

# **VILLAGE OF BELLEDUNE RURAL PLAN**

By:

The Council of the Village of Belledune

In association with:

The Belledune District Planning Commission

**MARCH 2008.**

(Note: this is a consolidated version of the rural plan as of September 14, 2015. This version has no legal value. In case of discrepancy between this consolidated version and the original by-laws, the by-laws shall prevail)

## TABLE OF CONTENT

<b>PART A : RURAL PLAN – TITLE AND AREA DESIGNATION.....</b>	<b>1</b>
<b>PART B: OBJECTIVES OF THE RURAL PLAN .....</b>	<b>2</b>
<b>1.0 INTRODUCTION .....</b>	<b>2</b>
1.1 Background.....	2
1.2 Implementation .....	2
1.3 Content of the rural plan .....	3
1.4 Background Information.....	5
1.5 Existing Land Use.....	14
<b>2.0 GOALS AND OBJECTIVES OF THE RURAL PLAN.....</b>	<b>16</b>
2.1 Goals and Objectives .....	16
2.2 Vision (in year 2013).....	19
<b>3.0 CONSERVATION OF THE PHYSICAL ENVIRONMENT &amp; BIODIVERSITY ..</b>	<b>20</b>
Background Information .....	20
3.1 The Geology and Surficial Geology (soils) .....	20
3.2 The Topography.....	25
3.3 The Hydrographic system.....	26
3.4 The natural environment and the environment constraints .....	29
3.4.1 The Coastal Zones .....	32
3.4.2 Wetlands.....	33
3.4.3 The Ecologically (Environmentally) Significant Areas (ESA).....	35
3.4.4 The Protected Natural Area of the Jacquet River Gorges.....	37
3.4.5 Habitats for rare, threatened or dangerous species, Special wildlife Habitats....	38
3.5 Anthropogenic (man-made) activities.....	41
<b>4. TRANSPORTATION PLAN</b>	
Background information.....	45
4.1 Road hierarchy (Road Classification) .....	47
4.2 Road improvement and missing links.....	48
4.3 Turgeon Road .....	49
4.4 On-street parking .....	49

4.5	Road designation – Public Road and Private access .....	50
<b>5.0</b>	<b>MUNICIPAL SERVICES AND PUBLIC UTILITIES .....</b>	<b>52</b>
	Background: .....	52
5.1	Protection of Water Supply: Wellfield and Watershed .....	53
5.2	Wastewater Management.....	54
5.3	Setback requirement (unserved development) .....	55
5.4	Municipal and Public Utilities .....	56
<b>6.0</b>	<b>RESIDENTIAL USES.....</b>	<b>57</b>
6.1	Types and density of housing .....	57
6.2	Mobile homes and mini homes .....	60
6.3	Secondary Apartment .....	61
6.4	Garden Suite (Granny flat) .....	62
6.5	In-Law Suite .....	62
6.6	Community Placement Residential Facility.....	63
6.7	Home Occupation, Retail Sales in a Dwelling and Home Business .....	64
6.8	Affordable Housing .....	65
<b>7.0</b>	<b>COMMERCIAL USES .....</b>	<b>66</b>
7.1	Designation and Divisions .....	66
<b>8.0</b>	<b>INSTITUTIONAL USES .....</b>	<b>68</b>
8.1	Mixed Zones .....	68
<b>9.0</b>	<b>INDUSTRIAL USES .....</b>	<b>69</b>
9.1	Designation of the industrial zones.....	69
9.2	The Port of Belledune .....	71
<b>10.0</b>	<b>RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE .....</b>	<b>73</b>
10.1	Recreotourism opportunities.....	73
10.2	Designation of Parks and Open Space .....	76
10.3	Recreational Master Plan .....	78
<b>11.0</b>	<b>RURAL AREAS (OR ZONES) AND RESOURCE USES .....</b>	<b>80</b>

11.1	Permitted Uses .....	80
11.2	Agriculture .....	80
11.3	Excavation .....	84
11.4	Top Soil Removal .....	86
11.5	Forestry .....	87
<b>12.0</b>	<b>HERITAGE BUILDING AND SITE OF HISTORICAL OR ARCHEOLOGICAL INTEREST .....</b>	<b>90</b>
12.1	Design, Character and Appearance of properties, buildings and structures.....	91
<b>13.0</b>	<b>RECREATIONAL VEHICLES .....</b>	<b>93</b>
	<b>PART C – ZONING PROVISIONS .....</b>	<b>94</b>
	<b>ADMINISTRATION.....</b>	<b>94</b>
	Section 1: Zoning Map and Interpretation .....	94
	Section 2: Purpose .....	114
	Section 3: Powers of the Council.....	114
	Section 4: Special Powers of the Planning Commission .....	115
	Section 5: Amendments to the By-law .....	115
	Section 6: Development Permit .....	115
	<b>GENERAL PROVISIONS .....</b>	<b>117</b>
	<b>PROVISIONS OF ENVIRONMENTAL NATURE.....</b>	<b>117</b>
	Section 7: Development near a Watercourse .....	117
	Section 8: Coastal Development.....	118
	Section 9: .....	
	Section 10: Residential Development near a Lagoon or Treatment Plant .....	119
	<b>PROVISIONS RELATED TO LOTS AND LAND.....</b>	<b>119</b>
	Section 11: Frontage on a Public Street.....	119
	Section 12: Connection to the Public Sanitary Sewer System and Water Supply System .....	119
	Section 13: Lot Size.....	120
	<b>PROVISIONS ABOUT THE DESIGN, CHARACTER AND APPEARANCE.....</b>	<b>123</b>
	Section 14: Landscaping.....	123
	Section 15: Size of Dwelling and Dwelling Units .....	123
	Section 16: Building and Structure Projections .....	124
	Section 17: Number of Main Building or Structure on a Lot.....	125
	Section 18; Lesser Horizontal Dimension .....	125
	Section 19: Site Plan for Land Used for Major Projects.....	125
	Section 20: Standards concerning the Design, Character and Appearance of Land, Yards, Buildings and Structures .....	126
	Section 21: Outside Storage and Display.....	128
	Section 22: Sight Triangle .....	129

Section 23: Semi-detached Dwellings and Townhouse Dwellings .....	129
Section 24: Attached Garage and Carports .....	129
<b>PROVISIONS ABOUT PARKING AND LOADING ZONES .....</b>	<b>129</b>
Section 25: Off-street Parking Spaces .....	129
Section 26: Parking Lots.....	132
Section 27: Parking Spaces for the Mobility Disabled .....	133
Section 28: Loading and Unloading areas .....	133
<b>PROVISIONS ABOUT CERTAIN USES.....</b>	<b>134</b>
Section 29: Intermittent Uses.....	134
Section 30: Home Occupation .....	135
Section 31: Home business .....	137
Section 32: Retail Sale outlet in a Dwelling .....	138
Section 33: Bed and Breakfast.....	139
Section 34: General provisions applicable to Home occupation, Home Business, Retail Store outlet in a dwelling and Bed and Breakfast .....	139
Section 35: Camping Site (campsite) for Recreational Vehicles .....	141
Section 36: Service station.....	143
Section 37: Transmissions Towers and Telecommunication Towers .....	143
Section 38: Scrap yard and Junk yard.....	143
Section 39: Mini/Mobile Home Site and Parks .....	144
<b>PROVISIONS CONCERNING EXCAVATION .....</b>	<b>147</b>
Section 40: Cutting and Filling.....	147
Section 41: Excavation of Mineral Aggregate .....	147
<b>PROVISIONS ABOUT SECONDARY AND ACCESSORY USES, BUILDING AND STRUCTURES.....</b>	<b>152</b>
Section 42: Accessory Buildings and Structures .....	152
Section 43: Secondary Apartment .....	152
Section 44: In-Law Suites.....	153
Section 45: Garden Suite .....	154
Section 46: Community Placement Residential Facilities .....	156
Section 47: Accessory Building or Structure used for Agricultural Purposes .....	156
Section 48: Swimming Pool .....	157
Section 49: Enclosures for Swimming Pools.....	157
Section 50: .....	
Section 51: Fences .....	160
Section 52: Private Stables .....	161
Section 53: Equestrian Centre.....	162
Section 54: Accessory Building Erected Prior to a Main Building.....	163
Section 55: Temporary Buildings for Construction Sites .....	164
Section 56: Retaining Walls .....	164
Section 57: Kennels .....	164
Section 58: Vehicle Bodies and Trailers.....	165
Section 59: .....	
Section 60: Greenhouses on a Residential Lot.....	166
Section 61: .....	
Section 62: Small Wind Energy Systems .....	166
<b>PROVISIONS ABOUT SIGNS AND SIGNAGE .....</b>	<b>168</b>

Section 63: Signs .....	168
63.1: General Provisions for Signs .....	168
63.2: Free-standing Signs .....	171
63.3: Fascia Wall Signs .....	172
63.4: Mobile Signs or Readograph Signs.....	172
63.5: Projecting Signs.....	173
63.6: Billboards Signs.....	173
63.7: Special Sign .....	174
63.8: Maintenance.....	175

**PROVISIONS OF MISCELLANEOUS NATURE ..... 176**

Section 64: .....	
Section 65: Special Conditions .....	176
Section 66: Heating Wood, Construction Wood and Wood for Paper Mill.....	177

**ZONES**

Section 67: Classification .....	178
Section 68: Conformity.....	179
Section 69: Interpretation.....	179
Section 70: Residential Type 1 – R-1 Zone .....	180
Section 71: Residential Type 2 – R-2 Zone .....	183
Section 72: Mixed Type 1 – MX-1 Zone.....	186
Section 73: Mixed Type 2 – MX-2 Zone.....	190
Section 74: Industrial Type 1 – IND-1 Zone .....	194
Section 75: Industrial Type 2 – IND-2 Zone .....	197
Section 76: Open Space, Conservation Area and Parks Zone – OS Zone .....	200
Section 77: Rural Type 1 – RU-1 Zone .....	201
Section 78: Rural Type 2 – RU-2 Zone .....	205

**BY-LAW NO. 17-01-2008**

**A BY-LAW TO ADOPT THE RURAL PLAN OF THE VILLAGE OF BELLEDUNE  
Under the  
*COMMUNITY PLANNING ACT***

**PART A: RURAL PLAN – TITLE AND AREA DESIGNATION**

Under the authority vested in it by section 27.2 of the *Community Planning Act*, the Municipal Council of Belledune, duly convened, enacts as follows:

1. This By-law may be cited as the "*Rural Plan of the Village of Belledune*".
2. The territory outlined in Schedule A, being the boundaries of the Village of Belledune, in the Parishes of Durham and Beresford, and in the Counties of Restigouche and Gloucester, is designated for the purposes of the adoption of a rural plan and is the area to which this By-law applies.
3. Schedule A entitled "Village of Belledune Zoning Map" and subsequently amended by Maps 17-02-2008, 17-04-2009, 17-05-2010 and 17-06-2011 is an integral part of the rural plan as described in Section 2. of this By-law.
4. By-law no. 12-10-96 entitled "A Municipal Plan By-law" enacted on January 13, 1997, and all amendments thereto is hereby repealed.
5. By-law no. 17 entitled "Zoning By-law" enacted on January 13, 1997, and all amendments thereto is hereby repealed.

FIRST READING (by title): February 18, 2008

SECOND READING (by title): February 18, 2008

THIRD READING (by title) April 7, 2008

The readings are in accordance of section 12 of the Municipalities Act

ENACTMENT: April 7, 2008

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Mayor

Clerk

(municipal seal)

## **PART B: OBJECTIVES OF THE RURAL PLAN**

### **1.0 INTRODUCTION**

#### **1.1 Background**

This document constitutes the Rural Plan of the Village of Belledune prepared and enacted under the Community Planning Act of New Brunswick. This plan replaces the Municipal Plan and the zoning By-law adopted in 1997 following the amalgamation of Belledune, Jacquet River and the surrounding non-incorporated areas.

The main goal of the rural plan is to provide a framework to guide the physical growth of the village in term of land use development. The plan intends to manage growth and development in an orderly fashion and in a manner that is compatible with the expectations of Council and the local population. For Council, those planning rules and principles are necessary to ensure that each and every citizen may live in a community that aims to preserve and enhance their well-being at every level: family, social, economic, environmental, etc.

The Rural Plan serves as a framework for making decisions affecting the future development of the Village. It also provides a foundation on which decisions can be made about land use development such as the issuance of building permits, subdivision approvals and rezoning applications.

Land should be viewed as a non renewable and a valuable resource. Any development may have long term impacts on the physical, economical, environmental and social development of the community. For that reason, land uses and development approvals need to be planned carefully. Incompatible land uses can also have adverse and negative impacts on surrounding properties. For that reason, several land use functions or activities need to be separated and segregated from each others.

#### **1.2 Implementation**

The content, the adoption and the enforcement of this rural plan are governed by the Community Planning Act. This document was prepared under the direct supervision of Council with the assistance of the staff members of the Belledune District Planning Commission.

The implementation of the rural plan depends on the financial, the political and the legal means at the disposition of the community. Other legal and normative tools will be adopted by council to implement the rural plan such as the zoning provisions that are part of this document, the subdivision by-law and the building by-law.

Also, it is expected that several provincial policies will come into effect within the next years as they were under preparation when this rural plan was drafted. Some of the proposed policies like the Coastal Policy and the Wetland Policy will have major implications on the future development of the community.

The preparation and the adoption of this rural plan by the Village of Belledune is not an end by itself but a beginning. Like any other plan, its success depends on the community and its officials to subscribe and to implement the policies, the proposals and zoning provisions herein contained. The rural plan is a legal document that will serve to direct the physical and the socioeconomic development of the community. The plan and its effects will not be achieved overnight. The cumulative effects of the plan will be appreciated over the long run.

The zoning map that comes with the Rural Plan is the visual representation of the Village's future development. However, a map is only a map. It is the combination of the various land-use activities with its living population that will give its distinctive character to the community. There are numerous land uses which, when combined, create the character of a community. The land will be in competition for various land uses: residential, commercial, industrial, natural resources (farming, forestry and aggregates), open space and public institutions such as schools, health centres and religious uses. How the various uses are balanced and the intensity to which each land use is developed will determine the future character of the community.

The Council is the main architect of the plan. Its role is to guide and direct development for the benefits of the whole community. The plan recognizes that the residents are the main stakeholders of the community. At the same time, the plan also recognizes that the community needs the participation of the private sector to invest into the development of the community. By private sector, we mean investors at each and every level from the local resident who wants to develop his small home business to the international consortium who wants to locate within the industrial park. The Village is now competing in a global market. We are not just competing against other communities across Canada and North America. However, with its year-round deep-sea port, the Village is fortunate to have a direct window over the world.

The Village of Belledune has mandated the Belledune District Planning Commission to administer the rural plan and the other planning regulations. The planning commission disposes of various tools to implement the plan: building and development approvals (permits), subdivision control (subdivision plans), certificate of conformity (zoning), minor variance, etc.

### **1.3 Content of the Rural Plan**

Like most planning exercises, the Rural Plan rests on a series of Goals and Objectives that are proposed in Section 2. To move towards these objectives, the plan spells out a series of Policy and Proposal Statements which lay the foundation and the direction for the zoning provisions. The concept of Policies and Proposals finds its roots in the Community Planning Act. Policy Statements are general statements that translate the intents and reflect the position of Council with respect to the future development of the village. Proposals are more detailed statements that indicate how the various policies should be implemented.

The Policy statements contained in this plan are regrouped under the headers entitled "Policies and Proposals" and begin with the following string of words: *The Village of Belledune ....*

The proposals that Council considers advisable for the implementation of the policies are also regrouped under the headers entitled "Policies and Proposals" and are formulated as follows: *It is proposed that ...*

The Community Planning Act prescribes that the rural plan shall address the following uses and elements:

- Residential uses,
- Commercial uses,
- Institutional uses,
- Recreational facilities and Public open space,
- Resource uses,
- Protection of water supplies,
- Heritage building and Site of historical and archaeological interest, and
- Conservation of the physical environment.

It is important to note that the adoption of a rural plan does not commit the village or the Province to undertake any proposal in the rural plan (Section 27.2(10) of the Community Planning Act).

This rural plan is comprised of the 5 main components that constitute the basic of land use development in the community:

- The socioeconomic background,
- The physical environment,
- The transportation network,
- The utility system, and
- The land-use patterns and functions.

It was decided by council early in the planning process that this plan would focus on land use development. Other strategic activities such as economic development are not the main topic of this plan, although, it is recognized that physical development, social development and economic development are fully integrated and interrelated. It shall be reminded that an Economic Development Strategy was prepared in the context of the previous municipal plan. In addition, Council has retained the services of a consulting firm to assist them in working on a Strategic Plan. The Economic Development Strategy was submitted on October 2007 by Stonehouse Marketing Group.

Despite the fact that it is a legal document, the policies and the proposals contained in the Rural Plan are advisory in nature rather than prescriptive. That function is performed by the zoning provisions and the zoning map and by the other planning documents adopted by the village such as the Subdivision By-Law and the Building By-Law. The zoning provisions and the other by-laws and maps are the legal tools that will serve to implement the Rural Plan.

## 1.4 Background Information

The Background Study and the general goals and objectives contained in the previous municipal plan have been reviewed. Much of the findings and recommendations contained in the Background Study of 1995 remain relevant today. This section of the plan will provide an update of the most relevant socio-economic data. Rather than producing a new background study, Council has decided to integrate relevant background information within the Rural Plan as Issue statements. These issues serve as preambles to the formulation of Policies and Proposals Statements for various topics.

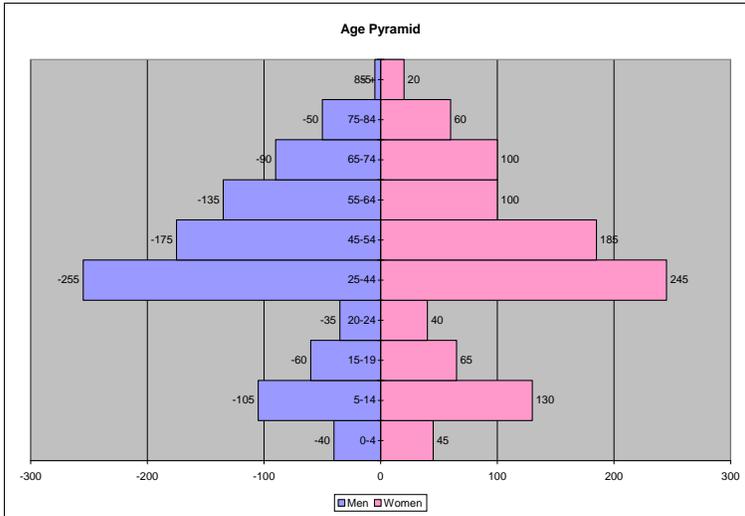
### Socio-Demographic Data:

In 2001, the Village of Belledune had a population of 1,923 people compared to 2,060 in 1996, thus representing a diminution of 6.7% over a period of five years. In fact, the population of the Parish of Durham that comprises Belledune and the surrounding localities fell by 15.4% between 1971 and 1996. In comparison, the population of the Chaleur Region grew by 10.1%, but at the same time, the City of Bathurst lost 17.1% of its population.

This population occupies a territory of 189.03 km<sup>2</sup>, thus representing a density of 10.2 people per km<sup>2</sup>. In comparison, the density is 457 pop/ km<sup>2</sup> in Petit-Rocher and 152 pop/ km<sup>2</sup> in Bathurst. The density of the population of the Chaleur region is 11.8 inhabitants per km<sup>2</sup> versus a density of 10.3 pop/ km<sup>2</sup> for the whole province. The Village counted 905 private dwelling units in 2001.

The population continues to diminish and to grow old rapidly as shown in the age pyramid that follows. As we can see, the base of the pyramid is very narrow and no longer supports the adult population. This is an indication that there are fewer youths forming the base of the community structure. A few decades ago (during the baby boom generations), the graph was looking like a pyramid given the fact that youths were in majority.

**Figure 1: Age Pyramid of the Village of Belledune**

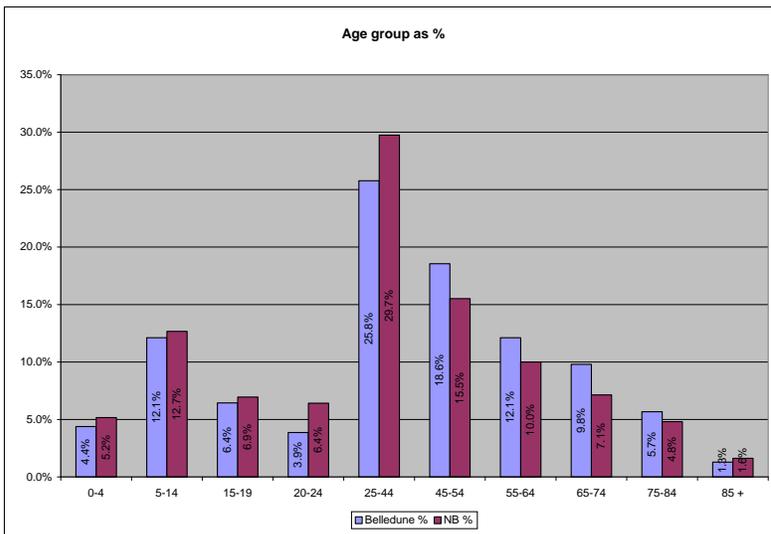


This shape is typical to what is happening at the provincial level and the aging of the population is a well-known trend. This social trend will have definite impacts on various aspects of community development: health care, recreational services, housing types, personal income and transfer payments, etc.

83.1% of the local population is over 15 years of age compared to 82.2% for New Brunswick. However, in 2001, the median age was much older in Belledune (43.3 years old) compared to 38.6 for New-Brunswick.

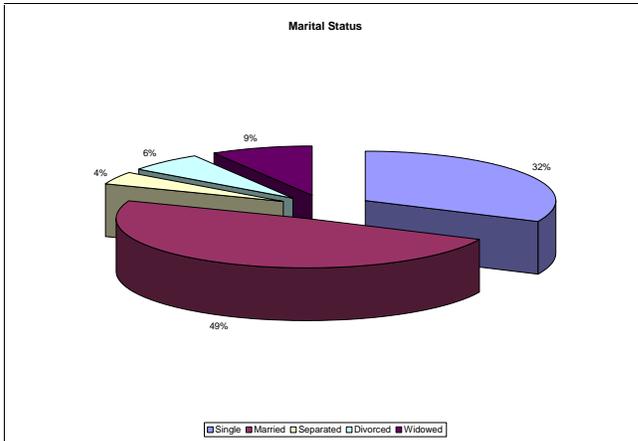
The community has lost much of its young adults in the "20-24 year old" bracket. Many youths leave the community and the region to get post-secondary education. Without employment opportunities in the village and in the region, many of these young adults are unlikely to come back.

**Figure 2: Age group**



The above graph shows the distribution of the population by age groups (cohorts) for Belledune and the New-Brunswick. Belledune has a slightly smaller proportion of its population in the first 3 cohorts (0 to 19 years). The difference is much evident in the following 2 cohorts (20-24 and 25-44). This is a clear indication of the emigration of the "middle aged" working group outside the village. The situation is reversed for the population above 45 years. This is another clear indication about the aging of the population.

**Figure 3: Marital Status**

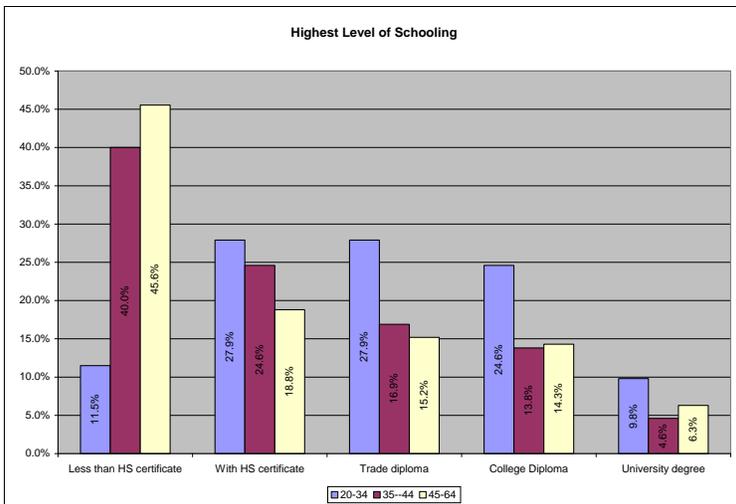


Thirty-two percent (32%) of the population over 15 years of age are single. Forty-nine percent (49%) are married, ten percent (10%) are either divorced or separated and nine percent (9%) are widowed. These figures are consistent with the rest of the province.

Education:

According to the 2001 Census, the younger segment of the population (20-34 groups) has reached a higher level of schooling than the previous generations.

**Figure 4: Highest Level of Schooling**

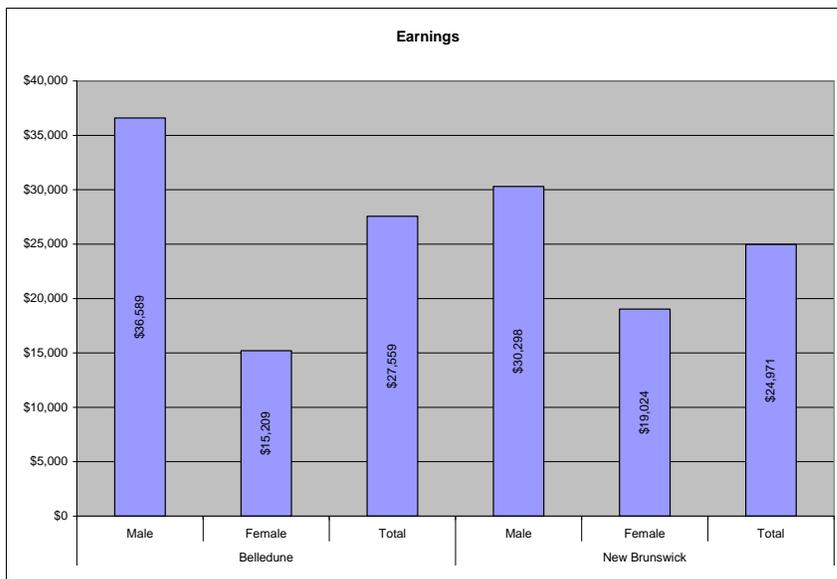


The main observation is that the younger population in the age group of 20-34 years old have remained in school longer than the previous generations and have obtained a certificate, diploma or degree. That being said, the level of schooling in the Village of Belledune still remains below the provincial and the regional average. A lesser percentage of the local population have a university degree in comparison with the rest of the province. Inversely, a larger percentage of the residents in Belledune obtained a Trade Diploma while a larger percentage of New Brunswickers obtained a college diploma or a university degree.

### Earnings and Occupations:

The average earning of Belledune residents is higher than the provincial average. However, there is a major distinction to make between men and women. While the earning of men is significantly higher than the provincial average, the earning of women is below the average. In a study conducted in 2002 for the Chaleur Region, it was said that the women had an average income that was only 48.1% of that of the men's. In comparison, this figure was 59.1% in the City of Bathurst. The relatively high average income of men in Belledune was undoubtedly a result of being employed at the smelter.

**Figure 5: Earnings**



The Labour Force Indicators seem to point out that the men of Belledune having a job have incomes above the provincial average. At the same time, the median income of people's over 15 years is \$13,537 in Belledune compared to \$18,257 at the provincial level.

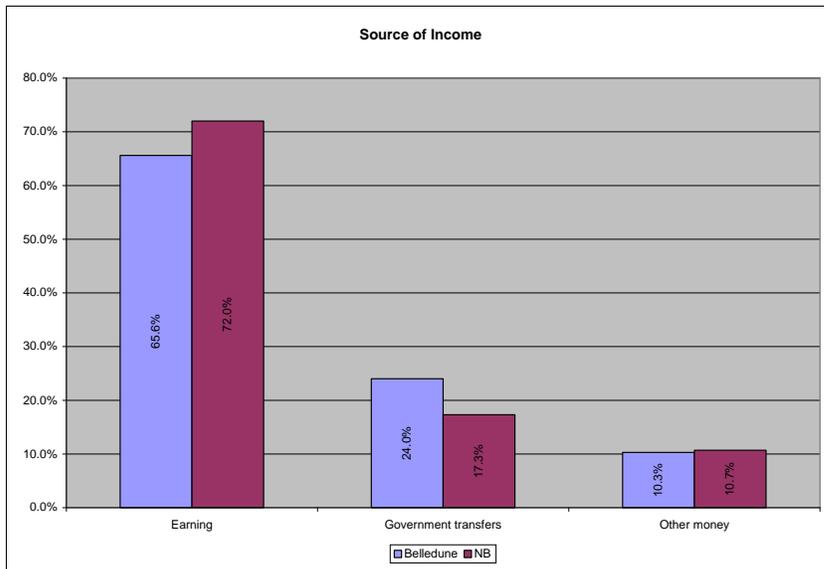
In addition, the main labour indicators are below provincial average. In 2001, the unemployment rate was 22.2% in Belledune compared to 12.5% provincially. The participation rate and the employment rate are well below the regional and the provincial average. By collectively looking at the participation rate, the employment rate and the unemployment rate, the Village is lagging somewhat in relation to the Chaleur Region.

However, the same can be said about the Chaleur Region versus the rest of the province.

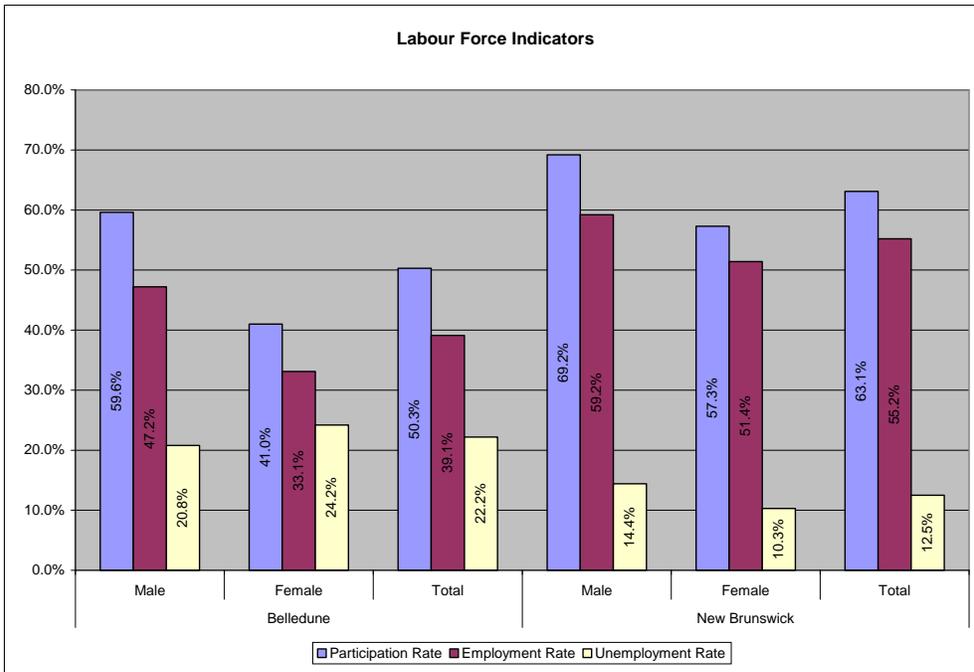
In conclusion, a minority of the population have very well paid job that do contribute to increase the average earnings. In reality, the majority of the population have incomes lower than the provincial levels.

24% of the population in Belledune take their income from government transfers compared to 17.3% at the provincial level. 72% of the population in New Brunswick take their income from employment earnings compared to 65.6% in Belledune.

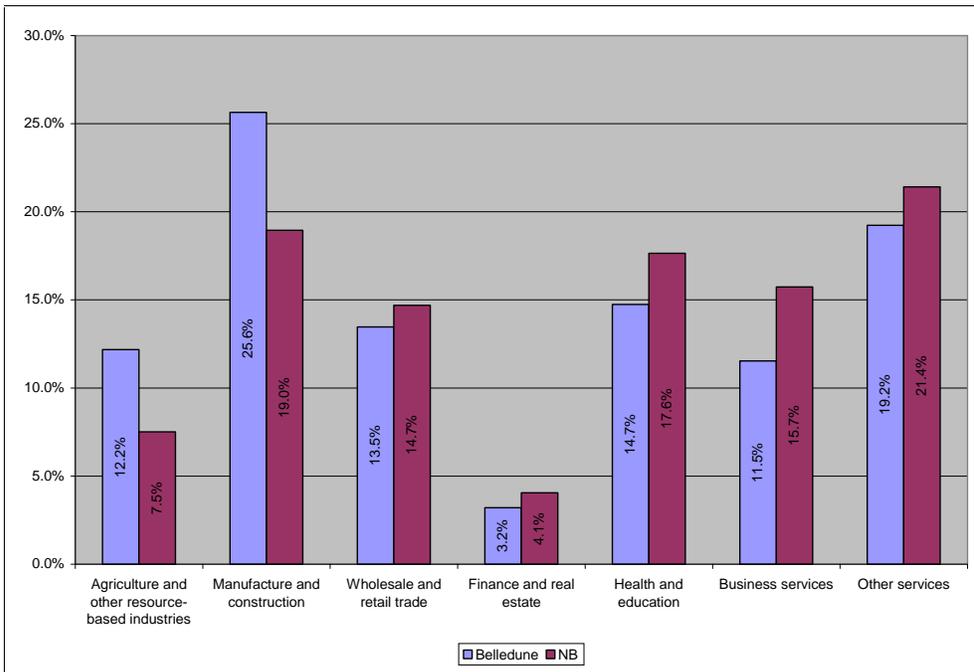
**Figure 6: Source of Income**



**Figure 7: Labour Force Indicators**



**Figure 8: Labour Force by Industry**

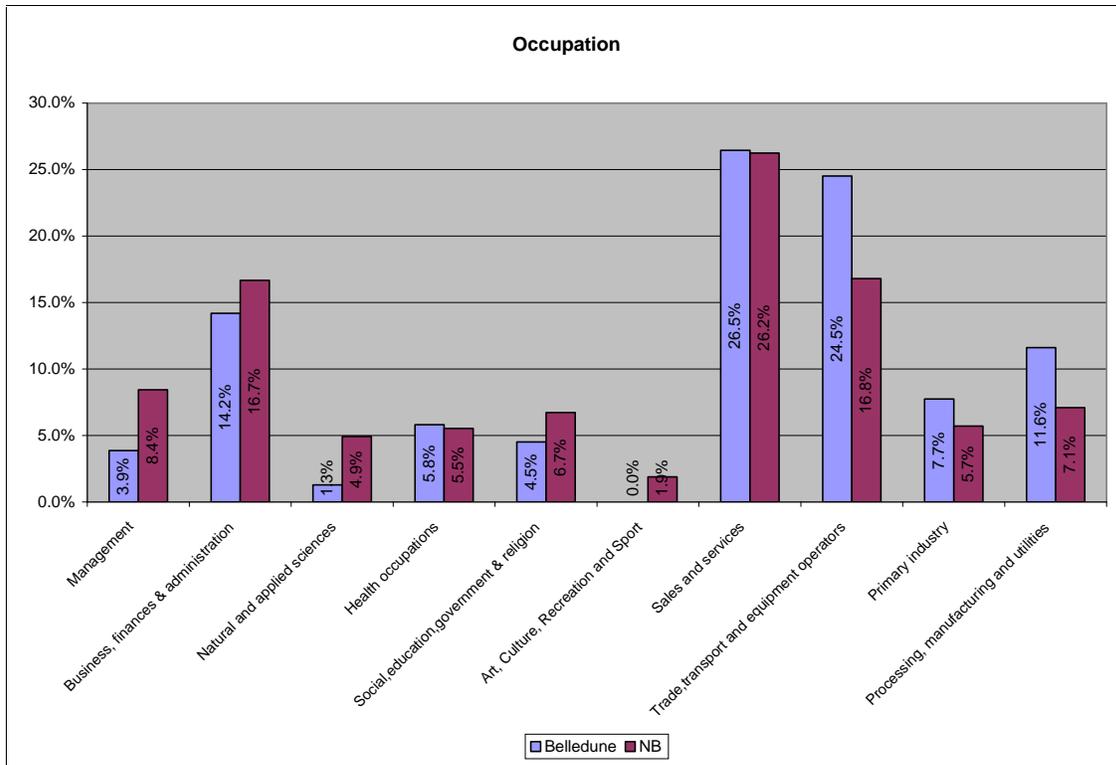


The distribution of the labour force by industry shows the importance of the manufacturing industry in the local economy. We can note the impact of the Xstrata smelter and the NB Power Generating Station at the local level. According to the socio-economic profile prepared for Enterprise Chaleur, "Belledune residents tend to work in

their hometown at the smelter rather than at the mine, which explains why the mining sector represents only 1.3% of the jobs in Belledune”.

The distribution of the labour force by major occupation groups is pretty much consistent between Belledune and the rest of the province. However, some occupations, such as trade, transport and machinery; processing, manufacturing and utilities; and primary industry are strongly represented in Belledune compared to the Province. The presence of the smelter and the power generating station explains these figures.

**Figure 9: Occupation**



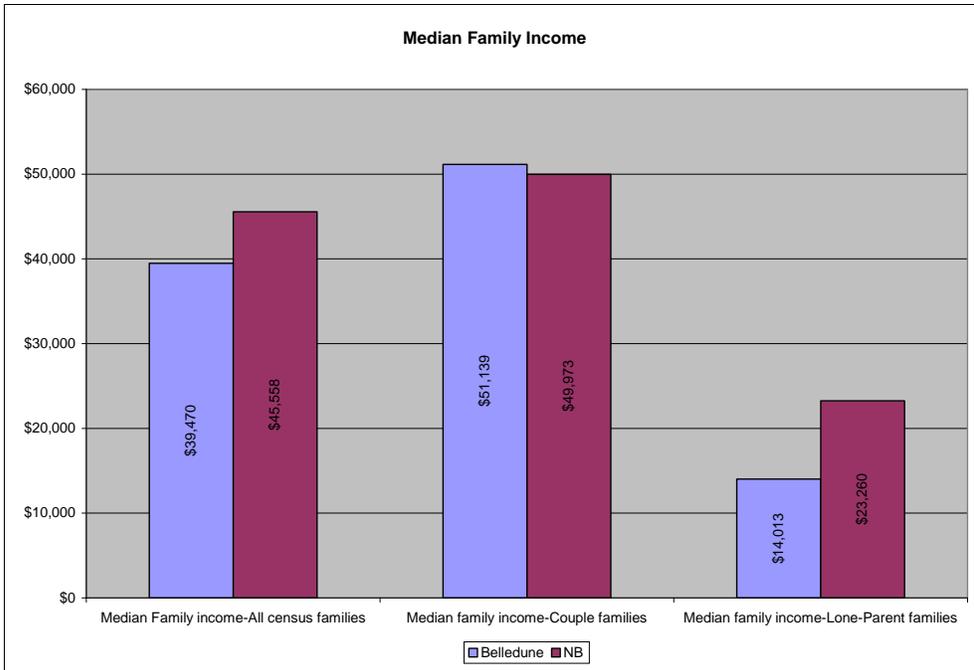
The tertiary sector (service industry) is well represented in Belledune with about 26% of labour force. The trade sector is also very important and these figures are consistent with the previous data regarding the level of education. The primary sector (resource) and the secondary sector (processing) are also well represented in comparison with the rest of the province. The manufacturing and processing sector are very important to the local economy. The Brunswick Smelter and the Chaleur Sawmill have more than 100 employees each. The village of Belledune accounts for more than 50% of the total number of jobs in the Chaleur Region in the manufacturing and the processing sector. Following the closure of the paper mill in Bathurst in the summer of 2005, Belledune has now become the only heavy industrial pole in the Chaleur Region.

### Families and Households:

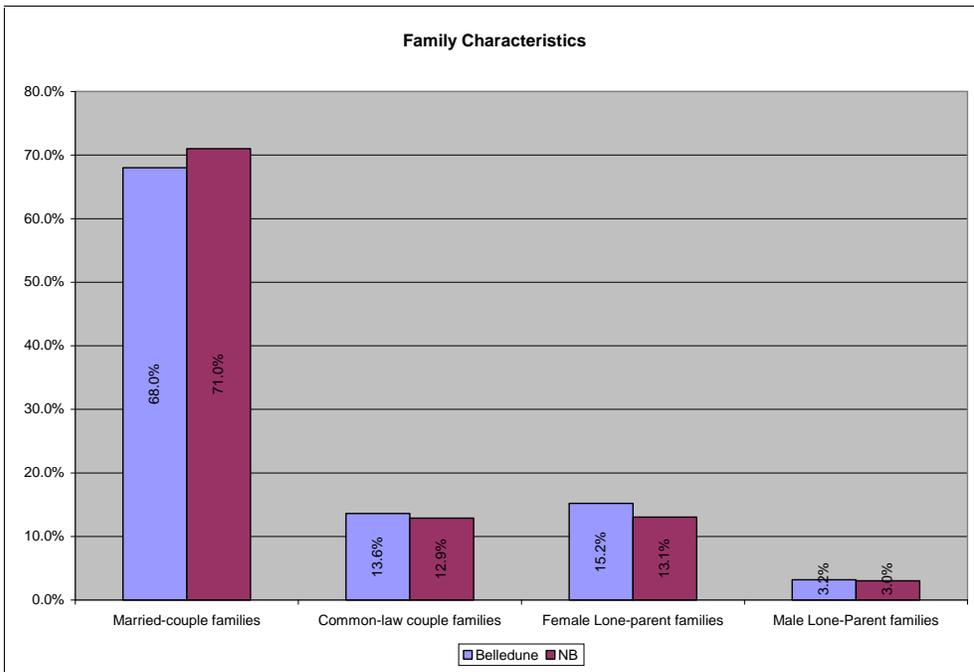
The Median Family Income of all census families in Belledune represents 86.6% of the median income of all families in New-Brunswick. Given that the median income of couple families is higher than the provincial median, it means that the median income of lone parent families is very small in comparison with other lone parent families in New

Brunswick. In fact, the median income of lone parent families is only 27% of the one of Couple families in Belledune compared to 47% at the provincial level.

**Figure 10: Median Family Income**



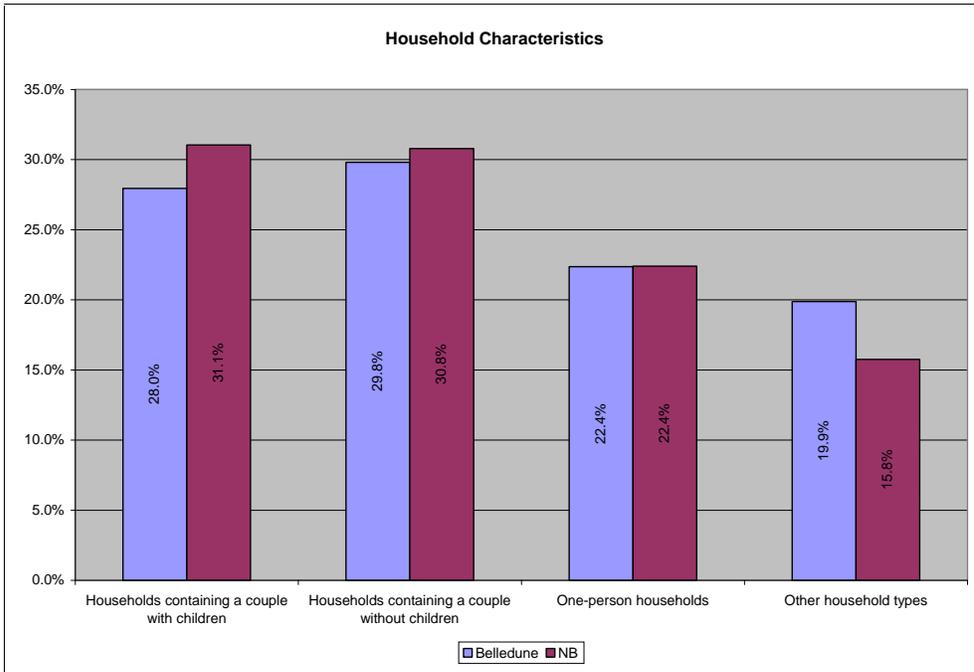
**Figure 11: Family Characteristics**



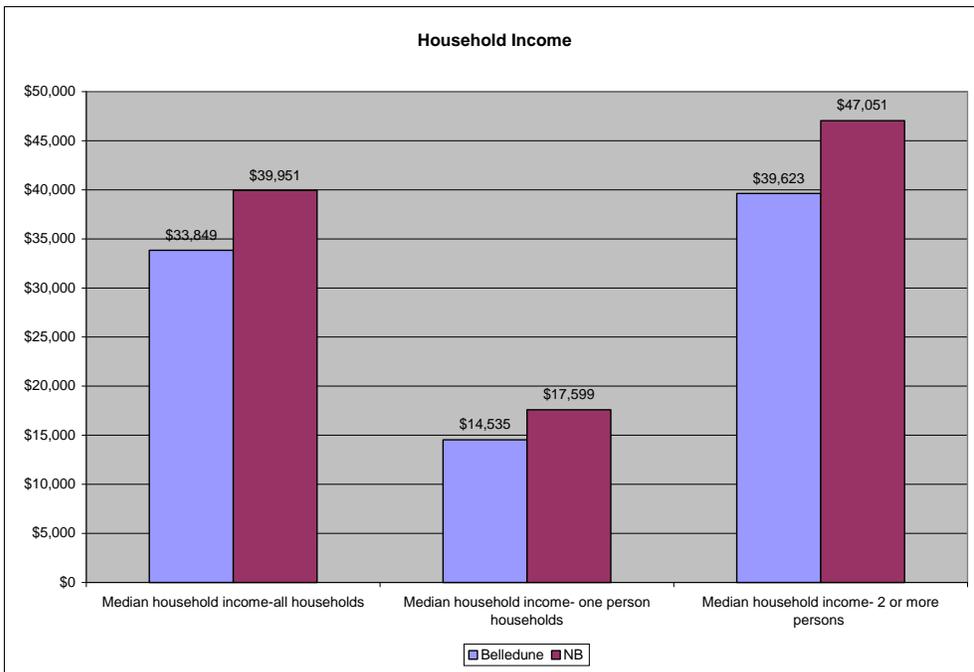
The percentage of married couples in Belledune is less than the provincial one, while the percentage of common-law couples and Female Lone-Parent families are a little higher.

There were a total of 805 households in Belledune in 2001. The following graph represents the distribution of the households based on their characteristics and in comparison with the rest of New Brunswick.

**Figure 12: Household Characteristics**



**Figure 13: Household Income**

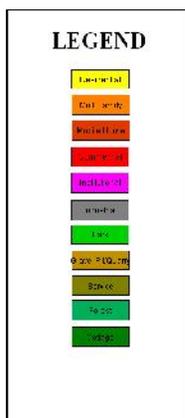
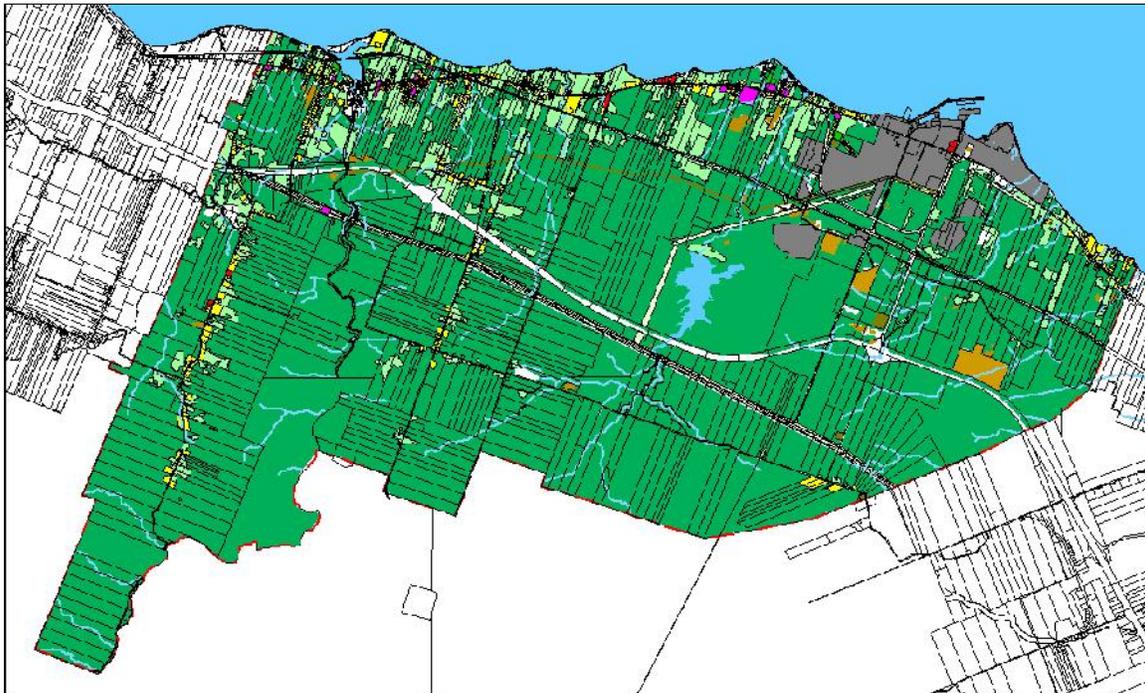


The median household income in Belledune is about 16% to 18% less than the provincial median.

