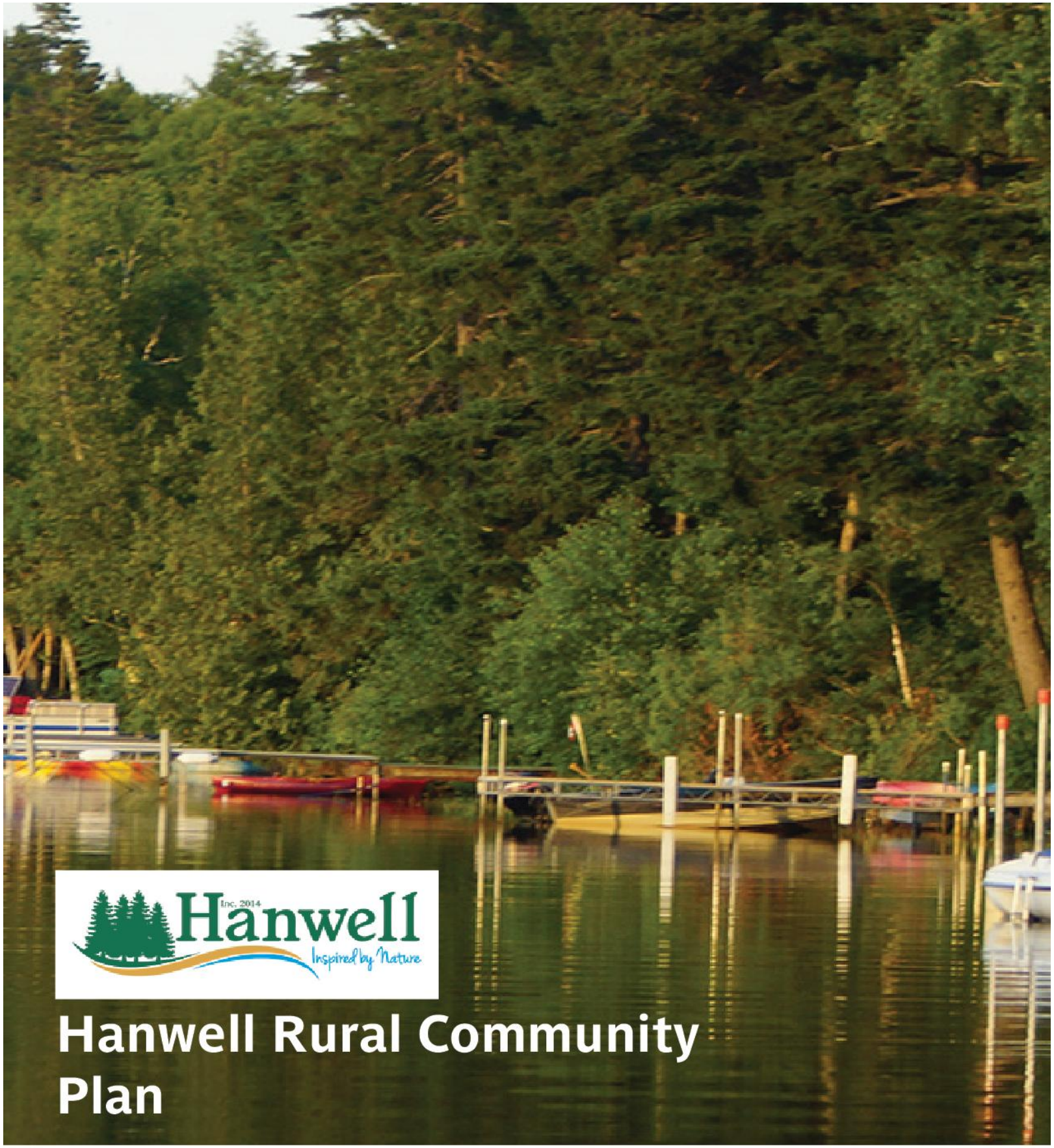


Inc. 2014 Hanwell
Inspired by Nature

Hanwell Rural Community Plan

By-Law No. 37-2026

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I certify that this instrument is registered or filed in the YORK County Registry Office, New Brunswick

J'atteste que cet instrument est enregistré ou déposé au bureau de l'enregistrement du comté de YORK Nouveau-Brunswick

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Emma Elsemore
Registrar-Conservateur

1. Administration

Hanwell adopted its first Rural Plan in 2010. Hanwell was not incorporated as a rural community until 2016 when it became the rural community of Hanwell. In 2023, as part of the Province of New Brunswick's initiative to restructure its municipalities, the rural community of Hanwell was expanded to take in lands formerly within the Kingsclear Local Service District, including the communities of French Village, Island View, and Mazerolle Settlement, and became the Hanwell Rural Community.

The Rural Plan was reviewed in the wake of this expansion to make changes necessary to recognize the new extents and status of Hanwell and engage with residents and stakeholders to identify potential additions or revisions to the Rural Plan that would reflect their visions for the community. Key changes include the incorporation of a Vision and Mission for the community and development of policy to support zoning more directly in the community. The zoning provisions, which begin at Section 4, have been streamlined to reduce the number of zones and better coordinate them with existing land uses.

1.1. Adoption of Plan

This document constitutes the new Hanwell Rural Plan prepared and enacted under the section 44 of the *Community Planning Act, SNB 2017, c.19*.

This document may be cited as the Hanwell Rural Plan.

1.2. Plan Area

Lands within the territorial limits of the Hanwell Rural Community, as outlined in regulation 2022-50 of the *Local Governance Act* and as shown on Schedule "A" of this By-law, Hanwell Rural Plan Zoning Map, are designated as the area to which the Hanwell Rural Plan applies.

1.3. Repeal and Replacement

This By-law repeals and replaces *the Kingsclear Planning Area Rural Plan Regulation* (06-KNG-041-00), adopted in 2006; *By-law No. 11-2016,* also known as the Hanwell Rural Plan, adopted in 2016; and *By-law No. 10-2025, a By-law to Regulate Signs*. This By-law also repeals and replaces portions of the *New Maryland Planning Area Rural Plan Regulation* (05-NMR-034-00), adopted in 2005; the *Keswick Ridge Planning Area Rural Plan Regulation* (12-KES-049-00), adopted in 2012; *By-law No. Z-5 - A Zoning By-law for the City of Fredericton*, adopted in 2020; and *By-law No. Z-6 - Imagine Fredericton: The Municipal Plan*, adopted in 2013, which now fall within the new Hanwell boundary.

