,
 - (xv) a fishing and fishery support use, and
- (b) the following uses, subject to terms and conditions as may be set by the Planning Advisory Committee and, where applicable, to the provisions of section 3 of this By-law,
 - (i) a solid waste transfer station,
 - (ii) a redemption waste disposal site,

- (iii) a quarry or gravel pit,
- (iv) boatbuilding,
- (v) a beverage room,
- (vi) a ferry slip, and
- (c) one or more of the following secondary uses,
 - (i) a home occupation,
 - (ii) a community care home,
 - (iii) a garden suite, and
- (d) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.

Park Zone – “P” Zone

Permitted Uses

4.2(1) In a “Park” Zone, any land, building or structure may be used for no other purpose than,

- (a) one or more of the following main uses,
 - (i) an eating establishment,
 - (ii) an outdoor recreational use or open space,
 - (iii) a marina,
 - (iv) a tourism use,
 - (v) a single-family dwelling, and,
- (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this section.