## 1.5 Existing Land Use

The Village of Belledune occupies a total area of 189 square kilometres. More than 80% of the territory is occupied by forests, most of them being private woodlots. The second largest function is farming with 8% of the land mass.

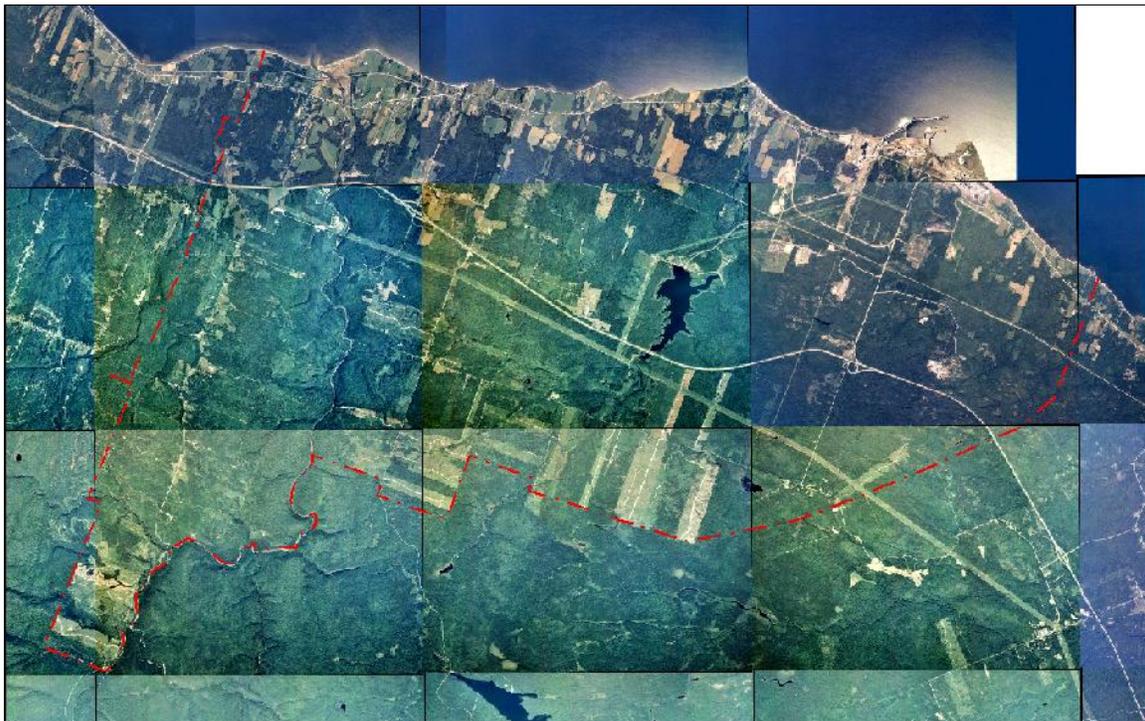
**Map 1: Existing Land Use in the Village of Belledune**



The various land use functions can be distributed as follow:

Land use Belledune	Area in KM2	%
Forest and wetlands	153.50	81.21%
Farm land	15.48	8.19%
Roads	5.69	3.01%
Industrial	5.60	2.96%
Public utilities	3.85	2.03%
Residential	2.93	1.55%
Quarry	1.02	0.54%
Institutional	0.25	0.13%
Mobile home	0.24	0.13%
Residential Farm	0.22	0.12%
Parks	0.11	0.06%
Cottage	0.08	0.04%
Commercial	0.03	0.01%
Residential multiple	0.02	0.01%
Total	189.01	100%

**Map 2: Air Photo (around 1996 or 1997)**



## **2.0 GOALS AND OBJECTIVES OF THE RURAL PLAN**

The Policies and Proposals contained in this rural plan are based on specific goals and objectives that Council seeks to achieve in the future.

### **2.1 Goals and Objectives**

The Village of Belledune faces the same issues as most rural communities in Canada. Population declines, job creation, the availability of goods and services, environmental concerns are among the many issues affecting small rural communities and the Village of Belledune is no exception.

This rural plan will guide the physical development of the community for the next years to come. However, it is not the only tool at the disposition of the community to address existing issues. An increasing number of Canadian municipalities have developed innovative programs and initiatives tailored to the specific needs of their community. Strategic planning is one approach taken by several communities and corporation that take into consideration the internal (strengths and weaknesses) and external factors (opportunities and threats) that are determinant in their development.

Integrated Planning and Sustainable Planning are other tools implemented by several communities. Sustainable development is achieved in most cases by individuals and community groups developing initiatives in their local area. In many cases, the initiatives are innovative and can be exported in other communities. CMHC has identified 12 key features that make communities more sustainable but has also stated that no Canadian communities included all of them. For example, some communities have developed initiatives or programs concerning the 3 R's (reducing, reusing and recycling). Other communities have developed projects geared toward the protection of some natural areas. CMHC has produced numerous documents about sustainable community planning that could help the village to develop some initiatives of its own in the future.

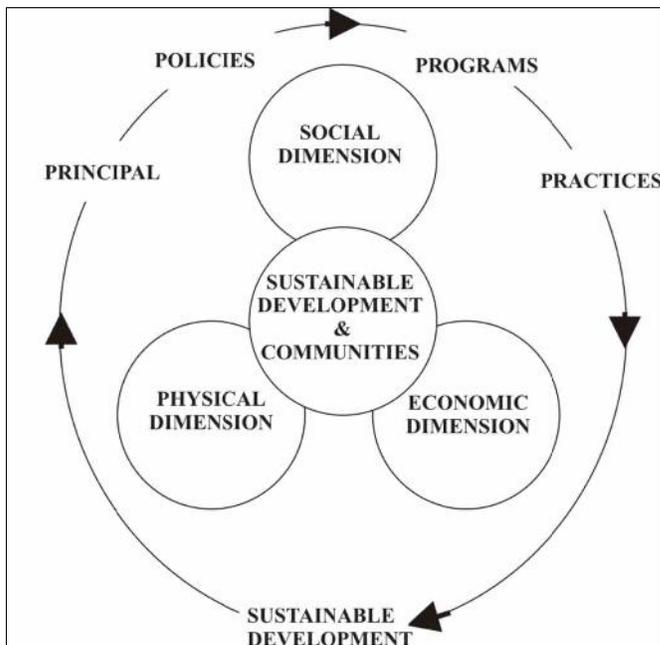
In the meantime, some of the features identified by CMHC to promote sustainability have been reviewed and have been adapted to fit in this rural plan. They include the following projects and initiatives:

- Protection of the natural area:
  - The project of the Jacquet River Salmon Barrier is a specific example of an initiative developed by the community.
  - The Fenderson Beach Project
  - The designation of the Jacquet River Gorge as a Protected Natural Area.
  - The river classification program.
  - The development of Roherty's point
- Urban infilling:
  - Maximize development along existing roads and streets
- Village Centre

- Encouraging mixed development
- Healthy local economy
  - Encourage home business
  - Mixed zones
- Sustainable transportation
  - Small community bus
- Affordable housing
  - Secondary dwelling, in-law suites and garden suite
- Liveable community
  - Recreational center
- Low-impact sewage and storm water treatment
  - Investigation of alternative wastewater servicing options consistent with the rural character of Belledune.
- Energy efficiency
  - Assessment of the wind energy potential in Belledune.

The following diagram puts the concepts of sustainable development and integrated development in perspective. This graph is adapted from CMHC to show how the 3 basic dimensions are integrated with each other to achieve the development of more sustainable communities.

**Figure 14: Concept of Integrated Planning and Sustainable Development**



As stated above, this rural plan focuses mainly on the physical development of Belledune expressed in terms of land uses, buildings, structures, subdivisions, utilities, natural systems, etc. Considerations to the other dimensions will be given in the background in the formulation of policies and proposals.

Various definitions have been given to sustainable development depending where one stands from an environmental, social or economical point of view. One person has defined sustainable development as "balancing the need for development and growth against the need to protect the natural and built environment whilst meeting the needs of the present generation without compromising the needs and aspirations of future generations". That being said, sustainable community planning is not a panacea that will address and resolve all problems overnight after this plan is adopted. Because each community is unique, there is no universal solution to achieve sustainable communities through integrated planning. Tools and approaches need to be adapted to the specific-ness of each community.

The main goal of the Village of Belledune is to promote the development of a rural community offering the best possible opportunities in term of:

- Quality of life,
- Goods and services availability,
- Job creation and employment opportunities, and
- Housing choices.

In order to achieve this main goal, the following objectives have been retained by Council to provide a framework on which the Rural Plan and the related planning tools are drafted.

The village consists of 3 distinct zones (spheres) of development being:

- the urbanized (developed) areas,
- the resource-based (rural) areas, and
- the industrial areas.

Therefore, one main objective is to ensure that these three spheres of development coexist and benefit from each other in a sustainable manner.

In order to widen the type of goods and services offered to the community and to create more jobs opportunities, one objective is to permit a mixture of residential and commercial activities along some major roads. This mixture of uses is recognized by CHMC as a way to achieve more sustainability in small communities. This new rural plan intends to be more permissive than the previous ones in terms of home business activities.

One major objective of the rural plan is to maintain and enhance the scenic and the environmental qualities of the community and to preserve the open space that have a significant value in terms of environmental and economic development. One area in particular is the stretch of land along the Bay of Chaleur that needs to be protected from adverse forms of developments such as industrial development (outside the designated industrial zone) and quarries.

One main objective is to ensure that the community offers a wide range of residential uses, types, densities and costs levels that correspond to the various needs of the present and the future population of all ages and economic profile. As shown in the economic profile, the population is aging rapidly and the housing stock needs to reflect this social trend.

## **2.2 Vision (in the year 2013)**

In the year 2013, the development of Belledune should consist of three distinct spheres of development as follows:

- a rural community that is spread over a large area but where residential and commercial development are mainly concentrated along existing arterial and collector roads,
- a resource-based community for farming, aggregate and forestry, and
- a major heavy industrial complex surrounding a major Canadian year-round deep-water port.

The population should continue to decrease to some extent even if the number of households continues to increase at a moderate pace. Following the national trend, the population will continue to get older rapidly and this social shift will have significant impacts on the types and levels of services offered to the community and in particular on health care services, recreation services and on housing facilities. A much higher portion of the population will be retired from the active population.

In 2013, the industrial area would have continued to grow with the addition of new industries and services. The Port of Belledune should continue to grow and represent a major asset in attracting more businesses in the community. The future of the lead smelter is uncertain. It may operate at a slower pace or may be shut down following the closure of the mine expected to occur in a few years. People's awareness concerning industrial development, the protection of the environment, the public health and the decontamination of some areas of the village will continue to evolve.

Residential development should continue to occur along existing roads. There should be very few new subdivisions (local streets) in the village. The Village of Belledune will continue its efforts to develop innovative solution for the treatment of sewages. Some sections of the industrial zone could be serviced but these infrastructures are expected to be operated by the private sector.

## **3.0 CONSERVATION OF THE PHYSICAL ENVIRONMENT & BIODIVERSITY**

### **Background Information**

The soil surface and the various natural systems support the various man-made systems (transportation, utilities and land use functions) that sustain the development of Belledune. These systems and functions will be discussed in the following sections. The physical environment is determined by the geologic, the topographic and the hydrographic features.

The Community Planning Act requires that a rural plan address the conservation of the physical environment. This prerequisite is addressed in the present section. The objective of this rural plan is to identify key areas of the Village that should be maintained. That being said, this rural plan has no intent to surpass provincial legislation enacted to protect the environment and its biodiversity.

Various natural systems (ecosystems) have developed on the land surface and thus represent environmental potentials and constraints that need to be taken into account in the future development of Belledune. Biodiversity is a term used to describe how the various ecosystems and species are inter-connected.

Since the CLURE report was submitted more than 10 years ago, the provincial government has been working on several policies to conserve biodiversity on private and public land. The wetland policy and the coastal policy are two examples of such policies. The Provincial Government has also adopted several acts to protect the natural environment. The Province of New Brunswick needs to define an overall provincial biodiversity policy that will encompass sector policies and that will serve as a framework to develop biodiversity management plans for public and private lands. In 1996, the Canadian Biodiversity Strategy was approved by all provinces but nothing has been accomplished up to now. This strategy would have included direction to use planning and approval mechanisms to prevent negative impacts on biodiversity from human activities on ecosystems. No provinces have yet approved biodiversity strategies. Furthermore, we have found that the amount of available data is very limited for the production of land-use plans, especially the information provided by the Atlantic Canada Conservation Data Centre. Without specific details or data regarding natural heritage features and habitats, it is impossible for local governments and their respective planning agencies to draw a plan that include these features.

### **3.1 The Geology and Surficial Geology (soils)**

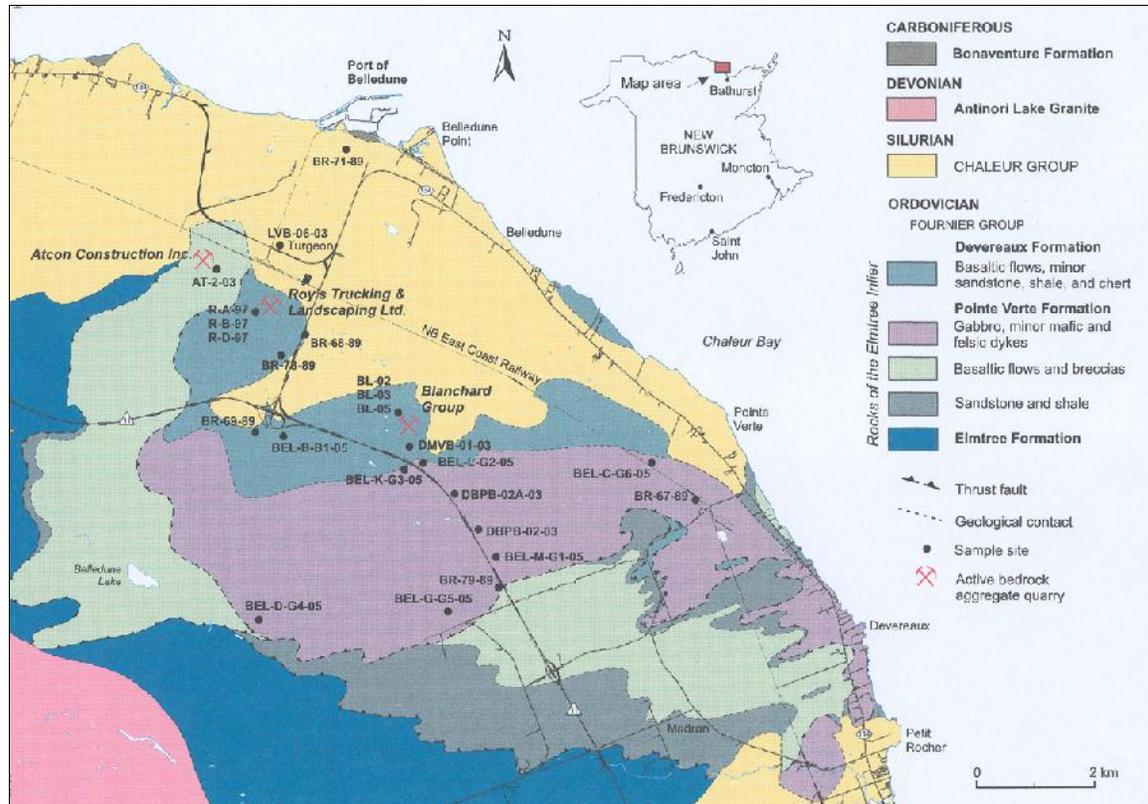
#### Issues:

As a result of its complex geological history, northern New Brunswick possesses a great variety of mineral resources. Metallic minerals are found in the Chaleur Region and are smelted in Belledune. Non-metallic minerals like limestone and silica are also extracted in the Chaleur region and exported to Belledune. Finally, sand, gravel and other aggregate materials are quarried throughout the region and the Village of Belledune is no exception. Three large quarries are located in the industrial zone. Smaller pits and

quarries are found at various locations in the village and mostly serve the local needs. However, a recent report published by the Department of Natural Resources (Webb, 2006) indicates that Belledune has the potential to become a major source of aggregate that could be shipped to international markets through the port of Belledune.

For the purpose of this plan, it is important to retain that the geology of Belledune is divided into two (2) divisions, the Chaleur Group and the Fournier Group. These two groups are shown on the geological map that follows.

### Map 3: Geology Map of Belledune



Source: Webb, T.C; Tidewater Export Opportunities for Bedrock Aggregate in Northern New Brunswick, 2006, Page 3

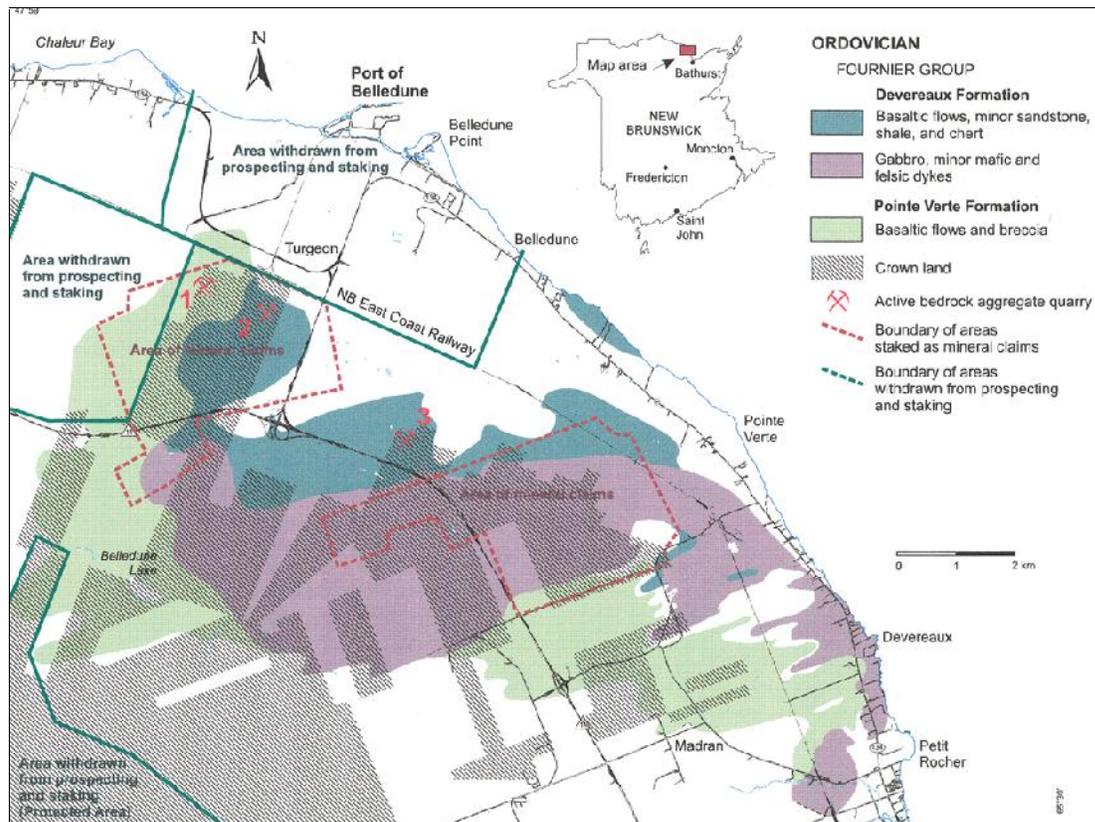
The Chaleur Group (in yellow) is represented by Silurian rocks comprised of conglomerate, limestone, sandstone and minor mafic volcanic rocks. The mainly sedimentary rocks of the Chaleur Group are not considered as priority sources of high-quality aggregate (Webb, 2006). The Chaleur Group abuts the Bay of Chaleur in most parts and constitutes most of the soil occupied by the industrial area and the urbanized areas of Belledune.

The Fournier Group represents a much higher potential for aggregate operations. The Fournier Group is subdivided in three (3) formations: the Devereaux Formation, the Pointe-Verte Formation and the Elmtree Formation. In a report published in 2006 by the Department of Natural Resources and entitled "Tidewater export opportunities for bedrock aggregate in Northern New Brunswick", these formations are described as

having a high potential for high-quality aggregate. As stated in the report, the Port of Belledune has the potential to become a major international supplier of high-quality crushed stone and related construction products for the eastern coast and the Gulf coast of North America and for Europe. According to DNR, the potential of Belledune and the immediate region for high-quality aggregate could approach 2 billion tons.

There are three major quarries already located in the Pointe-Verte formation and in the Devereaux formation. Most of the land situated in these formations is comprised of Crown Land managed by the Department of Natural Resources. Furthermore, a large portion of the Devereaux formation encroaches over the industrial zone located on the north side of Route 11.

**Map 4: Detailed Map of the Fournier Group.**

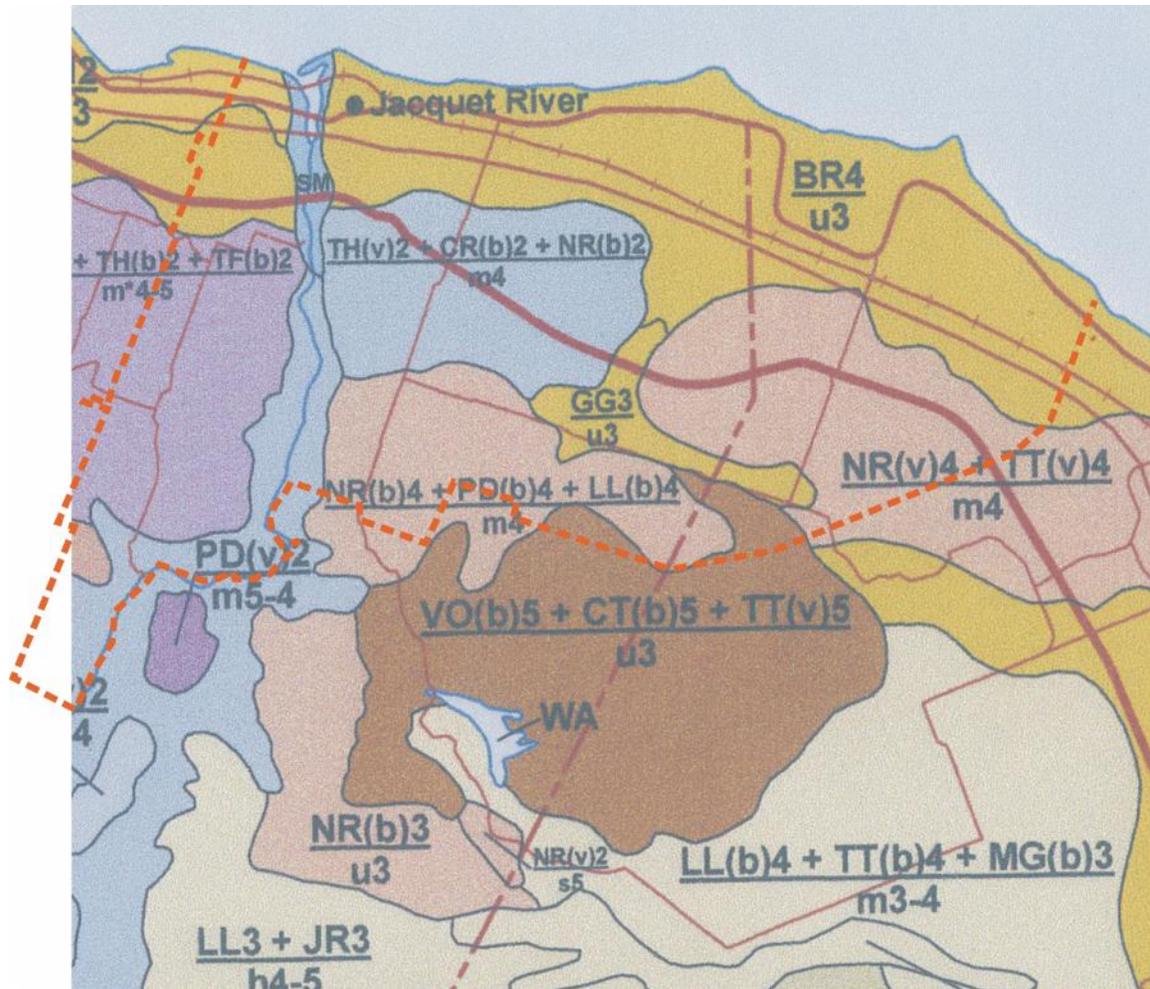


Source: Webb, T.C; Tidewater Export Opportunities for Bedrock Aggregate in Northern New Brunswick, 2006, Page 11

In 1978, the services of MRMS were retained by the Belledune District Planning Commission to do a study on the depositional environment for material on the Chaleur Coastal Plain where the Village is situated. It was found that marine deposits were associated with the invasion and recession of marine waters on and from the land. During deglaciations, the earth's crust was still depressed from the weight of the glacial ice sheet and the sea was able to encroach upon the land surface. The marine submergence extended inland to 78 metres above the present sea level in the Jacquet River area. The uplift was very gradual, thereby creating a suitable depositional environment for extensive marine sediments along the coast.

Soils are very much the product of their environment. Five major factors will determine the type of soil that will develop at the surface: climate (temperature and precipitation), parent material (mode of deposition, texture and mineralogical composition); topography or relief (soil drainage and rate of soil erosion); living organisms (natural vegetation and animal life); and time (the period of time which the soil parent material has been subjected to soil formation).

**Map 5: Soil Map- Village of Belledune**



As we can see, the majority of the soils in the Village of Belledune where the coastal development is concentrated fall under the BR (Belledune River) class. A full description of the Belledune River association is found in the legend accompanying the soil map. The BR soils have the highest fertility rate and are associated with the calcareous mud rocks of the Jacquet River Formation.

This soil map is the identification, description and delineation of contrasting segments of the landscape based on a set of established differentiating criteria. The soil association is a grouping of soils that have developed on similar parent material under similar climatic conditions but vary in drainage due to topographic relief. This type of soil survey

is a tool to enhance the ability to predict and to make differential interpretations from area to area that can be used in land-use decision making. Of course, it is difficult for the non-soil specialists to understand all the complex information provided in a soil survey. This is why thematic maps have been produced to allow users such as the planning commission and other users (engineers, developers, farmers, etc) to consider only relevant information that is important for a specific intended use. Through MRMS, the Belledune District Planning Commission has produced a series of thematic maps on which soils have been grouped to show potentials and constraints for various given uses. The maps are divided as follows:

- General soil map
- Soil suitability for urban development
- Soil suitability for septic disposal systems
- Soil suitability for construction activities
- Urban related development potentials and constraints
- Soil capacity for agriculture
- Granular aggregate resources
- Existing land use

This information is available to anyone interested for consultation. That being said, it must be understood that the information provided on those maps is not detailed enough for interpreting soil suitability for site-specific use. However, it provides some valuable information to assess potentials and constraints that may exist in different areas of the region. **It is important to note that these interpretations are not recommendations, but rather are indications of potentials and constraints that the land base offers to various uses. On-site investigation is the responsibility of the user prior to any actual usage of the land and it is not the responsibility of the planning commission to make any determination about the information contained on these maps. As well, the planning commission and the Village of Belledune assume no responsibility about any information contained on those maps.**

Soils represent various degrees of limitation for septic systems. The soils that represent the most severe limitations are the Carleton (CR), the Lomond (LO) and the Tetagouche (TT) soils (Source: Engineering Technologies Canada Ltd 2006).

#### Policies and Proposals:

The Village of Belledune is conscious that the huge reserve of high-quality aggregate materials at close proximity from the Port represents opportunities in term of economic development. At the same time, the Village wants the resource to be extracted in a sustainable manner so that it does not affect the integrity of the industrial zones for future development. In most cases, quarries cannot be reused for other purposes after the operations have ceased. In order to maximize the sustainability of the land, a rehabilitation plan must be submitted as part of the approval process showing how the land could be reused after the operations have ceased.

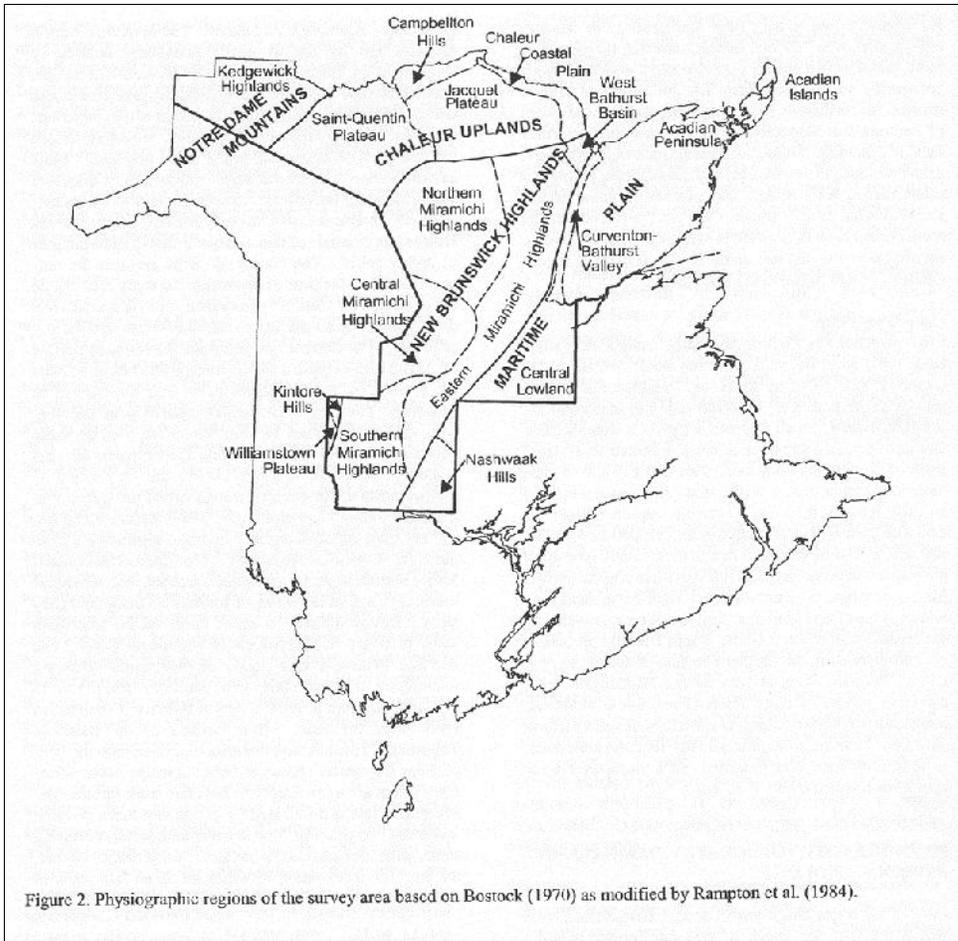
The Village of Belledune supports in principle the extraction of aggregates as suggested in the DNR's report (Webb 2006) on the land situated in the Devereaux Formation and on the south side of Route 11. A buffer area of 500 meters shall be reserved around the cluster of housing located at the end of Turgeon Road near Colony Road. No activities associated with the excavation of aggregates, including their transportation by any means, shall be allowed within the reserved buffer zone.

The Village of Belledune intends to confirm the zoning of the three quarries presently in operation in the industrial zone (Blanchard, Roy's and Atcom). The development of any new quarry, gravel pit or sand pit in the industrial zone will not be permitted unless the project is approved by Council following a rezoning process under the provisions of Section 39 of the Community Planning Act.

### 3.2 The Topography

The region of Belledune is part of the Chaleur Uplands Region. The Chaleur Uplands consist of two large plateaus (Jacquet and Saint-Quentin) which are deeply dissected by major streams and separated from the Bay of Chaleur by the Chaleur Coastal Plain.

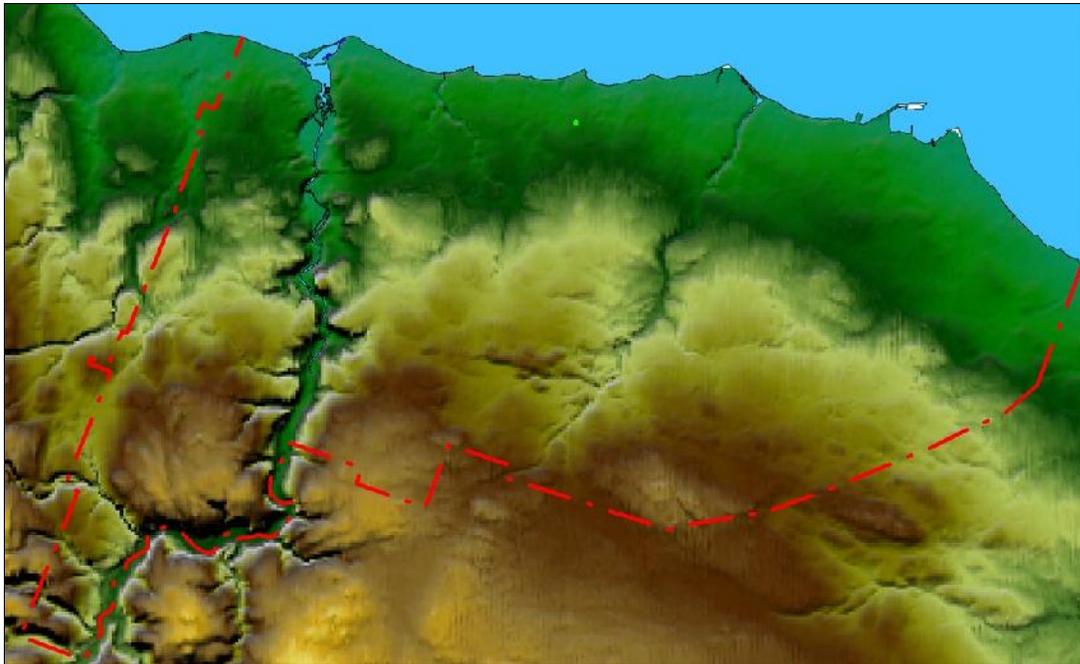
**Map 6: Physiographic Map**



The Chaleur Uplands tend to be lower in elevation and less rugged than the adjacent New Brunswick Highlands and the Notre Dame Mountains. The Chaleur Uplands reach elevations in excess of 800 meters and are characterized by their rugged, hillier nature. Excluding the narrow Chaleur Coastal Plain, the Chaleur Uplands is dominated by the Jacquet Plateau and the Saint Quentin Plateau. The Jacquet Plateau consists of a north-sloping plateau ranging in elevation from 450 metres along its southern border to less than 100 m as it approaches the Bay of Chaleur. Elevations within the boundaries of the Village range from sea level along the Chaleur Bay to 230 meters inland.

Most of the urbanized area of Belledune are developed over the Chaleur Coastal Plain that is narrow (2 to 10 km wide), low lying (less than 80 metres in elevation), gently sloping, imperfectly to moderately well drained plain adjacent to the Chaleur Bay. It underlay the same bedrock as found in the adjacent Jacquet Plateau.

#### **Map 7: Topographic Map**



### **3.3 The Hydrographic system**

The Village of Belledune is divided into various drainage systems. The Jacquet River constitutes the largest watershed and forms deep gorges clearly visible on topographic maps. The Belledune River and the Armstrong Brook systems are much less dramatic. The Belledune River has now become the water supply of the NB Power dam that was built to provide fresh water to the power station.

## Map 8: Watershed and Hydrography



The Chaleur Bay Watershed Group (CBWG) was mandated in 2000 to complete a water classification study for the rivers, streams and lakes in the region. The Jacquet River Watershed, the Belledune River Watershed and the Armstrong Brook Watershed were investigated.

For some reasons, the smaller systems of Duncan Brook, Guitard Brook, Fournier Brook and Hendry Brook were not sampled and are omitted from this rural plan due to lack of information. The CBWG wrote the following about these small watersheds:

*"Development in the upper reaches of all of these smaller watercourses is relatively in-existent and would not have influences on water quality that would make a B classification necessary. However, due to zoning and future plans for development in the lower extremities of these watercourses, a B classification would be most appropriate for these sections. Within a municipal setting, a B classification would be a good goal to aim towards maintaining and it would realistically allow for industrial and residential development to continue. Nonetheless, in order to ensure that the proposed classifications are appropriate, water quality monitoring would have to take place before these preliminary classification can be officially assigned".*

This study was conducted under the provisions of the NB Water Classification Regulation enacted under the Clean Water Act. Once officially classified under the Water Classification Regulation, these goals will direct future water quality management efforts in each watershed. The NB Water Classification Regulation is designed to help manage surface water resources throughout the province. The water quality of the rivers running in those watersheds was assessed and classified using three (3) main standards: bacteria, dissolved oxygen and aquatic life.

Under provincial statutes, all groundwater and surface water belong to the provincial government only. A wide range of provincial regulations under the Clean Water Act have

been enacted to protect and manage this resource such as the Watercourse and Wetland Alteration Regulation (WAWA), the Watershed Protected Area Designation Order, the Water Classification Regulation and the Water Quality Regulation.

There is no designated watershed for public water supply within the zone of influence of the Village of Belledune.

The **Jacquet River Watershed** is the largest of the 3 watersheds with a length of 50 km and a drainage area of 518 Km<sup>2</sup>. It is known to have a very impressive return of Atlantic salmon and a fish counting fence is located upstream from Route 11. The existing land use on the Jacquet River is mainly logging and forestry practices, as well as some recreational activities. Xstrata Zinc (formerly Noranda) operates a water intake that was installed in 1965 that draws 1200 gallons of water per minute. This intake provides industrial water to a few industries but some of the water is treated to provide domestic water to about 30 houses in the former townsite (Chaleur Drive). It is located directly upstream from Route 11. It is important to note that the river is not designated under the Watershed Protected Area Designation Order. Downstream from Route 11, human activities become more apparent. The water quality is affected by the highway (salt application) and by human settlements (residential, recreational and agricultural)

The water in the river was classified "A" upstream from the fish counting fence. The water quality between the fence and the estuary of the Chaleur Bay is classified "B" since there are more residential and agricultural activities along that stretch.

The CBWG has recommended the following actions for the Jacquet River Watershed that may represent a strategic issue for the Village of Belledune.

- Upstream from BC-04: Class A for all water starting at 30 meters upstream from the fish counting fence.
- Downstream from BC-04: Class B
- Antinouri Lake: Maintain class AL
- Promote the use of Best Management Practices in forestry, residential and agricultural sectors.
- Monitor decommissioned dump to determine potential influence on water quality

The **Armstrong Brook Watershed** measures 15.5 km<sup>2</sup> and flows into the Chaleur Bay through the Jacquet River Park. It flows mainly through residential and agricultural land. A survey of the river revealed an illegal crossing and some illegal dumping. The fact that large cattle have direct access to the river resulted in a high reading of E. Coli bacteria in the summer months. The CBWG has identified this watershed as a watercourse threatened by poor agricultural practice and initiated discussions with a local farmer to implement best management practices and intended to work with farmers throughout the watershed to minimize effects on water quality and fish habitats. It is believed that this situation could improve with sound farming practices in order to restrict access of livestock to the brook.

Upstream from Mitchell Road, the water quality was rated as a class "A" due to minimum activities. More residential, farming and excavation activities are found downstream from

Mitchell Road, thus, resulting in a class "B" due to the high level of E-Coli, aluminum and iron found in the water.

The CBWG has recommended the following actions for the Armstrong Brook Watershed that may represent a strategic issue for the Village of Belledune:

- Upstream from Mitchell Road: Class A
- Downstream from Mitchell Road: Class B until Chaleur Bay estuary
- Clean up the illegal dumpsite
- Remove illegal stream blockage
- Best Management Practices for cattle drinking water.

The **Belledune River Watershed** covers an area of 49 km<sup>2</sup>. It is now used to feed the NB Power dam that covers an area of 6 million square meters (1,482 acres). Approximately 3,6 million liters of water are extracted from the reservoir every day. Envirem Technologies also release runoff water in the stream but this discharge is approved by the Department of Environment since the runoff goes through a three-stage treatment facility. A significant portion of the watershed is located into the industrial zone. Some metal levels (zinc, iron) are found to exceed Canadian Water Quality Guidelines but this is probably due to the natural geology of the area.

The water quality upstream from Route 11 is classified as "A". Downstream from the dam is the industrial zone. For that reason, the stretch between the dam and the bay is classified "B".

The CBWG has recommended the following actions for the Belledune River Watershed that may represent a strategic issue for the Village of Belledune:

- Upstream from NB Power Dam: Class A
- Downstream from the dam: Class B until the Bay of Chaleur estuary.
- Implement the use of Best Management Practices in future industrial development.
- Determine the classification of the reservoir either as a lake or an impoundment and assess its impacts on fish habitats.

### **3.4 The Natural Environment and the Environmental Constraints**

The physical environment of Belledune supports various natural systems and ecosystems. These systems represent environmental opportunities and constraints that need to be taken into consideration during the development process.

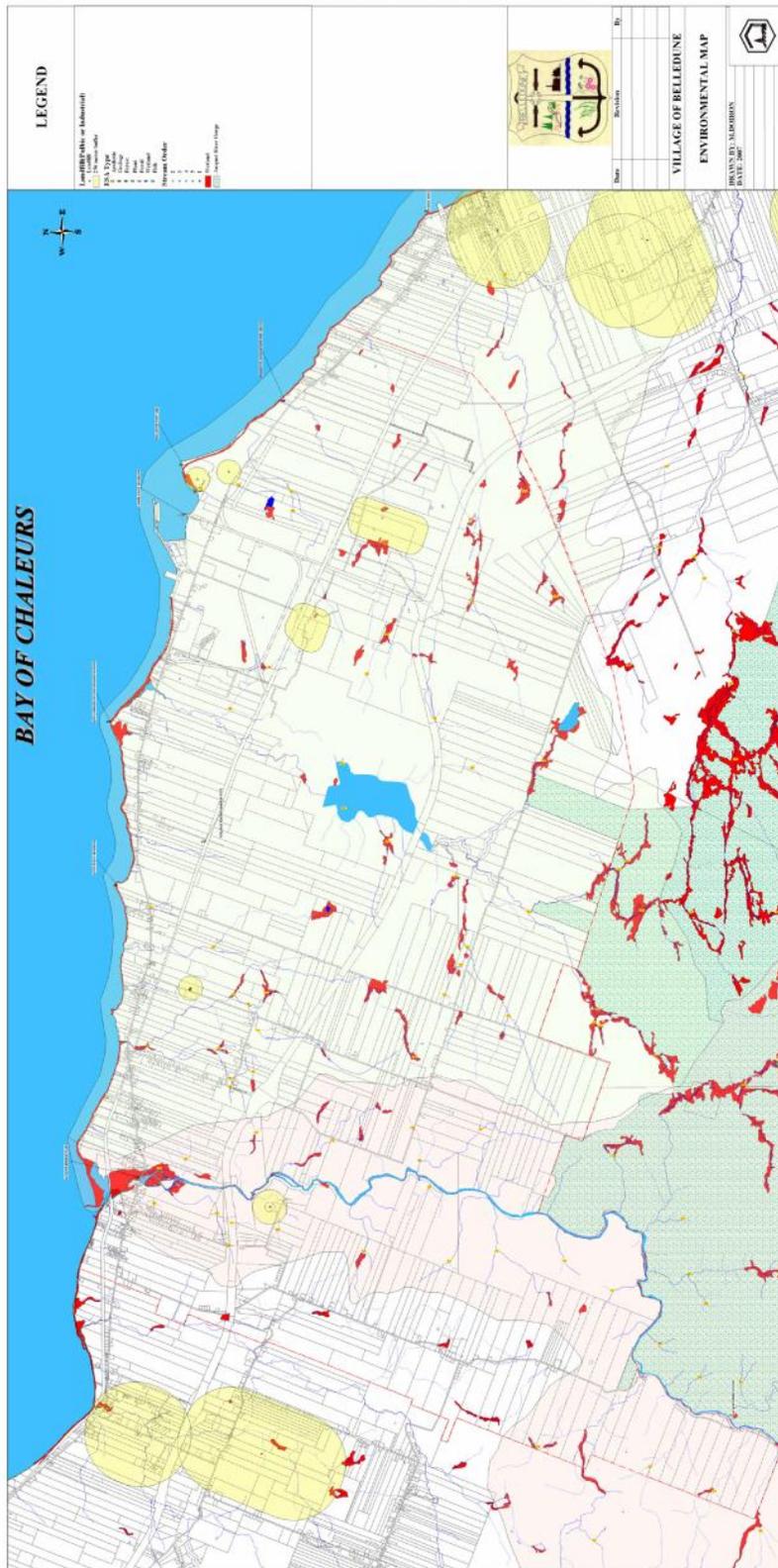
The Belledune District Planning Commission has produced a map at the regional scale showing the location of some environmental constraints using information gathered from various agencies. However, this map has no legal value since much information it contains comes from unofficial sources. However, this map provides valuable information about some significant natural features and will be used as background information (informal) in the decision-making process. For example, the presence of a

feature at close proximity from a proposed development may raise a flag and require some consultation with governmental agencies. The Environmental Constraint Map will continue to be improved over the years as more information becomes available from various public and private sources.

Natural habitats and their respective native wildlife should be recognized as ecosystems. All the public and private stakeholders involved in the conservation of the environment must explore creative ways to encourage all private and corporate citizens to contribute to conservation efforts. That being said, the conservation of the natural areas involves several hundred organizations and individuals at every level:, national and even international. Furthermore, these various organizations and individuals often have divergent and conflicting views about issues and solutions.

This rural plan will identify some features that may be protected within the limits set by the Community Planning Act. However, it is not the intents of the rural plan to supersede any provincial and federal legislation and structures mandated to regulate the environment and the natural ecosystems in Belledune. For example, best management practices for agricultural activities will continue to be managed by the Department of Agriculture and the relevant watershed organizations. Industrial development will continue to be regulated by the provincial government under applicable regulations.

## Map 9: Environmental Constraint Map



A larger version of Map 7 is found in Schedule D

### **3.4.1 The Coastal Zones**

#### Issue

Belledune is a coastal village and is exposed to surges and other violent forces coming from the Bay of Chaleur. Of course, the coastal erosion rates vary depending on the type of rock. The high cliffs on the western side of the Jacquet River estuary appear to be more exposed to erosion and some property owners had to build retaining walls along the coast. It is expected that sea level will increase significantly over the next century and developments along the coastal areas are more likely to be exposed to destructive elements.

In order to mitigate this impact, the provincial government has been working on a coastal policy for more than 10 years that will regulate development along the coast throughout the province. Because of that, many people hurried their development projects in anticipation of the proposed policy that would prohibit or regulate such development. When this policy is enacted by the province, the Village of Belledune will be required to adjust its own by-laws accordingly.