1.4. Past Amendments

1) The terms and conditions contained in the following regulations and by-laws remain in effect:

    a) 08-KNG-041-01

    b) 10-KNG-041-03

c) 11-HAN-022-01

d) 12-HAN-022-02

e) 12-HAN-022-03

f) 13-HAN-022-04

g) 13-HAN-022-05

h) By-law No. 04-2014

i) By-Law No. 12-2016

j) By-Law No. 14-2018

k) By-law No. 15-2019

l) By-law No. 17-2019

m) By-law No. 31-2023

2) The following amendments are repealed as they no longer impose conditions or have become redundant:

a) 10-KNG-041-02

b) 15-KNG-041-04

c) 17-KNG-041-05

d) By-law No. 18-2019

1.5. Crown Lands

1) Notwithstanding any other provision of this by-law, where lands are owned by the Province of New Brunswick and administered as Crown Lands, the use and management of such lands shall be governed in accordance with the *Crown Lands and Forests Act*, including Section 8 thereof.

2) In the event of a conflict between this by-law and the *Crown Lands and Forests Act*, or any regulation or authorization issued thereunder, the provincial legislation shall prevail.

3) Notwithstanding any other provision of this by-law, where a trail is owned or managed by the Province of New Brunswick, any development that intersects or may impact such trail shall require prior consultation with the Department of Natural Resources and Energy Development before any development is undertaken on the parcel.

2. Background

The Hanwell Rural Community was established on January 1, 2023, through the annexation of the northern portion of the Kingsclear Local Service District to the rural community of Hanwell. According to estimates prepared by the Province of New Brunswick based on the 2021 Census of Canada, the enlarged community had a population of 7,100 in 2021. The community is unserviced, with the exception of the small subdivision comprised of Sloat and Lloyd Streets, which has a locally owned and maintained wastewater treatment system.

This expanded jurisdiction is situated within a broader regional network of communities that influence and support its development. To the northeast, the City of Fredericton serves as a major hub for employment, education, and services, drawing many Hanwell residents for work, shopping, and recreation. To the south, the Harvey Rural Community offers complementary services and trades, while the Village of New Maryland to the southeast provides amenities such as additional schools, retail outlets, and healthcare services. The Bilijk community (Kingsclear First Nation), located along the Wolastoq (Saint John River), contributes to the region's cultural richness and provides a range of services to its members. Together, these neighbouring jurisdictions shape Hanwell's regional identity and development opportunities.

Today, the Hanwell Rural Community is poised to grow. According to Province of New Brunswick estimates the community had 7,100 residents in 2023. Its location next to the City of Fredericton is attractive for commuters and for business. The community has developed a substantial business centre at the intersection of the Fredericton Bypass with Route 640/Hanwell Road, combining a major resort hotel and golf course with two business/industrial parks.

Recent development in the Hanwell Rural Community has been characterized by single-detached homes on estate lots of one acre or more suitable to accommodate Provincially approved septic disposal systems. Earlier development, which is mostly on and adjacent to Hanwell Road, is on smaller lots that are vulnerable to septic failure and groundwater limitations.

The commercial core of the Hanwell Rural Community is at the Fredericton Bypass and Route 640 Interchange is also unserviced. While development of the area has been planned, the presence of commercial and industrial uses handling hydrocarbons and hazardous materials presents an ongoing threat to the aquifer from which businesses draw water.

Continued development therefore requires careful management of land use and servicing conditions to protect groundwater resources and ensure public health and environmental integrity. The objective of this Plan is to support good short-term land use management while enabling prudent long-term planning by monitoring development patterns and servicing constraints. This approach is intended to inform future decision-making and ensure that any consideration of alternative water or wastewater servicing solutions occurs only where initiated by a private proponent and subject to applicable provincial and municipal approvals, and shall not be interpreted as a commitment by Council to plan, fund, or construct municipal water or wastewater infrastructure.

2.1. Purpose of the Rural Plan

The Hanwell Rural Plan outlines long term priorities and establishes clear policies to guide the Council's decision making for responsible land use, services, and development. This plan supports a sustainable and prosperous future for the Hanwell Rural Community by ensuring residents have a voice in shaping their community, reflecting their needs and aspirations. A critical issue is managing the development of the Hanwell Rural Community without municipal water and sewer. Density is consequently controlled in consideration of the capacity limits of onsite treatment systems and wells.

2.2. Statements of Public Interest

This Rural Plan aligns with the Government of New Brunswick's Statements of Public Interest (SPI) Regulation, introduced in 2021 under the *Community Planning Act* as part of broader governance reforms. The regulation supports a more coordinated and sustainable approach to land use planning across the province. It outlines key public interests and priorities to ensure that local and provincial planning efforts work together effectively.

The Provincial Department of Environment and Local Government plays a key role in ensuring that SPIs are integrated into municipal and rural plans, by-laws, and planning-related decisions. These SPIs establish minimum standards for land use planning across New Brunswick, while allowing flexibility in how local governments incorporate them into their own planning frameworks. This approach ensures consistency with provincial objectives, while respecting the unique needs and contexts of individual communities. The following table summarises the SPIs and the content of this Plan that relates directly to each.

SPI	Rural Plan
1) **Settlement Patterns** - Promote settlement patterns that contribute to the well-being of the residents of the province, minimize impacts on the environment, and support vibrant rural and urban economies.	Given the absence of piped water and wastewater systems in the Hanwell Rural Community, as-of-right residential development is limited to single-unit detached dwellings with provisions for the addition of up to one unit subject to terms and conditions. Rural Plan policies also encourage the monitoring of onsite services to prepare for the potential development of municipal piped services.
2) **Agriculture** - Promote the agriculture, fishery and aquaculture sectors and the production of food in the Province.	Agriculture and aquaculture uses are permitted and encouraged in the Rural (RU) Zone.
3) **Climate Change** - Engage in processes of climate change mitigation and climate change adaptation.	Section 3.9 deals with Environment and Climate Change and includes a proposal for the Rural Community to prepare a Climate Change Adaptation Plan.
4) **Flood and Natural Hazard Areas** - Manage development in these areas to increase health and safety and limit social, environmental and economic costs to the Province, local governments, and residents of the Province.	Section 3.7 Natural Resource Uses, Section 3.8 Yoho Lake Watershed, and Section 3.9 Environment and Climate Change all contain policies to protect the environment including establishing a Conservation (CS) Zone and provisions concerning watercourses and wetlands.
5) **Natural Resources** - Protect natural resource development areas and environmentally sensitive areas for present and future generations while fostering a more consistent and predictable regulatory environment.	Policies in Section 3.7 Natural Resource Uses and establish a Resource Extraction (RX) Zone to manage resource development.

3. Objectives, Policies and Proposals

3.1. Objectives

The objectives of the Hanwell Rural Plan reflect the community's aspirations for the future development of the area. The objectives were first established in the 2016 Rural Plan and have been revised to align with Council's Strategic Plan. These objectives provide a reference for those who administer and enforce the Rural Plan to use when making land use decisions.

The objectives of the Rural Plan are as follows:

- To provide a framework for residents and stakeholders to participate in the development of the Hanwell Rural Community and shape its future.
- To regulate land use and strategically implement the vision for the future of the Hanwell Rural Community as an attractive place for current and future residents to live, work, and play.
- To manage development in the community to ensure efficient use of existing infrastructure, services, and facilities and to ensure the long-range sustainability of the current settlement pattern, particularly on-site water and wastewater systems.
- To provide more public spaces and resources and improve the aesthetic appeal of the community, while augmenting public opportunities for active living.
- To increase transportation options by encouraging community transportation and developing active transportation infrastructure to improve connectivity within the Rural Community and with neighboring areas, while improving safety for users of all transportation modes.
- To direct the development of the community to meet the current and future needs of the population while minimizing the impact of development on the natural environment.
- To promote orderly development that fosters the local economy while ensuring a healthy balance of land uses, sustainable management of water and wastewater, and safe and efficient transportation.
- To foster a sense of community within the enlarged rural community, while maintaining its rural character and good quality of life.

To support these objectives, the Plan sets out both policies and proposals:

- Policies are formal statements of intent that guide land use decisions and regulatory processes. They are binding in principle and must be considered when evaluating development applications, zoning amendments, and other planning matters. Policies reflect the community's values and priorities and are used by Council, staff, and the Planning Review and Adjustment Committee (PRAC) to ensure consistency and fairness in decision-making.
- Proposals are recommended actions or initiatives that support the implementation of the Plan. These may include future studies, infrastructure projects, partnerships, or by-law amendments.

Unlike policies, proposals are not regulatory in nature and do not carry binding authority. Instead, they offer direction for future planning efforts and may evolve over time.

In some cases, the distinction between policies and proposals may be subtle. This reflects the integrated and adaptive nature of planning in the Hanwell Rural Community, where flexibility is often needed to respond to emerging opportunities and community needs.

3.2. Residential Development

Residential areas in the Hanwell Rural Community provide safe, attractive, and well-planned living environments that reflect the community's rural character while accommodating sustainable growth. Since the 2023 annexation of the northern portion of the Kingsclear Local Service District by the former rural community of Hanwell, the Hanwell Rural Community has experienced steady residential expansion. This growth is driven by the area's proximity to Fredericton, its peaceful rural setting, and the availability of larger lot sizes that appeal to families seeking space and a quieter lifestyle.

Hanwell's housing stock includes a mix of single homes, mini homes, and movable homes with a small proportion of units in attached buildings and multi-unit structures. More than 95% of households own their home. Community amenities such as the Hanwell Park Academy and Hanwell Place (municipal offices, community centre, and trails) augment the area's appeal by offering educational and recreational opportunities that support a family friendly environment. The attraction of the Hanwell Rural Community for families is also enhanced by access to undeveloped land and open spaces.

Policy RES-1 Neighbourhood Stability

It shall be the policy of Council to enhance and maintain attractive, safe, and inclusive neighborhoods by:

- Supporting housing choices to meet the evolving needs of the population.
- Promoting affordability and access to housing for all residents.
- Discouraging the intrusion of incompatible uses into established or adjacent residential areas.
- Protecting the rural character of the area while ensuring the availability of housing needed to accommodate a growing population.

Policy RES-2 Residential Zoning

It shall be the policy of Council to define zones to permit the following main residential uses:

- Single-unit Residential (R1) - single-unit dwellings and special care homes with parks and playgrounds.
- Rural Residential (RR) - single-unit dwellings and special care homes with specified rural uses and compatible community uses.
- Mini Home Park (MP) - single-unit dwellings and mini-home parks with compatible community uses.

Policy RES-3 Residential Secondary Uses

It shall be the policy of Council to permit the development of the following secondary uses in Residential Zones subject to the applicable provision that may apply:

- Residential (R) - a secondary suite, a garden suite, an early learning and childcare facility, a Class 1 home-based business, and a facility for backyard chickens.
- Rural Residential (RR) - a secondary suite, a garden suite, an early learning and childcare facility, a Class 1 or 2 home-based business, a facility for backyard chickens, and a hobby farm.
- Mini Home Park (MP) - Class 1 home-based business.

Policy RES-4 Secondary Suites and Garden Suites

It shall be the policy of Council to permit on a lot in a Residential, Rural Residential, or Rural Zone containing an existing single-unit dwelling, a garden suite or a secondary suite as a secondary use to the principal dwelling, subject to servicing and applicable provisions.

Policy RES-5 Residential Intensification & On-site Servicing

It shall be the policy of Council to manage residential intensification where development relies on on-site water and wastewater systems as follows:

- Where development relies on on-site water and wastewater systems, the minimum lot area shall be 4,000 m².
- A smaller lot area may be considered only for a single-unit dwelling subject to written approval from the provincial authority for the on-site system prior to Development Approval.
- Any proposal to increase density beyond a single-unit dwelling in the R1 Zone shall proceed only by rezoning or terms-and-conditions, including public engagement consistent with the *Community Planning Act.*
- Council shall consider neighbourhood character, traffic and safety, groundwater protection, and the cumulative performance limits of on-site systems when reviewing applications.

Proposals:

1) It is proposed that consideration be given to the impacts on existing neighborhoods when new large-scale residential developments are proposed.

2) It is proposed that certain home-based businesses and non-residential uses that are intrinsic to rural areas, provide supplementary income to residents, and diversify the local economic base be permitted in residential zones in accordance with appropriate controls necessary to avoid conflicts with surrounding land uses.

3) It is proposed that Council work with other levels of government and non-governmental partners to provide affordable housing opportunities and to provide suitable accommodation for seniors.

4) It is proposed that the Hanwell Rural Community monitor development patterns and servicing conditions to inform Council's consideration of proposals for alternative or privately developed water and wastewater servicing systems.