The coastal zone is a specific example of an ecosystem predominantly found on private land. Except Roherty Point and probably Fenderson Beach in a near future, all lands abutting the Bay of Chaleur are privately owned. While researchers, ecologists and conservationists strongly promote the conservation of the coastal zones, these areas are becoming subject to intensive residential, recreational and industrial development. The most appropriate way of preserving these private lands would be the constitution of land trusts as this is happening in some areas of the province. There are some organizations in the province constituting land trusts and promoting voluntary stewardship initiatives. The project involving Ducks Unlimited, Stone Consolidated and the Village of Belledune designed for Fenderson Beach fall under this kind of initiatives. Unfortunately, there is no coordinating body responsible to coordinate the work done by these various agencies throughout the province.

#### Policies and Proposals

It is proposed that the zoning provisions be consistent with the proposed Coastal Policy to be enacted by the Province of New Brunswick even though the coastal policy has not been enacted yet. That said, the coastal policy proposed by the Province contains a provision allowing a development in the Zone B in the case where there are existing structures on both sides of the proposed development. This provision is applicable as part of this proposal.

As of today, there are no scientific or empirical studies about the anticipated impacts of climate changes on the seacoast of Belledune. The Village of Belledune believes that the Department of Natural Resources is the most appropriate organization that exist at the regional level to initiate such study since it puts sustainable development and community development in perspective.

### 3.4.2 Wetlands

#### Issues:

Wetlands perform many functions: habitat for many species (biodiversity), protection from flooding and surges, purification of surface and ground water. The Department of Environment has developed a Provincial Wetlands Conservation Policy in 2001. Wetlands are comprised of coastal marsh, floodplain wetlands (Saint John River), freshwater inland wetland and inland bogs. It is important to note that all coastal marshes are considered to be of national and provincial significance independently of their sizes.

The responsibility for managing wetlands rests primarily with the Department of Environment (protection control) and the DNR (wetland habitat and biodiversity functions). One objective of the policy is to ensure that human activities on or near wetlands are managed in a manner which will achieve no loss of Provincially Significant Wetland (PSW) habitat and no net loss of wetland function for all other wetlands. Another objective of the policy is to promote stewardship and securement of wetlands through enhanced cooperation among local, municipal, provincial and federal governments and the private sector

Under the provincial policy, the government will not support proposed development within 30 meters of a Provincially Significant Wetland (PSW) unless the development is proposed to rehabilitate degraded area or is deemed to be necessary for the public good. Other wetlands (not PSW) are subject to a development review process with the context of existing regulatory processes. As a result, the Clean Water Act was amended in 2003 to reflect changes in the updated version of the Watercourse and Wetland Alteration Regulation. The Department of Environment is responsible to issue Watercourse or Wetland Alteration permits (WAWA) to control development within 30 meters of a wetland or a watercourse. The Clean Environment Act provides that all undertaking affecting 2 hectares or more of wetland must be registered under the EIA regulation.

The Department of Environment has recorded 90 wetlands within the limits of the Village of Belledune distributed as follows:

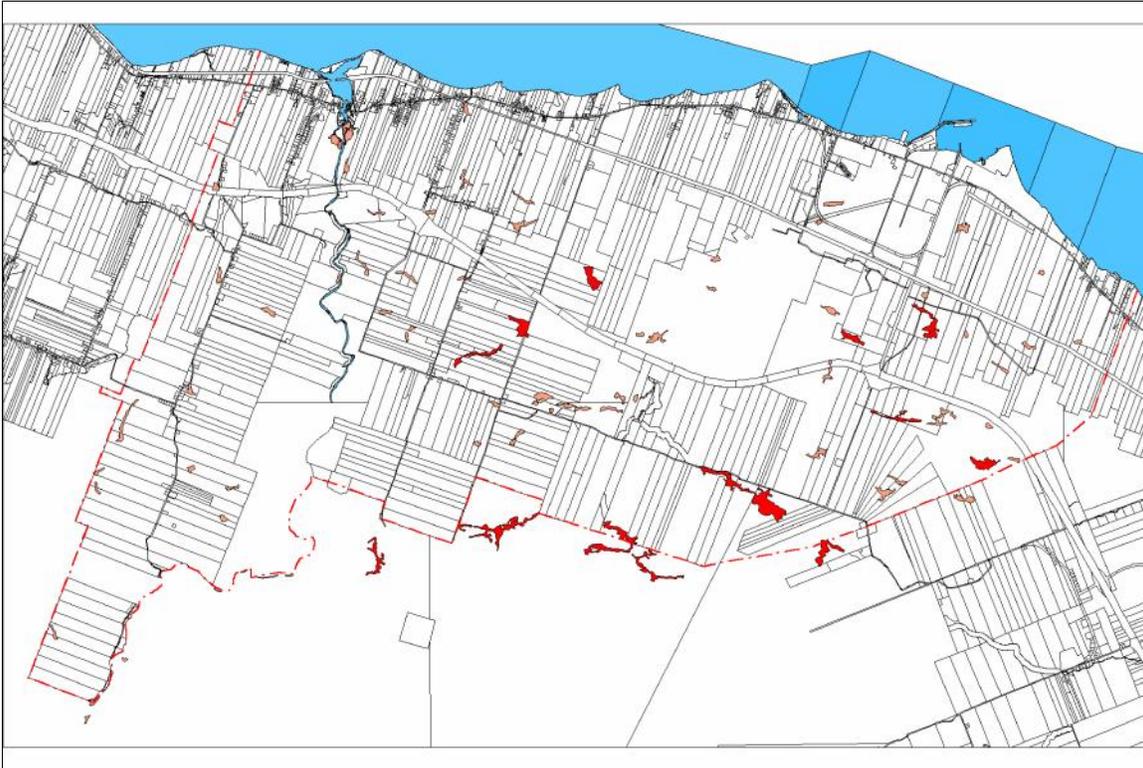
38 wetlands over 2 hectares,

28 wetlands between 1 and 2 hectares, and

24 wetlands less than 1 hectare.

The following map shows the location of provincially significant wetlands that have been recorded by the Department of Natural Resources and the Department of Environment. This information is also recorded on the Environmental Constraint Map.

## Map 10: Wetlands



In 1996, the provincial government proposed a provincial policy for development on flood plains. The main purpose of the policy was to prevent the loss of human life, to minimize damage to the environment and to properties, and to minimize cost to the tax payer. One main goal of the policy was to emphasize that tax payers should not subsidize risks taken through private development on flood plains. Under the proposed policy, the province would not compensate any new development in flood risk areas. The policy also placed restrictions on some activities on flood plains, without depriving land owners of all use of their property. The proposed policy did include planning guidelines to control subdivision and activities in flood zones. However, this policy was never adopted by the Province.

### Policies and Proposals:

The Village of Belledune intends to work closely with the Department of Environment which have regulatory power over wetlands through the Clean Water Act and the Watercourse or Wetland Alteration Regulation. The Department of Natural Resources is also involved to a certain level. The Village of Belledune intends to rely on the expertise and determination provided by these two (2) departments to preserve these valuable natural resources.

### **3.4.3 The Ecologically (Environmentally) Significant Areas (ESA)**

#### Issue

During the 90's, an important project was initiated to conduct an inventory of ecologically significant places throughout the province using specific criteria. A database and a map containing information about more than 900 Ecologically Significant Areas were developed.

Seven (7) ESA have been listed in the Village of Belledune. In most cases they are significant because of their geology, habitats and fossil deposits. ESAs 067, 068 and 069 have no ecological significance since rocks and fossils are not alive, but they are geologically interesting. However, it must be understood that the areas identified are not protected under any specific legislation, although the EIA regulation lists activities or programs affecting any unique, rare or endangered feature of the environment as undertakings that must be registered under the EIA process. The listing would be helpful to make informed decisions about a proposed development near an ESA feature.

For the purpose of this project, ESA were defined as places that are distinctive because:

- They contain rare species of animals or plants or a rich diversity of species representative of an ecological zone,
- Their disturbance would have serious ecological consequences, or
- They contain geological or other features of specific scientific interest.

#### **ESA 056: Estuary of the Jacquet River:**

This area is recorded for two categories of features: Geology and Bird.

Carboniferous red conglomerate interbedded with sandstone is exposed on the shore of the Jacquet River provincial park site. Jacquet River Formation. Grey to greenish-grey, blocky, micaceous, calcareous siltstone and mudstone with local bed of micaceous, silty limestone are located on the river between Little Ramsay Brook and Falls Gulch Brook.

There is a cobble/sand beach with typical beach flora and numerous introduced roadside weeds. Considerable human use and disturbance is evident. The estuary has one of the few barachois ponds on the Chaleur coast with a highly productive small marsh/lagoon used by Black Duck, Goldeneye and Eiders for feeding and nesting. There were Common Terns on the sand bar in 1968, but none in 1975. Mackerel and Striped Bass are abundant in the estuary.

#### **ESA 066: Directly Behind the Smelter Plant**

Three categories of features are recorded at this location: Plant, Bird and Geology.

The point constitutes a "cusate foreland", a unique coastal feature of the NB coast. It was selected to be developed for heavy industry (lead smelting plants and fertilizer plant) because contaminants are carried offshore and dispersed by currents.

The sand beach had a small colony (5 nests) of Black Guillemot in 1966. When last surveyed in 1986 it had been taken over by gulls and terns, with 214 Common Tern nests, 261 Ring-billed Gull nests, 7 Great Black-backed Gull nests and 199 Herring Gull nests.

A number of rare plants had been observed here in the past, but are now believed to have been extirpated. There is a good chance that remnants of similar habitat persist near the point, which may still harbour rare plants.

#### **ESA 067: North of Hendry Brook and Saint Luke's United Church**

Two categories of features are recorded at this location: Geology and Fossil.

Corals, stromatoporoids, bryozoans, brachiopods and crinoids stems of Silurian age occur in reddish sandy limestone beds exposed along the Chaleur Bay shore on the south side of the mouth of Hendry Brook and along the brook. The limestone is cut by veins (averaging 2 cm wide) of calcite that fluoresce a very bright pink when exposed to ultraviolet rays. Water-worn fragments (up to 10 cm across) of deep orange-red jasper cut by tiny veinlets of colourless calcite, and colourless to greyish and reddish chalcedony occur on the beach. They are derived from the conglomerate exposed between Belledune and Green Point. Fine-granular epidote occurs with calcite and quartz in veins (about 1 cm wide) and in cavities in volcanic rocks exposed along the shore about 900 m south of the mouth of Hendry Brook.

#### **ESA 068: West of Belledune Point, Adjacent to the fertilizer plant.**

Two categories of features are recorded at this location: Fossil and Geology.

Silurian fossils including corals, crinoid stems, stromatoporoids, brachiopods, bryozoans and ostracods occur in sedimentary rocks (conglomerate, shale and limestone) exposed along the shore beginning at Chapel Point and extending westward for about 2300 metres. Interbedded with the sediments is a light reddish brown lava with fracture planes and irregular cavities containing vitreous fine-granular epidote. This epidote has an attractive pistachio-green colour. Pebbles up to 7 cm across of fine-grained epidote with quartz occur on the beach; these are suitable for polishing but generally are of a drab greyish-green colour.

#### **ESA 069: Along Railway, 1.6 km south of Main Street.**

One category of feature is recorded at this location: fossil

Silurian fossils occur in rocks exposed by railway-cuts on both sides of Culligan Station, and for about 450 metres beginning at a point 500 meters west of the station. The exposures near the station (from 90 metres west to 150 metres east of it) are the nodular limestone containing brachiopods, gastropods and large crinoid stems. The railway-cut west of the station expose conglomerates, shale and limestone containing corals, stromatoporoids, gastropods and brachiopods.

#### **ESA 071: Roherty Point and the Estuary of the Belledune River.**

Two categories of features have been recorded at this location: wetland and fish

There is a municipal beach (rocky shoreline, cobble beach) to the right of the access road. The dune has numerous roads on it and considerable litter. To the left of the access road is a small salt marsh/barachois pond with a high gravel bar- an uncommon feature on the north shore.

The small estuary is used by Great Blue Heron and Herring Gulls as a feeding site; There are no visible nesting sites here. The river is important for its late October run of Atlantic Salmon.

### **ESA 075: Armstrong Brook**

Three categories of features have been recorded at this location: Geology, Fossil and Birds.

This shoreline is an important palaeontological site, showing deposits and fossils in the sequence in which they were laid down. A range of environment is represented from stable marine shelf to intertidal algal flats, with a particular richness of invertebrate fossils of the Silurian period.

Bluish grey limestone (knobby in places) containing brachiopods, corals, crinoid columns, bryozoans, gastropods, stromatoporoids and ostracods, is exposed for about 300 m eastward beginning at a point 300 metres east of the wharf. About 200 m west of the wharf, beginning at a stream, fossiliferous limestone and shale beds are exposed at intervals for about 1400 metres westward to the west side of Quinn Point. These fossils include brachiopods, corals, bryozoans gastropods, pelecypods, trilobite fragments and stromatoporoids. The corals and stromatoporoids are, in some beds, very large (over 30 cm across) and numerous.

The rocky shoreline in this area serves as suitable habitat for nesting Black Guillemot, one of only a couple of sites on the north shore.

### **3.4.4 The Protected Natural Area of the Jacquet River Gorges**

#### Issue

In 1997, Dr. Louis Lapierre has recommended to the Province a list of sites that need to be protected. These sites have been selected because of their rich ecosystem and their natural beauty. There are seven natural regions in the province called ecoregions. The Lapierre's report recommends that the province select one large protected area to represent each of these ecoregions. Each site contains a representative sample of the types of habitats found in each ecoregion: forest, wetlands, rivers, streams and lakes. In 2001, the Minister of Natural Resources protected about 150,000 hectares which represents about 2% of the land base in the province. The Jacquet River Gorge is one of the 10 sites retained for protecting our natural heritage.

The Jacquet River Gorge is part of the Northern Uplands Ecoregion. This ecoregion is a rolling plateau where elevations are generally 150-300 metres, but some hills reach an

elevation of over 500 metres in the Jacquet River area. The Jacquet River Gorge site covers 26,026 hectares making it the largest PNA in New Brunswick. This site captures the hilly plateau and river gorges that characterize the Northern Uplands Ecoregion. It is best characterized as a moderately high-elevation, somewhat hilly plateau. The Jacquet River cuts deeply into the plateau on the higher western side, forming a deep gorge. This site is 99.6% Crown land. The non-crown ownership occurs exclusively on the very edge of the site. Two areas within the Jacquet River site will continue to be harvested until 2012. After that, no further harvesting will occur.

PNA in New Brunswick has been divided into two classes. PNA falling under Class 1 do not allow public access. These sites require complete protection because human activity could damage the features being protected. Class II PNA does allow some public access. They are examples of ecosystems that have been modified by human activity and therefore offer an opportunity to study the recovery of natural ecosystems. The Jacquet River Gorge is designed Class II thus allowing limited public access.

The Minister of Natural Resource has appointed a regional advisory committee to prepare a development plan and to make recommendation about the future development of the PNA. Most of the PNA of the Jacquet River Gorges is located outside the village limits but it affects many aspects of the social, economic and physical development of the community. For example, one of the main gateways to the Antinouri Lake is Mitchell Road. The fact that the exploitation of natural resources is prohibited in the PNA will have definite impacts on some resource based companies and entrepreneurs located in the village and in the Chaleur region.

#### Policies and Proposals:

The Village of Belledune intends to monitor the work of the regional advisory committee and will delegate a representative.

### **3.4.5 Habitats for rare, threatened or endangered species, Special wildlife Habitats.**

#### Issue:

In addition to the ESA, this rural plan will make an effort to identify some habitats having significant value and to designate them as special zones with restricted development. In theory, the following habitats should be identified on the zoning map:

- Habitat for rare, threatened or endangered species,
- Special wildlife habitats (such as deer wintering areas),
- Significant riparian zones

Unfortunately, the identification of these habitats is definitely beyond the financial and the human resources of the Village of Belledune and the planning commission. To make things more complicated, there is no central agency in New Brunswick to obtain natural



*planners in a way that is easy to interpret and prioritize. New partnerships would allow an exploration of landscape level conservation issues, such as wildlife travel corridors and ecological linkages among protected natural areas, which are not being addressed by rural or Crown land planning.*

*Smart growth and sustainable communities initiatives are at the leading edge of progressive planning in North America. Many initiatives currently underway are based on the premise that cooperation among all levels of government, non-government organizations and academia is integral to the success of smart growth and sustainable planning. For this to happen in New Brunswick, it is important to establish those strategic partnerships, and provide planners with a more effective base of data and human resources upon which to draw.*

None of the above conclusions have been implemented yet.

At the present time, extensive wood harvesting and clear cutting on private woodlots is probably the primary threats to habitats. The provincial government regulates forestry activities on public land and exercise limited control on private woodlots. Urbanization in the village is occurring mostly along existing roads and represents no treats to habitats.

#### Policies and Proposals:

The Village of Belledune intends to protect the following three (3) habitats.

**A- The Jacquet River Salmon Barrier** has been in operation since 1994. The Village of Belledune, the NB Wildlife Trust Fund and Xstrata (formerly BMS) are the main contributors of this project that is managed by the Belledune Regional Environmental Association (BREA). In 1994, the final count of grilse and salmon was 132. Year 2002 returned a total count of 466 which is a clear indication of the effectiveness of the project. The objective of the barrier is to maximize the survival of early run of the Atlantic salmon through protection, in order to improve spawning success and to sustain the salmon resources of the Jacquet River. Another objective is to allow the collection of valuable data used to assist in the establishment of conservation targets as well as identification of acceptably harvest rates. Finally, it provides opportunities for educational and awareness activities.

The Village of Belledune is looking to further develop the surroundings of the salmon barrier site. The road should be upgraded to provide better access and picnic sites should be developed. The improvement project also includes the upgrading of walking trails, new signs and increased visibility from Route 11.

**B- Fenderson's beach** is in fact a sand bar that closes the **estuary of the Jacquet River**. The estuary has one of the few barachois ponds on the Chaleur coast with a highly productive salt marsh used by Black Duck, Golden Eye and Eiders for feeding and nesting. Mackerel and Striped Bass are abundant in the estuary.

Ducks Unlimited, in partnership with Smurfit-Stone Container, the Village of Belledune and BREA are working together to protect the beach and the salt marsh for future generations. The overall plan developed by Ducks Unlimited calls for land securement and the installation of walking trails, nesting structures, interpretive signage and

observation decks overlooking the Estuary. This partnership will work to acquire a significant amount of wetland and to conserve them. These installations will provide the public with spectacular viewing opportunities of the Jacquet River Estuary. Vehicle traffic on the sand dune would be restricted to prevent degradation of this sensitive and important coastal habitat. These improvements would provide the residents and the visitors with an ideal site for bird watching. In addition, the Jacquet River Wharf offers a scenic view over Fenderson beach.

As this rural plan is being prepared, the site has been transferred to Ducks Unlimited.

The Village of Belledune intends to designate the sand bar and the estuary as a public open space for passive activities. Therefore, it is the Village's intent to preserve the entire site as a natural attraction oriented toward a natural reserve, walking trails, observation lookouts and beach activities.

**C- This estuary and the salt marsh of the Belledune River and Roherty's Point** contains some interesting natural features. There is a salt marsh with a high gravel bar that is an uncommon feature in this part of the province. The estuary of the Belledune River is used by Great Blue Heron and Herring Gulls as a feeding site. The river is important for its late October run of Atlantic salmon. The Roherty Point is also an ideal location for mackerel fishing from early August through mid September.

A lighthouse was built at Roherty's Point in 1866. It was a mast type light established at the northern tip of the Belledune Point. It was replaced in 1906 by a larger one. The lighthouse was named after the Roherty family who were the keepers for its entire existence until 1972. Unfortunately, the structure was destroyed by fire in 1976 just a day before it was going to be used by the village for a tourism centre.

This site has been identified as an Ecologically Significant Area (ESA 071) by the Province.

The Village of Belledune proposes to develop the Little Belledune Point and the Belledune River to its full potential. There is a need to better control access and parking to the site. Parking zones need to be defined and the number of roads should be reduced to a minimum. Walking trails should be developed within the park, along the dune and around the salt marsh.

### **3.5 Anthropogenic (man-made) activities**

#### Issue:

Over the past few years, environmental issues have been much discussed in the Village and in the region. Environmental management is quite complex and falls within the jurisdiction or the mandate of a wide number of agencies and committees at various levels: local, regional, provincial and federal. At the local level, Council and the Belledune Regional Environmental Association are assuming that function. The district planning commission is also involved as the agency mandated by the Village to manage land use planning within the community. At the regional level, a new structure, the Chaleur Region Standing Committee on Economic and Sustainable Development is involved as well as the Chaleur Bay Watershed Group. At the provincial level, the

Department of Environment is the ultimate agency having jurisdiction over the environment in the province. His counterpart at the federal level will be involved mainly for projects having impacts on First Nations or having cross boundaries effect. Until a few years ago, the Belledune Environmental Monitoring Committee used to exist to monitor a wide range of indicators that could have potential effects on the environment and on people. More recently, the Health Minister hired an independent firm to conduct a health study (Goss Gilroy, February 2005). In addition to these public agencies, a wide number of private individuals, agencies and coalitions have emerged over the past few years such as the Conservation Council of New Brunswick, the Bathurst Sustainable Development, etc.

One can appreciate here the complexity of the issue. Environmental management falls into the hands of a great number of public and private agencies at various levels. This complex network of agencies and coalition is difficult to manage and consensus is often difficult to achieve. Trust is also an important issue that has become apparent over the past few years. It must be clearly understood that the Provincial Government is the only legal authority concerning air shed and watershed management and pollution control. In some cases, the federal government will exercise its authority when First Nations or trans-boundaries effects are concerned. The Village of Belledune has the power to regulate the type of land uses it wants on its territory. This determination is made at the planning stage, i.e. when this rural plan is drafted. It must be understood that a development permit shall be issued by the district planning commission on behalf of the village if the project meets the zoning provisions contained in this rural plan. In other words, the decision to issue a development permit or not is not a discretionary power and is not subject to a referendum or similar consultation process as suggested by some organizations.

The soils in the Village of Belledune have been tested by many organizations for various Chemicals of Potential Concerns (COPC) and in particular for lead, arsenic and cadmium. For the purpose of this rural plan, we will provide the background concentration for reference purposes only. **These data have no legal value and shall not be used in the process of issuing a development or a building permit. The final determination shall be made by the experts of the provincial government as part of a certificate of determination, an approval to construct or an approval to operate.**

	CCME Guidelines ppm = mg/kg	Background level determined by JWEL	Maximum concentration found by Craig 2005	Maximum concentration found by the CCNB	Maximum concentration found by Gilroy
Arsenic	12 ppm	21.4 mg/kg	44 mg/kg (residential land use) (note 1)	78 mg/kg (school yard)	111.5 mg/kg
Lead	70 ppm (agricultural) 140 ppm (residential/park) 260 (commercial) 600 ppm (industrial)	94 mg/kg	426 mg/kg (residential land use)	2800 mg/kg (school yard)	2210 mg/kg

Cadmium	1.4 ppm (agricultural) 10 ppm (residential) 22 ppm (commercial/industrial)	1.3 mg/kg	3.8 mg/kg (residential)	12.4 mg/kg (school yard)	15 mg/kg
Zinc	200 ppm (agricultural) 200 ppm (residential/park) 360 ppm (commercial) 360 ppm (industrial)	137 mg/kg	234 mg/kg (residential)	1055 mg/kg (school yard)	5320 mg/kg

Note 1- Craig Hydro Geologic Inc. (Craig) is in the opinion that the “elevated (relative to the CEQG) concentration of arsenic are relatively widespread and may be partially related to geology. However, the highest concentrations were observed in the industrial areas”. Both Craig and Jacques Whitford Environment Limited (JWEL) appear to suggest that the high concentration of arsenic in the soil is mainly due to natural occurrence.

There is a geochemical report that does cover the entire area of Belledune, including three of the four metals shown in the previous table. Notably the stream-sediment sampling for this report was done prior to the commissioning of the Belledune smelter (formerly developed by BMS) so there is no anthropogenic effect. The result show that background values for arsenic, lead and zinc are approximately 15, 50 and 250 ppm, respectively, with anomalous values in three watersheds as follows:

Jacquet River, up to 26 ppm Arsenic; <50 ppm Lead; and 560 ppm Zinc;

Belledune River: up to 46 ppm As; 340 ppm Pb; and 1850 ppm Zn;

Hendry Brook: up to 500 ppm As; 150 ppm Pb; and 360 ppm Zn.

Source: Crown Land Branch, DNR

**As stated previously, the above figure is provided for discussion purposes only and has no legal value, nor shall it be used for the purpose of issuing a development permit or not.** This rural plan draws no conclusion since this responsibility falls into the hand of experts, particularly the experts retained by the province to conduct the Belledune Area Health Study. That being said, most anthropologic activities have the potential of adding more COPC into the environment. These activities are not limited to industrial activities. For example, arsenic may come from various sources: pesticides used for agricultural and residential purposes, treated wood used in the construction of residential decks, the burning of treated wood waste, etc.

The figures provided by the Conservation Council of New Brunswick (CCNB) appear to suggest that a particular occurrence is happening in the school yard. Except for chromium, the maximum concentration for the COPC included in the above table is found in the school yard.

### Policies and Proposals:

It is proposed that any major industrial project be the object of an informal public information session to publicly explain the project. This information session shall not be interpreted as to be a referendum. It must be understood here that the issuance of a building permit is not subject to a referendum. The permit shall be issued if the project complies with local and provincial regulations.

It is proposed that the Village of Belledune considers the possibility of developing a Green Plan that would also include an Environmental Policy. Some municipalities, such as the Village of Bouctouche and the Town of Dieppe are presently developing a green plan.

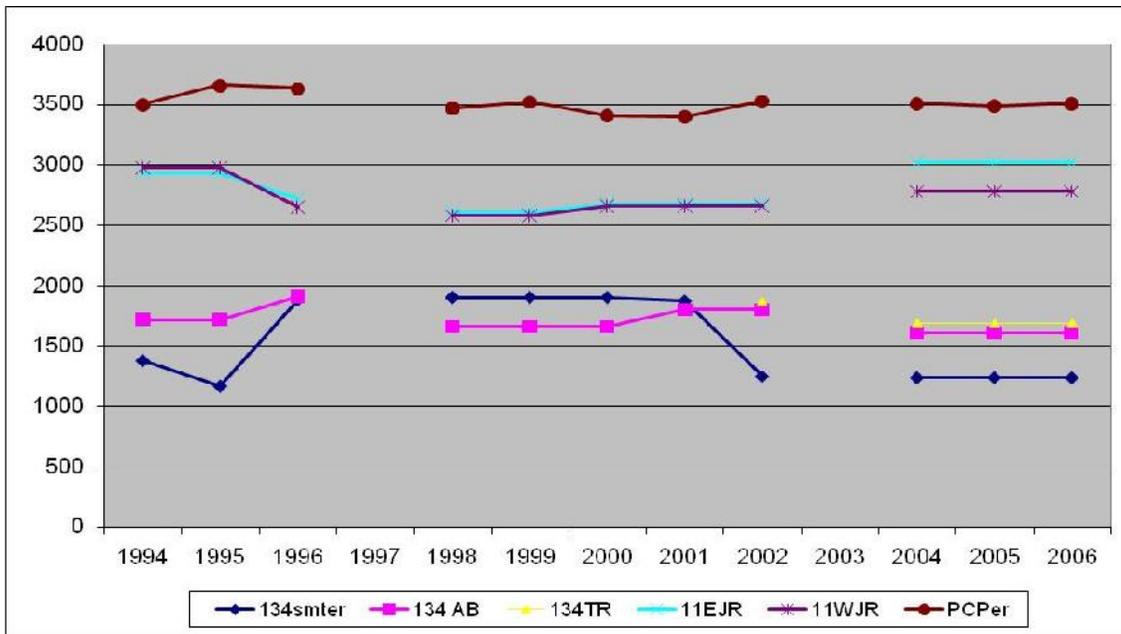
## 4.0 TRANSPORTATION PLAN

### Background Information

The transportation network in Belledune consists of various integrated and interrelated systems. The Village has access to various systems, many of them located within the community such as the Port of Belledune and the Provincial Highway (Route 11). An example of integration between two various systems is the proposal to develop a ferry service between Belledune and Newfoundland for trailers and containers.

There are two major road systems in Belledune. Main Street or Route 134 is the coastal road that links the various parts of the community. Main Street was diverted in the 90's for the construction of the power plant. The average annual daily traffic (AADT) on Main Street near the smelter was 1250 in 2002 compared to 1900 in 1999. For some reasons, there has been a significant reduction in the amount of traffic at this location, passing from 1870 in 2001 to 1250 in 2002.

Figure 15: Traffic Count in Belledune (AADT)



(note: no data available for 1997 and 2003)

#### Legends:

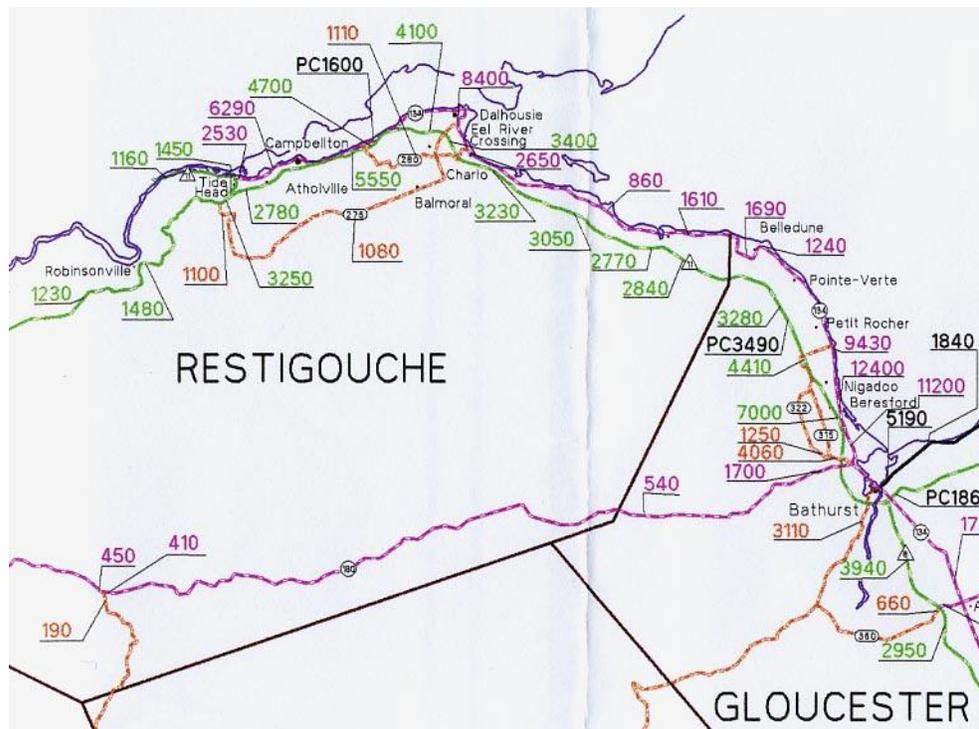
- 134smter: On route 134 near the smelter
- 134AB: On route 134, near Armstrong Brook
- 134TR: On route 134 at Turgeon Road
- 11EJR: On Route 11, east of Jacquet River drive
- 11WJR: On Route 11, west of Jacquet River
- PCPer: Permanent counter at Petit-Rocher.

The amount of traffic on Route 134 in the vicinity of Armstrong Brook has decreased by 6.4% between 1994 and 2006 with an AADT ranging between 1720 and 1610. DOT has installed a counter on Route 134 near Turgeon Road that did return an AADT of 1870 vehicles in 2002 in comparison to 1690 in 2006, a decrease of 9.6%

The level of traffic on Route 11 westward of Jacquet River Drive has registered a decrease of 6.7% between 1994 and 2006. In comparison, the section of Route 11 eastward of Jacquet River Drive has registered an increase of 3%. (3020 versus 2930).

In general, the AADT on Main Street is relatively small. The following figure provides a snapshot of the AADT at various locations in the Chaleur Region in 2006.

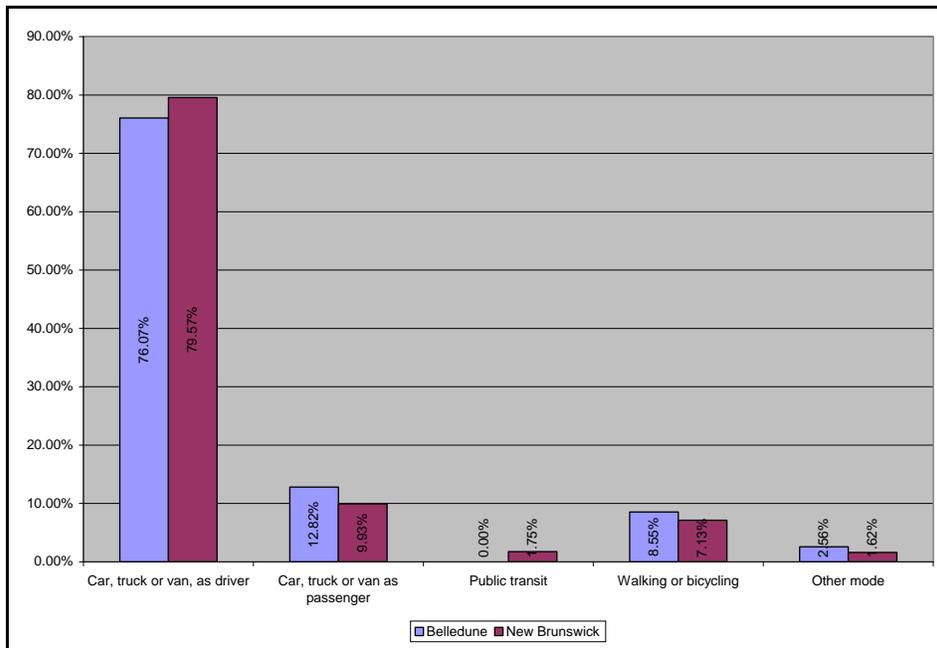
**Map 12: Traffic Count in 2006 (AADT)**



As we can see, the level of traffic in Belledune is relatively slight in comparison with other coastal villages in the Chaleur region.

The use of personal car is still the favourite mode of transportation of the residents of Belledune. However, a lesser percentage of the population are using their personal car to go to work compared to the rest of the province. Inversely, more people, i.e. 12.8% of the population, are sharing a ride (car pooling) to go to work. A significant number of respondents (8.55%) say that they either walk or use a bicycle to go to work.

**Figure 16: Transportation Mode in Belledune**



## 4.1 Road hierarchy (Road Classification)

### Issue

The road hierarchy is a major component of the rural plan to ensure the movement of people and goods in a safe and orderly manner. It provides a framework on which the village may plan the network of existing and proposed streets, the zones that require improvement and the areas of future development. Most land use activities are directly associated with the road classification. For example, highway commercial zones are normally developed along arterial roads while residential development takes place along local streets.

### Policy and Proposals

The Village of Belledune intends to develop and implement the road hierarchy as shown on the map entitled "Road classification map for the Village of Belledune" found in Schedule B. This map will serve to plan the path of future streets and to improve existing roads in accordance with their respective rank in the road hierarchy.

The Village of Belledune intends to develop its road network based on the following hierarchy or classification:

- **By-pass: (Route 11)** Its main function is to carry large amount of through traffic at high speeds and without interruption. It intersects with arterials and collectors with graded intersections. The by-pass is mainly used by transit vehicles and is rarely used for travelling within the village. It runs for a distance of 19.9 km from east to west. It includes 13.3 km of 2 lane roadway and 6.6 km of 3 lane

roadway. There are two interchanges within the village limits at Turgeon Road and at Jacquet River Drive.

- Arterial: Main Street (Route 134) constitutes the spine of the road network in the village. Its main function is the movement of large volumes of through traffic at medium to high speed. For safety and for efficiency, the number of intersections with other streets and private driveways should be kept to a minimum.
- Collectors and sub-collectors: It provides land access and traffic movement with equal importance. Turgeon Road and Jacquet River Drive are two main collectors in the community, thus providing access to Route 11.
- Local streets: Its main use is to provide direct access to adjacent and individual properties at low speed.

It is proposed that the construction of any new public street by the municipal or provincial authorities, or by the private sector, be planned in conjunction with the "Road classification map for the Village of Belledune" (Schedule B) and with the "Zoning Map" (Schedule A).

## **4.2 Road improvement and missing links**

### Issue

Main Street (Route 134) constitutes the main arterial in the village. It mostly runs along the shoreline and serves the most urbanised areas of the village. When the Power Plant was built, a portion of Route 134 was deviated between Curry Drive and Shannon Drive. In its proposed land use plan prepared in 2001, the Belledune Port Authority has suggested to realign another section of Route 134 so that it goes completely around the heavy industrial zone. This would provide for the heavy industrial zone to be entirely inside the Route 134 loop thus providing better control for industrial growth.

A few missing links are needed to implement and to strengthen the road classification system (hierarchy) proposed in this rural plan. In some cases, the missing links could be developed by the private sector during the subdivision process. In other locations, the missing links need to be built by the village or by DOT.

The municipal plan of 1995 recommended the extension of Carney Street up to the Jacquet River Wharf as an alternative route to the bridge on Firlotte Road. This long-term project should be maintained in the present rural plan.

It could also be practical to loop some existing streets when and where feasible. Several existing streets in the village terminate as cul-de-sac. Looping some roads would help to reduce the number of private crossings over the railroad track.

### Policies and Proposals:

It is proposed that the following projects be retained by the Village of Belledune for implementation over the next years to come. The Village will pursue the implementation of these projects directly through capital expenditures or indirectly through land use regulation or subdivision process.

The Village of Belledune supports in principle the proposal of the Port Authority to realign a portion of Route 134 eastward of Turgeon Road. This major investment would therefore require the financial participation of senior governments and from the private sector.

The Village of Belledune will also consider the following improvements to strengthen its road system:

- Extension of Carney Street to the Jacquet River Wharf;
- Extension of Gagnon Street with the possibility of looping with other streets and existing building lots on the north side of the railroad track;
- The bridge over the Belledune River is in a depressed area that raises some concerns for visibility due to the vertical alignment. Since the construction of bridge is a provincial responsibility, this project should be place on the Five-year capital plan submitted to the province;
- The Village of Belledune also intends to include the Jacquet River Bridge in its five-year capital plan. The Council is somewhat concerned with the low elevation of the bridge.

### **4.3 Turgeon Road**

#### Issue

Turgeon Road provides a direct link between Route 11 and the industrial zone. It allows truck traffic to have access to the various industrial sites without interfering with the other zones of the community. Therefore, most truck traffic generated by the industrial zone is segregated from the other residential, commercial and institutional areas of the community.

Until recently, Turgeon Road was designated as a Level III controlled access highway on a distance of 2.8 kilometres between Route 11 and Route 134. This designation would have prohibited any development along Turgeon Road unless a service road was built in parallel. Following some comments made during the preparation of this rural plan, the Department of Transportation has removed this designation. Therefore, Turgeon Road can now be used to provide direct access to adjacent properties, thus allowing commercial and industrial development in this area.

#### Policies and Proposals:

Following the new designation of Turgeon Road, more land is now available for commercial and industrial development.

### **4.4 On-Street parking**

#### Issue:

The Village of Belledune is concerned with the parking of semi-trailers and other commercial vehicles within the right-of-way of public streets, especially within the Industrial Zone.

### Policies and Proposal

The Village of Belledune intends to adopt a Traffic By-Law that would regulate the parking of commercial vehicles on-street.

## **4.5 Road designation- Public Road and Private Access**

### Issue:

In the non incorporated areas of the province, the Department of Transportation is using a system of roads designation that finds its roots in the Highway Act. The various provincial routes are classified and designated by the department and represented in a series of maps entitled "Designated Provincial Highways". These maps relate to provincial roads and the various municipal roads are regrouped together under a single designation. The rural plan will further expand the system of road designation within the village of Belledune. In other words, the rural plan will propose its own system of road designation similar to the one adopted by the Department of Transportation for the non incorporated areas.

For the Village of Belledune, it is important to designate on a map the roads that are able to effectively serve the various land uses in the community. These roads receive year-round services. The designation of road is intended to ensure the safety of the public and road user, to protect the interests of present and future lot owners and to promote the development of efficient streets which will effectively serve the various land uses in the village.

Most of the lots that have been developed in the past in the Village have a direct frontage on a road that receives year-round services and that meet minimum standards in term of design and condition. However, there has been some development in the past along some private roads and some substandard public streets. Most of that development took place along the Bay of Chaleur for the construction of cottages. Over the years, many of these cottages have become year-round residences. One recurring issue about these substandard roads is that it is convenient for land owners who want to subdivide and sell their lots without having to spend money in the construction of public street that meet municipal standards. After the lots are sold and developed, new owners will often pressurize the Village to build the road to standards and to provide municipal services: public security, snow removal, garbage removal, etc. There is also a need to be more consistent regarding development. Why would some developers be allowed to subdivide their properties without providing any basic infrastructures while other are required installing these services?

### Policies and Proposals:

The Village of Belledune intends to control development activities by adopting and enacting the map entitled "Road designation map for the Village of Belledune" that is found in Schedule C of this Rural Plan.

It is proposed that the "Road designation map for the Village of Belledune" indicates the roads and sections thereof that the Council assigns as "Municipal public street". A "Municipal public street" is a road or a street for the use of passage by the public that receives year-round services and maintenance from the municipality or the Department of Transportation, and that is able to effectively serve the various land uses of the community for the reason that its design and physical condition meet minimum standards.

It is proposed any building lot that has a direct frontage along a "Municipal public street" be approved for development without referral to council.

It is proposed that the erection of any building on a lot that has no direct frontage on a "Municipal public street" shall be referred to Council for approval. Each application will be reviewed by Council pursuant to Paragraph 34(3)(d) of the Community Planning Act that provides that a zoning by-law may "prohibit the erection of any building in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, **street** or other services or facilities".

## 5.0 MUNICIPAL SERVICES AND PUBLIC UTILITIES

### Background:

In concert with the road network, the system of municipal services (infrastructures) and public utilities constitutes the physical support of the urban and rural development. Municipal infrastructures consist mainly of the water system (intake, treatment and distribution); the sanitary sewers system (collection, treatment and effluent discharge) and the storm sewers system. The presence or the absence of municipal infrastructures is a major determinant in the development of the village in terms of land use varieties and densities.

The following table summarize the subdivision standards generally in effect in the province of New Brunswick. These standards apply to the non-incorporated areas of the Province as provided in the Provincial Subdivision Regulation 80-159. Despite the fact that these standards concerns non-incorporated areas, they have been used by most municipalities of the province. In New-Brunswick, it is required that any unserviced lot newly subdivided for a single-family dwelling shall have an area of one (1) acre and a frontage of 54 meters (180 feet). For the rest, the allowable sizes of building lots vary in relation with the type of municipal services in place as illustrated in the following table.

Types of services	Minimum area	Minimum frontage
Unserviced lot	1 acre/4,000 m <sup>2</sup>	54 meters / 180 feet
Sanitary sewers only	672 m <sup>2</sup>	23 meters/ 75 feet
Public water only	1 acre/ 4,000 m <sup>2</sup>	54 meters / 180 feet
Both sanitary and water	558 m <sup>2</sup>	18 meters / 60 feet

The areas not serviced with municipal sewage will remain limited in terms of housing types and density. For reference, in the non-incorporated areas, the maximum number of units allowed on a non-serviced lot is four (4) units as summarized in the following table:

Number of residential units	Minimum frontage of lot	Minimum area of the lot
1 unit	54 meters	1 acre/4000 m <sup>2</sup>
2 units	59 meters	5350 m <sup>2</sup>
3 units	63 meters	6700 m <sup>2</sup>
4 units	68 meters	2 acre/8050 m <sup>2</sup>

In the municipalities, the Department of Health and Community Service is using the standards contained in Regulation 88-200 to determine the minimum size of building lots. The health inspector will estimate the sewage flow per day based on the type of building and will determine the minimum size of the building lot accordingly.

At the present time, most of the village is not serviced. The former townsite is serviced with water, sanitary sewers and a small treatment plant owned by Xstrata. A small section of the industrial park is connected to the waterline owned and operated by Xstrata. This waterline provides industrial water to some industries.

In 2003, the Village withdrew the application it had submitted to the Province for the construction of a sanitary sewer system. This decision was taken following consultation with the citizens. This does not mean that the Village is not looking for other alternatives. Council is still in the opinion that water and sewer infrastructures are needed to support long term economic and social development as outlined in various studies and reports:

- Wider types and densities of development (residential, commercial or industrial);
- Support for economic development since many businesses and industries require municipal services in their location decisions;
- Greater fire protection capability;
- Since the Village of Belledune is a heavy industrial center, it generates waste water that needs to be treated before it is released in the environment;
- Some reports have indicated that many wells in the village have a level of chemical and salt-water intrusion.

In conclusion, the village is predominately serviced by private wells. When the Village of Belledune moves forward in developing a municipal water supply, the private wells in the area will have to be decommissioned. The DENV staff will be able to assist the Village in planning this undertaking at that time.

## **5.1 Protection of Water Supply: Wellfield and Watershed**

### Issues

There is no public water source or watershed within the Village of Belledune. The former townsite and some parts of the industrial park are serviced by the waterline owned and managed by Xstrata Zinc. All other properties are serviced by private wells.

Wellfields or watersheds are the two common sources of water for communities. Now that the preservation of municipal water sources has become a priority for the provincial government, two major programs have been implemented. The Wellfield Protection Program is aimed to protect natural ground water for municipalities that obtain their water from municipal wellfields. The Watershed Protection Program establishes a buffer zone of 75 meters along watercourses providing drinking water to communities in which some land uses or activities are regulated or prohibited. In 2001, the regulation was amended to extend land use control outside the buffer zone to the entire watershed. As of today, the Village of Belledune has identified no specific water sources and more studies will be required to locate a suitable source of drinking water. That being said, some experts of the provincial government are in the opinion that the probability of finding bedrocks wells that will provide an adequate supply for the Village is low. They are also in the opinion that the Jacquet River remains the most likely source of domestic water.

There are an increasing number of bottling enterprises that locate in rural areas where the aquifer provides drinking water of better quality. Some Canadian provinces are enacting more stringent policies to regulate that particular industry.

### Policies and Proposals

The Village of Belledune maintains its long term objective to provide municipal water of acceptable quality and quantity to meet domestic, industrial and firefighting needs of the community.

The Village of Belledune intends to continue its efforts to locate an appropriate source of drinking water. When the source(s) has been identified and located, the Village of Belledune will initiate actions to protect it under the Wellfield Protection Program or the Watershed Protection Program as the case may be. The Village of Belledune will also amend its rural plan at that time so that land use activities are regulated within the wellfield or the water source supply area as the case may be.

Any facility extracting more than 50 cubic meters of groundwater per day must register with the Project Assessment Branch of the Department of Environment for an Environmental Impact Assessment (EIA).

## **5.2 Wastewater Management**

### Issues

Most of the Village is currently serviced by individual on-site sewage systems. The former townsite has its own system. A few years ago, the village withdrew its application before the province for the funding of a public sewer system. However, in 2005, the Village has retained the services of a consulting firm to prepare a Wastewater Management Feasibility Study. This study will investigate various on-site and off-site servicing options. The purpose of this study is to investigate alternative wastewater management solutions consistent with the rural characteristics of the community. The study released in 2006 recommends different systems for different areas of the village in function of the various soils, rocks and groundwater conditions.

The consultant is recommending that any lot smaller than 2,000 square metres should be considered far too small to sustain a proper septic system regardless of the subsurface conditions. The consultant is also in the opinion that any lot between 2,000 and 4,000 square metres should be assessed by taking into consideration severe to very severe soil limitations. Overall, the consultant has determined that 40% of the lots in Belledune (815 lots) can be classified as non-viable for on-site sewage systems. About 222 (11%) of these non-viable lots are vacant.

The consultant is proposing to create 5 sub areas having a high density of non-viable lots for the purpose of establishing off-site wastewater servicing systems divided in 3 components: collection, treatment and dispersion of treated effluents.