3.3. Rural Development

Extensive areas of the Hanwell Rural Community are rural. They offer unique residential opportunities in areas with space and access to natural areas. In addition to unserviced residential and resource uses, agriculture is a feature of the rural area. Farmland, hobby farms, and small-scale agricultural operations not only add to the local economy, they also create valued pastoral landscapes. Agricultural activity provides more than food production - it supports open space, maintains traditional land use patterns, and strengthens the visual identity of the community. Fields, barns, gardens, and orchards are all integral to the "look and feel" of the Hanwell Rural Community, anchoring new development in the region's rural roots. Recognizing this, the Rural Plan permits and encourages agricultural activity as a compatible and valued part of neighborhood life.

Policy RUR-1 Rural Environment

It shall be the policy of Council to preserve the rural character of the Rural Community by ensuring the density of development is suited to the capacity of onsite water and sewer systems, residential structures are suited to the rural character, agriculture is encouraged, and non-residential development complements residential and agricultural uses.

Policy RUR-2 Rural Zoning

It shall be the policy of Council to define a Rural (RU) Zone in which kennels, agricultural uses, aquaculture, and compatible commercial and community uses may be permitted as main uses

Policy RUR-3 Rural Secondary Uses

It shall be the policy of Council to permit the development of secondary suites, garden suites, an early learning and childcare facility, Class 1 and Class 2 home-based businesses, bed and breakfast establishments, and facilities for backyard chickens as secondary uses in the Rural (RU) Zone subject to the appropriate provisions.

Policy RUR-4 Encourage Agriculture

It shall be the policy of Council to promote and enable both existing and new agricultural and aquaculture operations in rural areas, while aiming to reduce conflicts between agricultural lands and neighbouring lands by establishing reciprocal separation distances.

Policy RUR-5: Promotion of Forestry and Maple Production

It shall be the policy of Council to promote forestry activities including the production of maple syrup and other specialty forest products within rural areas of the rural community, provided such activities are undertaken in a manner compatible with existing residential uses and does not diminish the rural character of the community.

Policy RUR-6: Identification of Agricultural Lands

It shall be the policy of Council to support and protect agricultural operations by working collaboratively with the Department of Agriculture, Aquaculture and Fisheries (DAFF) to develop mapping that identifies existing agricultural operations and areas of prime agricultural land within the Rural Community.

Policy RUR-7: Consultation for Rezoning Affecting Agricultural Lands

It shall be the policy of Council, when considering rezoning applications to permit developments that may limit future agricultural uses, to consult with the Department of Agriculture, Aquaculture and Fisheries, as well as the Agricultural Resource Management System (ARMS) mapping, and the Farmland Identification Program (FLIP), GeoNB land-use or soil mapping, and the Canada Land Inventory (CLI) soil capability classifications.

Policy RUR-8: Encouraging Local and Community-Based Food Production

It shall be the policy of Council to encourage food self-sufficiency and local food production, such as community gardens, throughout the Rural Community. Where compatible with surrounding uses, Council shall consider opportunities for small-scale food production, community gardens, and similar initiatives within residential, commercial, institutional, conservation, and industrial areas.

Proposals:

1) It is proposed that rural areas continue to be developed at densities that can be accommodated by onsite water and wastewater systems.

2) It is proposed that agricultural operations be permitted in Rural Zones as shown on Schedule A.

3.4. Commercial Development

Commercial development in the Hanwell Rural Community is primarily concentrated near the Route 640 interchange from the Fredericton Bypass. Significant commercial development is mixed with industrial uses within the Hanwell Business Park and Greenview Industrial Park. On the north side of the interchange is a more exclusively commercial area featuring the Kingswood Resort, while additional commercial uses are distributed along Route 640 to the south of the Bypass and the two business parks.

Policies encourage the development of commercial land to the north of highway 2 and along Route 640. The latter location is ideally suited to serve local commercial needs such as convenience stores, eating establishments, and personal service uses. The Route 640 corridor is well-suited to home-based businesses many of which are already operating there.

Policy COM-1 Commercial Development

It shall be the policy of Council to continue to encourage the development of commercial land uses at the Route 640 interchange from the Fredericton Bypass and in appropriate locations on Route 640, particularly at intersections.

Policy COM-2 Commercial Zoning

It shall be the policy of Council to define zones to permit the following main commercial uses:

- Community Commercial Mix (CC) - Residential uses, retail, automotive uses, personal service uses, professional and medical offices, bed and breakfast establishments, beverage rooms, commercial recreation uses, and community facilities.
- Highway Commercial Mix (HC) - Retail and personal service uses, professional and medical offices, hotels and motels (excluding bed and breakfast establishments), beverage rooms, commercial recreation uses, and community facilities.

Policy COM-3 Commercial Secondary Uses

It shall be the policy of Council to permit the development of Class 1 and Class 2 home-based businesses as secondary uses in Community Commercial (CC) Zones subject to the appropriate provisions.

Policy COM-4 Minimize Conflicts with Residential Areas

It shall be the policy of Council to protect the natural environment and residential character of the community by controlling the type and location of commercial uses to minimize conflicts with residential areas and preserve community quality of life and ensure that commercial uses can be served by available onsite wastewater disposal and water supply solutions.

Proposals:

1) It is proposed that Highway Commercial development continue to be concentrated adjacent to the Route 640 interchange on the Fredericton Bypass.

2) It is proposed that the location and planning of new commercial and industrial development prioritize health, safety, and compatibility by:

    - Considering transportation requirements, environmental impacts, and surrounding land uses.
    - Locating large-scale commercial uses adjacent to highways and arterial and collector roads.
    - Permitting small scale commercial uses that serve local needs on appropriate local roads preferably at intersections.

3) It is proposed that partnerships be formed to encourage collaboration between local businesses and the community, supporting a resilient and inclusive local economy.

4) It is proposed that the Hanwell Rural Community monitor development patterns and servicing conditions to inform Council's consideration of proposals for alternative or privately developed water and wastewater servicing systems.

3.5. Industrial Development

Industrial development is mixed with commercial development in the Hanwell Business Park and Greenview Industrial Park, which flank Route 640 on the south as well as the north side of the Fredericton Bypass. The two parks accommodate a mix of retail services, gas stations, and strip malls, along with industrial operations including automotive repair shops, salvage yards, and storage facilities. Development in the area is progressing quickly thanks to its convenient access from the Bypass. The location also creates minimal disruption to residential areas of the community and benefits from good exposure to highway users, while providing convenient access to and from the highway network.

Policy IND-1 Industrial Development

It shall be the policy of Council to continue to encourage industrial and commercial development at the Route 640 interchange from the Fredericton Bypass.