The consultant has reviewed 5 different systems. The conventional aerated lagoon would be a centralized system servicing the whole community. The PeatLand system could be developed as a centralized system or a decentralized system servicing each of the 5 sub areas. Finally, the other three systems (Textile PBF & Subsurface Dispersal, Lagoon & Seasonal Direct Discharge and Communal Septic System) are decentralized and would service their respective cluster.

The consultant has determined that the PeatLand system is the least expensive cluster option. The conventional aerated lagoon and a direct ocean discharge is the least expensive centralized system.

The consultant proposes a Septic System Management Program (section 6.4 of his report) that appears to have been adapted from USEPA. It is not certain that the programs proposed by the consultant could be adapted in the Province of New-Brunswick under existing legislation. The proposed programs mean more responsibility and involvement by the village in the regulation and in the monitoring of private individual systems. The study also proposes that the village adopts more stringent minimum standards for the design and construction of on-site sewage disposal systems. This is a complete shift from the regulatory process that has existed in NB for many decades now. Under the existing provisions, the Department of Health is the only authority in New Brunswick responsible for the licensing and the monitoring of private septic systems. In other words, the proposals made by the consultant to establish new regulatory bodies and to add the municipality in the playing field need to be assessed from a legal and technical point of view and its implementation would require significant changes in the provincial regulation.

New concepts of development are emerging as part of new tools for managing growth and protecting natural areas. New urban densities are redefined that are much higher than conventional ones. In return, open spaces and natural features are preserved. New Conservation Design principles are intended to make subdivision plans more sustainable by creating a network of protected natural areas and open spaces. Development is concentrated on one part of the overall property to protect the environmental constraint area. The overall density of the development remains the same while large portions remain as open space.

### Policies and Proposals

The Village of Belledune is prepared to consider any new standards different from conventional subdivision design that incorporates conservation principles. In order to facilitate the development of such project, the Village of Belledune will allow sustainable community design and other similar initiatives through Development Schemes under Section 32 of the Community Planning Act.

## **5.3 Setback requirement (unserviced development)**

### Issue

The former municipal plan contained a provision (Section 13.4.2) requiring that every new house be located in the front quarter of the lot to facilitate its subdivision after the municipal services are installed. The planning commission has found that this requirement is difficult to enforce since many property owners want to locate their house further from the road. This is particularly true for lots along the shore of the Bay of Chaleur since most owners want to build near the water.

### Policies and Proposals:

It is proposed that the requirement about the maximum setback that existed in the previous municipal plan be removed from this Rural Plan.

## **5.4 Municipal and Public Utilities**

### Issue

In order to provide municipal services to the community, the Village of Belledune will have to build various types of infrastructures at specific locations. These infrastructures need to be located where the services are provided. Engineering constraints also dictate the exact location of these infrastructures.

Several other public agencies also provide a wide range of public utility services: phone, internet, cable, electricity, etc. These agencies must develop numerous infrastructures throughout the Village. These include transportation and distribution lines, substations, relays, etc. The region is working hard to have access to natural gas. Should this happen, distribution lines and other facilities will have to be built.

Several public utilities use radiocommunication towers to provide radio and television broadcasts, emergency communication, data exchange, radiotelephone and paging as well as a variety of other services. Industry Canada is responsible for regulating radiocommunication in Canada and for approving the location of radiocommunication facilities. Therefore, these facilities are exempt from complying with local regulation. The antennas must also comply with guidelines issued by Health Canada concerning exposure to radiofrequency fields known as Safety Code 6. However, Industry Canada has issued new guidelines a few years ago under which companies who want to install towers must discuss and review their plans with local planning authorities. Industry Canada recognizes that the local community should have the opportunity to influence the location of a tower but that does not confer a right of veto in the location of the facility.

### Policies and Proposals

The Village of Belledune intends to permit the installation of public utilities in all zones of the Village as stated in Sections 3 and 37 of the zoning provisions.

The Village of Belledune strongly supports the principles contained in the policies issued by Industry Canada requesting that radiocommunication companies review and discuss their projects with the Belledune District Planning Commission. Also the facilities are to be located in areas considered to be non-intrusive for the existing population. For that purpose, a location away from residential areas or zones is most desirable for a new facility. Special considerations should be taken to avoid potential damage to adjacent properties from tower collapse and falling ice through engineering and careful locating of tower structures.

## 6.0 RESIDENTIAL USES

### 6.1 Types and density of housing

Issue:

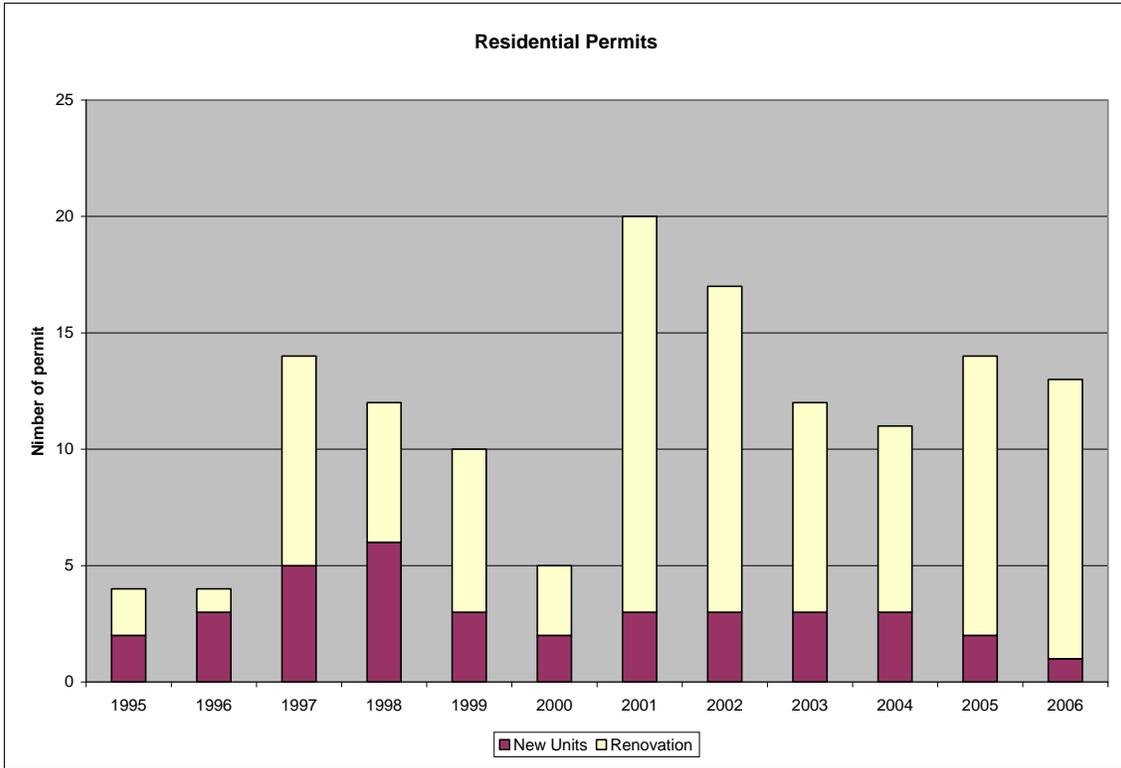
There were a total of 810 residential units in the Village in 1996 according to Statistics Canada distributed as follow:

Type of housing	Number of units	%
Single-Detached House	665	82.10%
Semi-Detached House	20	2.47%
Apartment, detached duplex	10	1.23%
Apartment building, 5 or more storeys	0	0%
Apartment building, less than 5 storeys	65	8.02%
Movable dwelling	50	6.17%
Total	810	100%

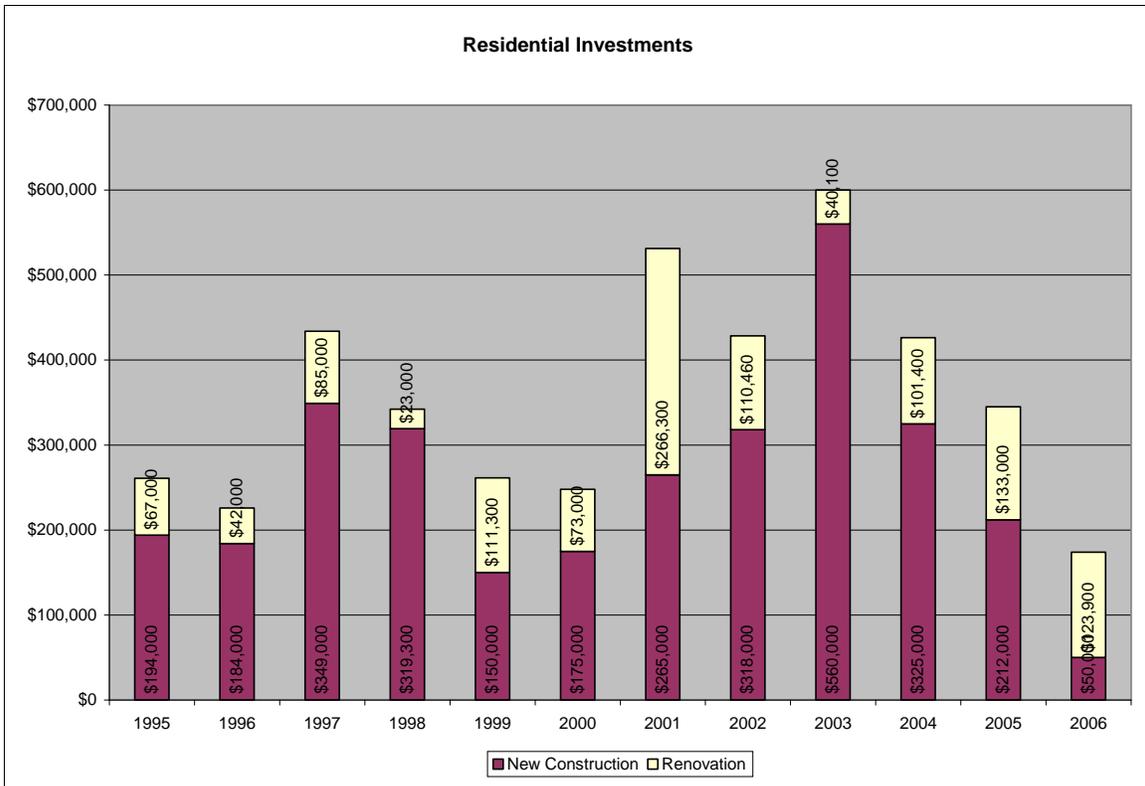
The number of private dwellings was about the same in the 2001 census with a total of 805. About 80% of the dwellings were owned and the other 20% were rented. The provincial figures were 75% and 25% respectively. There are more property owners in Belledune compared to the rest of the province.

Since 1995, a total of 36 new single family houses have been built which represent a total investment of \$3.1 millions. This represents an average of 3 new houses per year for an average value of \$258,000. During the same period, a total of 136 permits were issued for the construction and the renovation of single-family houses, which represents a total investment of \$4.3 millions.

**Figure 17: Residential Permits 1995 to 2006 for the Village of Belledune**

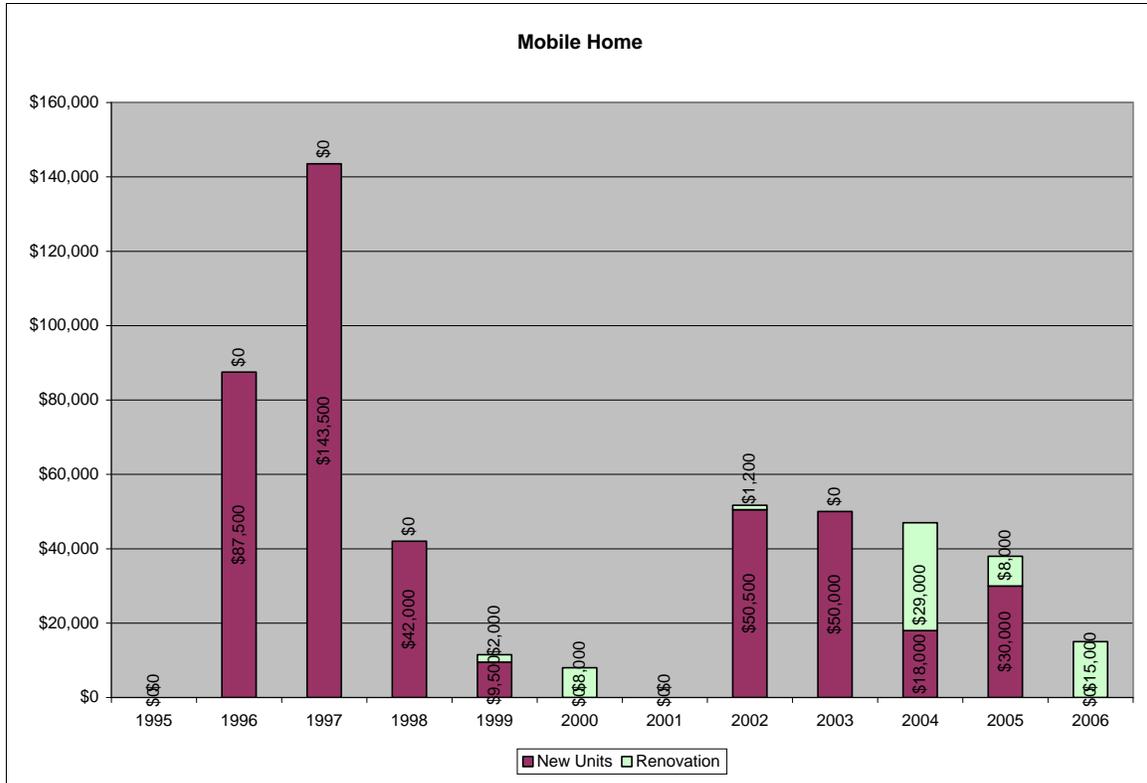


**Figure 18: Residential Investments in the Village of Belledune (1995 to 2006)**



A total of 16 new mobile-homes and mini-homes were installed since 1995, which represents an average of 1.3 units per year and a total investment of \$431,000.

**Figure 19: Mobile homes and mini homes installed in the Village of Belledune between 1995 and 2006.**



89% of the dwellings were constructed before 1991. In 2001, the average value of the dwellings was \$63,044 compared to the provincial average of \$86,538, thus representing a difference of \$23,494. In 1996, the average value of dwellings in Belledune was \$60,453 compared to the provincial average of \$69,419, which represented a difference of \$8,966. It is well known that the housing market is stronger in the southern part of the province.

The average gross monthly payment for rented dwellings was \$396 in Belledune in 2001 compared to \$507 in New-Brunswick, which represents a difference of \$111. In 1996, the average gross rent was \$432 in Belledune compared to \$441 for New Brunswick, which represented a difference of only \$9. We notice that the monthly rent has decreased over a 5 years period.

The average monthly payment for an owner-occupied dwelling was \$379 in 2001. Contrary to the provincial average, the average mortgage payment in Belledune appears to be less than the gross monthly payment of a rented dwelling.

In conclusion, statistics appear to suggest that housing costs are more affordable in Belledune in comparison with the rest of the province even if we notice a slight increase in the average value of dwellings.

## Policies and Proposals:

The Village of Belledune intends to designate three (3) types of residential zones varying in term of densities given the fact that most of the Village is not serviced by municipal water and sewage.

It is proposed that the following densities be designated in the residential zones that are not serviced:

- Low-density residential zones will allow single and two-family dwelling.
- Medium density residential zones will allow a larger variety of residential dwelling ranging from one to four units.
- High density residential zones will allow larger residential complexes up to 20 units as determined by the public health inspector.

The Village of Belledune intends to amend its Rural Plan when the construction of the sanitary sewer system is initiated and when the areas to be serviced are identified.

The Village of Belledune intends to take necessary actions to ensure that the housing stock adequately addresses the needs of the entire population, including single-family and two family houses; multifamily dwellings up to 4 units, cottages, parks and sites for mini-homes; special care home, etc.

It is proposed that zoning standards be more permissive than those that exist in larger urban centers, and in particular standards regulating the size of accessory buildings and those regulating home occupations.

## **6.2 Mobile homes and mini homes**

### Issue:

In most communities, mobile homes and mini homes are subject to specific zoning regulations because of their particular architecture. In most cases, they are only permitted within mobile or mini home parks. Over the past decades, the traditional mobile home has been gradually replaced by the mini home. Mini home is still a form of manufactured housing but its design is more appealing: wood structure, vinyl siding, pitch roof, architectural elements, etc. In most case, mobile homes installed in the Village are existing homes moved from another location and build some years ago.

The Municipalities Act allows municipalities to adopt a by-law for the regulating of mobile home sites and the regulating and licensing of mobile home parks (Section 188(2)). Such by-law may designate areas within the municipality which may or may not be used for mobile home parks or sites. Furthermore, Section 188(6) states that where a zoning by-law is in effect, no area may be designated for a mobile home site unless such use is expressly permitted by such by-law. Therefore, the zones where mobile home sites and parks are permitted need to be clearly indicated in the present rural plan and in the zoning provisions. In most cases, mini home or mobile home parks operate under a license issued by the municipality. The purpose of that is to ensure that all the services

are built and maintained by the operator to the highest required levels of health and safety.

A total of 77 mini homes or mobile homes were installed in the Village since 1980, which represents an average of 3 units per year. During the same period, a total of 227 houses were built. Therefore, mini and mobile-homes represent about 25% of all single family dwelling developed in Belledune over the last 25 years. However, the number of mini and mobile homes installed in the Village over the past few years appear to have diminished slightly. According to Statistics Canada, there were a total of 50 movable dwellings in 1996 which represent 6.17% of the total number of residential units in the Village. The fact that Statistics Canada has counted less moveable units than the number of building permits issued is an indication that mini-homes and mobile-homes are installed for temporary periods in some cases.

#### Policies and Proposals:

It is proposed that mini home sites be permitted in all the zones where the residential function is permitted with the exception of the R-1 Zone. A mini home site is defined as an individual building lot occupied by one (1) mini home. Of course, mini home will also be permitted within mini home parks and/or mobile home parks.

It is proposed that mobile home sites be permitted in the RU-3 Zone. A mobile home site is defined as an individual building lot occupied by one (1) mobile home. Of course, mobile homes will also be permitted within mini home parks and/or mobile home parks.

The Village of Belledune intends to permit mobile home parks and mini-homes parks only within designated areas as per the zoning provisions. If a development is proposed where they are not permitted, such a project would be considered by Council as a rezoning application under the provisions of Section 39 of the Community Planning Act. A mobile home or a mini home park is defined as a property occupied by two units or more.

### **6.3 Secondary Apartment**

#### Issue:

By definition, a secondary apartment is a separate unit situated in the basement of a single-family house. It is not a semi-detached or duplex dwelling. View from the outside, the house preserves the character and the appearance of a single-family house.

Secondary apartments have become a reality in many communities across Canada. Secondary apartments are increasingly accepted by municipalities for various reasons: it provides a supplementary income for the owner of the house, it increases the number of rental units in the community and it corresponds to housing needs of smaller and older households who desire to live in a residential area of low density.

#### Policies and Proposals:

The Village of Belledune supports the development of secondary apartments in the basement of single-family house subject to the issuance of a building permit and the conformity of the project with the National Building Code and the Fire Code. The addition of a secondary apartment shall also be approved by the public health inspector for connection to the on-site sewage system. The maximum size of secondary apartments will be regulated in the zoning provisions.

#### **6.4 Garden Suite (Granny flat)**

##### Issue:

A garden suite is a secondary building situated in the yard of the host dwelling and is occupied by an immediate parent of the host family. It is occupied by seniors or by physically or mentally challenged people who need to live at close proximity from other members of their family. A garden suite is a portable detached housing unit scheduled to be removed from the host property when it becomes unoccupied by the parent of the owner of the principal dwelling.

A garden suite shares utilities with the main building. It may be particularly beneficial in small rural areas like Belledune that do not have immediate access to rental housing for seniors who need some support to live independently. Since this unit is temporary in nature, it shall be connected on the same sewer system as the house.

##### Policies and Proposals:

The Village of Belledune recognizes garden suites as a non-permanent housing form to ensure adequate housing to the immediate family of the property owner in order to accommodate an elderly parent or a physically challenged relative.

The Village of Belledune shall require that the garden suite is of high quality and is compatible in design with the surrounding area.

Since they are non-permanent, it is proposed that garden suites not be subject to zoning density calculation.

It is proposed that an administrative document be signed between the proponent and the municipal authorities as a requirement prior to the installation of a garden suite. The main purpose of this document is to verify on an annual basis that the garden suite continues to be occupied by the immediate family of the property owner

#### **6.5 In-Law Suite**

##### Issue:

In-Law Suite is a residential living space that forms a distinct dwelling unit from the main residential dwelling. The suite shall be contained within the main building occupied by the primary residential unit. In most cases, the in-law suite is located on the ground-floor since it is proposed to serve as living quarters by the parents, grandparents or children of the owner-occupier of the dwelling.

### Policies and Proposals:

The Village of Belledune recognizes in-law suites as a non permanent housing form to ensure adequate housing to the immediate family of the property owner to accommodate a direct relative. At such time as the in-law suite is no longer occupied by the parent, the unit shall be incorporated into the principal dwelling.

Since they are non-permanent in nature, it is proposed that garden suites not be subject to zoning density calculation. Consequently, an in-law suite will be permitted even in the case where a secondary apartment has been developed in the basement of the main dwelling.

It is proposed that an administrative document be signed between the proponent and the municipal authorities as a requirement prior to the installation of an in-law suite. The main purpose of this document is to verify on an annual basis that the garden suite continues to be occupied by the immediate family of the property owner.

## **6.6 Community Placement Residential Facility**

### Issue:

A community placement residential facility means a home, a residence or a residential centre as defined by provincial regulation 83-77 enacted under the Family Services Act. These facilities are intended to provide level 1 and 2 care services as defined by the document entitled "Standards and Procedures for Adult Residential Facilities" published by the Department of Family and Community Services in February 2002. These types of facilities are now recognized as residential units similar and compatible to single-family residential dwellings in an increasing number of communities.

### Policies and Proposals:

The Village of Belledune supports in principle the development of Community Placement Residential Facilities in all zones where the residential function is permitted. These facilities are limited to:

- Community Placement Residential Facility providing level 1 and 2 services. The zoning provisions will specify the maximum number of residents that is consistent with the residential density in each zone.
- Shelter for women and/or children licensed by the provincial government. The zoning provisions will specify the maximum number of residents that is consistent with the residential density in each zone;

It is proposed that Community Placement Residential Facility providing level 3 or 4 services shall require a rezoning application under the provisions of section 39 of the Community Planning Act

It is proposed that transitional housing, halfway homes and homeless shelters be only permitted by way of a rezoning application under section 39 of the Community Planning Act.

The Village of Belledune intends to work closer with the Provincial Government to promote the construction of Community Placement Residential Facilities and Senior Citizen Homes in the community.

## **6.7 Home Occupation, Retail Sales in a Dwelling and Home Business**

### Issue:

Until a few years ago, home occupation was defined as professional activities at home and reserved for some professions: doctors, dentists, lawyers, etc. With the apparition of new technologies, new professions have emerged and home businesses now cover a wider range of activities. Zoning regulation needs to be updated to reflect these new realities.

Home Occupation can be defined as "an occupation, trade, profession or craft carried on by the occupant of a residential building as a secondary use that is clearly subordinate and incidental to the main residential use of the property, and which does not change the character, thereof or have any exterior evidence of such secondary use other than a small sign not exceeding a size prescribed by the zoning by-law". The word secondary here reflects two things. First, the home occupation can only exist if a main residential use exists. Second, the secondary use shall occupy a smaller area of the premises than the main residential use. Home occupation is therefore incidental to the main use.

Retail Sales Outlet in a dwelling goes beyond the traditional concept of home occupation. It involves some commercial activities operated within a residential dwelling. Some form of retail sales may be compatible with the residential character of the neighbourhood under some conditions. This type of activity may be beneficial to rural communities like Belledune by providing some basic and specialized commodities that may not be available in the designated commercial districts of the village. In the former municipal plan, it was possible to operate an activity of retail sale in a dwelling within a residential zone only along Main Street. It is the intent of this rural plan to extend this permission to some other residential zones of the village.

A home business refers to a trade or business based in a residential building but conducted off-premises. For example, many contractors (electrician, carpenter and plumber) operate their businesses from their home, but most of the business is conducted elsewhere.

### Policies and Proposals:

The Village of Belledune supports the development of home occupations, retail sales outlet in a dwelling and home businesses subject that they do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood and do not become a nuisance to the neighbouring residential properties in terms of traffic, noise, odours, hazard, outside storage, appearance, and other.

It is proposed that a home occupation, a home business and a retail sales outlet in a dwelling shall be incidental to the main residential use of the property and that it shall be conducted only by members of the family residing in the dwelling unit.

## **6.8 Affordable Housing**

### Issue

Many programs exist at the provincial and at the federal levels to provide affordable housing for various classes of population. Many programs are developed by CMHC but are administered at the provincial level by NB Housing Corporation.

### Policies and Proposals

It is proposed that the Village of Belledune takes advantage of all available programs that exist to develop affordable housing for senior citizens and for low-income families.

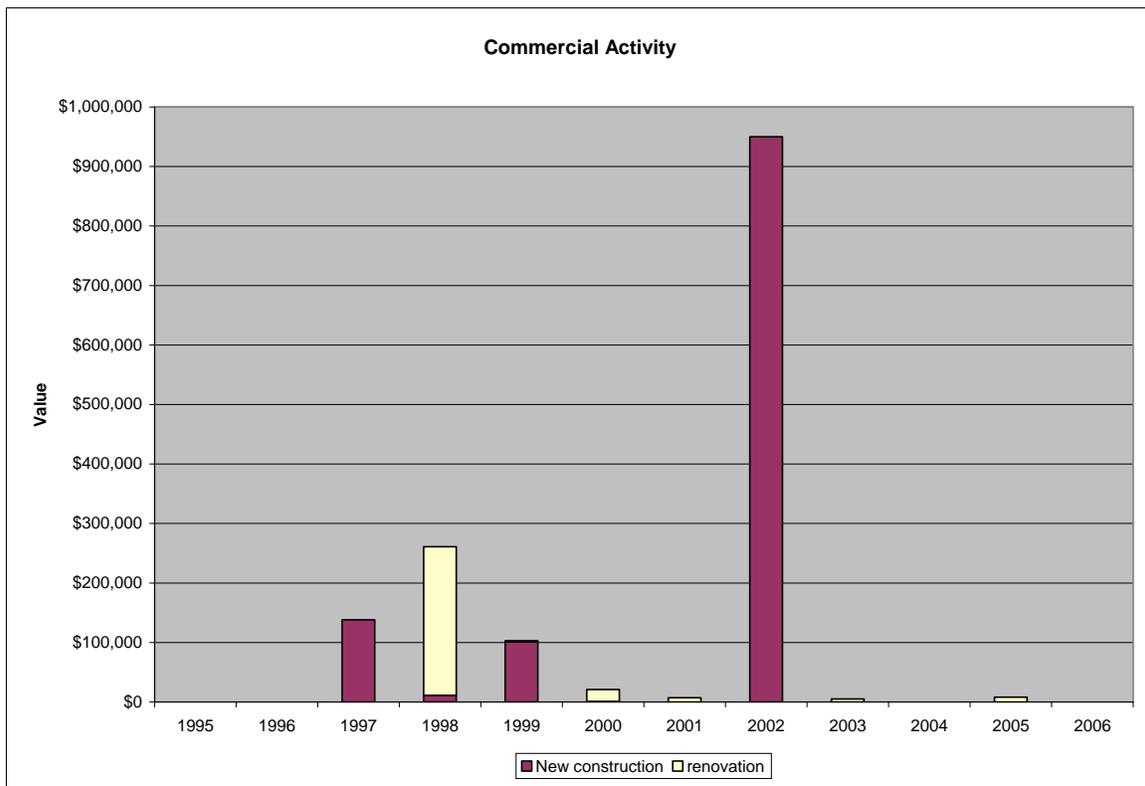
## 7.0 COMMERCIAL USES

### 7.1 Designations and Divisions

#### Issue:

Between 1995 and 2006, a total of 7 permits were issued for the construction of new commercial buildings, which represents an investment of \$1.2 millions. Sixteen (16) permits were issued in total for new constructions and renovations for a total investment of \$1.5 millions.

**Figure 20: Commercial activity in the Village of Belledune**



Most commercial activities abut on Main Street. There is a significant cluster of commercial businesses concentrated in the center of the Jacquet-River area. Elsewhere, commercial development is scattered along Main Street and does not form a structured commercial zone.

The former municipal plan proposed the creation of 4 different types of commercial zones based on models found in larger urban centers. However, the current and the expected commercial growth rate may not justify the designation of so many types of commercial zones.

In rural areas like Belledune, there is an increasing trend to designate mixed zones where commercial, institutional and residential uses may coexist. However, there is still the need to regulate the type and the size of commercial establishments so they do not

negatively interfere with the existing residential dwellings of the surrounding areas. The general intents are to design appropriately scaled mixed areas (residential and commercial) to provide for the usual consumer needs of the local population.

Another characteristic of the mixed zone is that it will allow the combination of a residential use and a commercial use on the same property, either in the same main building or in two different buildings. The owner must be well advised to locate the buildings consequently should he wish to subdivide the property in the future pursuant to the applicable standards.

### Policies and Proposals:

The Village of Belledune intends to designate a zone defined as “Mixed” where commercial, institutional and residential uses and activities will be permitted.

The Village of Belledune intends to designate Main Street (Route 134) as a Mixed Zone except for the areas that are zoned “Industrial”.

The Village of Belledune intends to designate Jacquet River Drive as a Mixed Zone, between Route 134 and Route 11.

It is proposed that the type and the size of commercial establishments in the Mixed Zone be regulated by the zoning standards so they do not negatively affect the quality of life of nearby residents.

It is proposed to designate two (2) types of Mixed Zones to allow for various types and sizes of commercial establishments compatible with the residential character of the immediate area. The size and the types of commercial establishments will be different for both zones. The Mixed Zone in the center of the Jacquet River area will allow for more intensive form of commercial activity.

It is proposed to support in principle the combination of one (1) main residential use and one (1) main commercial use on the same property, either in the same main building or in two different buildings, such combination being subject to the zoning provision and Subsection 17(3) in particular. However, the owner is well advised to locate the buildings consequently so that the property can be subdivided in the future pursuant to the applicable standards.

## 8.0 INSTITUTIONAL USES

### 8.1 Mixed Zones

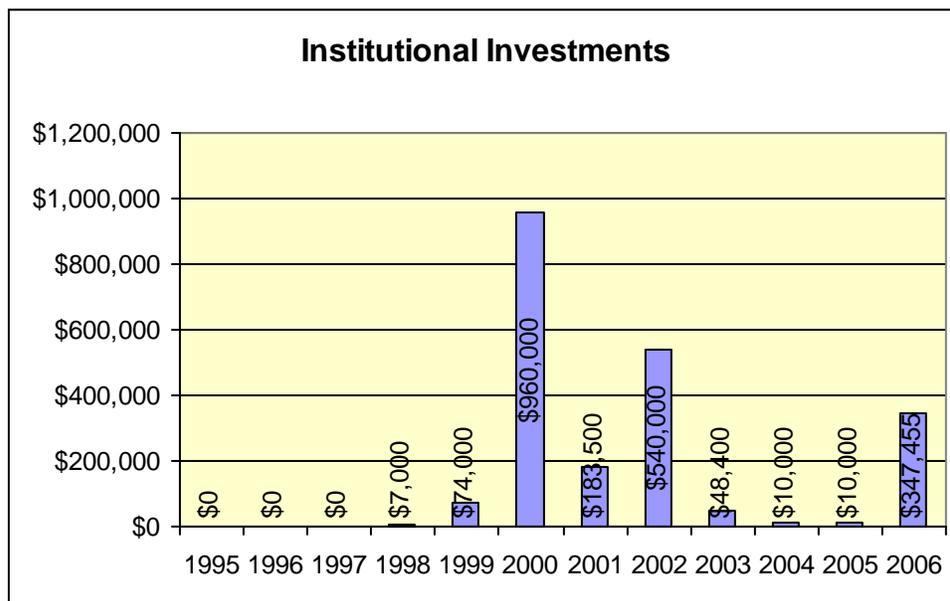
#### Issue

Public institutions regroup facilities providing educational, religious, medical, governmental and civic services to the community. Most public institutions in Belledune are located along Main Street. Since Main Street will be designated as a Mixed Zone, most institutions will be included inside this new proposed zone.

Arrangements have been made to protect and to provide free access to the old cemetery in the industrial zone. Therefore, the cemetery will continue to exist as a non-conforming use into the industrial zone.

Between 1995 and 2004, 3 new institutional buildings have been built for a total investment value of \$1 million. In total, 13 permits were issued for new constructions and renovations for a total value of \$1.8 millions.

**Figure 21: Institutional investments in the Village of Belledune**



#### Policies and Proposals

The Village of Belledune intends to include institutional uses as permitted uses within the Mixed Zone and within the Rural Zone.

## 9.0 INDUSTRIAL USES

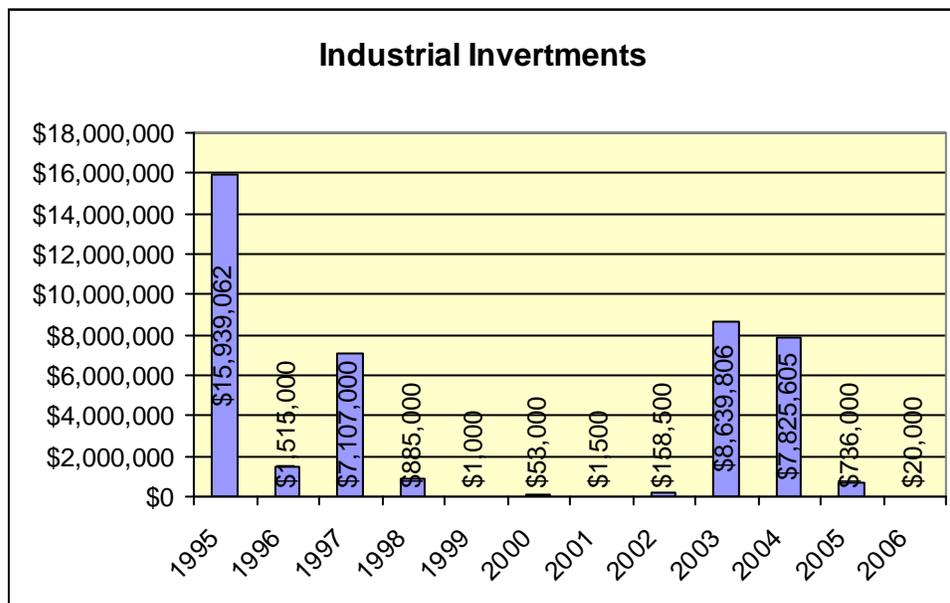
### 9.1 Designation of the industrial zones

#### Issues:

The Village of Belledune is a major industrial centre for Northeast New Brunswick. For many years, Brunswick Mining & Smelting (BM&S) was the main user of the industrial zone and the port. Things have changed after 1990 with the construction of other major industries: NB Power generating station, Chaleur Sawmill, CGC and more recently, STI and Bennett Environmental. The operations at the CGC plant ceased during the preparation of this rural plan and the installations were purchased by Shaw in 2007 for the fabrication of wood pellets.

Between 1995 and 2006, 26 new industrial buildings were constructed for a total investment value of \$39 millions. Another \$4 millions were invested in renovations and enlargements.

**Figure 22: Industrial investments in the Village of Belledune**



The largest private land owner in the industrial zone is Xstrata (formerly Noranda) followed by NB Power, the Port of Belledune/Renviro Parkland and Irving. A few other owners, including the Village of Belledune, own some land in the industrial area. The Department of Natural Resources still own a large amount of crown land within the limits of the Village of Belledune.

Several acres of land in the industrial area are less suitable for industrial development in the future because of incompatible activities such as pits and quarries. There is a need to better regulate some land use activities to ensure that the industrial potential and integrity of that zone are maintained. The Village of Belledune is striving to attract and retain industries that would contribute to the long term benefit of the community in terms

of job opportunities and economic returns. The industrial zone is fortunate to have a modern deep-water port surrounded by several hundred acres of vacant lands that are open for business. Activities such as quarries and open pits that generate little benefits for the community and that could diminish the industrial potential of Belledune in the short and in the long term shall be kept away from the industrial park.

Early in 2003, a non-profit corporation, Renviro, was established to manage a portion of the industrial zone as a theme park to attract companies that provide environmental solutions. Renviro expected to attract consulting firms that assist in providing environmental solutions and R&D facilities interested in developing environmental solutions. Renviro had acquired 200 acres of land at proximity of the port. In 2004, the park was serviced with roads, industrial water and sewer utilities. The sewage lagoon was expected to be built in 2005. It now appears that the Renviro will be de-incorporated and its assets transferred to the Port Authority.

Recent events surrounding the construction of the soil remediation plant have left few people in the community and in the region indifferent about industrial development in Belledune. The Village of Belledune reaffirms its determination to attract new industries that would benefit the community economically, socially and environmentally. At the same time, the Village must rely on the jurisdiction and the expertise of the Department of Environment to make determinations about environmental impacts. The Village of Belledune and its agents have no jurisdiction or expertise to overrule the department in that matter. However, the Village of Belledune may determine the type of industrial development it wants through its zoning provisions in terms of permitted uses and development standards.

Some issues were expressed with respect to the decision-making process concerning the industrial development for the area. One must understand that the approval or the refusal of a new industry is not a discretionary power of council or the planning commission. Under legal statutes, a building and/or development permit shall be issued if the project is a permitted use under the zoning provisions and if it meets other applicable local and provincial rules and regulations. The only manner to increase public input in the decision-making process would be to restrict to a minimum the list of permitted uses in the industrial zones. By doing so, industrial projects not listed as a permitted use would require a rezoning procedure under the provisions of Section 39 of the Community Planning Act which include a public consultation process.

#### Policies and Proposals:

The Village of Belledune intends to extend the Industrial Zone on both sides of Turgeon Road between the railroad and Route 11.

It is proposed to reserve a buffer zone inside the industrial zone along the perimeter that shall not be used, occupied or developed for any purpose. The width of the buffer zone will vary as indicated on the zoning map

The Village of Belledune proposes to designate two (2) types of Industrial Zones as per the zoning map:

- The Industrial Zone of Type 1 will occupy most of the land in the industrial area. The Industrial Zone also includes all the land managed by the Belledune Port Authority.
- The Industrial Zone of type 2 will include the 3 existing quarries that the Village intends to recognize. These industries need to be zoned accordingly otherwise they would become non conforming uses under the definition of the Community Planning Act. However, the Village of Belledune will require that any new quarries need to be rezoned under the provisions of Section 39 of the Community Planning Act. That being said, the 3 existing quarries are on Crown land and are currently regulated by the Province under the Quarriable Substances Act.

The Village of Belledune intends to better regulate the excavation of aggregates that may negatively affect the future development of the industrial zone.

It is proposed that gravel pits and sand pits be excluded from the Industrial Zone unless the owner can prove to the Village that the activities are compatible with the future development of the industrial zone and that the land will remain suitable for future industrial development. For that purpose, any new project of a gravel pit or sand pit in the Industrial Zone shall be subject to a rezoning process under the provisions of Section 39 of the Community Planning Act.

It is proposed that new quarries be considered to be developed within the Industrial Zone only if it is proven that they will be beneficial to the local economy in the long-term future. For example, a quarry that creates many jobs for many years and that exports its products through the Port of Belledune could be considered as beneficial. However, any new project of a quarry in the Industrial Zone shall be subject to a rezoning process under the provisions of Section 39 of the Community Planning Act. Through that process, council will assess the long-term benefit of the project considering that the land may not be used for any other purposes after the activities are shut off.

It is proposed that commercial businesses that provide goods and services to the industries and to their employees be permitted inside the Industrial Zone.

## **9.2 The Port of Belledune**

### Issues

The first wharf was built in 1968 to serve the smelter. Terminal 2 was built in 1997 to receive coal shipments for NB Power. The port became independently managed in 1998, the same year that Terminal 3 was built to accommodate general cargo shipments. A large storage shed of 6,500 m<sup>2</sup> was built on Terminal 3 as well as a paved open storage area of 13.5 hectares. This ultramodern equipment is designed to handle mixed cargo. The management of the port was transferred to the Belledune Port Authority in 2000. This same year, the Port of Belledune launched a roll-on roll-off (ro-ro) cargo service making the port a key link to various American and European markets.

In April 2001, the Port Authority submitted its own land use plan prepared under Section 48 of the Canada Marine Act. This plan outlines the long-term development plans of the port, which are:

- The implementation of a freight ferry service between Belledune and Corner Brook, Newfoundland;
- Yearly increase in mixed cargo transit moving through the port;
- Existing long term usage by NB Power, CGC and Xstrata (formerly Noranda) to continue and increase;
- Addition of another vessel to the ro-ro service presently offered between Belledune and Jacksonville, Florida and Veracruz, Mexico;
- Promote the installation of port related industries on port adjacent land;
- Increase of bulk cargo and possible acquiring of breakwater resources facility.

The land use plan of the Port Authority proposes some infrastructure work to achieve the long-term objectives:

- The realignment of Route 134 around the Industrial Zone;
- The designation of Turgeon Road as the new Port Access Road;
- The construction of a new access road to Terminal 3;
- The construction of an office building for the port administration.

The new access road, the office building and the realignment of Turgeon Road are now completed.

#### Policies and Proposals:

The Village of Belledune accepts in principle the recommendations of the Belledune Port Authority outlined in the Land Use Plan dated April 2001.

## **10.0 RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE**

### **10.1 Recreotourism opportunities**

#### Issue:

The Village of Belledune contains several natural sites and recreational infrastructures creating many opportunities in terms of recreational and tourism development. New trends are geared toward ecotourism and the Village includes many sites that can be developed in that direction. These sites offer important opportunities for economic and tourism development, interpretation and conservation and an array of outdoor recreational pursuits.

The Village has established the Tourism Advisory Committee whose mandate is to raise awareness of the abounding beauty of the landscape and to study its development. This committee shall play a leading role in the development of recreotourism opportunities in the community and in the region.

#### Policies and Proposals:

The Village of Belledune has retained the following sites as part of its recreational and ecotourism development strategy:

➤ Roherty's Point and Belledune River.

This area offers much potential for recreational and tourism activities. The physical components consist of various systems: a beach area, a dune, a salt marsh and a forest area. The Roherty Point is also an ideal location for mackerel fishing from early August through mid September.

A lighthouse was built at Roherty's Point in 1866. It was a mast type light established at the northern tip of the Belledune Point. It was replaced in 1906 by a larger one. The lighthouse was named after the Roherty family who were the keepers for its entire existence until 1972. Unfortunately, the structure was destroyed by fire in 1976 just a day before it was going to be used by the Village for a tourism centre.

This site has been identified as an Ecologically Significant Area (ESA 071) by the Province.

The Village of Belledune proposes to develop the Little Belledune Point and the Belledune River to its full potential. There is a need to better control access and parking to the site. Parking zones need to be defined and the number of roads should be reduced to a minimum. Walking trails should be developed within the park, along the dune and around the salt marsh.

➤ Fenderson's Beach and the estuary of the Jacquet River

Until a few years ago, the Fenderson Beach was a popular place for wilderness camping until it was stopped at the request of the local authorities to preserve the natural characteristics of the area.

Ducks Unlimited, in partnership with Smurfit-Stone Container, the Village of Belledune and Belledune Regional Environmental Association (BREA) are working together to protect the beach and the salt marsh for future generations. The overall plan developed by Ducks Unlimited calls for land securement and the installation of walking trails, nesting structures, interpretive signage and observation decks overlooking the estuary. This partnership will work to acquire a significant amount of wetland and to conserve them. These installations will provide the public with spectacular viewing opportunities of the Jacquet River Estuary. Vehicle traffic on the sand dune would be restricted to prevent degradation on this sensitive and important coastal habitat. These improvements would provide the residents and the visitors with an ideal site for bird watching. In addition, the Jacquet River Wharf offers a scenic view over Fenderson Beach.

As this rural plan is being prepared, discussions have been initiated with Stone Container for the donation of the site.

The Village of Belledune intends to designate the sand bar and the estuary as a public open space for passive activities. Therefore, it is the Village's intent to preserve the entire site as a natural attraction oriented toward a natural reserve, walking trails, observation lookouts and beach activities. The Fenderson Beach could become an interpretative site with boardwalk and observation tower overlooking the salt marsh and the lagoon. An interpretative panel could introduce the visitors to the salmon pools along the Jacquet River and encourage a visit at the Salmon Barrier.

➤ The Fossiliferous shoreline (Quinn Point)

The Belledune cliffs are rich in fossils from the Silurian and Devonian periods. This richness of invertebrate fossils is not a surprise considering that Belledune is located at close proximity from Miguasha across the Bay of Chaleurs. The fossiliferous site of Miguasha National Park is considered to be the world's most outstanding illustration of the Devonian Period known as the 'Age of Fishes' and was designated a Unesco World Heritage Site in 1999. Dating from 370 million years ago, the Upper Devonian Escuminac Formation represented here contains five of the six fossil fish groups associated with this period. Its significance stems from the discovery there of the highest number and best-preserved fossil specimens of the lobe-finned fishes that gave rise to the first four-legged, air-breathing terrestrial vertebrates – the tetrapods.

➤ The Jacquet River Gorges

Despite the fact that the Protected Natural Area (PNA) of the Jacquet River Gorges is located outside the limits of the Village, it still represents a major asset in the long range recreo tourism strategy of Belledune. One of the main accesses to the PNA and to Antinouri Lake is Mitchell Road.

The Local Advisory Committee has been working on the management plan of the gorges for the past two years. This plan should be finalized in 2008. This plan will have definite impact on the number of roads and trails that will be maintained or decommissioned. In general, only thoroughfares across the PNA that are necessary to connect existing managed snow vehicle or ATV trails outside the PNA shall be considered for designation

as recreational roads for such use and purposes. No trail will be allowed to exist unless it is specifically permitted by the plan.

➤ The Jacquet River Salmon Barrier

The Jacquet River Salmon Barrier has been in operation since 1994. The Belledune Regional Environmental Association (BREA) is one of the main contributors of this project with the NB Wildlife Trust Fund, the Village and BM&S.

The Tourism Committee of the Village of Belledune is looking to further develop the surrounding of the salmon barrier site. The road should be upgraded to provide better access and picnic sites should be developed. The improvement project also includes the upgrading of walking trails, new signs and increased visibility from Route 11.

➤ The Belledune Headpond

When the reservoir was created in the mid-1990, the surrounding lands were supposed to be developed for passive recreational uses such as trails and picnic areas which are compatible with the operations of NB Power. For this reason, the area around the headpond was designated as an open space in the previous municipal plan. However, this project was never completed.

The Village of Belledune is looking to bring this project back on the agenda and to initiate discussions with NB Power to develop a recreational plan for the areas around the headpond and to make the area accessible to the public.

It is proposed to designate the area around the headpond as Open Space. The intent is to make the area open to the public but to protect it at the same time to serve as passive recreation areas and to be enjoyed for their aesthetic appeal.

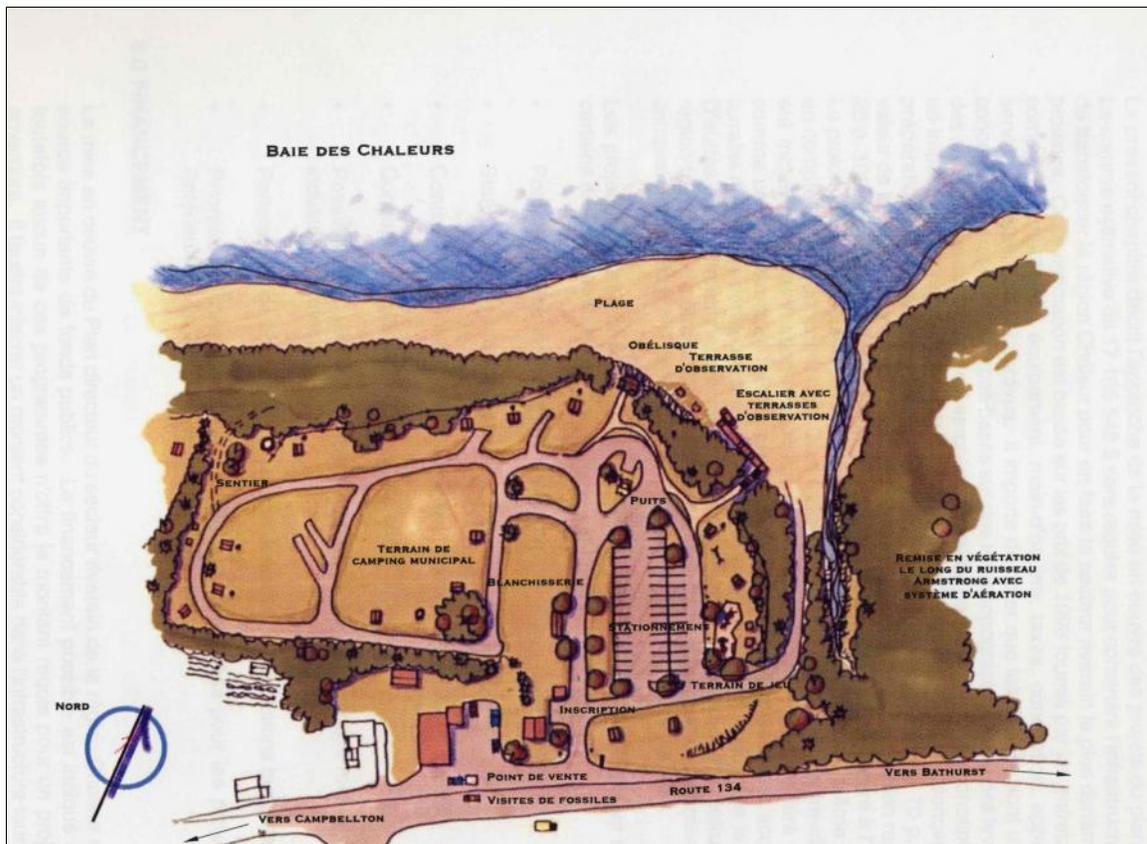
➤ The Jacquet River Campground and Beach

The Jacquet River Campground and its beach area could also be described as a community facility. It used to be operated as a provincial site until the mid 1990's when it was acquired by the Village of Belledune. The campground contains 32 sites that are available to local residents as well to visitors. The beach is an important feature since it provides public access to the Bay of Chaleur.

The Jacquet River Campground was identified in 1999 as a project that would be part of the Chaleur Region Waterfront Plan prepared for the Chaleur Regional Development Commission (CRDC). In the Village, three projects were identified as part of an overall waterfront development plan (the campground, Roherty's Point and Fenderson Beach).

The Jacquet River Campground could be developed into a highly visible day use component and could become the focal point for adventures in close proximity. The plan included a playground and an observation deck.

**Map 13: Development proposal for the Campground and Beach area**



It is proposed that the Village work in consultation with the other municipalities of the Chaleur and the Restigouche region in the development of an integrated tourism network that includes the above retained sites. For that purpose, the Village is a member of the Chaleur Tourism Association.

## 10.2 Designation of Parks and Open Space

### Issue:

There are 3 categories of public parks hierarchically structured.

At the first level, there are the community facilities that group together the Belledune Recreation and Cultural Centre, the arena and the baseball field. These infrastructures also serve for major events and gatherings.

At the second level come the neighbourhood parks, many of which serve for group sports: baseball, tennis, soccer, etc. Some of these parks are attached to a public school. There are 4 neighbourhood parks in the Village of Belledune:

- On Hodgin road, at the entrance of the Townsite;
- Behind the Belledune School;

- Behind the Jacquet River Fire Hall; and
- Next to the Jacquet River School.

At the third level, we find the playgrounds and the tot-lots for young children. Normally, these installations are found within a residential area or a subdivision and ideally, they are located at short walking distance from a dwelling. However, in rural communities like Belledune, it is financially not possible to provide so many playgrounds, especially within low-density areas. The Village should concentrate its efforts at proximity of residential subdivisions.

The Community Planning Act requires that a Rural Plan contains provisions about recreational facilities and public open space. The concept of recreational facilities is very broad and includes a wide range of leisure and sporting activities. For example, motocross and car racing is a form of recreational activities for some persons. Other people practice gun shooting as a sport. Therefore, it is not the intent of the community to permit all kinds of recreational activities on its territory, especially those that generate noise, dust, vibration and other nuisance that may be resented by the residents or that may have negative impacts on the social and natural environment.

It is expected that the Provincial Government will refine its policies regarding environmentally sensitive areas such as wetland areas and flood plain areas. As they become identified, the Village will develop strategies to integrate these natural areas into the network of parks and open spaces.

### Policies and Proposals:

The Village of Belledune will continue to require from developers that they provide land for public purposes in conformity with the provisions contained in the Community Planning Act and in the subdivision by-law of the Village. The following paragraphs list various policies and proposals retained by the Council to guide the reserve of land for public purposes.

The choice of money in lieu of land shall be left to the sole discretion of Council. If the Village decides to reserve land, the designation should be done in consultation with the planning commission to maximize the integration of the park with the surrounding area.

Council should refuse lands that are difficult and costly to develop like those that require extensive levelling and backfilling. Council shall require areas that are reserved for parks are accessible to a maximum number of residents. Access to the park should be as safe as possible.

The reserve of park in back-lot with little or no frontage on a public street should be discouraged as much as possible. Council should require that a certain percentage of the perimeter of the park has a frontage on the public street.

Instead of determining the amount of money in lieu as a percentage of the market value of the subdivision, Council will determine a fixed price for each lot created. This value will be determined in the subdivision by-law but shall not exceed 8% of the market value of the land as prescribed by the Community Planning Act.

Land for public purposes shall only be required for new subdivisions involving the construction of a new street. Subdivision plans involving the creation of lots along existing streets (infilling development) do not require the reserve of land for public purpose.

The Village of Belledune wants to facilitate the development of recreational activities and public open space for the enjoyment of the people living in the community. At the same time, the Village of Belledune wants to prohibit recreational or sporting activities that may have a negative impact on the quality of life, the safety, the well-being and the tranquility of the population.

Since the concept of recreational facilities encompass a wide range of sporting and leisure activities, it is not the intent of the Village of Belledune to permit all kind of recreational activities on its territory. The Village of Belledune will prohibit all kinds of recreational and sporting activities that affect or may affect the quality of life, the safety, the well-being or the tranquility of the residents by reasons of noise, dust, vibration, etc.

The Village of Belledune shall require that permanent recreational and sporting activities involving motorized or mechanical sports such as motocross, motorcycles, cars, race cars, go karts, gun shooting, etc, be subject to a rezoning procedure under Section 39 of the Community Planning Act.

It is proposed that public events or motor sport events that do not last more than 4 consecutive days and that do not occur more than 4 times per year may be permitted as an intermittent use. These events are regulated under Section 29 of the zoning provisions.

### **10.3 Recreational Master Plan**

#### Issue:

The previous municipal plan prepared in 1995 contained several dispositions about recreation programs and administration. Since the purpose of this municipal plan is to concentrate on the physical development of the Village, it may not be the most appropriate document to address these types of issues.

#### Policies and Proposals:

It is recommended that the Village of Belledune engage a professional consultant when the time is deemed appropriate to prepare a recreational master plan (leisure plan) for the community. This master plan will focus on every aspect of recreation and leisure in the village, both in term of programs and facilities, as for example:

- Determining the needs to hire a recreation director, and the definition of his role and tasks;
- Develop programs geared toward youth;
- Since the population is aging rapidly, develop programs that respond to the needs and requirement of that segment of population;
- Determine recreational needs for special groups;

- Define the needs and the capacity of the village to develop new facilities as suggested in the questionnaire prepared in 1995: swimming pool, wading pool, outdoor rinks, playgrounds, etc.

## **11.0 RURAL AREAS (OR ZONES) AND RESOURCE USES**

### **11.1 Permitted uses**

#### Issue:

Rural areas cover a very large portion of the Village of Belledune. Despite the fact that the rural zones also serve for the residential function, they also serve for numerous resource-based activities such as farming, forestry, recreation and aggregate excavation. Rural zones are more permissive than most other zones in term of land use activities and usages. This designation is well suited for the rural settlements incorporated by the Village in the mid 90's. Therefore the Rural zone will constitute the largest zone in the Village of Belledune. Since rural zones permit a wide range of uses and activities, they need to be delimited and defined with care, especially at proximity of the more developed areas.

Large scale confinement hog farms and poultry farms are two specific activities that the Village wants to regulate even within the rural areas because they are incompatible with the character and the environment of Belledune. Such use may only be permitted following a rezoning under the provisions of section 39 of the Community Planning Act.

This Rural Plan proposes different categories of Rural Zones. Some land use or activities will only be permitted in some rural zones since Council wants to prohibit some activities considered to be incompatible with the general characters of the surrounding areas. For example, excavation is one type of activities that will not be permitted in some rural zones, especially along the waterfront. In addition, mobiles home site will only be permitted in some definite rural zones under the zoning provisions.

#### Policies and Proposals:

The Village intends to designate different categories of Rural Zones. The main distinction between these zones is that mobile homes sites and the excavation of mineral aggregates (gravel pits, sand pits and quarries) will be permitted in some rural zones and not in the others. These various rural zones are clearly delineated on the zoning map.

It is proposed that the excavation of mineral aggregates be prohibited in one of the two rural zones as determined in the zoning provisions in order to protect the scenic view along the waterfront and to provide sufficient buffer near residential areas.

The Village of Belledune will require that any new industrial or large commercial development in the rural zones be permitted only as an amendment to the rural plan. The strategy behind this is to give the inhabitants an opportunity to express their point of view concerning developments that may not always be compatible with the rural character of the area.

## 11.2 Agriculture

### Issue:

Agricultural land use in the central and northern New Brunswick accounts for approximately 2% of the total land area and an additional 0.8% is abandoned farmland consisting of old fields reverting to forest (Smith 1982). A significant portion of these farmlands have been urbanized and are now used for residential, commercial and industrial development. In a recent report produced by Agriculture Canada, it is said that most of the agricultural activity in Northern New Brunswick is scattered along the north shore from Campbellton over to Caraquet through Belledune. Farmlands occur in small parcels interspersed between larger areas of forested land. The production is comprised of dairy farms, potato farms and field crops. Most of the local production is for local consumption since there is no food-processing plant in the region. In addition, there are some large areas of fallow land in the village waiting to be developed for other purposes. In some cases, the topsoil is being removed to be sold for landscaping purposes thus destroying the agricultural potential of the land. As a result, the limited number of farming operations in the region is not sufficient to sustain the business sector associated with that industry.

The soils data discussed in section 3.1 were compiled by Agriculture Canada to assess the soil capability for agriculture. This system groups the soils into 7 classes according to their potentials and limitations for agriculture use. This system, the Canada Land Inventory (CLI) rates soils according to their agricultural capability on a scale from 1 to 7. Classes 1, 2 and 3 are considered capable of sustained production of common cultivated crops. Class 4 is marginal for sustained arable culture; Class 5 is capable of use only for improved pasture and hay; Class 6 is capable of use for only unimproved natural grazing; and the seventh class is for soil and land type considered incapable of use for arable culture or permanent pasture.

As discussed previously, the majority of the soils along the Bay of Chaleur, where most farms are located, are designated BR4 soils. The fertility of these soils is medium. The soils are classified 3WF under the CLI system. Specifically, Class 3 regroups soils that have moderately severe limitation that restrict the range of crops or require special conservation practices. Under good management, these soils are fair to moderately high in productivity. The W extension is used for soils where excess water, other than that brought about by inundation, is a limitation to their use for agriculture. The F extension is used for soils having low fertility that either is correctable with careful management in the use of fertilizers and soil amendments or is difficult to correct in a feasible way.

The second largest soil polygon bears the unit NR(v)4+TT(v)4/m4. These soils are classified 4RWD using the CLI system. The fertility of these soils is medium. Soils in the class 4 have severe limitations that restrict the range of crops or require special conservation practices or both. The limitations may seriously affect such farming practices as the timing and ease of tillage, planting and harvesting, and the application and maintenance of conservation practices. In addition to the W extension described above, the R extension designates soils where the presence of bedrock near the surface restricts their agricultural use. This includes soils that have bedrock within 1 m of the surface and also considers the presence of outcrops. The D extension (Undesirable soil structure and/or low permeability) is used for soils in which the depth of rooting zone is

restricted by conditions other than a high water table or consolidated bedrock. The restricting layer is usually a compacted till material.

The third largest soil polygon bears the units TH(v)2+CR(b)2+NR(b)2/m4. The fertility of these soils is high. These soils are classified 3TR. The codes 3 and R have been discussed previously. The T extension indicates soils where topography is a limitation. Both the percent of slope and the pattern of frequency of slopes in different direction are important factors in increasing the cost of farming over that of smooth ground, in decreasing the uniformity of growth and maturity of crops, and in increasing the hazard of water erosion.

In conclusion, the fertility rating of the soils in Belledune for agricultural activities ranges between high (3) and medium (4).

The provincial government has been working on an agricultural policy since the CLURE report was submitted in the mid 90's. The Agricultural Land Use Policy was drafted in 1994 but has not been enacted yet. Should this policy be adopted one day, it will address the sustainability, the competitiveness, the diversification, the community relations and the operational framework of the agricultural industry in New Brunswick. In the meantime, the Province of New Brunswick has adopted several pieces of legislation to regulate that industry such as the Agricultural Operation Practice Act (Right to Farm), the Livestock Operation Act and the Topsoil Preservation Act.

The Livestock Operation Act came into force in 1999. The Act provides for the licensing of new livestock operations and sets out terms and conditions with respect to the siting of livestock facilities, the storage and management of manure and measures to be taken to minimize the risk of environmental degradation. The Land Resource Branch of the Department of Agriculture is responsible for the administration of this as well as the Topsoil Preservation Act.

The Agricultural Operations Practices Act (right-to-farm) was amended in 1999 to formalize a dispute resolution mechanism for nuisance events related to farm operations. The Act provides protection from liability with respect to nuisances if the farm is following acceptable farming practices.

That being said, many sections of the Community Planning Act were supposed to be amended by the Agricultural Land Protection and Development Act to ensure that agricultural uses are fully considered in the rural plans. However, these provisions have not been proclaimed yet. Should they come into force, these amendments provide that a rural plan may regulate the setting back of building from registered agricultural land and the separation distance between livestock facilities and other buildings and structures. That being said, a municipality cannot impose set-back or separation distances less than the distances established in the provincial regulation. The proposed amendments are an indication that the separation distances between livestock buildings and other land use functions will be enacted by the provincial government in order to ensure consistency across the province.

#### Policies and proposals:

The Village of Belledune recognizes that agricultural activities represent a valuable asset in the economy and in the determination of the rural character of Belledune. However, the Village is in the strong opinion that the responsibility falls with the provincial government to enact an agricultural policies to protect, to promote and to regulate that particular industry. Except a few programs like FLIP, the Province of New Brunswick has no real strategy or policy to protect agricultural land. Until these provincial policies come into force, the success of a regulatory approach to agricultural land depends upon the support that is received from the local population and the farming industry.

For the purpose of this rural plan, the Village of Belledune designates by agricultural operation permitted within its limits any activity that is carried out for gain or reward for the following purposes:

- The cultivation of land,
- The raising of cattle and the production of milk,
- The raising of less than 250 hogs per farm and in non-confined structures,
- The raising of less than 1500 poultries per farm and the production of eggs,
- The production of agricultural field crops, fruit and vegetables, and other specialty horticultural crops,
- The operation of agricultural machinery and equipment, including irrigation pumps,
- The application of chemical and organic fertilizers (other than pig slurry) and pesticides, including ground and aerial spraying,
- The on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- The sale of farm products on the farm.

It is proposed that the raising of fur-bearing animals (e.g.: fox, mink, chinchilla) and non-traditional animals (e.g.: deer, elk, bison) be prohibited within the Village of Belledune unless the project has been reviewed and approved by Council following a rezoning procedure under section 39 of the Community Planning Act.

It is proposed that large-scale confinement hog farming and the spreading of slurry be prohibited within the Village of Belledune unless the project has been reviewed and approved by Council following a rezoning procedure under section 39 of the Community Planning Act. This provision does not apply to traditional family farms raising less than 250 hogs in non-confined buildings or structures.

Since it has no expertise and resources in that domain, the Village of Belledune will encourage government officials (Department of Agriculture, Department of Environment) and other organization like the Agriculture Alliance of New Brunswick and the Chaleur Watershed Group to work in close relation with the agricultural industries to promote best management practices. As stated previously, some watercourses have a higher e-coli count because cattle have a direct access to streams and rivers. In other cases, there is a need for adequate runoff and sediment (erosion) control, as well as sound manure and nutrient management practices and systems. Financial and technical assistance is now available for producers who adopt environmentally beneficial actions and practices on their farm such as soil erosion control, manure storage, drainage and more. Farmers are strongly encouraged to develop an Environment Farm Plan (EFP) and financial assistance is available for Beneficial Management Practices (BMPs). This

initiative is conducted by the Agricultural Alliance of New Brunswick and information is available at [www.gnb.ca/0180/APF-CSA/index-e.asp](http://www.gnb.ca/0180/APF-CSA/index-e.asp)

The Village of Belledune intends to rely on the Department of Agriculture and Aquaculture for the licensing of livestock operation in compliance with the Livestock Operations Act and the Manure Management Guidelines.

The Village of Belledune intends to rely on the Minister of Agriculture and Aquaculture to make such determinations under the provisions of paragraph 10(5) (c) of the Agricultural Land Protection and Development Act for the separation distances between livestock facilities situated on registered agricultural land and buildings and structures, including livestock facilities, situated on adjacent land to be established and the circumstances under which the separation distances may vary.

Where the land is used for agricultural purpose, it constitutes the main use of the land. Any building and structure (barns, tool sheds, etc) are deemed to be accessory to the main agricultural use. The farmer's residence constitutes a secondary use that shall be permitted on farmland. In addition to the farmer's residence, a maximum of one (1) other residence can also be build on the same farmland as a secondary use if such residence is occupied by relatives or workers who assist on the farm.

### **11.3 Excavation**

#### **Issue:**

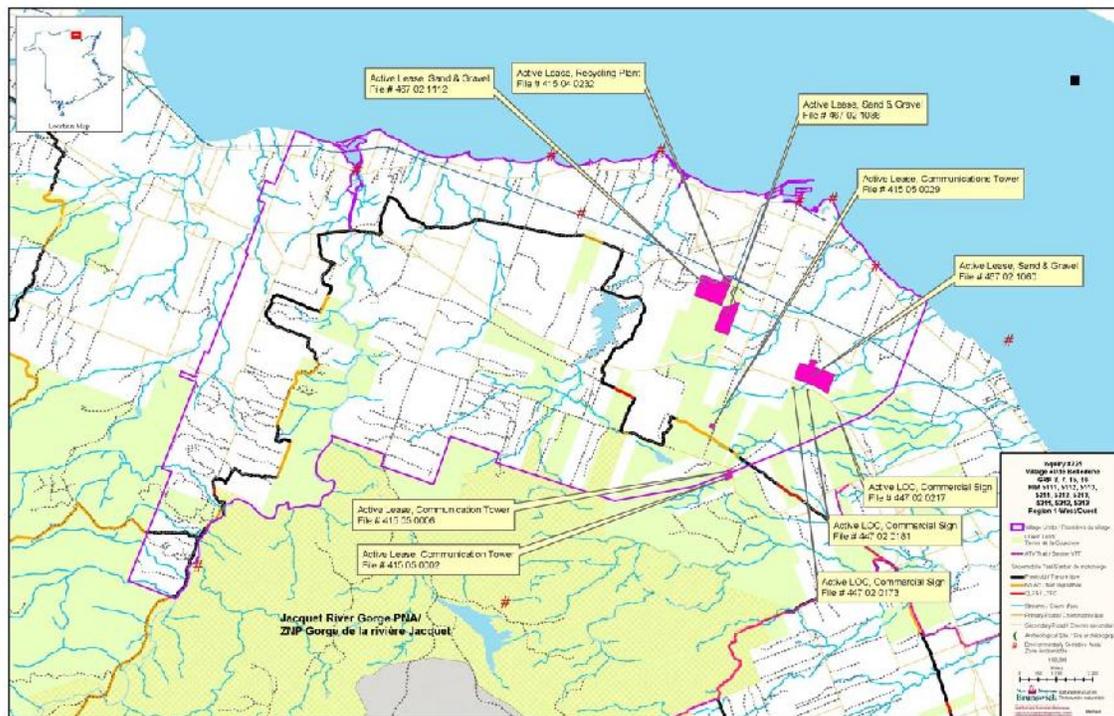
Mineral aggregate is a non-renewable resource and excavation can have long-term negative impact on the social and natural environment of the community. After the site is closed and abandoned, it may interfere and even block the future development of some areas of the village.

The activities associated to quarries, gravel pits and sandpits have been the objects of much discussion in the province over the past years. Citizens are becoming increasingly concerned about these activities that represent a hazard to their quality of life and to the environment. Typical concerns may be summarized as follow:

- The operation often start before the local authorities are informed about the project and before an excavation permit is issued;
- Excavation takes place at close proximity from residential areas;
- Slope exceeds allowable standards and may constitute a hazard to the general population and to the adjacent properties;
- Excavation goes under the water table which is believed to pollute ground water and wells at proximity;
- It the past it was common practices to abandon the sites which represent a source of nuisance and danger for the community. Many of these sites are not controlled (fenced) and have become illegal dumps;
- The residents at proximity often complain about the nuisances generated by the operations: noise, dust, trucking, blasting, unsightly premises, etc.

Municipalities have the authority to regulate excavation under the provisions of subparagraph 34(3) a) (xi) of the Community Planning Act. However, it appears that the municipalities cannot regulate quarriable substances on Crown land. This right belongs to the Department of Natural Resources under the Quarriable Substances Act. In addition, the Crown land within the limits of the village are governed by the Crown Land and Forest Act and section 8 thereof states that "The Minister may prescribe classes of Crown Lands, and notwithstanding the Community Planning Act, may prescribe the manner in which Crown Lands of any class shall be used".

The following map shows the crown lands in the area or Belledune and the various leases in effect.



As stated in section 3.1, the Mineral Branch of the Department of Natural Resources is presently promoting Belledune on the international market for the excavation and the export of bedrock aggregates. According to DNR, the potential of Belledune and the surrounding region for high-quality aggregate represents about 2 billions tons. Since the Village of Belledune cannot regulate this industry under the Quarriable Substances Act, it must rely on the Minister of Natural Resource to ensure that any quarry is operated within the limits prescribed by this Rural Plan. That being said, it must be reminded that if the Crown or an agent thereof is exempted from compliance with the Community Planning Act, a person is not exempted by reason only of the fact that the land is owed by the Crown. Section 96 of the Community Planning Act requires that any person undertaking a development on any land, building or structure owned by the Crown must comply with the provisions contained in the Community Planning Act and any regulation thereof.

In response to the CLURE Report, the Province has been working on a provincial policy to regulate the activities of pits and quarries. This policy has not been adopted yet but

will apply to all public and private lands when it comes into force. This policy will institute a universal system of permitting and standards throughout the province.

The future use of the site is also a source of concern in many communities. Often, the site is abandoned without any rehabilitation work. The site may be dangerous and unsightly. Restoration should be recognized as an integral part of the process and should be included in pre-excavation planning. This includes smoothing and contouring slope, replacing subsoil and topsoil, and re-vegetating. Progressive restoration should be done on depleted section of the pit while extraction is continuing in other sections.

#### Policies and proposals:

It is proposed that pits and quarries only be permitted within Rural Type 1- RU 1 Zone and within the Industrial Type 2- IND 2 Zone.

The Village of Belledune intends to adhere to more stringent rules and guidelines than in the past to ensure that the operation of pits and quarries will be done in a manner to:

- Protect and enhance the resource in the short and the long-term;
- Prevent the destruction of land that could be used for other purposes and contribute to the expansion of the village;
- Minimize adverse impacts on the population and on the environment.

The Village of Belledune intends to better regulate and supervise the operation of pits and quarries. For example, Council shall require that all existing and future operations obtain an annual permit.

The Village of Belledune intends to ensure that all new and existing pits and quarries shall comply with the zoning provisions concerning excavation.

It is proposed that excavations be subject to standards to protect adjacent properties and populations: slopes of the excavation, excavation under the water table, minimum setback from other properties, buildings and structures, etc.

It is proposed that setback distance be established between the excavations and other urban functions, uses and activities.

It is proposed that the owner or the operator of an excavation in a Rural Zone shall deposit a bond or other financial guarantee with the Village of Belledune. This bond or guarantee shall be returned after the excavation has finished and the site has been rehabilitated at the satisfaction of the local authorities. The size of the excavation will determine the value of the bond or guarantee as provided in the zoning provisions.

## **11.4 Top Soil Removal**

### Issue:

Despite the fact that Belledune is one of the few farming communities that remain in Northeast New-Brunswick, many acres of farmland are at risk since it is a common

practice by contractors to mine and to purchase topsoil from farmers and owners of fallow land. This type of practice contributes to reduce the farming potential of Belledune and the Province in general.

In addition, this practice may become a source of nuisance for nearby properties and may negatively impact the natural environment. For example, surface run-off water will increase sedimentation in watercourses running at proximity. In many cases, it creates dust problems and it could take a long period of time before the vegetation is back. It also represents an eyesore that affects the neighbours and the community.

The Province of New-Brunswick has enacted the TopSoil Preservation Act. The enforcement of this legislation lies in the hands of the Department of Environment. However, this legislation is not receiving the level of attention it deserves from the provincial authority and several acres of top soils in the province continue to be tilled and mined each year.

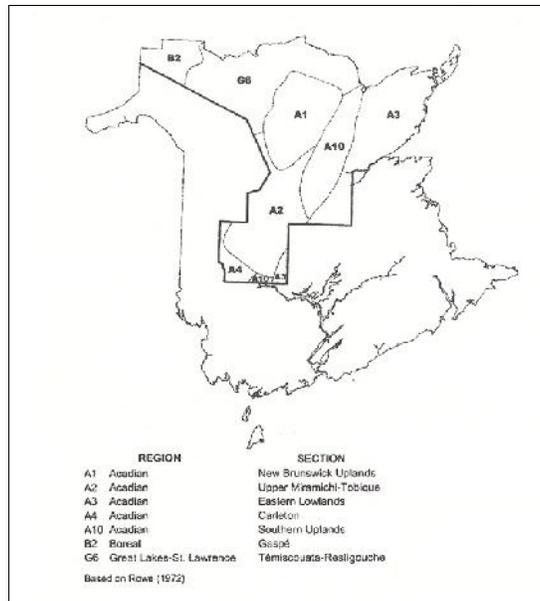
### Policies and Proposals

The Village of Belledune intends to require from the provincial authority that the legislation concerning top soil removal be strictly adhered to.

## **11.5 Forestry**

### Issue

According to Rowe (1972), the vegetation contained within the limits of the village falls in the Temiscouata-Restigouche section of the Great Lakes-St Lawrence Forest region. The two other major forest regions found in northern New Brunswick are the Acadian Forest and the Boreal Forest. The Protected Natural Area (PNA) of the Jacquet River Gorges would be comprised in the Acadian Forest Region. The Chaleur Uplands fall in the Temiscouata-Restigouche section of the Great Lake-St. Lawrence Forest region.



The Chaleur Uplands are characterized by a great variety of hardwood and softwood. Forest production and forestry-related activities constitute the single largest land use of the Chaleur Uplands. Despite the fact that several mills have closed or modified their operations over the past few years, the pulp and paper industry and numerous sawmills operating in the area depend on the resource.

The forest is closely related to the local economy of Belledune serving the forestry industry and the recreotourism industry among others. Some practices adversely affect the values of an increasing number of users and residents. Commercial, recreational, aesthetical (landscape), cultural and spiritual values are closely related to the forest. Because the forest is occupied, used and harvested by various people having opposite values, policies need to be enacted by the provincial government to ensure that it is shared with equity between its various users. Clear cutting also has impacts on the natural environment (soil erosion and desiccation, sedimentation of streams and lakes, adverse impact on fauna, release of mercury in water also transmitted in the food chain, etc). On the other side, clear cutting activities have positive impacts since it allows the forest to rejuvenate by simulating natural disturbance regimes. Many foresters have argued that clear cutting is an adequate method of harvesting trees as it mimics natural disturbance. For other, removing all the trees from a forest has a negative impact on that ecosystem.

A large portion of the territory inside and outside the village's limits will be fully protected as part of the designation of the Jacquet River Gorge as a Protected Natural Area. This area covers 26,026 hectares. 71% of the land area is fully protected as of now. In the remaining area (7,597 hectares), the forestry activities will be phased out by the year 2012. A small portion of the PNA is located within the limits of the Village of Belledune.

In New Brunswick, all facilities for the commercial processing or treatment of timber resources shall be registered under EIA except for the following facilities: fuel wood (except maple sugaries), shingle mills and sawmills producing less than 100,000 foot board measure annually. In New Brunswick, clear cutting activities are not subject to any EIA review. The only restriction that applies to cutting activities concerns the 30 metres buffer zone along watercourses where they must adhere to more stringent

harvesting techniques in order to ensure protection of these environmental features. These would be drafted through DNR for crown lands and DENV for private lands. In the case of watershed providing drinking water to a community, the buffer zone is extended to 75 metres. As a consequence, a significant number of private wood lots have been extensively harvested (clear cutting) around the province and the Village of Belledune is no exception.

That being said, the forestry industry is a major employer in the village and in the region despite the closure of some major mills over the past few months. A large-scale sawmill was built a few years ago within the industrial park.

The CLURE report addressed Forestry with respect to the sustainable use of the forest on private wood lots. No final policy has been adopted yet by the provincial government. CLURE recommended an approach based on public education, on financial incentives and on regulations. The main recommendations can be summarised as follow:

- Identification and classification of forest land suitable for multiple uses;
- Development of a code of practice on forestry resource management;
- Development of a comprehensive policy on sustainable forestry management based on a consultative and consensus building approach;
- Development of a smaller scales pilot projects to determine if concepts such as the Fundy Model Forest are applicable to smaller wood lots on a practical basis; and
- Regulation (licensing) of cutting contractors.

### Policies and Proposals

The Village of Belledune recognizes the economic opportunities and benefits associated with forestry activities and will permit the optimal exploitation of the forest within existing provincial guidelines. At the same time, the village will encourage the sustainable development of the forest and will encourage forestry initiatives to regenerate the forest.

The Village of Belledune is in the opinion that the Chaleur Region Standing Committee on Economy and Sustainable Development should be mandated to review forestry practices (including clear cutting activities) and to suggest best management practices taking into consideration the industry, the users and the population in general.

It is proposed that small-scale wood yards containing less than 20 cords of wood and small-scale sawmills producing less than 2,000 board feet of lumber per day be permitted within rural zones subject to the standards contained in the zoning provisions. However, such uses in the RU-2 zone constitute a particular purpose subject to review by the Planning Commission due to the presence of residential zones and subdivisions at proximity.

It is proposed that medium-scale sawmills (between 2,000 and 5,000 board feet per day) and large-scale sawmills (over 5,000 board feet per day) within the Rural Zone shall be subject to rezoning procedures under the provisions of section 39 of the Community Planning Act.

It is proposed that wood yards and sawmills of all scales be permitted within the industrial zones.

It is proposed that wood-yards containing more than 10 cords of wood and sawmills be strictly prohibited within any Residential or Mixed zones.

## 12.0 HERITAGE BUILDING AND SITE OF HISTORICAL OR ARCHEOLOGICAL INTEREST

### Issue

The following bits of history have been collected by a citizen of Belledune whose name is unknown.

The first land grant was issued to Lieutenant David Coutts in 1787. However, he did not settle here in the Jacquet River area. The first permanent settler in the Jacquet River area was James Angus Doyle who arrived in 1790 and filed his claim in 1821. He, at that time, was the only settler between Bathurst and Campbelton. He married Marie Savoie and their descendents were known as the "French Doyles". Belledune's first settler was François Guitard who received his land grant of 320 acres in 1825 and became the first permanent settler. The people who settled here were Scottish immigrants from the Isle of Arran Prudence.

Like most coastal communities did, the land was subdivided with lots fronting on the Baie of Chaleur and extending inland. The first road in the area was a path along the water's edge. The first "Great Road" was built around 1830. The first post office was opened in Belledune in 1868.

The first Roman Catholic Church in the Belledune area was a chapel built on Belledune Point in 1830. In 1890, land was given by Allen Hodgins to build the first Protestant Church. This little church still stands by the bay. Saint Gabriel's Church was built in Jacquet River in 1893. A little church called "The Meeting Place" was built in 1860. All denominations held services there.

The first store was built in Belledune in 1868 and in Jacquet River in 1885. In the early 1840's, schools were built. The "White School" in Jacquet River and the "Lower Belledune School" were probably the first. In 1901, the first Bank of Nova Scotia was opened in Jacquet River. In 1885, a railway station was built in Jacquet River. It was the first in the area. As well, there were two hotels in the area. The Barclay Hotel was built in 1831 and the Doyle Hotel was built in 1890.

A lighthouse was built at Roherty's Point in 1866. It was replaced in 1906 by a larger one. The Roherty family were the keepers of the lighthouse during its entire existence until 1972.

Dr. Kate McMillan became the first doctor in Jacquet River. At the beginning of the century, there were many businesses and occupations. Farming and fishing played major roles in the new community. Other establishments were:

- Numerous sawmills
- A lath mill
- A fish packing plant
- A lobster factory

- A spool factory
- A carding mill.

Several portions of the Belledune shoreline contain interesting palaeontologist sites, showing deposits and fossils, with a particular richness of invertebrate fossils of the Silurian period. The most significant deposits are found in the area of Quinn Point and Armstrong Brook, in the vicinity of the train station, at Chapel Point and at Hendry Brook.

Parks Canada has prepared a valuable guide that proposes “Standards and Guidelines for the Conservation of Historical Places in Canada”. The primary purpose of the guide is to provide sound, practical guidance to achieve good conservation practices.

### Policies and proposals:

Although, no heritage properties have been identified in the community, the Village of Belledune recognizes the importance of preserving historic places that could exist in the community. The village supports principles and practices that encourage the long-term conservation of the historic places, including archaeological sites, historic landscapes, buildings and engineering works.

It is recommended that the Village of Belledune conduct a feasibility study to determine if the presence of numerous palaeontologist sites represent an opportunity in term of sustainable development and could be integrated as part of its ecotourism development strategy. The NB Museum, under the direction of Dr. Randy Miller, is responsible for making a list of fossil sites in the province.

It is proposed that the Village conduct an inventory of existing properties and buildings that have significant architectural or historical value. William Hicks of the Culture and Sport Secretariat is in charge of the historic place section.

Two archaeological sites have been located by the Heritage Branch within the limits of the village of Belledune. These sites have been flagged by the planning department. However, their exact location cannot be disclosed under section 7.2 of Historic Sites Protection Act.

## **12.1 Design, Character and Appearance of properties, buildings and structures**

### Issue:

The Village of Belledune is looking to work with the community in general to improve the appearance of properties. Council has adopted a by-law respecting dangerous or unsightly premises.

Also, the Community Planning Act empowers municipalities to enact zoning dispositions respecting the design and the appearance of buildings and structures. Other zoning dispositions affect the appearance of properties such as the placement, the height and the maintenance of fence, walls, hedges, shrubs, trees and other objects.

The Community Planning Act also empowers Council to include zoning provisions that "require the improvement, removal or demolition of any building or structure that, in the opinion of the Council, is dilapidated, dangerous or unsightly, and empower the council to improve, remove or demolish such building or structure at the expense of the owner or to acquire the parcel of land on which such building or structure is situated".

Policies and proposals:

The Village of Belledune intends to include zoning provisions geared toward the appearance and the general maintenance of properties, buildings and structures.

## **13.0 RECREATIONAL VEHICLES**

### Issue

There has been an increasing trend over the past few years in the Chaleur Region and in the whole province to install and use recreational vehicles along the shoreline either on a vacant lot or contiguous to a house or a cottage. In some cases, the lot is occupied by a single recreational vehicle. In other cases, there could be several vehicles in a cluster. In many cases, the recreational vehicles are not connected to an adequate sewage system. In order to better regulate this increasing activity, many municipalities of the Chaleur Region have enacted zoning regulations to control the number of vehicles and other dispositions.

### Policies and Proposals:

The Village of Belledune intends to regulate the installation of recreational vehicles on properties along the Bay of Chaleurs and that are used as seasonal dwellings for the summer.

It is proposed to regulate the installation and the use of recreational vehicles in the Rural zones, in the Residential zones and in the Mixed zones along the Bay of Chaleurs in accordance with the zoning dispositions.

## PART C : ZONING PROVISIONS

### ADMINISTRATION

#### Section 1: Zoning Map and Interpretation

1(1) The Zoning Map included in Schedule "A", titled "Village of Belledune Zoning Map" and dated September 2007 and subsequently amended by Maps 17-02-2008, 17-04-2009 , 17-05-2010 and 17-06-2011 is the zoning map designated for the Rural Plan of the Village of Belledune.

1(2) In this By-law:

**-A-**

**"ABUT"** means having access thereto directly.

**"ACCESSORY BUILDING"** means a detached building permanently affixed to the ground and located on the same lot as an existing main use, building or structure, the use of which is clearly incidental or subordinate to that of the main use, building or structure. Accessory building shall not be used for human habitation and shall not include vehicle, trailer, semi trailer or freight container unless otherwise provided.

**"ACCESSORY STRUCTURE"** means a detached structure permanently affixed to the ground and located on the same lot as an existing main use, building or structure, the use of which is clearly incidental or subordinate to that of the main use, building or structure. Accessory structure shall not be used for human habitation and shall not include vehicle, trailer, semi trailer or freight container unless otherwise provided.

**"ACT"** means the *Community Planning Act, Chapter C-12*.

**"AGGREGATE"** means gravel, sand, clay, shale, earth, stone, limestone, sandstone, marble, granite, rock other than metallic ore.

**"AGRICULTURAL USE"** means the use of a tract of at least five contiguous acres for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and cattle and poultry husbandry but definitely exclude the breeding of pigs and fur bearing animals and the spreading of pig and hog manure. The sale on the premises of produce grown or raised on the premises is permitted. Agricultural use includes a one-unit dwelling occupied by the operator of the farm.

**"AISLE"** means the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access or egress driveway.

**"ALLEY"** means a private way permanently reserved as a secondary means of

access to abutting property.

**"ALTER"** means, as applied to a building or structure or part thereof, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. The words altered or alteration shall have the corresponding meanings.

**"ANIMAL ENCLOSURE"** means, for the purpose of this By-law, an area completely enclosed by a fence or a solid wall within which one or more horses can be confined.

**"ANIMAL FEEDLOT"** means any lot, building or combination of continuous lots or buildings intended for the feeding, breeding, raising or holding of animals and specifically designed as a confinement area where manure may accumulate.

-B-

**"BED AND BREAKFAST"** means an establishment in a private dwelling that supplies temporary accommodations and meals to transient travellers but does not include a boarding house, a rooming house, a hotel, a motel or an inn.

**"BODY SHOP"** means any lot, building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies, but shall not include a salvage or wrecking yard, a scrap yard or a junk yard. All body shop shall be equipped with certified ventilators and emission control systems approved by the Province in order to prevent the release of exhaust and fume in the atmosphere. Furthermore, the disposal of liquid wastes, such as paints, primers and solvents shall be done through an operator approved by the Province.

**"BUFFER"** means an area of land, including landscaping, berm, walls, fences and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on the adjacent lot or street right-of-way.

**"BUILDING"** means an edifice permanently affixed to the ground, having solid walls and covered by a roof, which is used or intended as a shelter for persons, animals, chattels or property.

-C-

**"CAMPGROUND"** means an area of land, managed as a unit, providing short term accommodations for tents and recreational vehicles and licensed by the Province under the Tourist Establishment Regulation – Tourism Development Act.

**"CAMPSITE"** means a plot of ground measuring at least 6 metres by 12 metres and intended for the exclusive occupancy of a maximum of one (1) recreational vehicle and one (1) tent.

**"CAR SALES LOT"** means a lot where motor vehicles are stored or displayed for the purpose of sale or hire only.

**"CENTRE LINE"** means a line drawn parallel to and equidistant from the street lines that delineate the street right-of-way.

**"COMMON WALL"** means a vertical wall separating two dwellings units above and below grade, mutually common to both dwelling units and where the common wall constitutes at least 50% of the vertical and horizontal plane between two adjacent units.

**"COMMUNITY PLACEMENT RESIDENTIAL FACILITY"** means a group home, a residence or a residential centre as defined in Regulation 83-77 of the Province of New-Brunswick, entitled "Community Placement Residential Facilities Regulation-Family Services Act.

**"CONSTRUCTION DEBRIS"** means construction and demolition debris material accepted by the department of Environment which can be disposed of pursuant to the Guidelines for the Siting and Operation of a Class 1 Land Reclamation Site Utilizing Construction and Demolition Debris or pursuant to the Guidelines for the Siting and Operation of a Class 2 Land Reclamation Site utilizing construction and demolition debris from the demolition of a residential or small commercial building.

**"CONTRACTOR YARD"** means the portion of the yard of any general contractor or builder where equipment and materials used for the business are stored. For the purpose of this definition, the sale of materials and equipments is prohibited in a contractor yard.

**"CORRAL"** means an animal enclosure used for the regular confinement of horses.

**"COTTAGE"** means a small vacation dwelling in the countryside, used for vacations, getaways or as a summer home.

**"COTTAGE ESTABLISHMENT"** means a tourist establishment composed of two or more cottage owned and leased by the same person.

**"COUNCIL"** means the Municipal Council of the Village of Belledune.

**"DAY-CARE CENTER"** means any child care facility which provides temporary care, day or night, to children who are not of common parentage between them and with the operator.

**"DEVELOPED"** means erected, placed, relocated, altered, repaired or replaced.

**"DEVELOPMENT"** means a development as defined under the Community Planning Act.

**"DRIVEWAY"** means a strip of land between a public street and a property where vehicles are operated or allowed to stand, and intended and used to provide access and egress for vehicles to a definite area of the property, such as a parking area, a building or structure.

**"DWELLING"** means a building or portion thereof, containing one or more dwelling units, and designed or used for permanent human habitation. For the purposes of this By-law, a dwelling shall not include the followings housing types:

- (a) mini-home;
- (b) mobile-home;
- (c) Community Placement Residential Facility;
- (d) shelter for women and/or children;
- (e) nursing home;
- (f) cottage; or
- (g) recreational vehicle.

**"DWELLING, MULTIPLE UNIT" OR "MULTIPLE-UNIT DWELLING"** means a detached building containing three or more dwelling units.

**"DWELLING, ONE-UNIT " OR "ONE-UNIT DWELLING"** means a detached building containing one dwelling unit and that could also contain a secondary apartment.

**"DWELLING, SEMI-DETACHED" OR "SEMI-DETACHED DWELLING"** means a building that is divided vertically by a common wall into two dwelling units side by side, under one roof, and each of which has a separate entrance from the front yard.

**"DWELLING, TOWNHOUSE" OR "TOWNHOUSE DWELLING"** means a building that is divided vertically by a common wall into three or more dwelling units, each of which has a separate entrance from the front yard.

**"DWELLING, TWO-UNIT" OR "TWO-UNIT DWELLING"** means a detached building containing two dwelling units.

**"DWELLING UNIT"** means one or more room connected together that constitute a separate, independent housekeeping establishment with independent toilets, cooking and sleeping facilities provided for the exclusive use of the residents. A dwelling unit shall not be occupied by more than one (1) household. For the purposes of this By-law, a dwelling unit shall not include the following housing types:

- (a) mini-home;
- (b) mobile-home;
- (c) Community Placement Residential Facility;
- (d) shelter for women and/or children;
- (e) nursing home;
- (f) cottage; or
- (g) recreational vehicle.

-E-

**"EQUESTRIAN CENTRE"** means the use of lands, buildings and structures for the boarding and breeding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the racing of horses.

**"ERECT"** means built, construct, reconstruct, alter, relocate from another lot and relocate on the same lot, and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension. The words erected or erection shall have the corresponding meanings.

**"EXOTIC CABARET"** means an establishment which features topless and/or bottomless dancers, exotic dancers, strippers, or similar entertainers and where the sale of beer, wine or intoxicating liquor for consumption on the premises may or may not be permitted.

-F-

**"FACADE"** means the exterior wall of a building or structure that is exposed to public view or that wall viewed by persons not within the building.

**"FARM"** means a parcel of land on which agricultural use is the predominant activity.

**"FENCE"** means an artificially constructed barrier erected to enclose or screen areas of land. A fence is usually made of wood, steel, vinyl, chain link and wires supported by posts. A fence made up of wires shall have a minimum of 3 rows of wires attached vertically along the posts spaced not more than 2 metres.

**"FLOOR AREA"** means the total floor area of all storeys contained within the exterior faces of the exterior walls of a building, but excluding any private garage, carport, porch, veranda, breezeway, sunroom, unfinished attic, basement, cellar or other room(s) not habitable at all season of the year.

**"FLOOR AREA, GROSS" OR "GROSS FLOOR AREA"** means the total floor area in a main building, excluding the area used for mechanical room, stairwells, garbage room, electrical room, elevators and parking.

**"FLOOR AREA, GROUND" OR "GROUND FLOOR AREA"** means the maximum ground floor area of a building measured by the outside walls, excluding in the case of a dwelling, any private garage, carport, porch, veranda, breezeway, sunroom or other room(s) not habitable at all season of the year.

**"FORESTRY USE"** means the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising, splitting, cutting and storage of fuel wood, pulp wood, lumber and Christmas trees, but shall not include sawmills, nor it shall include the manufacturing or processing of wood or forest products.

**"FREIGHT CONTAINER"** means an article of transport equipment that is of a permanent character and accordingly strong enough to be suitable for repeated use in a system of intermodal cargo transport such as container ship, freight train wagons and trucks. Freight containers are specially designed to facilitate the transport of goods without intermediate reloading. They are also designed to be secured and/or readily handled and have fittings for these purposes.

-G-

**"GARAGE, ATTACHED" OR "ATTACHED GARAGE"** means a private garage accessory to a dwelling on the same lot and attached thereto by a common wall and/or common roof structure. For the purpose of determining setbacks requirements from any lot line, an attached garage will be considered part of the

main building. Also, a wall or roof between a house and attached garage is considered to be common as long as a minimum of forty percent (40%) of the length of the garage wall or roof is common with the dwelling wall or roof.

**"GARAGE, PRIVATE" OR "PRIVATE GARAGE"** means a portion of a dwelling which is designed or used for the sheltering of private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

**"GARAGE, PUBLIC" OR "PUBLIC GARAGE"** means a building used for the commercial repair, servicing or storage of motor vehicles, including painting and body shop.

**"GARAGE SALE" OR "YARD SALE"** means the sale of personal property which is conducted on premises within a residential zone upon which is located a dwelling.

**"GARDEN CENTRE"** means the use of lands, building or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishing and supplies.

**"GARDEN SUITE"** means an additional single dwelling unit that is one storey, free standing, temporary, portable, containing bathroom and cooking facilities and is equipped for year round occupancy. A garden Suite shall not include a mobile home, a recreational vehicle or any other trailer. A garden suite shall only be occupied by:

- (a) the parents or grandparents of the owner;
- (b) a child of the owner, including the spouse and dependent children;
- (c) a sister or brother of the owner, including the spouse and dependent children; or
- (d) a person who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner, including the spouse and dependent children of the person so employed.

**"GLARE"** means a sensation of brightness within the visual field that causes annoyances, discomfort or loss in visual performance and visibility.