Policy IND-2 Industrial Zoning

It shall be the policy of Council to define an Industrial (I) Zone to permit a full range of industrial uses and compatible commercial uses.

Policy IND- 3 Industrial Growth

It shall be the policy of Council to guide the location and expansion of industrial development by:

- Encouraging Industrial development at the Hanwell Industrial Park on the Fredericton Bypass.
- Encouraging future expansion to adjacent lands that can be connected to the Industrial Park's existing street network and for which sustainable wastewater disposal and/or water supply solutions are available.
- Incorporating valued environmental features in the planning of industrial expansion, particularly Tower Lake.
- Ensuring separation between industrial areas and established residential neighbourhoods.

Proposals:

1) It is proposed that the Hanwell Rural Community encourage development on lands adjacent to the Fredericton Bypass.
2) It is proposed that the Hanwell Rural Community monitor development patterns and servicing conditions to inform Council's consideration of proposals for alternative or privately developed water and wastewater servicing systems.

3.6. Park and Institutional Development

The Hanwell Rural Community benefits from the presence of essential public and community services such as education, worship, health care, and local governance within its limits. Key examples include Hanwell Park Academy, Hanwell Place, and properties managed by the Department of Natural

Resources and Energy, such as the 312-hectare nursery site. These areas are critical to the delivery of services that support community well being, education, and public administration and also provide employment to some community residents.

Rural Plan policies support the development of new institutional infrastructure, including schools, early learning and childcare facilities, community centers, and seniors' housing in areas that can safely accommodate large buildings, traffic volumes, and public access. They also specify that the institutional designation shall be associated with parks and other recreation facilities. Partnerships with local organizations and stakeholders as well as businesses are encouraged to develop facilities that serve and benefit the community.

Policy P&I-1 Community Infrastructure

It shall be the policy of Council to encourage the development of institutional infrastructure that meets the current and future needs of the community, including:

- Early learning and childcare facilities, special care homes, and seniors' housing.
- Schools, community centres and meeting places, recreation facilities, health, or dental clinics.
- Parks and open spaces.

Policy P&I-2 Park and Institutional Zoning

It shall be the policy of Council to define a Park and Institutional (PI) Zone to permit the full range of park and institutional land uses.

Policy P&I-3 Access to Park and Institutional Uses

It shall be the policy of Council to enhance accessibility to park and institutional facilities by:

- Encouraging the establishment and improvement of public and active transportation connections
- Supporting the development of indoor recreation facilities that provide year-round opportunities for residents.

Policy P&I-4 Access to Parks and Institutions

It shall be the policy of Council to encourage and support the development of trails and certain roads for ATV for a full range of appropriate users to access park, institutions, wilderness, and waterfront areas to provide access to public services and recreation opportunities.

Proposals:

1) It is proposed that new park and institutional developments be planned and implemented in consultation with the community to ensure they meet the needs and expectations of residents.

2) It is proposed that partnerships be formed with local organizations and stakeholders to support the development and operation of parks and institutional facilities and promote their use.

3) It is proposed to develop a Public Land Acquisition Plan to expand and enhance municipal land holdings for service delivery and recreation use.

4) It is proposed that the forthcoming Recreation and Leisure Master Plan guide the development of recreation assets, including trails, pathways, and other community amenities.

5) It is proposed that pedestrian pathways be developed to improve access to park and institutional facilities and create recreational opportunities for walkers, joggers, cyclists, and others.

6) It is proposed that community connection initiatives be supported to foster a sense of community through institutional activities and programs.

7) It is proposed that select areas that increase access to waterways and recreational opportunities be preserved.

3.7. Natural Resource Uses

Resource use areas in the Hanwell Rural Community identify, protect, and manage the community's natural assets such as bedrock, peatlands, forests, and aggregate deposits to support sustainable development, environmental stewardship, and local economic opportunity. Resource areas also include agricultural lands and lands with the potential for agriculture, which provide food for local consumers and wider markets and are a key component of the community's character.

Resource use areas are designated to ensure that future development whether for agriculture, forestry, aggregate extraction, or renewable energy is conducted responsibly. Policies support the long-term viability of agricultural operations, promote sustainable forest management, and encourage the development of renewable energy projects like solar farms and wind turbines. The plan also emphasizes minimizing environmental and social impacts from activities such as gravel pit and quarry operations and includes provisions for site rehabilitation and protection of water tables.

Policy NRS-1 Natural Resource Development

It shall be the policy of Council to support the sustainable use and long-term viability of natural resources, including:

1) Promoting modern and adaptable agricultural practices that minimize conflict with non agricultural land uses and support local food production.

2) Encouraging an integrated approach to forest management that balances environmental protection, recreation, and timber production.

3) Protecting and optimizing the use of aggregate resources while minimizing associated environmental and social impacts.

4) Protecting watercourses and groundwater resources through restrictions on land uses that may impact the quality of either.

Policy NRS-2 Resource Zoning

It shall be the policy of Council to define a Resource and Extraction (RX) Zone to permit agriculture, forestry, gravel pit, and quarry uses.

Policy NRS-3 Renewable Energy Development

It shall be the policy of Council to advance renewable energy development by supporting solar farms, wind turbines, and other sustainable energy projects through streamlined permitting processes to reduce greenhouse gas emissions and promote energy resilience.

Proposals:

1) It is proposed to preserve wildlife corridors and habitat preservation areas to protect local biodiversity.

2) It is proposed to organize educational programs and community initiatives to raise awareness about environmental conservation and sustainable practices.

3.8. Yoho Lake Watershed

Yoho Lake, situated to the southeast of Route 640 in the Hanwell Rural Community, is a valued natural and recreational asset within the community. With approximately 110 dwellings enjoying water access - many of which may be seasonal - the lake plays a significant role in both the residential and ecological fabric of the area. While no longer a stocked waterbody, Yoho Lake continues to support aquatic habitat, including landlocked salmon and is recognized for its environmental sensitivity and recreational importance.

To protect the health of the lake and its users, development adjacent to the lake is limited to low density residential uses, community uses, and specific supporting uses. All proposed developments within the area around Yoho Lake must demonstrate how potential impacts to water quality and quantity will be mitigated.

Policy YLW-1 Yoho Lake Water Quality

It shall be the policy of Council to consider the potential impacts on water quality and quantity in Yoho Lake by limiting development on lands surrounding the lake.

Policy YLW-2 Yoho Lake Zoning

It shall be the policy of Council to define a Yoho Lake (YL) Zone to permit single-detached residential buildings and special care homes with forestry uses and compatible commercial and community uses.