**"GROSS LEASABLE AREA (GLA)"** means the total floor area of a building including basements, mezzanines and upper floors, but excludes commons areas such as public walkways, public toilets, truck and service facilities and joint service facilities.

-H-

**"HEIGHT"** means, in reference to a building or structure, the vertical distance between the average ground elevation around the perimeter of the building or structure and the highest point of the building or structure, exclusive of any accessory roof construction such as chimney, steeple or antenna.

**"HIGH WATER MARK, ORDINARY" OR "ORDINARY HIGH WATER MARK"** means the mark made by the action of water under natural conditions at the shore or bank of watercourse or waterbody which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of vegetation and soil on the other side of the mark.

**"HIGHER HIGH WATER LARGE TIDE"** means the demarcation line between Zone A and Zone B as defined in the document entitled "A Coastal Areas Protection Policy for New Brunswick" published by the Department of Environment and Local Government.

**"HOME BUSINESS"** means a secondary use on a lot that contains a one-unit dwelling, which use entail an office in the premises for purposes of performing work at other locations.

**"HOME OCCUPATION"** means an occupation, trade, profession or craft carried on by the occupant of a residential building as a secondary use that is clearly subordinate and incidental to the main residential use of the property, and which does not change the character, thereof or have any exterior evidence of such secondary use other than a small sign not exceeding a size prescribed by the zoning by-law.

**"HOUSEHOLD"** means a person living alone, or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking and eating facilities:

- (a) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- (b) two (2) unrelated people; or
- (c) two unrelated people and any children related to either of them.

-I-

**"IMPOUND YARD"** means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, junk yard, salvage or

wrecking yard.

**"IN LAW-SUITE"** means a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, which is contained within the structure of a one-unit dwelling, but functions as a separate unit. An In Law-Suite shall only be occupied by:

- (a) the parents or grandparents of the owner;
- (b) a child of the owner, including the spouse and dependent children;
- (c) a sister or brother of the owner, including the spouse and dependent children; or
- (d) a person who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner, including the spouse and dependent children of the person so employed.

**"INDUSTRIAL MALL"** means a building or group of buildings held in a single ownership or by participants in a condominium corporation or cooperative and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be provided.

**"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 uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings or structures.

-J-

**"JUNK YARD"** means the use of land, building or structure for the abandonment, collection, demolition, dismantlement, keeping, storage, bailment, salvage or sale of used, discarded, worn out or scrapped machinery, vehicle, vehicle parts, metal, chains, pipes, waste paper, rags, enamelware, furniture, bottles, cans, rope, or other scrap or discarded materials.

-K-

**"KENNEL"** means the use of land, building or structure where five or more dogs, not including dogs under six months of age, are boarded, bred and trained in return for remuneration. Such establishments may include incidental grooming or sale of pet supplies.

-L-

**"LANDING"** means a platform with or without a roof and extending horizontally from the wall of a building no more than 1,80 metres, adjacent to a door and providing direct access to the ground or a stair.

**"LANDSCAPING"** 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.

**"LIQUOR LICENSED ESTABLISHMENT"** means any building, structure or premises licensed under the Liquor Control Act and without limiting the generality of the foregoing, may include such uses as bars, taverns, discotheques, reception halls, restaurants, but definitely excludes exotic cabaret.

**"LOT"** means a parcel or contiguous parcels of land in one ownership and used or intended to be used as the site for a same development in the zone where such development is a permitted use and at condition that it has sufficient size to meet minimum zoning requirements for use, coverage, and lot area, and to provide such yard and other open space as are herein required.

**"LOT AREA"** means the total horizontal area within the lot lines, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of the cliffs or embankment having a slope of thirty (30) degrees or more from the horizontal.

**"LOT, CORNER" OR "CORNER LOT"** means a lot abutting two or more streets at their intersection. The street used for the determination of the civic address is deemed to be the primary street. The other street or streets shall be considered a secondary street.

**"LOT DEPTH"** means the horizontal distance between the front lot line and the rear lot line. Where these lines are not parallel, it shall be the length of a line joining the mid-points of the front lot line and the rear lot line.

**"LOT LINE"** means a line dividing one lot from another or from a street or access.

**"LOT LINE, FRONT" OR "FRONT LOT LINE"** means the lot line separating the lot from a street and extending along the street right-of-way.

**"LOT LINE, REAR" OF "REAR LOT LINE"** means the lot line opposite and most distant from the front lot line and extending along the rear of the lot.

**"LOT LINE, SIDE" OR "SIDE LOT LINE"** means a lot line extending from the front lot line and the rear lot line.

**"LOT WIDTH"** means

- (a) where the side lot lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines; or
- (b) where the side lot lines are not parallel, the distance between the side lot lines as measured across the lot along a line drawn
  - parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, and
  - through the point at which the line of minimum setback required by this By-law intersects a line drawn perpendicular to and through the mid-point of the line referred to in the subparagraph above.

-M-

**"MAIN BUILDING"** means a building which:

- (a) occupies the major or central portion of a lot;
- (b) is the chief or main building on a lot; or
- (c) constitutes, by reason of its use, the primary purpose for which the lot is used.

**"MEZZANINE"** means an intermediate level between the floor and ceiling of any story and covering less than 33% of the floor area immediately beneath.

**"MINI HOME"** means a factory built detached structural unit designed to be and capable of being transported after fabrication on a flatbed truck, suitable for year-round living, and arriving at the site ready for occupancy apart from incidental operations such as foundation support and connections to utilities. In comparison with a modular home that contains two or more sections that are assembled on site, a mini home contains one single module, the width of which does not exceed six metres. As used herein, a mini home shall not include a recreational vehicle, nor shall it include a mobile home. A mini home shall have a wood frame, a pitch roof, vinyl siding and shall be installed permanently on a cement foundation.

**"MINI HOME PARK"** means a lot under single management, for the placement of two or more mini homes.

**"MINI HOME SITE"** means a space of land within a Mini Home Park or in the zones where such use is permitted that is or is intended to be occupied by one (1) mini home, and such sites shall be clearly delineated by permanent markers or other suitable means.

**"MINI-STORAGE WAREHOUSE"** means a building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of household items.

**"MOBILE HOME"** means a factory built, detached structural unit designed to be and capable of being transported after fabrication on its own chassis and wheel system, suitable for year-round living, and arriving at the site ready for occupancy apart from incidental operations such as location or foundation support and connections to utilities. As used herein, a mobile home shall not include a recreational vehicle, nor shall it include a mini home.

**"MOBILE HOME PARK"** means a lot under single management, for the placement of two or more mobile homes.

**"MOBILE HOME SITE"** means a space of land within a mobile home park that is or is intended to be occupied by one (1) mobile home, and such sites shall be clearly delineated by permanent markers or other suitable means.

**"MOTEL"** means an tourist establishment consisting of a group of attached or detached living and sleeping accommodations designed for use by the transient tourists, with parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

**"MOTOR SPORTS EVENT"** means an event, the duration of which is temporary in nature, associated but not limited to the following vehicles: motocross, motorcycles, cars, race cars, snowmobiles, speed boats, regatta, mud race, tractor pull. For the purpose of this definition, a public event must gather more than 100 persons at one time or be capable of producing a noise level exceeding 60 dB measured at the source.

**"MOTOR VEHICLE"** means an automobile, truck, motorcycle, recreational vehicle and any other vehicle propelled or driven otherwise than by muscular power.

**"MOTOR VEHICLE DEALERSHIP"** means a lot, building or structure where a dealer displays motor vehicles for sale or rent and in conjunction with which there may be a public garage, a motor vehicle service station or a motor vehicle body shop.

**"MUNICIPALITY"** means the Village of Belledune, a municipal corporation duly incorporated under the Municipalities Act, Chapter M-22.

-N-

**"NURSING HOME"** means a group home as defined in the Nursing Home Act, Chapter N-11 of the Province of New-Brunswick, and licensed by the Department of Family and Community Services.

-O-

**"OUTSIDE STORAGE"** means the storage of equipment, goods, chattels, raw or processed materials outside of any building or structure. For the purpose of this by-law the overnight parking of motor vehicles shall not be deemed to be outside storage.

-P-

**"PARK"** means an area permanently devoted to peaceful recreational uses and generally characterized by its natural, historic or landscaped features.

**"PARKING, OFF-STREET" OR "OFF-STREET PARKING"** means a storage area for a motor vehicle that is located within a parking area which is not located on a public street right-of-way.

**"PATIO"** means a platform without a roof, the floor of which is not more than 1,5 metres above finished grade, with or without direct access to the ground, which is designed and intended for use as a sundeck but shall not include a landing or stair. A patio shall only be permitted to abut the back and /or the side wall of a building. A patio is not permitted to encroach in the front yard of the building unless it meets the standards required for a landing.

**"PET ANIMAL"** means a domestic animal that has commonly been kept as a pet in family households in Canada, such as dogs, cats, guinea pigs, rabbits, and hamsters. This term excludes exotic animals, wild animals and farm animals such as cattle, sheep, horses, pigs, cows and bees.

**"PLANNING COMMISSION"** means the Belledune District Planning Commission.

**"PLAYGROUND"** means an area or landscaped open space equipped with children's equipment such as slides, swings or wading pools.

**"POOL"** means a swimming pool.

**"PORCH"** means a roofed, open gallery attached to the exterior of a building.

**"PREMISES"** means a general term meaning part or all of any lot or part or all of any building or structure or group of buildings or structures located thereon.

**"PROVINCE"** means the Government of the Province of New Brunswick, its departments and agencies.

**"PUBLIC EVENT"** means an event, the duration of which is temporary in nature such as: an exhibition, a fair, a carnival, a circus, a music concert, a religious or cultural gathering and a sporting event. For the purpose of this By-law, motor sports events are defined separately. For the purpose of this definition, a public event must gather more than 100 persons at one time or be capable of producing a noise level exceeding 60 dB measured at the source.

**"PUBLIC OPEN SPACE"** means an area permanently devoted to peaceful recreational uses and generally characterized by its natural, historic or landscaped features.

**"PUBLIC STREET"** means a road or a street that receive year-round services from the Village of Belledune and/or the Province and that is designated as a Municipal Public Street on the Map entitled Road Designation Map of the Village of Belledune and included in Annex C.

-Q-

**"QUARRY"** means a place where consolidated rock has been or is being excavated, removed, processed, crushed and stockpiled by means to supply material for construction, industrial or manufacturing purposes.

-R-

**"RECREATIONAL VEHICLES"** means a vehicle that shall be licensed pursuant to the Motor Vehicle Act, not wider than 2.6 metres, which provides sleeping and other facilities for short period of time while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled. The term recreational vehicle includes such vehicle commonly known as travel trailer, camper trailer, pick-up camper, motorized camper, motorized home or motor home, tent trailer and camper.

**"RECYCLING CENTRE"** means the use of land, building or structure where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**"RENTAL CABIN OR RENTAL COTTAGE"** means a tourist establishment

designed to accommodate one household in a detached building.

**"RESORT CENTER"** means a tourist establishment that provide meals and sleeping accommodation throughout all or part of the year and that furnishes equipment, supplies or services to persons in connection with angling, hunting, camping, vacationing or recreational purposes. A resort center may include a separate building or a complex containing two or more resort units, designed or intended to be used by only one household as a single, independent and separate accommodation,

- (a) in which food preparation and sanitary facilities are provided for the exclusive use of such household;
- (b) which is part of a rental or lease management program;
- (c) in which the maximum habitation per household is restricted to 120 days per year; and
- (d) which has been developed to provide accommodation for gain or profit.

-S-

**"SALVAGE OR WRECKING YARD"** means land, building or structure where

- (a) motor vehicles and parts are wrecked, disassembled, repaired and/or resold;
- (b) wasted, used or second-hand product, paper, rag, bottles, tires, metal or other scrap material or salvage are bought, sold, exchanged, baled, packed, dissembled or handled; or
- (c) used lumber and used building materials are stored for sale or resale.

**"SCRAP YARD"** means the use of land, building or structure, or part thereof, for the storage of goods and materials which are used, worn out, cast or discarded. These goods and materials are stored for the purpose of reclamation, recycling, reuse, reprocess and/or manufacture again.

**"SCREENING"** means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that would effectively screen the property which it encloses, and is broken only by access drives and walks.

**"SECONDARY STREET"**: see Corner lot.

**"SERVICE SHOP"** means a building used for the sale, repair or servicing of

household articles.

**"SERVICE STATION"** means the use of land, building or structure for the servicing and repairing of motor vehicles and for the sale of fuel, oils and accessories for motor vehicles.

**"SETBACK"** means the least horizontal distance permitted between a lot line or a street line and the nearest portion of any building or structure on such lot.

**"SHELTER FOR WOMEN AND/OR CHILDREN"** means a residence for women and/or children living under supervision in a single housekeeping unit, and by reason of their emotional or social condition require a group living arrangement for their well being. For the purpose of this By-law, a shelter does not include halfway house or a facility for the temporary care of transient and homeless persons.

**"SIGN"** means any device, letter, figure, symbol, emblem or picture which is affixed to or represented directly or indirectly upon a building, structure or a piece of land and which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street, road or thoroughfare. For the purpose of this By-law, signs include, but are not limited to, Billboard signs, Fascia signs, Freestanding signs, Mobile signs, Portable signs, Projecting signs and Readograph signs.

**"SIGN, BILLBOARD" OR "BILLBOARD Sign"** means a structure and any part thereof with a plane surface on which lettered, figured or pictorial matter is displayed for advertising purposes and which advertising does not apply to premises or any use or premises wherein it is displayed or posted.

**"SIGN FACE"** means the total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

**"SIGN, FASCIA WALL" OR "FASCIA WALL SIGN"** means a sign placed flat against the wall or other surface of a building, with the face of such sign parallel to such wall or other surface, which projects not more than 30 centimetres from such wall or other surface, and which does not extend above the roof line.

**"SIGN, FREESTANDING" OR "FREESTANDING SIGN"** means a sign supported by one or more upright poles, columns, or braces, permanently fixed to the ground, and not attached to any building or structure.

**"SIGN, MOBILE" OR "MOBILE SIGN"** means a sign greater than 1.0 square metre and less than 3.7 square metres in area, which is designed in such manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include message that can be changed manually through the use of attachable characters, panels or other means.

**”SIGN, PORTABLE” OR ”PORTABLE SIGN”** mean a sign that is not permanently affixed to the ground, to a building or to a structure, or a sign designed to be transported.

**”SIGN, PROJECTING” OR ”PROJECTING SIGN”** means a sign that is wholly or partly dependent upon a building for support and which projects more than 30 centimetres from such building.

**”SIGN, READOGRAPH” OR ”READOGRAPH SIGN”** means a sign greater than 1.0 square metre and less than 3.7 square metres in area, permanently affixed to the ground or in a solid base, composed of changeable letters which is designed or constructed to convey a temporary message and which is designed or constructed so that the message conveyed on the readograph may be changed manually through the use of attachable characters, panels or other means.

**”SITE PLAN”** means a scale drawing showing uses, buildings and structures existing and proposed for a parcel of land, including such details as parking areas, access and egress points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank and tile fields, utility lines, surface drainage on the lot and toward surrounding areas, etc.

**”SMALL BUSINESS”** means a commercial activity conducted in a building with a ground floor area less than 200 square metres and used for a maximum two of the following uses: convenience store, restaurant, public garage, service station, gas bar, clerical activity, bed and breakfast, boutique, retail store, bakery, book store, hardware store or car sales lot.

**”SMALL WIND ENERGY SYSTEM OR SWES”** means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power. For the purpose of this by-law, the total height of a SWES shall mean the distance measured from the ground level to the blade extended at its highest point.

**”STABLE”** means a building, or portion thereof, used for the feeding and housing of one horse or more.

**”STABLE, PRIVATE” OR ”PRIVATE STABLE”** means an accessory building or portion thereof, designed or used for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire, sale or other commercial purposes.

**”STOREY”** means that part of a building between the surface of one floor and the ceiling above. However, a basement or a cellar does not count as a storey except that any portion of a building partly below the ground shall be deemed a

storey if its ceiling is four (4) feet above finished grade.

**”STOREY, ONE-HALF” OR ”ONE-HALF (½) STOREY”** means the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, side-walls not less than four feet in height and a ceiling with a minimum height of 2.3 metres over an area equal to at least fifty percent of its floor area.

**”STREET LINE”** means the limit of the street right-of-way and is the dividing line between a lot and a highway, road or street.

**”STREET RIGHT-OF-WAY”** means, in the case of a highway, road or street, a strip of land occupied or intended to be occupied by the travel portion of the roadway, the shoulder, the culvert and the strip occupied by the municipal and the public utilities.

**”STRUCTURE”** means an erection other than a building or a public utility pole or line.

**”SWIMMING POOL”** means an outdoor pool of water, the container of which is constructed of cement, plastic, fiberglass, steel, aluminum, rubber or similar material, capable of containing in excess of 760 mm of water, and intended primarily for bathing, swimming, wading and diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

-T-

**”TOURIST ESTABLISHMENT”** means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided.

**”TOURIST OUTFITTER’S ESTABLISHMENT”** means a tourist establishment which operates throughout all or part of a year, which may or may not furnish accommodation and facilities for serving meals, and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

**”TRAILER, SEMI” OR ”SEMI TRAILER”** means a trailer without a front axle. A large proportion of its weight is supported either by a truck tractor or by a detachable front axle assembly known as a dolly. A semi-trailer is normally equipped with legs which can be lowered to support it when it is uncoupled. The purpose of a semi-trailer is to carry freight. There are several types of semi-trailers including dry freight vans, refrigerated vans (reefers), flatbeds, and tank trailers.

**"TRAILER, TRACTOR" OR "TRACTOR TRAILER"** means a two-part truck. The tractor is the cab where the driver sits, and the trailer, hooked to the tractor, hauls the freight.

**"TRANSFER STATION FOR SOLID WASTE"** means any land, building, structure or facility including loading docks, parking areas and other similar areas, where shipments of solid waste are held, sorted or transferred during the normal course of transportation to the regional landfill site.

**"TRUCK TRACTOR"** means a motor vehicle with a driver's cab and a powerful engine, fitted with a coupling at the rear, and designed to pull a large trailer or semi-trailer on the open highway. The combination of such a tractor with its trailer is called a tractor-trailer, and is a common form of truck used for commercial shipping of freight.

-U-

-V-

**"VEHICLE"** means any motor vehicle, tractor trailer, truck tractor, trailer, semi trailer, freight container, farm tractor, road building machine, industrial heavy vehicle, and any vehicle drawn, propelled or driven by any kind or power other than muscular power. The above are deemed to be a vehicle notwithstanding their wheels have been removed or not, or that they are licensed or not.

-W-

**"WASTE COMPOSTING OPERATION"** means a composting operation requiring the approval of the department of Environment for the treatment of organic waste using bacterial aerobic decomposition.

-Y-

**"YARD"** means that portion of a lot that is open, uncovered and unobstructed by buildings or structures, from the ground to the sky.

**"YARD, FRONT" OR "FRONT YARD"** means that part of a lot which extends across the full lot width between the front lot line or street line, and the nearest wall or supporting member of a main building or structure, disregarding uncovered landing or steps, provided that such landing or steps are not more than 1,5 metres above grade. In the case of a corner lot or through lots, front yards shall be provided on all frontages and any yard extending along the full length of a street line shall be considered a front yard.

**"YARD, REAR" OR "REAR YARD"** means that part of a lot which extends across the full lot width between the rear lot line and the nearest wall or supporting member of a main building or structure, disregarding uncovered patio, landing or steps, provided that such patio, landing or steps are not more than 1,5 metres above grade.

**"YARD, SECONDARY FRONT" OR "SECONDARY FRONT YARD"** means the front yard abutting on the secondary street.

**"YARD, SIDE" OR "SIDE YARD"** means a yard extending from the front yard to the rear yard of a lot and lying between a side lot line and the nearest wall or supporting member of a main building or structure, disregarding uncovered patio, landing or steps, provided that such patio, landing or steps are not more than 1,5 metres above grade.

## **Section 2: Purpose**

- (1) The purpose of Part C is,
  - (a) to divide the area of land referred to in Part A, section 2 into zones;
  - (b) to prescribe, subject to powers reserved to the Planning Commission,
    - (i) the purposes for which land, buildings and structures in any 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 any development other than in conformity with the purposes and standards referred to in Paragraph (b).

## **Section 3: Powers of the Council**

- (1) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, street or other services or facilities.
- (2) When, in the opinion of Council, a building or structure is dilapidated, dangerous or unsightly, the Council may:
  - (a) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof, or
  - (b) acquire the parcel of land on which such building or structure is situated.

## **Section 4: Special Powers of the Planning Commission**

- (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 Commission, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (2) The Planning Commission may, subject to such terms and conditions as it considers fit,
  - (a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law, and

- (b) require the termination or removal of a development authorized under Paragraph (a) at the end of the authorized period.

### **Section 5: Amendments to the By-law**

- (1) A person, other than the Council, 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 one thousand dollars (\$1,000.00) to the municipality.
- (2) The Council may, if it deems fit, return all or any part of the fee mentioned in Paragraph (1) (b).
- (3) An application under this section shall include such information as may be required by the Council or the Planning Commission for the purposes of adequately assessing the desirability of the proposal.
- (4) An application under this section that seeks to rezone an area of land from one type of zone to another shall be signed by the owners of each property within that area.
- (5) Before giving its views to the Council with respect to an application under this section, the Planning Commission may carry out such investigation as it deems necessary.

### **Section 6: Development Permit**

- (1) No person shall undertake or continue a development without having obtained a development permit and no development permit shall be issued unless the proposed development conforms to all provisions of this By-law.
- (2) A development permit is suspended if the work mentioned in the development permit is:
  - (a) not commenced within six (6) months from the date of issue of the development permit,
  - (b) discontinued for a period in excess of six (6) consecutive months, or
  - (c) not in compliance with the drawings, specifications and conditions contained in the application for the development permit.
- (3) A development permit is revoked
  - (a) after the project has been completed,

- (b) at the expiry date contained in the application for the development permit,
  - (c) after the project has been discontinued for a period of twelve (12) consecutive months, or
  - (d) where a person fails to comply with an order issued by the development officer after it was found that the development did not comply with the drawings, specifications and conditions contained in the application for the development permit.
- (4) A development permit that is suspended or revoked may be renewed upon request at condition that the request is filed within a delay of three (3) months after it has expired and subject to review of the demand by the development officer.
- (5) A person seeking to obtain a development permit shall make an application in writing to the development officer and such application shall:
- (a) be made on a form provided by the development officer,
  - (b) be signed by the applicant,
  - (c) describe the development or state the intended use of the land, building or structure, as the case may be, and
  - (d) unless waived by the development officer, include the site plans, the scale drawings and the specifications of the proposed development containing all information requested by the development officer for the purpose of determining compliance with this By-law.
- (6) Subject to Subsection (7), no development permit may be issued under this By-law unless a fee of \$25.00 has been paid to the Planning Commission.
- (7) No fee shall be charged for a development permit issued together with a building permit pursuant to the provisions contained in the Building By-law and the fees of which have been paid to the Planning Commission.

### **Section 6.1: Fees**

- (1) Pursuant to the provisions of subsection 64.1(1) of the Community Planning Act, the Village of Belledune prescribes the following fees for the community planning and development services provided by the planning commission.

Services	Fees
Providing a zoning confirmation letter	\$25.00
Providing a letter confirming that a use of land, a building or a structure is in compliance with a community planning and development by-law	\$100.00
Processing and considering applications for an authorization pursuant to a by-law under paragraph 34(3)(h)	\$100.00
Processing and considering requests under section 35	\$100.00
Examining an instrument under paragraph 44(1)(l)	\$25.00 for every portion of 30 minutes of research time, plus expenditures.

## **GENERAL PROVISIONS**

### **Provisions of Environmental Nature**

#### **Section 7: Development near a Watercourse**

- (1) Subject to Subsection (2), no development is permitted
  - (a) so as to be less than 15 metres from the ordinary high water mark of any rivers, streams or other bodies of water, and
  - (b) so that any habitable portion of the building or structure is less than 1 metre above the ordinary high water mark of a watercourse or water body.
  
- (2) The following developments are exempted from the provisions contained in Paragraph (1) subject to their approval by the Province:
  - (a) a public and industrial water supply;
  - (b) a public beach;
  - (c) a transportation and highway infrastructure;
  - (d) a boat dock and boat launching facilities;
  - (e) a dam and other water retention infrastructure for the control of water level and erosion;
  - (f) a pedestrian boardwalk;
  - (g) a peat land; and
  - (h) a public infrastructure.
  
- (3) The following uses are permitted in the area between the ordinary high water mark and 1 metre in elevation above the ordinary high water mark of a watercourse or water body subject to their approval by the Province:
  - (a) agricultural building or structure providing that flood proofing measures have been incorporated;
  - (b) repair of an existing building or structure damaged by a natural disaster or other catastrophe, including flooding;
  - (c) use of land for agriculture, forestry and wildlife preservation;
  - (d) development of parks, playground, beaches and tourist facilities other than enclosed or semi-enclosed buildings;

- (e) maintenance and repair of existing transportation (including existing parking lots) and communication infrastructure;
- (f) construction of new transportation systems by any level of government or a crown agency;
- (g) development of maritime traffic infrastructure including wharves, docks and navigation aids;
- (h) construction of systems related to the supply, the treatment and the distribution of public and industrial water;
- (i) construction of systems related to the collection and the treatment of sewage;
- (j) undertaking of flood and erosion protection works approved by the Department of Environment;
- (k) placement of fill as an adjunct to a permitted use providing that the placement of fill does not alter the direction or passage of floodwater and provided that such fill has been approved by the Department of Environment; and
- (l) erection of public monuments or structures which has been designed to withstand floodwater.

### **Section 8: Coastal Development**

- (1) Subject to Subsection (2), no building or structure is permitted
  - (a) so as to be less than 30 metres from the Higher High Water Large Tide mark, and
  - (b) so that any of the habitable portion of the building or structure is less than 2 metres above the Higher High Water Large Tide elevation.
- (2) The following developments are exempted from the provisions contained in Subsection (1) subject to their approval by the Province:
  - (a) a building or structure used for commercial fisheries and incidental activities;
  - (b) a seaport, a wharf, a marina;
  - (c) a public beach;
  - (d) a transportation and highway infrastructure;

- (e) an erosion control structures;
- (f) a tourist installation; and
- (g) a public infrastructure.

### **Section 9:**

This Section is intentionally left blank

### **Section 10: Residential Development near a Lagoon or Treatment Plant**

- (1) Notwithstanding any other provision in this By-law, no development incorporating a dwelling may be located within 100 metres of a sewage lagoon or treatment plant.

### **Provisions Related to Lots and Land**

#### **Section 11: Frontage on a Public Street**

- (1) Subject to Subsection (3), no building or structure can be erected, placed, relocated or replaced unless the lot upon which it would be located abut on a public street.
- (2) Council shall approve the erection, placement, relocation or replacement of any building or structure on a lot abutting any road or access other than a public street.
- (3) The following buildings and structures are exempted from the application of Paragraph (1) in the zones where they are intended as permitted use:
  - (a) a building or structure used for the water distribution system or for a sewer collection system;
  - (b) a building or structure that is accessory to an existing development;  
or
  - (c) the enlargement or the regular maintenance of an existing development.

#### **Section 12: Connection to the Public Sanitary Sewer System and Water Supply System.**

- (1) Where any land is abutting a street serviced by a public system, no building or structure shall be erected, placed, relocated or replaced without its connection to the public sanitary sewer system and/or the water supply system, unless otherwise decided by Council.

### **Section 13: Lot Size**

- (1) A lot occupied by a two-unit dwelling shall have and contain:
  - (a) in the case of a lot serviced by both a public water and sewer system:
    - (i) a lot width of at least 23 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 818 square metres;
  - (b) in the case of a lot serviced only by a public sewer system:
    - (i) a lot width of at least 27 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,022 square metres; or
  - (c) in the case of a lot serviced by a private sewage disposal system:
    - (i) a lot width of at least 59 metres,
    - (ii) a lot depth of at least 38 metres, and
    - (iii) a lot area of at least 5,350 square metres.
  
- (2) A lot occupied by a three-unit dwelling shall have and contain:
  - (a) in the case of a lot serviced by both a public water and sewer system:
    - (i) a lot width of at least 27 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,090 square metres;
  - (b) in the case of a lot serviced only by a public sewer system:
    - (i) a lot width of at least 32 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,363 square metres; or
  - (c) in the case of a lot serviced by a private sewage disposal system:

- (i) a lot width of at least 63 metres,
  - (ii) a lot depth of at least 38 metres, and
  - (iii) a lot area of at least 6,700 square metres.
- (3) A lot occupied by a four-unit dwelling shall have and contain:
  - (a) in the case of a lot serviced by both a public water and sewer system:
    - (i) a lot width of at least 36 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,272 square metres;
  - (b) in the case of a lot serviced only by a public sewer system:
    - (i) a lot width of at least 36 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,545 square metres; or
  - (c) in the case of a lot serviced by a private sewage disposal system:
    - (i) a lot width of at least 68 metres,
    - (ii) a lot depth of at least 38 metres, and
    - (iii) a lot area of at least 8,050 square metres.
- (4) A lot occupied by a multiple dwelling of more than 4 units shall have and contain:
  - (a) in the case of a lot serviced by both a public water and sewer system:
    - (i) a lot width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of four,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,272 square metres, plus 68 square metres for each dwelling unit in excess of four;
  - (b) in the case of a lot serviced only by a public sewer system:

- (i) a lot width of at least 36 metres, plus 1.5 metres for each dwelling unit in excess of four,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,545 square metres, plus 102 square metres for each dwelling unit in excess of four; or
  - (c) in the case of a lot serviced by a private sewage disposal system, a lot width, a lot depth and a lot area as requested by the public health inspector pursuant to General Regulation 88-200 under the Health Act.
- (5) A lot occupied by a one-unit dwelling or any other development permitted in this By-law other than those mentioned in Subsection (1), (2), (3) or (4) shall have and contain:
- (a) in the case of a lot serviced by both a public water and sewer system:
    - (i) a lot width of at least 18 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 545 square metres;
  - (b) in the case of a lot serviced only by a public sewer system:
    - (i) a lot width of at least 23 metres,
    - (ii) a lot depth of at least 30 metres, and
    - (iii) a lot area of at least 1,672 square metres; or
  - (c) in the case of a lot serviced by a private sewage disposal system:
    - (i) a lot width of at least 54 metres,
    - (ii) a lot depth of at least 38 metres, and
    - (iii) a lot area of at least 4,000 square metres.
- (6) A lot which does not meet the requirements of Paragraph (5) (c) but that
- (a) was subdivided before January 1976,
  - (b) has a separate deed filed in the registry office of the county where the lot is located,

- (c) has a lot width of at least 30 metres, and
- (d) a lot area of at least 1,400 square metres,

can be used for a development mentioned in Subsection (5) in the zones where they are intended in term of permitted use only if the public health inspector approves the installation of a private sewage disposal system .

- (7) A lot of irregular shape is considered to be in conformity with the standards prescribed in this section if:
  - (a) a rectangle corresponding to the size requirements prescribed in this section is comprised of at least 75% in area within the perimeter of the irregular lot,
  - (b) the irregular lot has the minimum lot width abutting a public street as prescribed in this section, and
  - (c) the irregular lot has the minimum lot area prescribed in this section.

### **Provisions about the Design, Character and Appearance.**

#### **Section 14: Landscaping**

- (1) A lot shall not be developed for residential purposes in a Residential Zone (R Zone) unless the front yard of the main building that abut a street have been landscaped pursuant to the provisions contained in this section.
- (2) The landscaping mentioned in Subsection (1)
  - (a) shall include sodding or at least 5 centimetres of top soil and the seeding thereof, and
  - (b) may include partial devotion to paths, patios, walkways, ornamental shrubbery or trees.
- (3) The front yard mentioned in Subsection (1) may be used for the purposes of walks and driveways up to a maximum of 40%.
- (4) Landscaping, as described in Subsection (2), shall be completed no later than two (2) years after the issuance of the development and/or building permit for the main building or structure.

#### **Section 15: Size of Dwellings and Dwelling Units**

- (1) A dwelling may be developed in the zones where such use is permitted in this By-Law and subject to the requirements prescribed in this section.

- (2) No one-unit dwelling may be developed so that it has a ground floor area of less than
- (a) 72 square metres, in the case of a one-storey dwelling,
  - (b) 60 square metres, in the case of a split-level or a one and one-half (1 ½) storey dwelling, or
  - (c) 55 square metres, in the case of a two-storey dwelling.
- (3) No dwelling containing two or more units may be erected, placed, altered or replaced so that each unit has a floor area of less than
- (a) 32 square metres, in the case of a bachelor apartment,
  - (b) 40 square metres, in the case of a one bedroom dwelling unit,
  - (c) 56 square metres, in the case of a two bedroom dwelling unit, or
  - (d) 63 square metres, in the case of a dwelling unit containing three or more bedrooms.

#### **Section 16: Building and Structure Projections**

- (1) The requirements of this By-law with respect to any development in relation to a required front, rear or side yard apply to all parts of the building or structure.
- (2) Notwithstanding Subsection (1), the following extremities are permitted to extend into a required front, rear or side yard not more than the following distance:
- (a) 15 cm, for windows, gutters and down spouts;
  - (b) 50 cm, for chimneys, smoke stacks or flues;
  - (c) 60 cm, for cornices or eaves;
  - (d) 1 metre, for windows or doors awnings, or open or lattice-enclosed fire balconies or fire escapes; or
  - (e) subject to Subsection (3) and Section (22),
    - (i) 1.5 metres, for landings, galleries and steps;
    - (ii) 2 metres, for balconies of upper storeys of multiple dwellings which are not enclosed above 105 cm; or
    - (iii) 3.65 metres, for wheelchair ramps and lifting devices.

- (3) Extremities mentioned in Paragraph (2) (e) shall not extend into a required side yards to a greater extent than one-half of the required width of the yard.
- (4) Notwithstanding any other provision contained in this section, a non covered deck cannot be developed less than 3 metres from the rear lot line.

### **Section 17: Number of Main Building or Structure on a Lot**

- (1) Except as provided in this section, no more than one main building or structure may be developed on a lot.
- (2) The following uses may include the development of more than one main building or structure on a lot:
  - (a) subject to Section 39, a mobile home park or mini home park,
  - (b) agricultural uses, or
  - (c) a group of rental cabins or rental cottages to be rented to tourists during the summer season.
- (3) The combination of one (1) residential main use and one (1) non residential main use in a Mixed Zone constitutes a particular purpose under Paragraph 34(4) c) of the Act in respect of which the Planning Commission may impose terms and conditions, and that may be prohibited under Subparagraph 34(4)(c)(ii).

### **Section 18: Lesser Horizontal Dimension**

- (1) Except as provided in this section and subject to the other provisions contained in this By-law, no main building or structure may be developed on a lot so that the minimum horizontal dimension of such building or structure is less than 6 metres.
- (2) The following main buildings and structures may have an horizontal dimension smaller than the standards established in Subsection (1):
  - (a) a mobile-home or a mini-home placed in the zones where they are intended in term of permitted uses, or
  - (b) a public utility building.

### **Section 19: Site Plan for Land Used for Major Projects**

- (1) No permit can be issued for a building or structure having a ground floor area of more than 200 square metres unless the applicant submits a complete set of site plans.
- (2) The site plan mentioned in Subsection (1) shall

- (a) be drawn to scale;
- (b) show the size, shape, bulk, location and use of existing and proposed buildings and structures;
- (c) indicate the dimensions and the lot area to be built upon;
- (d) indicate the location and layout of parking areas, parking spaces, streets and access and egress driveways;
- (e) indicate the location and layout of loading and unloading areas;
- (f) indicate the pedestrian walks;
- (g) indicate the proposed grade and the surface drainage pattern, an estimate of the flow of surface water or storm water drained outside the property, and the proposed control to prevent erosion, sedimentation and flooding;
- (h) indicate the location of fences, signs, buffers and retaining walls;  
and
- (i) indicate any other elements deemed appropriate by the building inspector to assess the conformity of the project with existing codes and by-laws.

**Section 20: Standards concerning the Design, Character and Appearance of Land, Yards, Buildings and Structures**

- (1) All exterior surfaces on a building or structure shall be painted, stained or covered with a siding or finishing material conforming to the National Building Code within 12 months following the issuance of the building and/or development permit.
- (2) All exterior surfaces on a building or structure that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without substantial or visible deterioration from the original finish, or shall be refinished with an equivalent preservative or protective finish.
- (3) It is prohibited to use the following material as exterior finishing or siding for any building and structure:
  - (a) tar paper, mineral paper, wind breaker paper;
  - (b) boards of insulation foam;
  - (c) press wood boards, particle boards, plywood boards; and

- (d) any material not specifically designed to be used as exterior finishing or siding.
- (4) Vacant lots, exterior property areas and all buildings and structures shall be
- (a) maintained in a neat and tidy condition and so as not to detract from the neighbouring environment and to create a nuisance, a health, fire or an accident hazard, and
  - (b) kept clean and cleared of waste.
- (5) Without restricting the generality of Paragraph (4) (b), “clear and cleaned of waste” includes the removal of:
- (a) rubbish, garbage, brush, refuse, waste, litter and other debris;
  - (b) injurious insects, termites, rodents, vermin and other pests, and conditions conducive to attracting or giving refuge to such pests;
  - (c) ground cover, lawn, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighbouring environment;
  - (d) dead, decayed or damaged trees or other growth which create an unsafe condition or unsightly condition;
  - (e) wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, boats, snowmobiles, trailers, machinery, mechanical equipment, appliances, objects or parts;
  - (f) dilapidated or collapsed structures or erections;
  - (g) construction waste; or
  - (h) any object or material that is discarded, worthless or of salvage value only.
- (6) Every main or accessory building or structure shall be kept in good repair and free from health, fire and accident hazards, and maintained in a structurally sound condition so as to be capable of sustaining its own weight together with any load it might reasonably be subject to.
- (7) A building or structure damaged by fire or other causes shall:
- (a) be repaired to its original condition within 6 months after the sinister or 3 months after the matter has been settled by the insurance company, whichever occurrences comes first, or

- (b) shall be demolished or the damaged portion removed and the property left in a graded, level and tidy condition.
- (8) The foundation hole of any building or structure that has been removed, demolished or not constructed shall be level up to the surrounding ground.
- (9) Any part of a lot that is developed and that is situated within 30 metres from a public road shall be kept:
  - (a) clean and in good condition physically and aesthetically;
  - (b) in such manner that the maximum height of grass does not exceed 20 centimetres;
  - (c) free of bushes; and
  - (d) free of ashes, junk, cleaning of yards, bodies or part of automobiles or of other vehicles or machinery, rubbish or refuse.

### **Section 21: Outside Storage and Display**

- (1) Where any permitted use also allows outdoor storage, the area of land used for such storage shall be:
  - (a) located in the back yard and side yard, and
  - (b) screened from the street by a wall or decorative wooden fence or chain link fence with filler strip woven into the mesh or other screening facility of equal screening value.
- (2) A screening facility mentioned in Subsection (1) shall be between 2 metres and 2.5 metres in height and no object or material shall be piled higher than the screening fence.
- (3) The use of a vacant land for the storage or the display of vehicles, objects or material of all kind, for the purpose of sale or not, is prohibited.
- (4) The use of a front yard for the storage, display or the sales of goods and merchandises is only permitted for the following duly licensed dealer and to whom a development permit has been issued pursuant to this By-law:
  - (a) a dealer of automobile, farm equipment and a recreational vehicle;
  - (b) a dealer of swimming pools and garden furniture; or
  - (c) a garden center .

- (5) Notwithstanding Subsection (4), a commercial establishment is permitted to use a maximum outdoor area of 40 square metres for the display of goods and merchandise.
- (6) Notwithstanding the other provisions contained in this section, where another section contains specific measures in respect of outdoor storage, the specific provisions in that section shall apply.

### **Section 22: Sight Triangle**

- (1) On any corner lot, no obstruction to motor vehicle driver shall be placed or allowed to remain or to grow within the triangular area bounded by the street lines and a line joining points on the street at a distance of 6 metres from the point of intersection.
- (2) Any opaque building, structure, object or vegetation between 0.75 metre and 3 metres above the grade of the centre lines of the streets that abut the lot shall be considered an obstruction to motor vehicle driver views.

### **Section 23: Semi-detached and Townhouse Dwellings**

- (1) No semi-detached dwelling or townhouse dwelling shall be developed in the zones where such uses are permitted unless the units are joined by a common wall.
- (2) Each dwelling unit shall have a minimum width of 4.5 metres measured along the exterior wall of the habitable portion of the dwelling, excluding private garages and carports.
- (3) Secondary apartments are not permitted in semi-detached dwellings and townhouse dwellings.

### **Section 24: Attached Garage and Carports**

- (1) A private garage or carport attached to or incorporated in a dwelling shall not exceed 75% of the gross floor area of the dwelling including the garage and the carport.
- (2) Where a private garage or carport is attached to or incorporated in a dwelling, it becomes part of the building for the purposes of determining the minimum setback requirements from the lot lines.

### **Provisions about Parking and Loading Zones**

### **Section 25: Off-Street Parking Spaces**

- (1) Subject to this section, no development shall be approved unless vehicular off-street parking spaces are provided and maintained in accordance with the requirements of this section.

- (2) Off-street vehicular parking spaces mentioned in Subsection (1) shall be provided on the following basis:

<b>LAND USE</b>	<b>MINIMUM NUMBER OF OFF-STREET PARKING SPACES THAT SHALL BE PROVIDED</b>
<b>Dwelling containing 4 units or less</b>	1 space per dwelling unit
<b>Dwelling containing 5 units or more</b>	1 space per dwelling, plus 1 additional space for each 2 units
<b>Community placement residential facility and shelter</b>	1 space for each 3 resident beds provided, plus 1 additional space for each 2 staff members working at any single shift.
<b>Day-care center</b>	1 parking space for each employee, plus 1 additional drop-off space for each multiple of 5 children.
<b>Nursing home</b>	1 space for each 4 patient beds provided for, plus 1 additional space for each 2 staff members working at any single shift
<b>Hotel, motel, inn or bed and breakfast</b>	1.0 space per bedroom, plus 10 additional spaces for every 100 m <sup>2</sup> of public space and assembly area (reception hall).
<b>Campground</b>	1.0 space per campsite, plus 1 additional space for each 3 campsites
<b>Full Service Restaurant</b>	20 spaces per 100 m <sup>2</sup> of Gross Leasable Area
<b>Drive-in or Fast-food Restaurant</b>	29 spaces per 100 m <sup>2</sup> of Gross Leasable Area
<b>Take-out Restaurants</b>	10 spaces per 100 m <sup>2</sup> of Gross Leasable Area
<b>Retail store and service shop</b>	4.0 spaces per 100 m <sup>2</sup> of Gross Leasable Area
<b>Office and office building</b>	3.5 spaces per 100 m <sup>2</sup> of Gross Leasable Area
<b>Liquor licensed establishment</b>	1 space for each staff member, plus 1 additional space for each 4 patrons for whom accommodation is provided
<b>Institutional use</b>	1.0 space for each staff member, plus 1 additional space for every 9 m <sup>2</sup> of assembly area or auditorium.
<b>Funeral home</b>	10 spaces per 100 m <sup>2</sup> of Gross Leasable Area

<b>Building supply outlet</b>	2.0 spaces per 100 m2 of Gross Leasable Area
<b>Strip mall</b>	5 spaces per 100 m2 of Gross Leasable Area

- (3) An off-street parking space
  - (a) shall be not less than 5.5 metres in length and not less than 2.8 metres in width, exclusive of aisles leading thereto;
  - (b) shall be separated and readily accessible by a driveway from a public street; and
  - (c) subject to Subsection (4), shall be located on the same lot containing the use for which the spaces are provided.
- (4) Notwithstanding Paragraph (3) (c), adjacent properties used for commercial and institutional purposes may share parking spaces in common with the condition that
  - (a) the total number of parking spaces meets the total number of spaces determined by the use of each separate buildings and/or properties, less 15%, and
  - (b) an agreement under the form of an easement be signed by all parties and registered.

### **Section 26: Parking Lots**

- (1) All parking lots and driveways containing more than 25 parking spaces shall be surfaced with hot-mix asphalt, chip seal, concrete, pavers, crushed rock or gravel so as to prevent dusting and the accumulation of water.
- (2) All parking lots
  - (a) containing 50 parking spaces and over, or
  - (b) having an area of 1,000 square metres and over,shall require a surface drainage management plan approved by a professional engineer proving that run-off water from the parking lot will not have any adverse impact on the properties, infrastructures, watercourses and the natural environment that are located downstream.
- (3) Wherever a parking lot containing 25 parking spaces and over is required or proposed, the following provisions shall apply:
  - (a) manoeuvring aisle must be provided for easy access to and from parking spaces without having to displace other vehicles. This provision does not apply to parking spaces provided in addition to the minimum number of spaces required under this By-law;

- (b) off-street parking lots and parking spaces shall be designed so that vehicles may exit without backing up onto a public street;
- (c) the cases of all parking spaces shall be painted on the asphalt surface;
- (d) no driveway for access and egress shall be located less than 15 metres from an intersection measured from a point where the street lines intersect with each others; and
- (e) a structure, not more than 4.6 metres in height and not more than 5 square metres in area may be erected in the parking lot for the use of attendants.

### **Section 27: Parking Spaces for the Mobility Disabled**

- (1) In addition to the parking requirements mentioned in Section 25, additional reserved parking spaces for the mobility disabled shall be provided for uses requiring barrier-free access under the National Building Code of Canada, in following with the following requirements:
  - (a) one parking space for the mobility disabled for each group of 30 spaces or less required; and
  - (b) notwithstanding Paragraph (a), no parking spaces for the mobility disabled shall be required where the proposed development requires less than four (4) parking spaces.
- (2) Each reserved parking space shall contain an area of not less than 28 square metres measuring at least 4.6 metres in width.
- (3) Each reserved parking space shall be located as close as possible to the location it is intended to serve and shall be clearly identified by a permanently affixed ground sign.

### **Section 28: Loading and Unloading Areas.**

- (1) Every building, structure or premises used in whole or in part for an activity involving the use of vehicles for the receipt or distribution of merchandise shall provide and maintain on land appurtenant to such building, structure or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:
  - (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses,
    - (i) not less than one (1) space if the gross floor area thereof is 500 square metres or less,

- (ii) not less than two (2) spaces if the gross floor area thereof is in excess of 500 square metres but less than 2,250 square metres, and
  - (iii) an additional space for each 2,250 square metres, or fraction thereof, of gross floor area thereof in excess of the first 2,250 square metres; or
- (b) for business or office buildings, place of assembly, schools, hotels or other similar buildings or premises,
  - (i) not less than one (1) space, and
  - (ii) an additional space for each 3,200 square metres, or fraction thereof, of gross floor area in excess of 2,800 square metres.
- (2) A loading and unloading space mentioned in Subsection (1) shall:
  - (a) be not less than 15 metres in length and not less than 3 metres in width with 4 metres overhead clearance;
  - (b) be so located that merchandise or materials are loaded and unloaded on the premises being served;
  - (c) be provided with adequate facilities for access and egress and unobstructed manoeuvring aisles; and
  - (d) be surfaced with a durable and dust-proof material.

### **Provisions about certain Uses**

#### **Section 29: Intermittent Uses**

- (1) The following intermittent uses are permitted subject to the following terms and conditions hereto attached:
  - (a) Garden Centre: A commercial property may be used for the purpose of a garden centre between May 15<sup>th</sup> and August 1<sup>st</sup> of every year. A development permit is required.
  - (b) Garage Sale and Yard Sale: No permit is required for Garage and Yard Sales but such activity is only permitted to be held on Saturday. The goods put for sale shall be in harmony with the main use and the general character of the property.
  - (c) Public Event: A development permit shall be required for a public event. The permit shall be valid for a period of not more than four

(4) consecutive days, and provided that a period of at least ninety (90) days shall intervene between the termination of one event and the issuance of a permit for another event on the same property. Any building or structures erected for that event shall be removed within three (3) days of completion of such event. Public event is permitted in all zones except in a Residential Zone (R Zone).

- (d) Motor sports events: For the purpose of this paragraph, a motor sports event means a public event associated with motor vehicles such as but not limited to motocross, motorcycles, race cars, snowmobiles, speed boats (regatta), mud race, tractor pull, etc.

A development permit shall be required for all motor sports events. The permit shall be valid for a period of not more than four (4) consecutive days, and provided that a period of at least ninety (90) days shall intervene between the termination of one event and the issuance of a permit for another event on the same property.

Motor Sports events are permitted in all zones except in a Residential Zone (R Zone). In addition, any motor sports event shall be a particular purpose under Paragraph 34(4) (c) of the Act in respect of which the Planning Commission may impose terms and conditions, and that may prohibited under Subparagraph 34(4)(c)(ii) and Subsection 34(5) of the Act.

- (e) Christmas Tree Sales: No permit is required for the display and open-lot sale of Christmas trees for a period between November 1<sup>st</sup> and December 24<sup>th</sup> of every year.
- (f) Recreational Vehicle (RV) Rally: No permit is required for a Recreational Vehicle Rally for a maximum period of five (5) days.

### **Section 30: Home Occupation**

- (1) A home occupation may be conducted as a secondary use to a one- or two-units dwelling in the zones where such use is permitted in this By-law and subject to the requirements prescribed in this section and in Section 34.
- (2) For the purpose of this section and subject to Section 34, home occupations are divided into classes corresponding to various professions or trade as follow:
- (a) Class 1: Professional Services: Doctor, dentist, lawyer, real estate or insurance salesman, accountant, architect, engineer or other similar uses;
- (b) Class 2: Personal Services: Barber, hairdresser, beauty parlour, photograph, holistic care or other similar uses;

- (c) Class 3: Care Services: Day-care, kindergarten or other similar uses;
  - (d) Class 4: Instructional services: Teaching of music, arts, painting, crafts, hobbies, dance, hobby or other similar uses;
  - (e) Class 5: Small scale Artists and Craftsperson: Artist, sculptor, potter, weaver, shoemaker, dressmaker, re-upholsterers, woodworker, cabinet-maker or other similar uses;
  - (f) Class 6: Home Repair Shop: electronic or computer service, locksmith shop, small appliance service or repair shop, household and carpenter tool service or repair shop or other similar uses; or
  - (g) Class 7: Miscellaneous services: Hand-washing and hand-cleaning of cars.
- (3) A home occupation under Class 1 or 2 shall be confined inside the main dwelling unit only.
  - (4) A home occupation under Class 3 shall be confined inside the main dwelling unit, except a playground located outside.
  - (5) A home occupation under Class 4, 5, 6 or 7 shall be confined either
    - (a) inside the main dwelling unit, or
    - (b) inside only one (1) accessory building,but not in the two places at the same time.
  - (6) Except a playground permitted under Subsection (4), no home occupation shall be exercised in whole or in part outside the building or structure specified in this section.
  - (7) The floor area of the dwelling unit which is devoted to a Class 1,2 or 3 home occupation shall not exceed the lesser of:
    - (a) 35% of the gross floor area of the dwelling unit, or
    - (b) 50 square metres.
  - (8) The total floor area of a main building or an accessory building which is devoted to a Class 4, 5, 6 or 7 home occupation shall not exceed 84 square metres.
  - (9) No more than two persons shall be engaged in the home occupation in addition to members of the household resident in the dwelling unit in which the home occupation is conducted.

- (10) There shall be no outdoor storage or display of goods, materials, products equipment, containers or supplies in connection with a home occupation.

### **Section 31: Home Business**

- (1) A home business may be conducted as a secondary use to a one- or two-units dwelling in the zones where such use is permitted in this By-law and subject to the requirements prescribed in this section and in Section 34.
- (2) For the purpose of this section and subject to Section 34, home businesses are divided into classes corresponding to various professions or trade as follow:
  - (a) Class 1: Trade: Electrician, plumber, building contractor, carpenter, painter, plasterer, roofer, landscape gardener, landscaper or other similar use; or
  - (b) Class 2: Vehicle: Taxi driver, bus driver, light duty towing, courier operations, ambulance service, mobile canteen, caterers or other similar use.
- (3) A home business may be exercised
  - (a) inside the main dwelling unit, and
  - (b) inside only one (1) accessory building.
- (4) The total floor area of the main dwelling which is devoted to a home business shall not exceed the lesser of:
  - (a) 35% of the gross floor area of the dwelling unit, or
  - (b) 50 square metres.
- (5) The total floor area of the accessory building which is devoted to a home business shall not exceed 84 square metres.
- (6) No more than two persons shall be engaged in the home business in addition to members of the household resident in the dwelling unit in which the home business is conducted.
- (7) Subject to Subsection (8), the use of land in conjunction to a home business is limited to a commercial vehicle having a weight less than one (1) ton.
- (8) The use of land in conjunction to a home business is limited to a maximum of two (2) commercial vehicles.
- (9) No storage of material, tools, equipment, commodities or product is permitted in connection with the operation of a home business other than

within a permitted building or within a contractor yard as provided in Subsection (10).

- (10) A contractor yard mentioned in Subsection (9) used for the outside storage shall conform to the following provisions:
  - (a) the area occupied by a contractor yard shall not exceed 50 square metres;
  - (b) the pile of material or any material herein stored shall not exceed 1.7 metres in height;
  - (c) the contractor yard shall not be visible from any public street or nearby properties unless it is surrounded with a screen fence having a maximum height of 2 metres; and
  - (d) the contractor yard shall not be located less than:
    - (i) 20 metres from any public street line, and
    - (ii) 5 metres from any rear and side lot line.

### **Section 32: Retail Sale outlet in a Dwelling**

- (1) A retail sale outlet in a dwelling may be conducted as a secondary use on a property occupied by a one unit dwelling in the zones where such use is permitted in this By-law and subject to the requirements prescribed in this section and in Section 34.
- (2) A retail sale outlet in a dwelling shall be confined either
  - (a) inside the main dwelling unit, or
  - (b) inside only one (1) accessory building,but not in the two places at the same time.
- (3) The total floor area of the main dwelling or accessory building which is devoted to the retail sale outlet shall not exceed 50 square metres.
- (4) A retail sale outlet in a dwelling shall have a separate and direct entrance from the outside.
- (5) No more than two (2) persons shall be engaged in the retail sale outlet in a dwelling in addition to members of the household resident in the dwelling unit in which the home occupation is conducted.
- (6) The use of land in conjunction to a home business is limited to a maximum of two (2) commercial vehicles.

- (7) There shall be no outdoor storage or display of goods, materials, products equipment, containers or supplies in connection with a retail sale outlet in a dwelling.

### **Section 33: Bed and Breakfast**

- (1) A bed and breakfast may be conducted as a secondary use on a property occupied by a one- or two-units dwelling in the zones where such use is permitted in this By-law and subject to the requirements prescribed in this section.
- (2) A bed and breakfast shall be conducted solely within the main building.
- (3) No more than one (1) person shall be engaged in the bed and breakfast in addition to members of the household resident in the dwelling unit in which the bed and breakfast is conducted.
- (4) A bed and breakfast shall only provide overnight accommodation and meal to transient lodgers for short stays.
- (5) A bed and breakfast shall be designed and intended to accommodate no more than two persons per room to be rented.
- (6) A bed and breakfast shall be limited to not more than the following number of bedrooms for rent per property:
  - (a) three (3) in an R1 Zone; or
  - (b) five (5) in all other zones except in an R1 Zone.
- (7) One additional off-street parking space shall be provided for each bedroom used for bed and breakfast accommodation.

### **Section 34: General provisions applicable to Home occupation, Home Business, Retail Sale outlet in a dwelling and Bed and Breakfast.**

- (1) For greater certainty and without limiting the general provisions of this By-law, the following developments are prohibited as home occupation, home business, retail sale outlet in a dwelling and Bed and Breakfast:
  - (a) restaurant;
  - (b) manufacturing, welding, or any other light industrial use;
  - (c) body shop and paint shop;
  - (d) the salvage of motor vehicles or any other material;
  - (e) sawmill or wood cutting;

- (f) boat building longer than 5 metres;
  - (g) erotic massage parlor;
  - (h) sex shop;
  - (i) the repair, the modification and the maintenance of motor vehicle, all-terrain vehicles, construction equipment, recreational vehicles and similar equipment;
  - (j) metal fabrication shop and machine shop;
  - (k) business doing the collection of waste, including septic, solid and liquid wastes, including the parking or the storage of any vehicle used for the collection of garbage; and
  - (l) tar or asphalt business, including the parking or the storage of any vehicle or equipment for asphalt, tar or concrete works.
- (2) The exercise of the home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast shall, at all times, remain clearly secondary and subordinate to the main residential use and there shall be no change to the outside appearance or character of the dwelling and the property in general, or any visible evidence of the conduct of a home occupation, a home business, a retail sale outlet in a dwelling or bed and breakfast.
- (3) No change shall be made to the external appearance of the property that will alter the residential character of the property and the buildings occupying it.
- (4) A home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast shall not cause or shall be able to cause nuisances by way of dust, noise, odours, lights, vibration, glares, fumes, smoke, gases, electrical, radios or television interference, vehicle or pedestrian traffic, or any type of detectable nuisance.
- (5) A home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast shall not cause significant additional vehicular traffic beyond that normal to the neighbourhood in which it is located.
- (6) A home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast shall not include activities that use or store toxic or hazardous materials and shall not emit odorous, toxic or noxious matter or vapour.
- (7) A home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast shall not store products or materials in such quantity and/or concentration that it may represent a hazard or a nuisance.

- (8) Notwithstanding Section 63, a maximum of one sign, either free-standing or attached to the building in which the activity is conducted, not more than 0.45 square metre, is permitted for a home occupation, a home business, a retail sale outlet in a dwelling and a bed and breakfast.
- (9) A free-standing sign mentioned in Subsection (8) shall:
  - (a) not have a height more than 1.25 metres, and
  - (b) be located at least 1.25 metres from the lot lines.
- (10) There cannot be more than one (1) home occupation, home business, retail sale outlet or bed and breakfast in a dwelling on the same property.
- (11) Other than a permitted sign pursuant to this section, there shall be no exterior display or advertisement. In addition, signs, lighting and window treatments shall not be allowed to detract from the residential character of the neighbourhood.

### **Section 35: Camping Site (campsite) for Recreational Vehicles**

- (1) The use of land for the purpose of using or occupying a recreational vehicle is only permitted:
  - (a) in a provincially licensed campground, or
  - (b) on a campsite where such use is permitted as per Subsection (3).
- (2) Without restricting the generality of this section, it is permitted to install and occupy a maximum of one (1) recreational vehicle during the summer season on any property occupied by a dwelling for the purpose of accommodating a visitor.
- (3) The development of a campsite for the use of a recreational vehicle as intermittent dwelling is only permitted on properties:
  - (a) situated within an RU Zone, or
  - (b) if the land is situated in a Residential Zone, within a strip of 100 metres landward from the Higher High Water Large Tide of the Bay of Chaleur.

- (4) For the purposes of Subsection (3), the maximum numbers of campsites that can be developed depends upon the lot area of the property as follow:

LOT AREA	MAXIMUM NUMBER OF CAMPSITES FOR RECREATIONAL VEHICLES PERMITTED
Less than 2000 m <sup>2</sup>	1 site maximum
Between 2001 and 3000 m <sup>2</sup>	2 sites maximum
Between 3001 and 4000 m <sup>2</sup>	3 sites maximum
More than 4000 m <sup>2</sup>	4 sites maximum

- (5) Notwithstanding Subsection (4), in the case where the lot is occupied or becomes occupied by a main building or structure, a maximum of one (1) campsite is permitted.
- (6) The property owner shall obtain a development permit from the Planning Commission prior to the development of a campsite pursuant to this section.
- (7) An application for a development permit mentioned in Subsection (6) shall include the following documents:
- (a) a plan drawn to scale indicating the limits of the property and its lot area,
  - (b) the location of the proposed campsite(s),
  - (c) the use, the location and the size of all existing and proposed buildings and structures on the property, and
  - (d) the points of access and egress between the property and a public street.
- (8) It shall be permitted to install a maximum of one (1) accessory building having a maximum area of 14.6 square metres for the totality of all recreational vehicles situated on the same lot.
- (9) All campsites shall be connected to the municipal sanitary sewer system or to a private on-site disposal system approved by the provincial health officer. The use of portable holding tank is permitted.
- (10) Except in a provincially licensed campground, no campsite, where permitted, shall be developed less than:
- (a) 100 metres from an arterial road,
  - (b) 75 metres from a collector road,

- (c) 7.5 metres from a local street,
  - (d) 3 metres from a rear or side lot line,
  - (e) 10 metres from the Higher High Water Large Tide of the Bay of Chaleur, and
  - (f) 7.5 metres from a dwelling located on a neighbouring property.
- (11) No campsite shall only be used and occupied between October 30<sup>th</sup> and May 1<sup>st</sup> of the following year.

### **Section 36: Service stations**

- (1) In addition to the zoning provisions contained in this By-law, service station and gas bar, where permitted, are subject to the provisions contained in this section.
- (2) No part of a gas pumps or gas pumps island shall be located less than:
- (a) 7.5 metres from a public street,
  - (b) 3 metres from a private road or alley,
  - (c) 4 metres from side and rear lot lines, and
  - (d) 4 metres from any building or structure.
- (3) No part of a canopy shall be located less than:
- (a) 3 metres from a public street,
  - (b) 3 metres for a private road or alley,
  - (c) 3 metres from existing public utility lines, and
  - (d) 3 metres from side and rear lot lines.
- (4) No part of an above ground reservoir or propane tank shall be located less:
- (a) 10 metres from a public street,
  - (b) 3 metres for a private road or alley, and
  - (c) 3 metres from side and rear lot lines.

### **Section 37: Transmissions Towers and Telecommunication Towers**

- (1) Telecommunication and/or Transmission Towers shall be located a minimum of 20 metres from any lot lines.
- (2) No telecommunication and/or transmission towers higher than 70 metres shall be erected less than 300 metres from an existing dwelling or a Residential Zone.

### **Section 38: Scrap Yard and Junk Yard**

- (1) A buffer zone and/or a visual screen shall be developed, kept in good condition and maintained at all time around any yards used for the following purposes in the zones where such uses are permitted pursuant to this By-law:
  - (a) Salvage or wrecking yard;
  - (b) Impound yard;
  - (c) Scrap Yard;
  - (d) Recycling centre;
  - (e) Transfer station for solid waste; or
  - (f) Junk Yard.
- (2) A buffer zone or a visual screen mentioned in Subsection (1) shall be constituted of one of the following elements, or a combination thereof:
  - (a) a row of trees that is continuous, opaque and un-pierced,
    - (i) composed of broad-leaved trees or evergreen trees not less than 3 metres high, and
    - (ii) placed directly along the lot lines except for access and egress driveways having a maximum width of 10 metres; or
  - (b) a solid screen fence
    - (i) not less than 3 metres in height and not greater than 5 metres in height, un-pierced except for access and egress driveways having a maximum width of 10 metres, and
    - (ii) located at least 6 metres from any public street and 3 metres from any other lot lines, and the land between the fence and any lot line not required for entrance and exit driveways shall be landscaped.

- (3) No material shall be piled higher than the height of the surrounding buffer zone or visual screen, and the pile shall not exceed 4 metres.

### **Section 39: Mini/Mobile Home Site and Parks**

- (1) No mobile home may be placed or located other than:
  - (a) in a mobile home park located in a zone where it is a permitted use under this By-law and that is licensed under the Mobile Home and Mini Home Park By-law, or
  - (b) in a mobile home site located in a zone where it is a permitted use under this By-law.
- (2) No mini home may be placed or located other than:
  - (a) in a mini home park located in a zone where it is a permitted use under this By-law and that is licensed under the Mobile Home and Mini Home Park By-law, or
  - (b) in a mini home site located in a zone where it is a permitted use under this By-law.
- (3) the development officer shall issue a development permit for a mobile home park or a mini home park provided:
  - (a) an application under this section is received,
  - (b) the mobile home park or the mini home park is a permitted use within that zone,
  - (c) that a fee of \$100.00 for a new mobile home park or a new mini home park has been paid to the Planning Commission,
  - (d) the mobile home park or the mini home park complies with all the requirements contained in this section, and
  - (e) that the municipality has issued an operation license under the Mobile Home and Mini Home Park By-law.
- (4) A mobile home park or a mini home park shall:
  - (a) incorporate a 7.5 metres wide buffer strip along the perimeter of the mobile home park or the mini home park;
  - (b) be serviced by an internal roadway system:
    - (i) having a right-of-way of at least 12 metres,

- (ii) having a travel surface of at least 6 metres in width, with a paved surface or other all-weather dust-free surface sufficient to carry imposed loads,
    - (iii) giving access to all spaces and service buildings in the mobile home park or the mini home park, and
    - (iv) providing proper access to a public street, such access being designed to meet the street as close to right angle as practicable; and
  - (c) provide the pads where the mobile homes or the mini homes shall be placed, such pad being of an appropriate material, properly placed, graded and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons.
- (5) No mini home or mobile home may be placed, erected or altered in a mobile home park or in a mini home park unless each site delineated to accommodate each separated unit meets the following minimum size requirements:
- (a) in the case of mini home or mobile home serviced by an individual on-site private system, each site shall have:
    - (i) a minimum width of 54 metres,
    - (ii) a minimum depth of 38 metres, and
    - (iii) a minimum area of 4,000 square metres;
  - (b) in the case of mini home or mobile home serviced by the municipal sewer system or by a common sewer system approved by the Province, each site shall have, when the home is installed perpendicular to the road:
    - (i) a minimum width of 15 metres,
    - (ii) a minimum depth of 30 metres, and
    - (iii) a minimum area of 450 square metres; and
  - (c) in the case of mini home or mobile home serviced by the municipal sewer system or by a common sewer system approved by the Province, each site shall have, when the home is installed parallel to the road
    - (i) a minimum width of 30 metres,

- (ii) a minimum depth of 15 metres, and
  - (iii) a minimum area of 450 square metres.
- (6) Skirting shall be provided, designed, placed and maintained to complement each mobile home or mini home.
- (7) In a mini home park and/or mobile home park, no mini home or mobile home shall be located less than
  - (a) 7.5 metres from a public street,
  - (b) 3 metres from the internal roadway system,
  - (c) 2 metres from the side line of the space, and
  - (d) 3 metres from the rear line of the space.
- (8) In a mini home park and/or mobile home park, a maximum of one (1) accessory building is permitted for each site occupied by a mini home or a mobile home subject that:
  - (i) it is not used for human habitation,
  - (ii) it is located a minimum of 1 metre from the side and rear line of the space,
  - (iii) it is located a minimum of 3 metres from the internal road system, and
  - (iv) it does not exceed 37 square metres in area.

## **Provisions Concerning Excavation**

### **Section 40: Cutting and Filling**

- (1) In any zone, the making of land by cutting or filling to a depth in excess of 1 metre constitutes a development under the definition of the Community Planning Act thus requiring a development permit issued by the development officer.
- (2) Subsection (1) does not apply to the excavation or filling of land directly related to
  - (a) a development for which a development permit and/or a building permit has been issued,

- (b) the excavation of mineral aggregate for which a development permit has been issued pursuant to Section 41, or
  - (c) the construction of public road.
- (3) A development permit issued under this section is valid for six (6) months from the date of issue, and the fee for such permit or a renewal thereof is \$35.00.
- (4) The development officer shall not issue a development permit if the filling or the cutting within 30 metres of a watercourse or a wetland has not been approved by relevant governmental agencies.

#### **Section 41: Excavation of Mineral Aggregate**

- (1) Subject to this section, no person may undertake or continue the excavation of mineral aggregate for the purpose of sale or any other commercial and for non-commercial purposes unless an excavation permit has been issued therefore by the development officer and in conformity with the standards contained in this section.
- (2) This section does not apply
  - (a) to the removal of less than twenty (20) cubic yards of aggregate material for personal use on the same property,
  - (b) for excavation done in connection of a development for which a valid development permit or building permit has been issued, or
  - (c) for mining activities conducted under the Mining Act.
- (3) Subject to this section, the excavation of mineral aggregate is only permitted within an RU-1 Zone and an IND-2 Zone.
- (4) No excavation of mineral aggregate may be undertaken so that neither the top nor the base of the excavation is closer than
  - (a) 30 metres from any street line,
  - (b) 15 metres from the lot lines other than a road or highway mentioned in Paragraph (a),
  - (c) 60 metres of the bank of any watercourse, body of water or wetland,
  - (d) 200 metres from any existing dwelling or institutional building, and
  - (e) 200 metres from an existing Residential Zone (R Zone) or Mixed Zone (MX Zone).

- (5) No building, structure, equipment or site of any intended operation, production, repair, maintenance or storage shall be closer than
  - (a) 10 metres from any street line,
  - (b) 10 metres from the lot lines other than a road or highway mentioned in Paragraph (a),
  - (c) 30 metres of the bank of any watercourse, body of water or wetland,
  - (d) 50 metres from any existing dwelling or institutional property, and
  - (e) 50 metres from an existing Residential Zone (R Zone) or Mixed Zone (MX Zone).
- (6) Subject to Subsection (7), no excavation of mineral aggregate shall have a depth of more than 1 metre unless self-reflective signs are posted every 30 metres along the perimeter of the excavation bearing the word "Danger" in letters at least 15 cm in height.
- (7) Unless the perimeter of the site is surrounded by a fence of 2 metres in height, no excavation of mineral aggregate shall:
  - (a) have a slope that is steeper than 1.5 horizontal to 1 vertical,
  - (b) have a depth of more than 5 metres, or
  - (c) permit ponding of water in excess of 60 cm at any time.
- (8) Any person seeking to obtain an excavation permit under this section shall make application in writing to the development officer in a form prescribed by the Planning Commission.
- (9) An application mentioned in Subsection (8) shall:
  - (a) state the name and address of the property owner and the location of the proposed excavation;
  - (b) state the name and address of the operator of the proposed excavation;
  - (c) state the name and address of the applicant;
  - (d) be accompanied by a plan drawn to a scale not less than 1 to 1000 indicating the boundaries of the land involved in the proposed excavation and the boundaries of that part proposed to be excavated;

- (e) indicate the lowest level of the proposed excavation;
  - (f) set out the means to be employed by the person named in the proposed permit to suppress dust and dirt pursuant to this section;
  - (g) indicate the anticipated date of commencement of the work involved in the excavation;
  - (h) include a proposal for rehabilitation of the site of the excavation as provided for herein and the proposed time limit therefore; and
  - (i) indicate if blasting will be used and if so, include provision for the management of blasting in order to ensure that the neighbouring properties will not be affected.
- (10) The development officer shall issue an excavation permit if
- (a) an application under Subsection (8) has been received;
  - (b) the proposed excavation, any work related thereto and the proposal for rehabilitation of the site meet the requirements of this section;
  - (c) the permit fee in the amount of \$50.00 has been paid; and
  - (d) the applicant has deposited the sum of money or the financial bond mentioned under Subsection (18) to the account of the municipality.
- (11) An excavation permit issued under this section is valid until December 31<sup>st</sup> in the year of issue and may be renewed.
- (12) The fee for renewal under Subsection (10) is \$50.00 and the provisions of this section apply to the renewal thereof.
- (13) An excavation permit issued under this section shall:
- (a) be in a form prescribed by the Planning Commission; and
  - (b) be signed by the development officer.
- (14) In addition to the other provisions contained in this section, an excavation permit issued under this section is subject to the following terms and conditions:
- (a) appropriate measures shall be taken at all time to ensure that accesses to the excavation and public street over which excavated material is transported are maintained in a dust-free condition, as by paving, sweeping and/or the use of calcium chloride or water;

- (b) no access road to the excavation site shall be located less than 60 metres from an existing dwelling or institutional use;
  - (c) the excavation, and any work related thereto, shall be carried out only between the hours of 7h00 a.m. and 8h00 p.m. only on days other than Sundays and holidays as defined by the Interpretation Act;
  - (d) no operation in relation to the excavation shall be conducted so as to prejudice proposed or required rehabilitation of the land;
  - (e) when operations cease annually at the end of the season, the slope of the excavation shall not be steeper than 1.5 horizontal to 1 vertical for the full depth thereof; and
  - (f) the excavation shall not expose the water table at the bottom of the excavation.
- (15) The owner of the site of the excavation for which a permit has been issued hereunder shall rehabilitate the land of the site upon:
- (a) the depletion of mineral aggregates from the site to the extent that further operation would be no longer viable;
  - (b) the expiration or revocation of the permit; or
  - (c) the cessation of operations for a period of at least one year.
- (16) Rehabilitation mentioned in Subsection (15) shall include the following:
- (a) where an excavation of mineral aggregate is over 6 metres deep, a terrace shall be provided not less than 6 metres in width at each 6 metres interval of the depth;
  - (b) except for terraces provided pursuant to Paragraph (a), slopes of the excavation shall not be steeper than 1.5 horizontal to 1 vertical;
  - (c) all plants or equipment, or buildings or structures, placed or erected on the site for purposes of the excavation of mineral aggregate shall be removed;
  - (d) all stock piles, mineral aggregates or other excavated material shall be:
    - (i) removed from the site,
    - (ii) backfilled into the excavation where feasible, or
    - (iii) brought to a common grade with the rest of the land; and

- (e) the site shall be cleared of debris and covered with a layer of soil, capable of supporting vegetation.
- (17) No permit may be issued under this section until the applicant has deposited with the Municipality a financial bond in a form acceptable to the Municipality and in the following amount:
- (a) if the excavated area is less than 2,000 square metres, the value of the bond shall be \$500.00;
  - (b) if the excavated area is more than 2,001 square metres but less than 4,000 square metres, the value of the bond shall be \$1,000.00; or
  - (c) if the excavated area is more than 4,001 square metres, the value of the bond shall be \$2,000.00.
- (18) If an owner fails to meet the requirements of this section, the Municipality may cause the required rehabilitation to be done with the use of the financial bond mentioned in Subsection (17) and may recover from the owner all costs connected with the rehabilitation.
- (19) If the holder of an excavation permit violates any provisions provided in this section, the development officer may suspend or revoke the excavation permit, and may, if the violation is rectified, reinstate a suspended permit.

## **Provisions about Secondary and Accessory Uses, Buildings or Structures**

### **Section 42: Accessory Buildings and Structures**

- (1) An accessory building or structure may not be used for human habitation.

### **Section 43: Secondary Apartment**

- (1) A maximum of one (1) secondary apartment is permitted as a secondary use in a one-unit dwelling only provided that:
- (a) the secondary apartment is situated in the basement of the one-unit dwelling;
  - (b) the one-unit dwelling to which it is secondary is located on a lot of not less than :
    - (i) 4,000 square metres in the case of an unserviced lot, or
    - (ii) 650 square metres in the case of a serviced lot;

- (c) The secondary apartment, including its entrance, shall not be obtrusive so as to change the one-household nature of the one-unit dwelling;
- (d) One additional off-street parking space is provided for the exclusive use of the occupants of the secondary apartment;
- (e) The secondary apartment has a minimum floor area of:
  - (i) 30 square metres in the case of a studio,
  - (ii) 35 square metres in the case of a suite containing one bedroom,
  - (iii) 40 square metres in the case of a suite containing two bedrooms, or
  - (iv) 45 square metres in the case of a suite containing three bedrooms; and
- (f) The total floor area of the dwelling which is devoted to a secondary apartment shall not exceed the lesser of:
  - (i) fifty percent (50%) of the gross floor area of the building in which it is located, or
  - (ii) 90 square metres.

#### **Section 44: In-Law Suites**

- (1) A maximum of one (1) in-law suite is permitted as a secondary use in a one-unit dwelling only in the zones where such use is permitted subject to the following conditions:
  - (a) the one-unit dwelling to which it is secondary is owner-occupied;
  - (b) the one-unit dwelling to which it is secondary is located on a lot of not less than:
    - (i) 4,000 square metres in the case of an unserviced lot unless a special permission has been granted by the public health inspector, or
    - (ii) 650 square metres in the case of a serviced lot;
  - (c) The in-law suite, including its entrance, shall not be obtrusive so as to change the one-household character and appearance of the one-unit dwelling;

- (d) One additional off-street parking space is provided for the exclusive use of the occupants of the in-law suite;
- (e) The total floor area of the dwelling which is devoted to the in-law suite shall not exceed the lesser of:
  - (i) forty percent (40%) of the gross floor area of the building in which it is located, or
  - (ii) 80 square metres;
- (f) An agreement has been signed between the proponent and the municipality stating that the suite shall only be occupied by:
  - (i) the parents or grandparents of the owner,
  - (ii) a child of the owner, including the spouse and dependent children,
  - (iii) a sister or brother of the owner, including the spouse and dependent children, or
  - (iv) a person who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner, including the spouse and dependent children of the person so employed;
- (g) An agreement mentioned in Paragraph (f) shall be renewed each year on the anniversary date;
- (h) The owner of the main residential unit shall discontinue using the in-law suite as a separate dwelling when it ceases to be occupied by the persons mentioned in Paragraph (f);
- (i) The number of adults accommodated by an in-law suite shall not exceed two; and
- (j) The in-law suite shall be approved by the regional medical health officer.

#### **Section 45: Garden Suite**

- (1) A maximum of one (1) garden suite is permitted as a secondary use to a one-unit dwelling only, in the zones where such use is permitted and subject to the requirements provided in this section.
- (2) A garden suite:
  - (a) shall be located not less than 3 metres from any side lot line;

- (b) shall be located not less than 7.5 metres of any rear lot line;
  - (c) shall not exceed 6 metres in height;
  - (d) shall not be located in the front yard of the main dwelling;
  - (e) shall be located on a lot occupied by a one-unit dwelling as a main use;
  - (f) shall not exceed 75 square metres of gross floor area;
  - (g) shall be connected to the municipal sanitary sewer or an on-site sewage disposal system approved by the public health inspector;
  - (h) shall not contain a basement or a cellar;
  - (i) shall be built, erected or installed in such a manner to be easily removed from the property;
  - (j) shall share a common driveway with the main dwelling; and
  - (k) shall be located not less than 6 metres from a secondary street line in the case of a corner lot.
- (3) The one-unit dwelling to which the garden suite is secondary shall be owner-occupied.
- (4) The main dwelling and the garden suite shall be located on a lot of not less than
- (a) 4,000 square metres in the case of an unserviced lot unless a special permission has been granted by the medical health officer; or
  - (b) 650 square metres in the case of a serviced lot.
- (5) The garden suite is not obtrusive so as to change the character and the exterior appearance of the one-unit dwelling and the property in general.
- (6) A building and a development permit has been issued prior to the development and the occupancy of the garden suite.
- (7) One additional off-street parking space shall be provided for the exclusive use of the occupants of the garden suite.
- (8) An agreement has been signed between the property owner and the municipality stating that the garden suite shall only be occupied by:
- (a) the parents or grandparents of the owner;

- (b) a child of the owner, including the spouse and dependent children;
  - (c) a sister or brother of the owner, including the spouse and dependent children; or
  - (d) a person who is employed on a full-time basis to provide personal care services to a member or members of the family of the owner, including the spouse and dependent children of the person so employed.
- (9) An agreement mentioned in Subsection (8) shall be renewed each year on the anniversary date.
- (10) The garden suite shall be removed from the property within three (3) months after it ceases to be occupied by the persons mentioned in Subsection (8).
- (11) The number of adults accommodated by a garden suite shall not exceed two (2).
- (12) The garden suite shall be approved by the regional medical health officer.

#### **Section 46: Community Placement Residential Facilities**

- (1) The operation of a community placement residential facility, in the zones where this use is permitted, is subject to the following conditions:
- (a) two (2) vehicular off-street parking spaces must be provided and maintained in addition to those required by this By-law;
  - (b) a valid approval of the facility by the provincial coordinator of Community Placement Residential Facilities must be maintained.
- (2) For the purpose of this By-law and the provisions thereof, the care services provided to the residents are classified on a scale of 1 to 4 as defined by the document entitled "Standards and Procedures for Adult Residential Facilities" published by the Department of Family and Community Services in February 2002.

#### **Section 47: Accessory Building or Structure used for Agricultural Purposes**

- (1) Notwithstanding any other provisions contained in this By-law, a secondary or an accessory building or structure that is incidental to an agricultural use, may be developed at condition that it is not less than:
- (a) 10 metres of any public street line;
  - (b) 3 metres of an alley;

- (c) 10 metres of a side or rear lot line if the building or structure is not used for the housing of animals; and
  - (d) 30 metres of a side or rear lot line if the building or structure is used for the housing of animals.
- (2) The following developments are permitted on a farm as secondary or accessory buildings or structures:
- (a) barns, cribs, sheds, tool sheds, shops, bins and silos;
  - (b) open or enclosed areas for the storage of farm materials, products, equipment and vehicles;
  - (c) roadside stands for the sale of farm products; and
  - (d) a maximum of two (2) accessory farm dwellings on farms with a minimum of 50 tillable acres. Accessory farm dwellings may be mini homes. These dwellings shall be occupied by permanent employees of the farm or immediate members of the family owning or operating the farm.

#### **Section 48: Swimming Pool:**

- (1) No swimming pool, nor any surrounding deck, may be developed so that it is within
- (a) the front yard of the main building or structure, if the main building or structure is situated less than 15 metres of a street line;
  - (b) 15 metres of the street line, if the main building or structure is situated more than 15 metres of the street line;
  - (c) 3 metres of an alley, a private road or a right-of-way;
  - (d) 1.5 metres of a side or rear lot line; and
  - (e) in the case of a corner lot only, 6 metres of the secondary street line.

#### **Section 49: Enclosures for Swimming Pools**

- (1) No land may be used for the purpose of a swimming pool capable of containing in excess of 760 mm of water, unless the pool and the means of access to the pool are completely enclosed pursuant to this section.
- (2) A pool enclosure shall be constituted of one of the following elements, or a combination thereof:

- (a) a pool fence;
  - (b) the wall of a building; and/or
  - (c) a pool deck surrounded by a palisade.
- (3) A pool enclosure shall:
- (a) be of at least 1.5 metres in height;
  - (b) be of sufficient density as to be impenetrable;
  - (c) be constructed as to not be climbable on the side opposed to the pool; and
  - (d) satisfy to the provisions of this section.
- (4) Where a portion of a wall of a building forms part of a swimming pool enclosure,
- (a) no main entrance to the building may be located therein; and
  - (b) any door, therein, other than a door to a dwelling or rooming unit, shall be self-closing .
- (5) A pool enclosure shall not have rails, bracing, objects or other attachment on the outside thereof that would facilitate climbing.
- (6) Where a pool fence or a deck palisade forms an enclosure or part thereof, it shall:
- (a) be made of
    - (i) chain link construction with galvanized, vinyl or other CSA-approved coating,
    - (ii) vinyl or PVC lattice,
    - (iii) wood, or
    - (iv) other materials in compliance with Subsection (7);
  - (b) not be electrified or incorporate barbed wire or other sharp dangerous material; and
  - (c) be located:
    - (i) subject to Subsection (8), at least 1 metre from the edge of the swimming pool,

- (ii) at least 1 metre from anything or any condition that would facilitate its being climbed from the outside, and
  - (iii) so that the bottom of the fence be elevated by no more than 10 centimetres above grade.
- (7) The design and construction of a pool fence or deck palisade under this section shall provide
  - (a) in the case of a chain link construction:
    - (i) no greater than 38 mm diamond mesh,
    - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or galvanized treatment or other approved coating forming a total thickness equivalent to No. 12 gauge wire, and
    - (iii) at least 38 mm diameter posts and spaced not more than 2.5 metres apart, with a top horizontal rail of at least 32 mm diameter;
  - (b) in the case of vinyl or PVC lattice:
    - (i) no greater than 38 mm diamond lattice (privacy type), and
    - (ii) supporting posts at least 89 x 89 mm square or round with 89 mm diametres and spaced not more than 2.5 metres apart, and with a top horizontal rail of at least 38 mm x 89 mm finished dimensions;
  - (c) in the case of a wood construction:
    - (i) vertical boarding, not less than 19mm x 89 mm finished dimensions, spaced not more than 38 mm apart, attached to supporting members and arranged in such manner as not to allow climbing on the outside, and
    - (ii) supporting posts at least 89 x 89 mm square or round with 89 mm diametres and spaced not more than 2.5 metres apart, and with a top horizontal rail of at least 38 mm x 89 mm finished dimensions; or
  - (d) in the case of construction other than described in Paragraphs (a) (b) or (c), such enclosure shall:
    - (i) provide rigidly and height equal to that provided in Paragraphs (a),(b) and (c),

- (ii) be assembled so as not to permit the passage of a 100 mm sphere through or under it,
  - (iii) not have horizontal rails or other features that would allow climbing, and
  - (iv) not have any horizontal rails spaced closer than 1.2 metres measured between the top surface of the horizontal members when the vertical picket spacing is greater than 50 mm.
- (8) Notwithstanding Subparagraph (6)(c)(i), the external structure of a metallic above-ground pool will be accepted as an enclosure provided
  - (a) the top of the pool is protected with an above-ground pool fence kit CSA approved so that the overall structure it is not less than 1.6 metres from finished grade on a distance of 1.25 metres measured on the side opposite the pool;
  - (b) the exterior surface of the pool, the above-ground pool fence kit and the deck are not climbable;
  - (c) no vegetation or object, including the pump and filter system and the water heater, are placed less than 1.25 metres from the pool that would facilitate its being climbed from the outside; and
  - (d) the ladder access area is enclosed with an approved minimum 1.5 metres high fence with self-closing and latching gate.
- (9) Gates forming part of a pool enclosure shall:
  - (a) be equivalent to the pool fence or the deck palisade in content, manner of construction and height;
  - (b) be supported on substantial hinges;
  - (c) be self-closing and equipped with a self-latching device
    - (i) if installed on the pool side of the gate, not less than 1065 mm above the walking surface and not less than 76 mm below the top of the gate, or
    - (ii) if not installed on the pool side of the gate, not less than 1.5 metres above the ground; and
  - (d) be located so that the bottom of the gate be elevated by no more than 10 centimetres above grade.

- (10) No person shall place water in a swimming pool or allow water to remain in such pool unless a pool enclosure has been erected and is maintained pursuant to the requirements of this section.

**Section 50:**

This Section is intentionally left blank.

**Section 51: Fences**

- (1) Notwithstanding any provisions of this By-law with the exception of Section 22, and subject to this section, a fence may be placed or located in a yard.
- (2) No fence shall exceed 1 metre in height if located within:
- (a) 6 metres of any public street line; or
  - (b) 1.5 metres of any private access, private street or right-of-way.
- (3) Notwithstanding Subsection (2), a security fence of chain link construction located in an Industrial Zone (IND Zone) may have a maximum height of 2 metres even though it is located within:
- (a) 6 metres of any public street line; or
  - (b) 1.5 metres of any private access, private street or right-of-way.
- (4) Subject to Subsection (2) and (3), no fence shall exceed in height:
- (a) 2.5 metres in an Industrial Zone (IND Zone); and
  - (b) 2 metres, in all zones other than an Industrial Zone (IND Zone).
- (5) A tennis court may be surrounded by a chain link fence having a maximum height of 4 metres.
- (6) No fence may be electrified or be constructed of barbed wire or other pointed objects, except for
- (a) a fence required to restrain livestock in zones where such use is permitted; or
  - (b) that part of a fence in excess of 2 metres in height in an Industrial Zone (IND Zone).
- (7) The property owner shall take appropriate measures at all time to ensure that a fence does not become unsightly, dilapidated or unsafe.
- (8) Fences shall be:

- (a) protected by paint, stain, preservative or other weather resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
- (b) kept in a structurally sound condition and plumb;
- (c) kept in good repair and free of accident hazards; and
- (d) kept so as not to present an unsightly appearance deleterious to the neighbouring environment.

### **Section 52: Private Stables**

- (1) Subject to this section, a private stable is permitted as a secondary use for personal only in the zones where such use is permitted provided:
  - (a) the property has a lot area of 2 acres or more;
  - (b) the net density shall not exceed 2 horses per acre and only the available pasture acreage shall be used to calculate the number of horses allowed on a parcel; and
  - (c) there should be no more than 4 horses.
- (2) A stable, a barn or any building or structure used for the keeping of horses
  - (a) shall not have a floor area of more than 120 square metres;
  - (b) shall not be located less than 15 metres from the side and rear lot lines;
  - (c) shall not be located less than 50 metres from a public street;
  - (d) shall not be located less than 100 metres from any dwelling existing at the time of development unless such dwelling is occupied by the owner of the stable; and
  - (e) shall not be located less than 75 metres from any water wells existing at the time of development and that is situated on neighbouring properties.
- (3) Except a stable mentioned in Subsection (2), no installation, paddock, animal enclosure, animal feedlot, corral or manure pile shall be located less than
  - (a) 15 metres from the rear and side lot lines;
  - (b) 10 metres from a public street line;

- (c) 100 metres of any dwelling existing at the time of the development, unless such dwelling is occupied by the owner of the stable;
  - (d) 75 metres from any watercourse; and
  - (e) 75 metres from any water wells existing at the time of development and that is situated on neighbouring properties.
- (4) The manure shall be kept and managed in such manner that it does not become a source of olfactory nuisance or other, or contamination for nearby residents.

### **Section 53: Equestrian Centre**

- (1) The following provisions shall apply to equestrian centres in the zones where such uses are permitted:
- (a) the property shall have a lot area of 2 acres or more;
  - (b) the net density shall not exceed 2 horses per acre and only available pasture acreage shall be used to calculate the number of horses allowed on a parcel;
  - (c) any structure, paddock, animal enclosure, animal feedlot, corral or manure pile shall be located a minimum of
    - (i) subject to Subparagraph (ii), 10 metres from the lot lines,
    - (ii) 15 metres from any public street,
    - (iii) 100 metres of a dwelling existing at the time of development unless such dwelling is occupied by the owner of the equestrian centre,
    - (iv) 75 metres from any watercourse, and
    - (v) 75 metres from any water wells existing at the time of development and that is situated on neighbouring properties; and
  - (d) the manure pile shall be kept and managed in such manner that it does not become a source of olfactory nuisance or other, or contamination for nearby residents.

### **Section 54: Accessory Building Erected Prior to a Main Building**

- (1) An accessory building may be developed on a lot prior to development of the main building or structure only if:

- (a) the main building or structure will be completed within one year from the date of the issuing of the permit for the accessory building;
  - (b) the accessory building has an area less than 37 square metres; and
  - (c) the accessory building is located
    - (i) within the backyard as indicated on the site plan or plot plan, and
    - (ii) so as to not interfere with the practical usefulness of the main building or structure.
- (2) The accessory building mentioned in Subsection (1) shall be removed from the lot should the main building or structure not be completed within the time limit mentioned in Paragraph (1) (a).

### **Section 55: Construction Buildings for Construction Sites**

- (1) The use of land for the purpose of using or erecting a building or structure which is accessory to construction in progress is permitted for:
- (a) a workers lounge;
  - (b) a contractor's office;
  - (c) a sales or rental office; or
  - (d) a tool or equipment shed.
- (2) A building or structure mentioned in Subsection (1) is permitted provided that:
- (a) a development permit has been issued by the development officer; and
  - (b) the building or structure is removed from the property within 14 days of completion of work.
- (3) A building shall not be used, at any time, as a dwelling.

### **Section 56: Retaining Walls**

- (1) Where the height of a retaining wall exceeds 1.5 metres, it shall be built into steps so that:
- (a) the vertical rise of any step does not exceed 1.5 metres; and
  - (b) the horizontal run of any step is not less than 0.75 metre.

- (2) A retaining wall having a total height of more than 3 metres shall be approved by a professional engineer.
- (3) This section does not apply to retaining walls built for the construction of roads that are approved by a professional engineer.
- (4) Retaining walls shall be maintained in a structurally sound condition, good repair and free from accident hazards.

### **Section 57: Kennels**

- (1) In addition to any other provisions contained in this By-law, the provisions contained in this section apply to kennels in the zones in which they are a permitted as a main or secondary use.
- (2) A kennel is permitted on a lot with a lot area determined in accordance with the number of dogs kept on the premises as follow:
  - (a) between 5 and 10 dogs: 2 acres; and
  - (b) between 11 and 15 dogs: 3 acres.
- (3) No kennel shall accommodate more than 15 dogs at one time.
- (4) The dogs shall be kept within an enclosure or inside a closed building at any time.
- (5) No building or enclosure mentioned in Subsection (4) shall be developed:
  - (a) in the front of the main building and within 30 metres of any street lines;
  - (b) within 10 metres of the side lot lines and the rear lot lines of the property; and
  - (c) within 150 metres of a dwelling existing at the time of construction of the kennel unless such dwelling is occupied by the owner or a full-time employee of the kennel.
- (6) A maximum of three (3) dogs may be kept outside the kennel between 8:00 AM and 7:00 PM.
- (7) No dog may be kept outside the kennel between 7:00 PM and 8:00 AM.
- (8) All buildings and areas used by dogs as part of the kennel must be screened from adjacent residential properties.

### **Section 58: Vehicle Bodies or Trailers**

- (1) No land shall be used in any zone for the purpose of using a vehicle:
  - (a) as a dwelling unit;
  - (b) as a main building or structure;
  - (c) as a secondary or accessory building or structure;
  - (d) as a sign or advertising support; or
  - (e) for the displaying of goods and merchandises.
- (2) Notwithstanding Paragraph (1) (c), semi trailers and freight containers may be used as an accessory structure for storage purposes only but their number shall not exceed the following:
  - (i) in a Mixed Zone (MX Zone), one (1) semi trailer or freight container;
  - (ii) in a Rural Zone (RU Zone), one (1) semi trailers or freight containers; and
  - (iii) in an Industrial Zone (IND Zone), 25 semi trailers or freight containers.
- (3) Except in an Industrial Zone (IND Zone), any inoperative vehicle, and detached parts thereof, without a valid motor vehicle licence plate shall only be parked or stored:
  - (a) inside a completely enclosed building; or
  - (b) in such manner that it is not visible from the street and from neighbouring properties.

**Section 59:**

This section is intentionally left blank. **Section 60: Greenhouses on a Residential Lot**

- (1) Subject to Subsection (2), a greenhouse used as an accessory structure to a dwelling may be developed on a residential lot.
- (2) A greenhouse mentioned in Subsection (1)
  - (a) may not exceed a height of 4 metres;
  - (b) shall not have a gross floor area of more than 55 square metres; and
  - (c) shall not be used for the production of horticulture products intended for commercial sale.

- (3) A maximum of one (1) greenhouse is permitted on a lot.

**Section 61:**

This section is intentionally left blank. **Section 62: Small Wind Energy Systems**

- (1) ZONES: Small Wind Energy Systems (SWES) may only be developed in an Industrial Zone (IND Zone) and in a Rural Zone (RU Zone).
- (2) ACCESSORY: Small Wind Energy System shall only be permitted as an accessory structure to a main use existing on the same property.
- (3) NUMBER: A maximum of one (1) SWES is permitted per property.
- (4) VISUAL APPEARANCE: SWES shall:
- (a) be painted a non-reflective, non-obtrusive color;
  - (b) be artificially lighted to the extent required by Transport Canada and NAV Canada; and
  - (c) not be used for displaying any advertising except for reasonable identification of the manufacturer of the installation.
- (5) LOT AREA: No SWES shall be developed on a lot having an area less than 6,000 square metres.
- (6) HEIGHT: The height of the overall structure shall not exceed
- (a) 12 metres in the case where the lot contains between 6,000 and 15,000 square metres;
  - (b) 15 metres in the case where the lot contains between 15,001 and 25,000 square metres; and
  - (c) 20 metres in the case where the lot exceeds 25,000 square metres.
- (7) SET-BACK: No SWES shall be developed less than:
- (a) 150 metres of a dwelling existing at the time of the development, unless such dwelling is occupied by the owner of the SWES;
  - (b) Two times the total height of the structure from any side or rear lot line;
  - (c) 30 metres from any public street; and
  - (d) 30 metres from any public utility lines or structure, unless otherwise approved in writing by the utility company.