Policy YLW-3 Yoho Lake Secondary Uses

It shall be the policy of Council to consider the development of secondary suites, garden suites, an early learning and childcare facility, and Class 1 and Class 2 home-based businesses as secondary uses in Yoho Lake Zones subject to terms and conditions that may apply.

Proposal:

1) It is proposed that development applications within the Yoho Lake (YL) Zone demonstrate how any potential impacts to the water quality and quantity to Yoho Lake will be mitigated.

3.9. Environment and Climate Change

Conservation areas in the Hanwell Rural Community protect and preserve the community's natural landscapes and ecological systems for future generations. These areas include Crown lands such as the conserved area on the south bank of Kelly's Creek where it meets the Wolastoq (Saint John River), as well as significant tracts of land in the southeast and southwest parts of the Hanwell Rural Community.

Conservation areas are especially important in the Rural Community because they contain numerous wetlands. While these wetlands may not be provincially designated, they play a vital role in maintaining environmental health. They help reduce soil erosion, store and filter water, trap sediments, absorb nutrients, and lessen the impacts of climate change. By protecting these areas, the Rural Community ensures that these natural functions continue to benefit the community over the long term.

Although flooding is not currently a major issue within the Hanwell Rural Community, conservation planning efforts will help manage future risks by maintaining natural buffers and water absorbing landscapes. To further inform land use decisions, staff will consult the Government of New Brunswick's updated and interactive flood hazard mapping tools, which identify areas at risk of flooding and account for climate change projections in future consideration of stormwater management needs and flood risk.

Policy ENV-1 Environmental Responsibility

It shall be the policy of Council to promote environmentally responsible development by minimizing impacts on air, land, water and by encouraging stormwater management that respects natural drainage.

Policy ENV-2 Conservation Zoning

It shall be the policy of Council to define a Conservation (CS) Zone in which land will be maintained in its natural state.

Policy ENV-3 Protect Ecosystems

It shall be the policy of Council to protect ecological systems by preserving watersheds, wetlands, and wildlife habitats, and discouraging fragmentation of public lands.

Policy ENV-4 Watercourse Setbacks

It shall be a policy of Council to prohibit the alteration of land levels or the removal of vegetation within 30 metres of a watercourse other than trimming and pruning of trees, removal of fallen or dead vegetation, and other maintenance that may be required to protect people and animals, and ensure the preservation of natural habitat and flow within the watercourse or to develop or maintain any project permitted pursuant to a permit approved under the Watercourse and Wetland Alteration Regulation (90-80) - *Clean Water Act*.

Policy ENV-5 Provincially Significant Wetlands

It shall be Council's policy to recognize Provincially Significant Wetlands (PSWs), as identified by the Province of New Brunswick, as environmentally sensitive areas where development and site alteration are highly restricted, and to require that any development proposed in or within 30 metres of a PSW demonstrate compliance with all applicable provincial requirements, acknowledging that many forms of development may not be permitted.

Policy ENV-6 Non-Provincially Significant Wetlands

It shall be the policy of Council to acknowledge that development or site alterations proposed in or within 30 metres of a non-Provincially Significant Wetland is subject to provincial wetland review processes, including avoidance, minimization, and compensation and that permanent wetland loss is subject to provincial compensation requirements, including a minimum 2:1 ratio, where applicable.

Proposals:

1) It is proposed that a conservation setback be established adjacent to all watercourses identified on the Province of New Brunswick Watercourse and Wetland Alteration (WAWA) Reference Map limiting restricting development and minimizing disturbance to aquatic, riparian, and wetland habitats.

2) It is proposed that community solar energy projects be developed to provide sustainable energy solutions and reduce reliance on non renewable energy sources.

3) It is proposed that wildlife corridors and habitat preservation areas be preserved to ensure the protection of local biodiversity.

4) It is proposed to develop a Climate Change Adaptation Plan and implement sustainable practices where feasible.

5) It is proposed that educational programs and community initiatives be organized to raise awareness about environmental conservation and sustainable practices, including the care and maintenance of on-site wastewater systems and wells.

3.10. Heritage and Archaeology

Heritage properties archaeological sites are valued assets reflecting the culture and historical experience of the community. Heritage designation criteria include associations with significant individuals, events, or themes, as well as architectural or design excellence and the potential to contribute to the understanding of provincial history. Policies in the Plan support the preservation, rehabilitation, and maintenance of heritage buildings and areas of archaeological interest. These include encouraging documentation and research; managing development near heritage sites; and promoting partnerships with local, provincial, and national heritage organizations.

Policy H&A-1 Heritage Conservation

It shall be the policy of Council to encourage the preservation, rehabilitation, and maintenance of historic buildings, areas of archaeological interest, structures, and monuments.

Policy H&A-2 Historical and Archeological Research

It shall be the policy of Council to support the documentation and research of historical and archaeological sites to enhance understanding and appreciation of the community's heritage.

Policy H&A-3 Heritage Context

It shall be the policy of Council to ensure that development near heritage sites is appropriately managed to avoid negative impacts on these valuable resources.

Proposals:

1) It is proposed that heritage buildings and sites be identified and documented to create a comprehensive inventory of the community's historical assets.

2) It is proposed that guidelines and regulations be developed to protect and preserve valued heritage buildings and sites during development and renovation projects.

3.11. Transportation and Connectivity

Transportation planning in the Hanwell Rural Community ensures safe, efficient, and accessible mobility for all residents, while reducing automobile dependency and supporting alternative modes of transportation. As outlined in the Rural Plan, the Hanwell Rural Community's transportation network is currently characterized by a high reliance on personal vehicles. According to the 2021 Census of Canada more than 95% of residents travel to work by car. Most residents commute to Fredericton and surrounding areas via the Route 640 and Route 102 corridors, and the Trans Canada Highway.

According to the Census, commute times typically range from 15 to 29 minutes, reflecting the Rural Community's close proximity to Fredericton. While the area benefits from provincially maintained roads rated as "good," pedestrian and cycling infrastructure is lacking, particularly in subdivisions and around key community facilities such as the Hanwell Park Academy. The absence of pedestrian pathways and safe routes for walking or biking limits accessibility and increases reliance on school buses and private vehicles.

To address these challenges, the transportation policies aim to improve active transportation options. For the latter, the Plan encourages the development of pedestrian pathways, and the enhancement of road safety through traffic calming measures. These efforts are intended to create a more connected and inclusive transportation system that supports active living, reduces environmental impacts, and ensures safe access to schools, services, and community amenities.

By investing in transportation infrastructure that balances vehicle use with active transportation options, the Hanwell Rural Community aims to build a more resilient, accessible, and sustainable rural community.

Policy TRN-1 Traffic Control

It shall be the policy of Council to work with the Department of Transportation and Infrastructure to address areas of concern on the road network and explore improvements to traffic controls as well as traffic calming solutions, where required.

Policy TRN-2 Public Transportation

It shall be the policy of Council to encourage the provision of public transportation services to enhance accessibility for all residents.

Policy TRN-3 Pedestrian Improvements

It shall be the policy of Council to develop pedestrian pathways to ensure safe and convenient pedestrian access.

Policy TRN-4 Active Transportation

It shall be the policy of Council to develop additional pedestrian, ATV, and snowmobile connections between streets, in parks and open spaces, and in conservation reserves to improve pedestrian and bicycle connections within the Rural Community and to surrounding communities.

Policy TRN-5 Subdivision Design

It shall be the policy of Council to ensure the safety and efficiency of road networks by minimizing cul-de-sacs, encouraging network connectivity, and ensuring subdivisions incorporate at least two points of access and egress.

Policy TRN-6 Traffic Impact Statement

It shall be the policy of Council to consider the submission of a traffic impact statement prepared by a qualified professional for any rezoning or terms and conditions application for commercial, industrial, and institutional development, and for a residential subdivision or building proposal involving four or more dwelling units.

Proposals:

1) It is proposed that safe and efficient road networks be developed and maintained to support the transportation needs of the community.

2) It is proposed that traffic calming measures be implemented in areas of concern to enhance safety for all road users.

3) It is proposed that the Hanwell Rural Community prepare an Active Transportation Plan to coordinate the development of pathways, and trails for pedestrians, bicyclists, and users of other non-motorized transportation modes.

4) It is proposed that road maintenance programs be enhanced to ensure roads are in good condition and wherever possible do not lead to dead ends.

3.12. Water Supplies

The protection of water supplies in the Hanwell Rural Community is a foundational priority for ensuring the long-term health, safety, and sustainability of the community. Given the rural character of the area and the reliance on both groundwater and surface water sources, the Rural Plan emphasizes the need to safeguard these resources from contamination and overuse. Development is discouraged in areas where

it could compromise water quality or quantity and is explicitly prohibited where groundwater conditions are unsuitable for the intended use.

To support this objective, the plan encourages proactive measures such as the remediation of contaminated sites to prevent the migration of pollutants into water systems. It also mandates that future development must not reduce groundwater recharge to levels that could negatively affect current or future users. These policies are especially relevant in environmentally sensitive areas, where water quality is directly tied to residential viability and ecological health. The Hanwell Rural Community ensures its water resources remain clean, reliable, and resilient in the face of growth and environmental change.

Policy WTR-1 Groundwater Protection

It shall be the policy of Council to consider potential impacts to groundwater quantity and quality when considering new development.

Policy WTR-2 Remediation of Contamination

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

Proposal:

1) It is proposed that future development shall not reduce recharge to an extent that would adversely impact the required supply for existing and future groundwater users.

4. Administration

4.1. Zoning

4.1.1. Purpose

Sections 4 through 7 of this Rural Plan comprise the zoning provisions for the Hanwell Rural Community. The provisions implement the land use intents found in the Objectives, Policies, and Proposals of the Plan.

4.1.2. Zoning Map

The Zoning Map dated June 2026 and titled “Hanwell Rural Plan Zoning Map” is the Zoning Map designated for the Hanwell Rural Plan. The Zoning Map is contained in Schedule A and divides the Rural Community into distinct land use zones.

4.1.3. Zoning Classification

For the purposes of the By-law, the area is divided into zones as delineated on the plan attached as Schedule “A,” entitled “Hanwell Rural Plan Zoning Map” and dated June 2026. The zones are classified and referred to as follows:

- Single-unit Residential (R1) Zone
- Rural Residential (RR) Zone
- Rural (RU) Zone
- Mini Home Park (MP) Zone
- Community Commercial Mix (CC) Zone
- Highway Commercial Mix (HC) Zone
- Park and Institutional (PI) Zone
- Industrial (I) Zone
- Resource Extraction (RX) Zone
- Yoho Lake (YL) Zone
- Conservation (CS) Zone

4.1.4. Zoning Requirements

Below, lists the uses of land, buildings, and structures permitted in each zone as well as the standards and conditions governing the placement, construction, alteration, and use of land, buildings, and structures. The zones established by this By-law have the following purposes:

1) **Single-unit Residential (R1) Zone:**
The Single-unit Residential (R1) Zone is intended to accommodate low-density residential development consisting of single-unit dwellings and compatible secondary uses that maintain neighbourhood character.

2) **Rural Residential (RR) Zone:**
The Rural Residential (RR) Zone is intended for low-density rural living on larger lots, permitting dwellings and limited rural-compatible secondary uses, including small-scale agricultural and home-based activities.

3) **Rural (RU) Zone:**
The Rural (RU) Zone is intended to accommodate rural land uses, including dwellings, agricultural operations, natural resource uses, and home-based businesses, while preserving rural character and supporting flexible land use.

4) **Mini Home Park (MP) Zone:**
The Mini Home Park (MP) Zone is intended for the development and operation of mini-home parks that provide an organized, serviced environment for single-unit residential uses.

5) **Community Commercial Mix (CC) Zone:**
The Community Commercial Mix (CC) Zone is intended to accommodate small- to medium-scale commercial and mixed uses that serve the needs of local residents, including retail, service, office, and compatible residential uses.

6) **Highway Commercial Mix (HC) Zone:**
The Highway Commercial Mix (HC) Zone is intended for commercial uses that serve the public and benefit from exposure to major transportation corridors.

7) **Park and Institutional (PI) Zone:**
The Park and Institutional (PI) Zone is intended for public and institutional uses including schools, community centres, parks, recreation facilities, and other community-serving activities.

8) **Industrial (I) Zone:**
The Industrial (I) Zone is intended for industrial, manufacturing, warehousing, transportation, and heavier commercial activities that require larger sites and separation from sensitive land uses.

9) **Resource Extraction (RX) Zone:**
The Resource Extraction (RX) Zone is intended for gravel pits, quarries, forestry, agriculture, and other natural resource-based activities, subject to environmental and safety standards.