- (8) **MINIMUM GROUND CLEARANCE:** The blade of any wind turbine shall, at its lowest point, have ground clearance of no less than 10 metres.
- (9) **NOISE:** Small Wind Energy System shall not exceed 45 dBA, as measured at any point situated along the property lines.
- (10) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standards set in Subsection (9), the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour.
- (11) **SIGNAL INTERFERENCE:** No SWES shall cause any interference with electromagnetic communications, such as radio, telephone or television signals.
- (12) **ENGINEERING:** The construction plans of the overall structure, including the tower, the base and the footings, shall be approved and stamped by a licensed professional engineer.
- (13) **APPROVED WIND TURBINES:** Wind turbine must have been approved by a national standard association such as CSA or NRC. The installation shall conform to the Provincial Electrical Code of New Brunswick.
- (14) **WIRING:** All wiring between the wind turbine and the receptor or substation shall be underground.
- (15) **SAFETY:** Wind turbine towers shall not be climbable up to 3 metres above ground level. All access doors to electrical equipment shall be lockable.

## **Provisions about Signs and Signage**

### **Section 63: Signs**

#### **63.1: General Provisions for Signs**

- (1) Other than
  - (a) a traffic control device as defined by the Motor Vehicle Act;
  - (b) a legal or judicial notice; or
  - (c) a store window sign advertising goods for sale therein

the use of land, building or structure for the placing , erecting or displaying of a sign is prohibited except in compliance with the provisions contained in this By-law.

- (2) It is prohibited to use any land, building or structure for the purpose of placing, erecting, altering, enlarging, relocating or displaying a sign without first obtaining a permit in accordance with the provisions of this By-law.
- (3) Notwithstanding Subsection (2), a maximum of one (1) non-illuminated sign may be placed, erected or displayed on any land, building or structure without the issue of a building permit if such sign:
  - (a) advertises the sale or rental of the land, building or structure upon which the sign is located and does not exceed a gross surface area of
    - (i) 0.85 square metre in a Residential Zone (R Zone), and
    - (ii) 3 square metres in all zones except a Residential Zone (R Zone);
  - (b) specifically identifies a residential property or residents, and does not exceed 0.45 square metre in gross surface area;
  - (c) warns against any intrusion or the presence of dogs, and does not exceed 0.45 square metre in gross surface area;
  - (d) is a private sign indicating the direction of traffic, and does not exceed 0.24 square metre in gross surface area;
  - (e) identifies the architects, engineers, contractors or other individuals or corporations working on the construction of a building and structure, in which case it shall be removed within 14 days following the commencement of the intended use of the building or structure, and does not exceed a gross surface area of
    - (i) 2 square metres in a Residential Zone (R Zone), and
    - (ii) 5 square metres in all zones except a Residential Zone (R Zone);
  - (f) advertises a candidate for public office during a municipal, provincial or federal election, in which case it shall be removed within 7days following the election; or
  - (g) identifies a subdivision by its name, and does not exceed 3 square metres in gross surface area.

- (4) Except for a billboard sign, a special sign or an electoral sign permitted under this By-law, all signs advertising a business, a use or an activity shall be placed, erected or displayed on the same lot upon which the business, the use or the activity is exercised.
- (5) Any sign which no longer advertises a lawful business, use or activity, or a product no longer offered for sale, shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business, use or activity.
- (6) No sign, except for a billboard sign, a special sign or an electoral sign permitted under this By-law, shall be erected on a property unless the sign:
  - (a) communicates a message related to the use or the activity conducted thereon, or
  - (b) indicates the nature or ownership of a business conducted on the property upon which that sign is located.
- (7) It is prohibited to use any land for the purpose of using a vehicle or a trailer as a sign or for the purpose of advertising display notwithstanding
  - (a) its wheels have been removed or not; or
  - (b) it is licensed or not.
- (8) No sign or display may
  - (a) be an imitation of a traffic control device or contain the words "STOP", "GO", "SLOW", "CAUTION", "DANGER", "YIELD", "LOOK", "WARNING" or similar words, symbols, lights or characters so arranged as to be interpreted as a traffic regulation device along a public road;
  - (b) have a size, location, content, colours or type of lighting that may be confused with, interpreted as or tend to obscure a traffic regulation device;
  - (c) advertise an activity, a business, a product or a service that is not or that is no longer conducted on the premises on which the sign is located;
  - (d) create a hazard to public safety or health;
  - (e) obstruct the vision of drivers leaving or entering a roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets;

- (f) obstruct free ingress to or egress from a fire escape door, window or other required exit;
  - (g) have a message, a shape or a contour resembling to an object or a human form with an erotic or sexual character;
  - (h) be installed on a tree, a fence, a public utility post, on a hedge, or on any post or structure not designed for that purpose;
  - (i) be installed less than 3 metres from an electric distribution line;
  - (j) encroach over the street right-of-way;
  - (k) be placed or erected on a property unless the sign is permanently set into the ground or permanently affixed to a building.
- (9) Illuminated signs, where permitted:
- (a) shall be lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it;
  - (b) shall not project light, directly or indirectly, onto motorists, pedestrians and neighbouring properties; and
  - (c) shall not incorporate an intermittent light, searchlight, blinking light or strobe lights.
- (10) Any sign shall be connected to the power line through an underground conduit.

### **63.2: Free-standing Signs**

- (1) Free-standing signs are permitted as an accessory structure to a lawful commercial, industrial, resource or institutional use and are subject to the following regulations:
- (a) **HEIGHT:** No free-standing sign shall exceed 10 metres in height.
  - (b) **FREEING:** A free-standing sign shall have a minimum height of 1.5 metres between the ground surface and the base of the display area.
  - (c) **SETBACK:** A free-standing sign, and any projection thereof, shall be setback a minimum distance of 1.5 metres from any street line and 1.5 metres from any side and rear lot line.
  - (d) **DISPLAY AREA:** The advertising display area per sign face shall not exceed 9 square metres.

- (e) NUMBER OF SIGNS: One (1) free-standing sign is permitted per property. A second free-standing sign is permitted at a minimum distance of 40 metres from the first free-standing sign when the frontage of the lot along a single road exceeds 150 metres. Under this provision, a corner lot with frontage along two (2) public roads is eligible for signs along each frontage.
- (f) LOCATION: Free-standing signs shall be located on the same property on which the business that is announced is conducted.

### **63.3: Fascia Wall Signs**

- (1) Fascia wall signs are permitted as an accessory structure to a lawful commercial, industrial, resource or institutional use and are subject to the following regulations:
  - (a) NUMBER: A maximum of 3 fascia signs are permitted on each facade of the main building or structure.
  - (b) DISPLAY AREA: The total display area of all fascia signs on each separate facade of a building or structure shall not exceed more than 10 % of the gross surface area of that facade.
  - (c) PROJECTION: Fascia signs
    - (i) shall be parallel to the wall to which it is attached;
    - (ii) shall not extend beyond the extremities of the wall upon which it is placed;
    - (iii) shall not project more than 30 centimetres from the wall upon which it is placed; and
    - (iv) shall not project more than 0.3 metre above the roofline.
  - (d) LOCATION: A fascia wall sign shall be placed on the same building or structure in which the business that is announced is conducted.

### **63.4: Mobile Signs or Readograph Signs**

- (1) Mobile signs or Readograph signs are permitted as an accessory structure to a lawful commercial, industrial, resource or institutional use and are subject to the following regulations:
  - (a) NUMBER: A maximum of one (1) mobile sign or readograph sign is permitted per business, for a maximum of two signs per property and placed at least 10 metres apart.

- (b) **DISPLAY AREA:** The dimensions of the signage area of a mobile sign or readograph sign shall not exceed 1.5 metres vertically, 2.4 metres horizontally and 3.7 square metres in area.
- (c) **HEIGHT:** The maximum height of the structure shall not exceed 2 metres.
- (d) **SETBACK:** mobile signs and readograph signs shall have a minimum setback of 1.5 metres from a street line and shall not interfere with the safe movement, access and egress of vehicles and pedestrians.
- (e) **LOCATION:** A mobile sign or a readograph sign shall be located on the same property on which the business that is announced is conducted.

### **63.5: Projecting Signs**

- (1) Projecting signs are permitted as an accessory structure to a lawful commercial, industrial, resource or institutional use and are subject to the following regulations:
  - (a) **NUMBER:** A maximum of one (1) projecting sign per business is permitted.
  - (b) **SIZE:** A projecting sign shall not exceed 1.5 square metres in area per sign face.
  - (c) **PROJECTION:** A projecting sign shall not project more than
    - (i) 2 metres from the building wall, nor it shall project over lot lines; and
    - (ii) 0.5 metre above the roof of a building.
  - (d) **HEIGHT:** It shall not be erected at a height less than 3 metres from finished grade.
  - (e) **DISTANCE:** No projecting sign shall be closer than 5 metres to another projecting sign.

### **63.6 Billboard Signs**

- (1) Billboard signs are only permitted within
  - (a) an Industrial Zone (IND Zone), and
  - (b) a strip of 50 metres along Route 11.

- (2) Where permitted, billboard signs are subject to the following requirements:
- (a) no billboard sign shall exceed
    - (i) 28 square metres in gross surface area per face, and
    - (ii) an horizontal to vertical ratio of 3 to 1;
  - (b) no billboard sign structure shall exceed a maximum height of 15 metres;
  - (c) subject to Subsection (d), no billboard sign may be placed, erected or displayed within
    - (i) 100 metres of any other billboard sign located on the same side of the street right-of-way and facing the same traffic flow, or
    - (ii) 150 metres of any traffic control sign or device installed pursuant to the Highway Act or the Motor Vehicle Act;
  - (d) For the purposes of Subsection (c), the distance shall be measured along the nearest edge of pavement of the street near whose right-of-way the sign is located;
  - (e) no billboard sign may be constructed nearer the street line than
    - (a) the applicable setback required for a main building or structure for the zone in which the billboard sign is located, or
    - (b) along Route 11, the setback distance required by the Department of Transportation; and
  - (f) no billboard sign shall be placed, erected or displayed less than 50 metres from a residential building or a Residential Zone.
- (3) Where applicable, billboard signs shall comply with any provincial regulations enacted under the Highway Act concerning highway advertisements.

### **63.7 Special Sign**

- (1) Subject to this paragraph, a sign may be placed, erected or displayed on a private property near an intersection between an arterial or a collector street and a local street, so as to advertise a home occupation, a home business, a retail sale in a dwelling or a bed and breakfast lawfully established on the said local street provided the following:

- (a) NUMBER: A maximum of one sign per business is permitted along the main arterial or collector road in each direction.
  - (b) SIZE: The dimensions of the signage surface shall not exceed 1.2 metres vertically, 2.4 metres horizontally and 3 square metres in area. The maximum height of the structure shall not exceed 2 metres.
  - (c) SETBACK: The sign shall have a minimum setback of 1.5 metres from a street line and shall not interfere with the safe movement of vehicles and pedestrians. The sign shall not be installed inside the sight triangle of an intersection.
  - (d) LOCATION: The sign shall be placed, erected or displayed within 50 metres from the intersection.
- (2) Subject to this paragraph, a sign may be placed, erected or displayed within the right-of-way of a public street at close proximity of an intersection between an arterial or a collector street and a local street, so as to advertise a home occupation, a home business, a retail sale in a dwelling or a bed and breakfast lawfully established on the said local street provided the following:
- (a) PERMISSION: No sign can be placed, erected or displayed without the express permission of the Municipality.
  - (b) SIZE: The dimensions of the signage surface shall not exceed 0.45 metre vertically, 1.2 metres horizontally and 0.5 square metre in area. The maximum height of the structure shall not exceed 2 metres.
  - (c) LOCATION: The sign shall be placed, erected or displayed within 25 metres from the intersection.

### **63.8 Maintenance**

- (1) No person, being the owner or lessee of the property upon which a sign is located, shall permit such sign, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- (2) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with any applicable legislation. A sign, which can become unsightly, or is in such state of disrepair as to constitute a hazard, may be ordered to be removed.
- (3) Any sign, which no longer advertises a lawful business or service on the premises, shall be removed within sixty (60) days of the termination of such business or service.

- (4) All signs including their supporting members shall be maintained:
- a) so as not to cause any unsafe condition;
  - b) in a vertical plane;
  - c) without any visible deterioration of the sign and its structure when viewed from any property including the property on which the sign is situated; and
  - d) in good repair and any signs which are excessively weathered or faded, or those which the paint has excessively peeled or cracked, shall be removed, repainted or replaced.
- (5) When a sign face or other part of a sign has been removed, the remaining portion of the sign including the sign structure shall be
- (a) maintained in a safe condition so as not to create an unsightly appearance deleterious to the neighbouring environment, or
  - (b) removed.

### **Provisions of miscellaneous nature**

#### **Section 64 :**

This section is intentionally left blank.

#### **Section 65: Special Conditions**

- (1) The following terms and conditions shall apply to the portion of the property bearing PID 50142637 that was rezoned pursuant to By-Law 17-08-2007:
1. The use of the land, building or structure intended by By-law no. 17-08-2007 is limited to the storage of vehicle lubricants and nothing else.
  2. All vehicle lubricant shall be stored inside the warehouse. No outside storage, directly or indirectly related to the storage of vehicle lubricants, is permitted at all.
  3. The private lane located between the properties bearing PID no. 50143148 and 50143155 shall be given a name acceptable to the Village of Belledune. The warehouse(s) intended by this rezoning and the other buildings situated on the owner's property shall be given a civic address acceptable to the Village of Belledune and these addresses shall be communicated to NB911.

4. The warehouse shall be equipped with an alarm system remotely monitored for fire and burglar.
5. The owner shall carry a public liability insurance coverage in a minimum amount of \$2,000,000 for any damage caused to third parties and to the Village of Belledune. The owner or his agent shall provide a copy of the certificate of public liability insurance to the Village of Belledune every year at a date to be determined by the municipality. The Village of Belledune may, in the Village's discretion, increase the amount of insurance required to reflect the increased value of the properties in the area.
6. The owner and its agent shall operate in accordance to the Petroleum Product Storage and Handling Regulation-Clean Environment Act.
7. Only vehicle lubricants in prepackaged containers are permitted to be stored in the warehouses.
8. A maximum of 35,000 litres of vehicle lubricants are permitted to be stored in the warehouses unless otherwise determined by the Fire Marshall or the Department of Environment.
9. Each warehouse shall be equipped with CO2, dry chemical or foam type extinguishers, and with sand filled fire buckets. The warehouses shall be designated a 'No Smoking' area.
10. The warehouse shall comply with the requirements of the Fire Marshall.

#### **Section 66: Heating Wood, Construction Wood and Wood for Paper Mills**

- (1) Subject to Subsection (2), the use of a property for the cutting, the splitting, the sale and the storage of more than 10 cords of woods is only permitted in the zones where forestry uses and activities are permitted.
- (2) It is forbidden to operate a chainsaw for the purposes mentioned in Subsection (1) within 250 metres from an existing dwelling.
- (3) The use of any other property other than the one mentioned in Subsection (1), including but not limited to residential properties, for the storage of heating wood is subject to the following terms and conditions:
  - (a) a maximum of 10 cords of wood shall be stored at any given time; and
  - (b) the wood shall only be used to for the heating of the buildings situated on the same property where the wood is stored.

## ZONES

### Section 67: Classification

(1) For the purpose of this By-law, the area is divided into zones as delineated on the plan attached as Schedule A, entitled "Village of Belledune Zoning Map" and dated September 2007.

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

#### RESIDENTIAL ZONES

- Residential Type 1 ..... R-1 Zone;
- Residential Type 2 ..... R-2 Zone;

#### MIXED ZONES

- Mixed Type 1 ..... MX-1 Zone;
- Mixed Type 2 ..... MX-2 Zone;

#### INDUSTRIAL ZONES

- Industrial Type 1 ..... IND-1 Zone;
- Industrial Type 2 ..... IND-2 Zone;

#### COMMUNITY USE ZONES

- Open Space, Conservation area and Parks.....OS Zone;

#### RURAL ZONES

- Rural Type 1 ..... RU-1 Zone;
- Rural Type 2 ..... RU-2 Zone;
- Rural Type 3 ..... RU-3 Zone.

(3) Collectively, in this By-law,

- (a) R-1 and R-2 Zones are referred to as R Zone or Residential Zone;
- (b) MX-1 and MX-2 Zones are referred to as MX Zone or Mixed Zone;
- (c) IND-1 and IND-2 Zones are referred to as IND Zone or Industrial Zone; and

- (d) RU-1, RU-2 and RU-3 Zones are referred to as RU Zone or Rural Zone.

### **Section 68: Conformity**

- (1) In any zone, all land shall be used and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the general provisions contained in this By-law and with the requirements of, except as otherwise provided, the part of this By-law pertaining to such zone.
- (2) Where a particular use is expressly permitted in one zone or defined in Section 2, such use is prohibited in every zone where it is not expressly permitted.

### **Section 69: Interpretation**

- (1) Boundaries between zones shall be determined as follows:
  - (a) a zone boundary shown approximately at a lot line is deemed to be coinciding with the lot line;
  - (b) where zone boundaries are indicated as following an existing or proposed street line, alley line, a right-of-way or an easement line, the zone boundary shall be construed as coinciding with the boundaries of such street, alley, right-of-way or easement;
  - (c) where an electrical transmission line right-of-way or watercourse is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be the zone boundary; or
  - (d) where none of the above provision apply, and where appropriate, the zone boundary shall be determined by scaling from the Zoning Map.

## **Section 70: Residential Type 1 – R-1 Zone**

### 70.1 Permitted Uses

No development shall be undertaken or permitted, nor shall any land, building or structure be used within any R-1 Zone for any purposes other than:

- (a) one of the following main uses:
  - (i) a one-unit dwelling,
  - (ii) a two-unit dwelling,
  - (iii) a Community Placement Residential Facility providing level 1 and 2 services for a maximum of 3 residents,
  - (iv) a shelter for women and/or children for a maximum of 5 residents,
  - (v) a day-care center for a maximum of 7 children,
  - (vi) a public open space, a park or a playground, or
  - (vii) a public utility for water supply and storage, and wastewater and stormwater collection, treatment and disposal.
- (b) one of the following secondary uses:
  - (i) only if the main use is a one-unit dwelling and subject to Section 43, a secondary apartment,
  - (ii) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
  - (iii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
  - (iv) subject to Section 30, a home occupation,
  - (v) subject to Section 31, a home business, or
  - (vii) subject to Section 33, a bed and breakfast;
- (c) 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.

## 70.2 Lot Sizes

No main building or structure may be erected, placed or altered on a lot unless the lot has and contains the minimum size requirements required in Section 13.

## 70.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in Section 15.

## 70.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be developed

- (a) within 7.5 metres of a street line,
- (b) with respect to a side lot line, within 1.5 metres on one side and 3 metres on the other side, and
- (c) within 7.5 metres of the rear lot line.

## 70.5 Height of a Main building or structure

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

## 70.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed one and a half (1 ½) storeys or 5 metres in height, except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum requirement established in Subsection (b) (iii), up to a maximum height of 6 metres;
  - (b) be erected, placed, relocated, altered or replaced so that it is within
    - (i) the front yard of the main building or structure,
    - (ii) 1.5 metres of an alley,
    - (iii) 1 metre of a side or rear lot line,
    - (iv) in the case of a corner lot, 6 metres of a secondary street line, or
    - (v) 1.5 metres of a main building or structure;

- (c) have an horizontal dimension greater than 14 metres; and
  - (d) be used for:
    - (i) for agricultural purposes, or
    - (ii) for the keeping of animals other than pet animals.
- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not be higher than the lesser of the following area:
- (a) 110 square metres, or
  - (b) 10% of the total lot area.

#### 70.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.

## **Section 71: Residential Type 2 - R-2 Zone**

### 71.1 Permitted Uses

No development shall be undertaken or permitted, nor shall any land, building or structure be used within any R-2 Zone for any purposes other than:

- (a) one of the following main uses:
  - (i) a one-unit dwelling,
  - (ii) a two-unit dwelling,
  - (iii) a multiple-unit dwelling up to a maximum of four (4) units,
  - (v) a Community Placement Residential Facility providing level 1 and 2 services for a maximum of 6 residents,
  - (vi) a shelter for women and/or children for a maximum of 8 residents,
  - (vii) a day-care center for a maximum of 12 children,
  - (viii) a public open space, a park or a playground,
  - (ix) a mini home site, or
  - (x) a public utility for water supply and storage, and wastewater and stormwater collection, treatment and disposal.
  
- (b) one of the following secondary uses :
  - (i) only if the main use is a one-unit dwelling and subject to Section 43, a secondary apartment,
  - (ii) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
  - (iii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
  - (iv) only if the main use is a one-unit dwelling or a mini home, a day-care center for a maximum of 12 children,
  - (v) subject to Section 30, a home occupation,
  - (vi) subject to Section 31, a home business,

- (vii) subject to Section 32, a retail sale outlet in a dwelling, or
- (viii) subject to Section 33, a bed and breakfast;
- (c) 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.

#### 71.2 Lot Sizes

No main building or structure may be erected, placed or altered on a lot unless the lot has and contains the minimum size requirements required in Section 13.

#### 71.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in Section 15.

#### 71.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

#### 71.5 Height of a Main building or structure

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

#### 71.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed one and a half (1 ½) storeys or exceed 5 metres in height, except that the height may be increased by a ratio of 1 to 1 for each

millimetres of side and rear yard in excess of the minimum requirement established in Subsection (b) (iv), up to a maximum height of 7 metres;

- (b) be erected, placed, relocated, altered or replaced so that it is within
    - (i) the front yard of the main building or structure if the main building or structure is situated less than 9 metres of a street line,
    - (ii) 9 metres of the street line if the main building or structure is situated more than 9 metres of the street line,
    - (iii) 1.5 metres of an alley,
    - (iv) 1 metre of a side or rear lot line,
    - (v) in the case of a corner lot, 6 metres of a secondary street line, or
    - (vi) 1.5 metres of a main building or structure;
  - (c) have an horizontal dimension greater than 14 metres; and
  - (d) be used for:
    - (i) for agricultural purposes, or
    - (ii) for the keeping of animals other than pet animals.
- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not be higher than the lesser of the following area:
- (a) 110 square metres, or
  - (b) 10% of the total lot area.

#### 71.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.

## **Section 72: Mixed Type 1 - MX-1 Zone**

### 72.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any MX-1 Zone for any purposes other than:
  - (a) subject to Subsection (2), one of the following main uses:
    - (i) a one-unit dwelling,
    - (ii) a mini home site,
    - (iii) a two-unit dwelling,
    - (iv) a multiple-unit dwelling up to a maximum of four (4) units,
    - (v) a Community Placement Residential Facility providing level 1 and 2 services,
    - (vi) a nursing home,
    - (vii) a shelter for women and/or children,
    - (viii) a day-care center,
    - (ix) a public open space, a park or a playground,
    - (x) a hotel, a motel, an inn or a bed and breakfast,
    - (xi) a campground,
    - (xii) a restaurant, including a drive-in, a drive-thru and/or a take-out restaurant,
    - (xiii) a service station, a gas bar and/or a public garage,
    - (xiv) a garden centre, a tree nursery or greenhouse operation,
    - (xv) a retail store and/or service shop,
    - (xvi) mini-storage warehouse not exceeding 275 square metres in ground floor area,
    - (xvii) an office or an office building,
    - (xviii) a liquor licensed establishment, other than an exotic cabaret,

- (xix) an agricultural use,
- (xx) an institutional use,
- (xxi) a funeral home and/or crematorium,
- (xxii) a cottage establishment,
- (xxiii) a resort center,
- (xxiv) a car sales lot, or
- (xxv) a public utility for wired telephone and internet, cable television, natural gas, water supply and storage, and wastewater and stormwater collection, treatment and disposal.

(b) one of the following secondary uses :

- (i) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
- (ii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
- (iii) subject to Section 30, a home occupation,
- (iv) subject to Section 31, a home business,
- (v) subject to Section 33, a bed and breakfast,
- (vi) only if the main use is one permitted in Paragraphs (a) (viii), (xii), (xv), (xvii), (xviii) or (xxi), a maximum of 4 dwelling units,
- (vii) subject to Section 52, a private stable; and

(c) 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.

(2) For the purpose of this section and subject to Subsection 17(3), it is possible to combine on the same lot or in a same main building, one main use mentioned in Subparagraphs (1) (a) (i) or (ii) with a maximum of one main use mentioned in Subparagraphs(1) (a) (viii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx) or (xxi).

## 72.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in Section 13.

### 72.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in Section 15.

### 72.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling or a non residential building or structure,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

### 72.5 Height of a Main building or structure

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

### 72.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed one and a half (1 ½) storeys or 5 metres in height, except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum requirement established in Subsection (b) (iv), up to a maximum height of 7 metres;
  - (b) be erected, placed, relocated, altered or replaced so that it is within
    - (i) the front yard of the main building or structure if the main building or structure is situated less than 9 metres of a street line,

- (ii) 9 metres of the street line if the main building or structure is situated more than 9 metres of the street line,
  - (iii) 1.5 metres of an alley,
  - (iv) 1 metre of a side or rear lot line,
  - (v) in the case of a corner lot, 6 metres of a secondary street line, or
  - (vi) 1.5 metres of a main building or structure;
- (c) have an horizontal dimension greater than 18 metres; and
  - (d) except if the main use of the land is a farm, be used:
    - (i) for agricultural purposes, or
    - (ii) for the keeping of animals other than pet animals.
- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not exceed 10% of the total lot area.

#### 72.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.

## **Section 73: Mixed Type 2 - MX-2 Zone**

### 73.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any MX-2 Zone for any purposes other than:
  - (a) subject to Subsection (2), one of the following main uses:
    - (i) a one-unit dwelling,
    - (ii) a mini home site,
    - (iii) a two-unit dwelling,
    - (iv) a multiple-unit dwelling up to a maximum of fifteen (15) units,
    - (v) a Community Placement Residential Facility providing level 1 and 2 services,
    - (vi) a nursing home,
    - (vii) a shelter for women and/or children,
    - (viii) a day-care center,
    - (ix) a public open space, a park or a playground,
    - (x) a hotel, a motel, an inn or a bed and breakfast,
    - (xi) a campground,
    - (xii) a restaurant, including a drive-in, a drive-thru and/or a take out restaurant,
    - (xiii) a service station, a gas bar and/or a public garage,
    - (xiv) a garden centre, tree nursery and/or greenhouse operation,
    - (xv) a retail store and/or service shop,
    - (xvi) a mini-storage warehouse,
    - (xvii) an office or an office building,
    - (xviii) a liquor licensed establishment, other than an exotic cabaret,
    - (xix) an agricultural use,

- (xx) an institutional use,
  - (xxi) a funeral home and/or crematorium,
  - (xxii) a motor vehicle dealership,
  - (xxiii) a trailer, camping and/or marine supply dealership,
  - (xxiv) a train and/or bus station,
  - (xxv) subject to 63.6, a billboard sign,
  - (xxvi) a building supply outlet,
  - (xxvii) a commercial mall,
  - (xxviii) a strip mall,
  - (xxix) a cottage establishment,
  - (xxx) a resort center, or
  - (xxxi) a public utility for wired telephone and internet, cable television, natural gas, water supply and storage, and wastewater and stormwater collection, treatment and disposal.
- (b) one of the following secondary uses :
- (i) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
  - (ii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
  - (iii) subject to Section 30, a home occupation,
  - (iv) subject to Section 31, a home business,
  - (v) subject to Section 33, a bed and breakfast,
  - (vi) only if the main use is one permitted in Paragraphs (a) (viii), (xii), (xv), (xvii), (xviii), (xxi) or (xxviii), a maximum of 4 dwelling units,
- (c) 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.

- (2) For the purpose of this section and subject to Subsection 17(3), it is possible to combine on the same lot or in a same main building, one main use mentioned in Subparagraphs (1) (a) (i) or (ii) with a maximum of one main use mentioned in Subparagraphs (1) (a) (viii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi) (xxii), (xxiii), (xxv) or (xxvi).

### 73.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in Section 13.

### 73.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in Section 15.

### 73.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling or a non residential building or structure,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

### 73.5 Height of a Main building or structure

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

### 73.6 Accessory Building and Structure

- (1) No accessory building or structure may
- (a) exceed one and a half (1 ½) storeys or 5 metres in height, except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum

requirement established in Subsection (b) (iv), up to a maximum height of 8 metres;

- (b) be erected, placed, relocated, altered or replaced so that it is within
  - (i) the front yard of the main building or structure if the main building or structure is situated less than 9 metres of a street line,
  - (ii) 9 metres of the street line if the main building or structure is situated more than 9 metres of the street line,
  - (iii) 1.5 metres of an alley,
  - (iv) 1 metre of a side or rear lot line,
  - (v) in the case of a corner lot, 6 metres of a secondary street line, or
  - (vi) 1.5 metres of a main building or structure;
- (c) have an horizontal dimension greater than 18 metres; and
- (d) except if the main use of the land is a farm, be used:
  - (i) for agricultural purposes, or
  - (ii) for the keeping of animals other than pet animals.

- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not exceed 10% of the total lot area.

#### 73.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.

## **Section 74: Industrial Type 1- IND-1 Zone**

### 74.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any IND-1 Zone for any purposes other than:
  - (a) the establishments for production, processing, assembly, dismantling, manufacturing, compounding, cleaning, servicing, storage, testing and repair of materials, goods or products;
  - (b) the sale, the wholesale, the renting, the storage, the distribution, the warehousing and the servicing of vehicles, heavy equipments, goods and materials,
  - (c) the storage of goods in connection with and resulting from any of the listed uses or operations permitted in this section,
  - (d) subject to Section 74.6, the pile storage of limestone used at the power generating station,
  - (e) the treatment, the storage and the environmental management of waste material having a maximum concentration of 33 ppm of PCBs, 100 ppt I-TEQ of dioxins and furans, and 100 ppm of other chlorinated hydrocarbons (as chlorine),
  - (f) clerical, commercial and/or industrial uses providing services, research and development, products or supplies to other industrial uses or operations permitted in this section,
  - (g) a power generating station,
  - (h) a chemical and petrochemical plant,
  - (i) the storage, the processing and the blending of fuel, combustible liquids or gas.
  - (j) a metallurgic plant or smelter,
  - (k) a paper mill, a sawmill or forestry related uses,
  - (l) the manufacturing or processing of asphalt, building material, cement, concrete, earth, fuel briquette, wood pellets or similar products,
  - (m) an slaughterhouse

- (k) a seaport,
- (n) a railway infrastructure or facility,
- (o) a truck stop,
- (p) a transportation terminal,
- (q) an industrial mall,
- (r) subject to Section 63.6, a billboard sign,
- (s) a redemption center ,
- (t) subject to Section 38, a salvage or wrecking yard, an impound yard, a scrap yard, a recycling centre or a transfer station for solid waste, or a junk yard,
- (u) a wind turbine or a wind farm,
- (v) a telecommunication facility,
- (w) a municipal building or facility,
- (x) a public utility for wired and wireless telephone and internet, cable television, electricity, natural gas, radio communication, water supply and storage, and wastewater and stormwater collection, treatment and disposal,
- (y) a sewerage treatment plant,
- (z) a public garage, service station or a gas bar,
- (aa) a restaurant or a convenience store,
- (ab) a waste composting operation, and
- (ac) a body shop.

#### 74.2 Provincial standards

- (1) Any permitted use under section 74.1 shall conform to all provincial environmental performance standards as related to:
  - (a) air and water pollution,
  - (b) fire and explosion hazards,

- (c) radiation hazards,
  - (d) electromagnetic radiation and interference hazards,
  - (e) liquid and solid wastes hazards, and
  - (f) water consumption.
- (2) For the purpose of Subsection (1), any use is deemed to comply with any provincial environmental performance standards when the Province has issued
- (a) an Approval to Construct and/or to Operate, or
  - (b) a certificate under the Environmental Impact Assessment Regulation- Clean Environment Act.

#### 74.3 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in section 13.

#### 74.4 Yards for a Main Building

- (1) No main building or structure may be placed, erected or altered so that it is:
- (a) within 10 metres of a street line, and
  - (b) within 5 metres of a side or rear lot line.
- (2) The yard requirement shall be waived for any side or rear yard which directly abuts a railway right-of-way.
- (3) No industrial development or activity is permitted within 30 metres from any R zones, MX zones or RU zones.

#### 74.5 Lot Occupancy

Buildings and structures on a lot shall not occupy more than 50% of the lot area.

#### 74.6 Outside Storage and storage yards

- (1) Any material that is not stored inside an enclosed building, structure or container shall be stored inside a storage yard screened from any public street by a wall and/or a solid fence:

- (a) not less than 3 metres in height and not greater than 5 metres in height, un-pierced except for access and egress driveways having a maximum width of 10 metres, and
  - (b) located at least 6 metres from any public street line and 3 metres from the side and rear lot lines, and the land between the wall and/or fence and any lot line not required for access and egress driveways shall be landscaped
- (2) No outside storage shall discharge or emit any dust or dirt outside the lot lines.
  - (3) The outdoor area devoted to storage shall not exceed 40% of the total lot coverage.
  - (4) No pile storage of limestone shall exceed 10 metres in height and it shall be managed in such manner to prevent the release of dust outside the lot lines.

#### 74.7 Accessory building or structure

- (1) No accessory building or structure may
  - (a) exceed 30 metres in height, except for wind turbines and telecommunication towers, and
  - (b) be placed, erected or altered so that it is within
    - (i) 15 metres of the street line,
    - (ii) within 3 metres of an alley, and
    - (iii) 10 metres of a side or rear lot line.

### **Section 75: Industrial Type 2 – IND-2 Zone**

#### 75.1 Permitted uses

- (1) No development shall be permitted nor shall any land, building or structure be used on a lot within an IND-2 Zone for any purpose other than:
  - (a) one or more of the following main uses:
    - (i) subject to Section 41, a quarry,
    - (ii) subject to Section 41, the excavation of mineral aggregate,
    - (iii) an asphalt plant;
    - (iv) a cement plant,

- (v) a trucking business,
  - (vi) a disposal site for construction debris approved by the Province; and
  - (vii) a public utility for wired and wireless telephone and internet, cable television, electricity, natural gas, radio communication, water supply and storage, and wastewater and stormwater collection, treatment and disposal.
- (b) one or more of the following secondary uses:
- (i) the crushing or screening of mineral aggregate excavated on site,
  - (ii) a scale, and
  - (iii) the pile storage and sale of mineral aggregate excavated on site;
- (c) 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.

## 75.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in section 13.

## 75.3 Yards for a Main Building

- (1) No main building or structure may be placed, erected or altered so that it is:
- (a) within 10 metres of a street line, and
  - (b) within 5 metres of a side or rear lot line.
- (2) The yard requirement shall be waived for any side or rear yard which directly abuts a railway right-of-way.

## 75.4 Lot Occupancy

Buildings and structures on a lot shall not occupy more than 50% of the lot area.

## 75.5 Accessory building or structure

- (1) No accessory building or structure may
  - (a) be placed, erected or altered so that it is within
    - (i) 15 metres of the street line,
    - (ii) within 3 metres of an alley, and
    - (iii) 10 metres of a side or rear lot line,
- (2) The total combined ground floor area of all accessory buildings and accessory structures on a lot shall not be higher than 20% of the total lot area.

## **Section 76: Open Space, Conservation Area and Parks Zone - OS Zone**

### 76.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any OS Zone for any purposes other than:
  - (a) one or more of the following main uses:
    - (i) public open space for aesthetic purposes or for passive recreational activities for the benefits of the general public,
    - (ii) public beach,
    - (iii) public park or playground,
    - (iv) wharf or pier,
    - (v) areas of natural or scientific interest,
    - (vi) protection of environmentally sensitive areas, and
    - (vii) a public utility for water supply and storage, and wastewater and stormwater collection, treatment and disposal.
  - (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 subsection.

## **Section 77: Rural Type 1 - RU-1 Zone**

### 77.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any RU-1 Zone for any purposes other than:
  - (a) subject to Subsection (2), one of the following main uses:
    - (i) a one-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a multiple-unit dwelling up to a maximum of four (4) units,
    - (iv) a cottage,
    - (v) a mini home site,
    - (vi) a shelter for women and/or children for a maximum of 7 residents and employees,
    - (vii) a community placement residential facility providing level 1 and 2 services for a maximum of 7 residents,
    - (viii) a public open space, a park or a playground,
    - (ix) subject to Section 41, the excavation of mineral aggregate,
    - (x) an institutional use,
    - (xi) a day-care center for a maximum of 8 children,
    - (xii) subject to Section 35, a campsite,
    - (xiii) an agricultural use,
    - (xiv) a forestry use, a garden centre, a tree nursery and/or greenhouse operation,
    - (xv) a sawmill producing a maximum of 2,000 board feet of lumber per day and/or a wood yard containing less than 20 cords of woods,
    - (xvi) a campground, a complex of rental cabins or rental cottages and/or a tourist related use,

- (xvii) a golf course,
- (xviii) a canteen or take-out restaurant not exceeding 60 square metres,
- (xix) a small business with a ground floor area less than 200 square metres,
- (xx) a resort center, a tourist outfitter's establishment or a cottage establishment,
- (xxi) subject to Section 57, a kennel,
- (xxii) subject to Section 53, an equestrian centre, or
- (xxiii) a public utility for wired and wireless telephone and internet, cable television, electricity, natural gas, radio communication, water supply and storage, and wastewater and stormwater collection, treatment and disposal.

(b) one of the following secondary uses:

- (i) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
- (ii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
- (iii) subject to Section 30, a home occupation,
- (iv) subject to Section 31, a home business,
- (v) subject to Section 32, a retail sale outlet in a dwelling,
- (vi) subject to Section 33, a bed and breakfast
- (vii) only if the main use is one permitted in Subparagraphs (a) (xi), (xviii) or (xix), a maximum of 4 dwelling units,
- (viii) subject to Section 52, a private stable; and

(c) 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.

(2) For the purpose of this section and subject to Subsection 17(3), it is possible to combine on the same lot or in a same main building, one main use mentioned in Subparagraphs (1) (a) (i) or (v) with a maximum of one main

use mentioned in Subparagraphs (1) (a) (xi), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi) or (xxii).

#### 77.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in section 13.

#### 77.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in section 15.

#### 77.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling or a non residential building or structure,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

#### 77.5 Height of a Main building or structure

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

#### 77.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed 5 metres in height except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum requirement established in subsection (b) (iv), up to a maximum height of 8 metres;
  - (b) be erected, placed, relocated, altered or replaced so that it is within

- (i) the front yard of the main building or structure if the main building or structure is situated less than 10 metres of a street line,
  - (ii) 10 metres of the street line if the main building or structure is situated more than 10 metres of the street line,
  - (iii) 1.5 metres of an alley,
  - (iv) 1 metre of a side or rear lot line,
  - (v) in the case of a corner lot, 6 metres of a secondary street line, or
  - (vi) 1.5 metres of a main building or structure;
- (c) have an horizontal dimension greater than 18 metres, and
- (d) except if the main use of the land is a farm, a kennel or a or if the secondary use is a private stable, be used for:
- (i) for agricultural purposes, or
  - (ii) for the keeping of animals other than pet animals.
- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not exceed 10% of the total lot area.

#### 77.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.

## **Section 78: Rural Type 2 - RU-2**

### 78.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any RU-2 Zone for any purposes other than:
  - (a) subject to Subsection (2), one of the following main uses:
    - (i) a one-unit dwelling,
    - (ii) a two-unit dwelling,
    - (iii) a multiple-unit dwelling up to a maximum of four (4) units,
    - (iv) a cottage,
    - (v) a mini home site;
    - (vi) a shelter for women and/or children for a maximum of 7 residents and employees,
    - (vii) a community placement residential facility providing level 1 and 2 services for a maximum of 7 residents,
    - (viii) a public open space, a park or a playground,
    - (ix) an institutional use,
    - (x) a day-care center for a maximum of 8 children,
    - (xi) subject to Section 35, a campsite,
    - (xii) an agricultural use,
    - (xiii) a forestry use, a garden centre, a tree nursery and/or greenhouse operation,
    - (xiv) a campground, a complex of rental cabins or rental cottages and/or a tourist related use,
    - (xv) a golf course,
    - (xvi) a canteen or take-out restaurant not exceeding 60 square metres,

- (xvii) a resort center, a tourist outfitter's establishment or a cottage establishment,
  - (xviii) subject to Section 57, a kennel;
  - (xix) subject to Section 53, an equestrian centre, or
  - (xx) a public utility for wired telephone and internet, cable television, natural gas, radio communication, water supply and storage, and wastewater and stormwater collection, treatment and disposal.
- (b) one of the following secondary uses:
- (i) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
  - (ii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
  - (iii) subject to Section 30, a home occupation,
  - (iv) subject to Section 31, a home business,
  - (v) subject to Section 32, a retail sale outlet in a dwelling,
  - (vi) subject to Section 33, a bed and breakfast,
  - (vii) only if the main use is one permitted in Subparagraphs (a) (x) or (xvi), a maximum of 4 dwelling units, or
  - (viii) subject to Section 52, a private stable; and
- (c) 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.
- (2) For the purpose of this section and subject to Subsection 17(3), it is possible to combine on the same lot or in a same main building, one main use mentioned in Subparagraphs (1) (i) or (v) with a maximum of one main use mentioned in Subparagraphs (1) (a) (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx) or (xxi).
- (3) The following uses constitute a particular purpose as prescribed under Paragraph 34(4)c) of the Act in respect of which the Planning Commission may impose terms and conditions, and that may be prohibited under Subparagraph 34(4)(c)(ii) and Subsection 34(5) of the Act:

- (a) a sawmill producing a maximum of 2,000 board feet of lumber per day and/or a wood yard containing less than 20 cords of woods.

## 78.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in section 13.

## 78.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in section 15.

## 78.4 Yards for a Main Building or Structure

Subject to section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling or a non residential building or structure,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

## 78.5 Height of a Main building or structure

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

## 78.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed 5 metres in height except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum requirement established in subsection (b) (iv), up to a maximum height of 8 metres;
  - (b) be erected, placed, relocated, altered or replaced so that it is within

- (i) the front yard of the main building or structure if the main building or structure is situated less than 10 metres of a street line,
  - (ii) 10 metres of the street line if the main building or structure is situated more than 10 metres of the street line,
  - (iii) 1.5 metres of an alley,
  - (iv) 1 metre of a side or rear lot line,
  - (v) in the case of a corner lot, 6 metres of a secondary street line, or
  - (vi) 1.5 metres of a main building or structure;
- (c) have an horizontal dimension greater than 18 metres; and
- (d) except if the main use of the land is a farm, a kennel or a stable or if the secondary use is a private stable, be used for:
- (i) for agricultural purposes, or
  - (ii) for the keeping of animals other than pet animals.
- (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not exceed 10% of the total lot area.

#### 78.7 Lot Occupancy

- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
- (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining the percentage of lot occupancy.

### **Section 79: Rural Type 3 - RU-3 Zone**

#### 79.1 Permitted Uses

- (1) No development shall be undertaken or permitted, nor shall any land, building or structure be used within any RU-3 Zone for any purposes other than:
  - (a) subject to Subsection (2), one of the following main uses:
    - (i) a one-unit dwelling,

- (ii) a two-unit dwelling,
- (iii) a multiple-unit dwelling up to a maximum of four (4) units,
- (iv) a cottage,
- (v) a mini home site or a mobile home site,
- (vi) a shelter for women and/or children for a maximum of 7 residents and employees,
- (vii) a community placement residential facility providing level 1 and 2 services for a maximum of 7 residents,
- (viii) a public open space, a park or a playground,
- (ix) subject to Section 41, the excavation of mineral aggregate,
- (x) an institutional use,
- (xi) a day-care center for a maximum of 8 children,
- (xii) subject to Section 35, a campsite,
- (xiii) an agricultural use,
- (xiv) a forestry use, a garden centre, a tree nursery and/or greenhouse operation,
- (xv) a sawmill producing a maximum of 2,000 board feet of lumber per day and/or a wood yard containing less than 20 cords of woods,
- (xvi) a campground, a complex of rental cabins or rental cottages and/or a tourist related use,
- (xvii) a golf course,
- (xviii) a canteen or take-out restaurant not exceeding 60 square metres,
- (xix) a small business with a ground floor area less than 200 square metres,
- (xx) a resort center, a tourist outfitter's establishment or a cottage establishment,
- (xxi) subject to Section 57, a kennel,

- (xxii) subject to Section 53, an equestrian centre, or
  - (xxiii) a public utility for wired and wireless telephone and internet, cable television, electricity, natural gas, radio communication, water supply and storage, and wastewater and stormwater collection, treatment and disposal.
- (b) one of the following secondary uses:
- (i) only if the main use is a one-unit dwelling and subject to Section 45, a garden suite,
  - (ii) only if the main use is a one-unit dwelling and subject to Section 44, an in-law suite,
  - (iii) subject to Section 30, a home occupation,
  - (iv) subject to Section 31, a home business,
  - (v) subject to Section 32, a retail sale outlet in a dwelling,
  - (vi) subject to Section 33, a bed and breakfast
  - (vii) only if the main use is one permitted in Subparagraphs (a) (xi), (xviii) or (xix), a maximum of 4 dwelling units,
  - (viii) subject to Section 52, a private stable; and
- (c) 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.
- (2) For the purpose of this section and subject to Subsection 17(3), it is possible to combine on the same lot or in a same main building, one main use mentioned in Subparagraphs (1) (a) (i) or (v) with a maximum of one main use mentioned in Subparagraphs (1) (a) (xi), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi) or (xxii).

## 79.2 Lot Sizes

No main building or structure may be placed, erected or altered on a lot unless the lot has and contains the minimum size requirements required in section 13.

## 79.3 Size of Dwellings

No dwelling may be developed in the zones where such use is permitted under this By-law unless the dwelling has and contains the minimum size requirements required in section 15.

#### 79.4 Yards for a Main Building or Structure

Subject to Section 16, no main building or structure may be erected, placed, relocated, altered or replaced

- (a) within 7.5 metres of a street line,
- (b) in the case of a one- or two-unit dwelling,
  - (i) within 1.5 metres of one side lot line, and
  - (ii) within 3 metres of the other side lot line,
- (c) in the case of a three- or four-unit dwelling or a non residential building or structure,
  - (i) within 3 metres of the side lot lines; and
- (d) within 7.5 metres of the rear lot line.

#### 79.5 Height of a Main building or structure

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

#### 79.6 Accessory Buildings and Structure

- (1) No accessory building or structure may
  - (a) exceed 5 metres in height except that the height may be increased by a ratio of 1 to 1 for each millimetres of side and rear yard in excess of the minimum requirement established in subsection (b) (iv), up to a maximum height of 8 metres;
  - (b) be erected, placed, relocated, altered or replaced so that it is within
    - (i) the front yard of the main building or structure if the main building or structure is situated less than 10 metres of a street line,
    - (ii) 10 metres of the street line if the main building or structure is situated more than 10 metres of the street line,
    - (iii) 1.5 metres of an alley,
    - (iv) 1 metre of a side or rear lot line,
    - (v) in the case of a corner lot, 6 metres of a secondary street line, or

- (vi) 1.5 metres of a main building or structure;
  - (c) have an horizontal dimension greater than 18 metres, and
  - (d) except if the main use of the land is a farm, a kennel or an equestrian centre, or if the secondary use is a private stable, be used for:
    - (i) for agricultural purposes, or
    - (ii) for the keeping of animals other than pet animals.
  - (2) The total ground floor area of an accessory building or structure or the combined total ground floor area of all accessory buildings and accessory structures on a lot shall not exceed 10% of the total lot area.
- 79.7 Lot Occupancy
- (1) Buildings and structures including accessory buildings and structures on a lot shall not occupy more than 40% of the lot area.
  - (2) Outdoor swimming pools and their surrounding decks shall be considered as open space and not an accessory structure for the purpose of determining lot occupancy and ground floor area.