10) **Yoho Lake (YL) Zone:**
The Yoho Lake (YL) Zone is intended to manage development around the Yoho Lake watershed, ensuring low-density residential and compatible uses that protect the lake's environmental sensitivity.

11) **Conservation (CS) Zone:**
The Conservation (CS) Zone is intended to preserve environmentally sensitive lands, wetlands, wildlife habitat, and natural landscapes, and to restrict development to activities that maintain ecological integrity.

4.2. Administrative & Interpretive Clauses

4.2.1. Diagrams & Definitions

Diagrams included in this Rural Plan may be used for interpretation, but the written text prevails in case of conflict.

4.2.2. Powers of the Planning Review and Adjustment Committee

The Planning Review and Adjustment Committee (PRAC) may:

1) Prohibit development on unsuitable sites (e.g., marshy, flood prone, steep).

2) Prohibit or limit development on any site where power, communications, and similar services cannot be economically provided or where it deems provisions for water and wastewater to be inadequate.

3) Authorize temporary developments and require their removal after the authorized period.

4) Impose conditions on developments requiring its review.

5. Permit:

    a) Uses not listed but similar or compatible with permitted uses.

    b) Reasonable variances as allowed by the *Community Planning Act.*

6. Notify nearby landowners of proposed uses or variances and invite representations.

7. Delegate its powers to the Development Officer where permitted by law.

4.3. Amendments

1) A person who seeks to have this By-law amended shall:

    a) Address a written and signed application to the Capital Region Service Commission.

    b) Pay a fee of $1,500.00 to the Capital Region Service Commission.

2) On the advice of the Council, the Commission may return to the applicant all or any part of the fee required by 1. b.

3) An application shall include such information as may be required by Council.

4) Unless, upon investigation, Council is of the opinion there is valid new evidence or change in conditions, where an application under this section has been previously refused by Council, no further application may be considered for one year of such application:

    a) In the case of rezoning, is in respect of the same area of land with which the original application was concerned.

b) Not being in relation to rezoning, is similar to the original application.

4.3.1. Development Approval

1) No development may proceed without approval from the Development Officer, confirming compliance with:

    a) The *Community Planning Act*

    b) This By-law

    c) Any applicable secondary or deferred plans

    d) If there is a conflict between this rural plan and a subdivision or building by-law, the rural plan prevails

2) Development approval is not required for:

    a) Tree removal

    b) Fences under 2 metres

    c) Accessory buildings or structures under 20 m² and 4.5 metres in height

    d) Shore protection works with grade changes under 1 metre.

3) Applications must include all information required by the Development Officer.

4.4. Conformity

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 requirements of the provisions of this By-law pertaining to such zone, except as otherwise provided.

4.5. Non-Conforming Uses

Non-conforming uses are subject to Sections 60 and 61 of the *Community Planning Act* unless otherwise stated in this By-law.

5. Definitions

Unless otherwise defined in this Rural Plan, terms shall have the meaning assigned to them in *the Community Planning Act,* SNB 2017, c. 19, or any regulation made thereunder, as may be amended from time to time.

"abattoir, industrial" means a federally inspected facility that slaughters and processes livestock primarily for export and wholesale markets and are typically located in industrial zones.

"abattoir, provincially inspected" means a provincially inspected facility that slaughters and processes livestock mainly for local or regional markets and are generally found in areas where agricultural activities are permitted and are considered an agricultural operation.

"accessory structure" means a detached structure or building located on the same lot as the main building, structure, or main use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building, or structure.

"accessory use" means a use, other than human habitation, of land or a building or structure which is not the main or secondary use of the land, building or structure on a lot, and which is naturally or customarily incidental and complementary to the main use of the land or to the main use being conducted in the main building or structure on the lot.

"adult entertainment" means any premises or part thereof in which is provided services of which a principal feature or characteristic is the nudity or partial nudity of any person.

"agricultural operation" means an agricultural operation as defined under the *Agricultural Operations Practices Act*, as may be amended from time to time.

"agricultural land" means

1) land being used in an agricultural operation;
2) land that is not being used in an agricultural operation but that meets the criteria set by regulation as land suitable for use in an agricultural operation; or
3) land that is cleared and has been used in an agricultural operation, but that is registered under New Brunswick Regulation 97-83 Registry of Agricultural Land Regulation *Agricultural Land Protection and Development Act.*

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

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

"aquatic plants and animals" means plants and animals that have water as their natural habitat at all stages of their lifecycle.

"arterial highway" means a highway so classified under the *Highway Act*.

“auction centre” means any premises used for the auction of goods, which may include motor vehicles.

“automotive repair shop” means a building or structure used for the general repair, rebuilding, or reconditioning of engines, motor vehicles, recreational vehicles, freight trucks, or trailers such as body repair and frame straightening, painting and upholstering, vehicle steam cleaning, and undercoating, and includes motor vehicle inspection, but does not include a salvage yard;

“automotive sales or rental establishment” means a building, structure, or premises where motor vehicles are stored or displayed for the purpose of sale, lease, or short-term rental and where such vehicles may be picked up or dropped off;

“backyard chickens” means a secondary use of a residential property to house a small number of hens.

“bed and breakfast” means a home occupation within a single dwelling wherein not more than three rooms are rented, and meals are served to overnight guests for commercial purposes.

“beverage room” means a beverage room licensed under the *Liquor Control Act* of New Brunswick but does not include adult entertainment.

“building” means any structure used or intended for supporting or sheltering any use or occupancy.

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

“business office” means any building or part of a building used for the management or direction of an agency, business, organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

“campground” means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, travel trailers, recreational vehicles, and campers.

“**car wash**” means an establishment for the public where a vehicle is washed within a building or within a permanent structure but does not include a mobile car wash.

“cannabis” means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act;*

“cannabis production facility” means a facility and/or premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis or cannabis related products;

“cemetery” means land that is set apart for the burial of human remains.

“church or other religious building” means a building commonly used for public worship by any religious organization, and may include a rectory and manse, hall, auditorium, day nursery, or religious school associated with, or accessory thereto.

“class-1 Home--Based Business” means the use of a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward, or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use and is conducted entirely within the dwelling unit, but

does not include an early learning and childcare facility, an automobile repair shop, an automotive sales or rental establishment, or a special care home;

"class-2 home-based business" means the use of an accessory building or structure on the same lot as a dwelling unit by a resident of the dwelling unit to conduct an activity for financial gain or reward, or in the hope or expectation of financial gain or reward, and which is secondary to the main residential use on a lot, but does not include an early learning and childcare facility, an automobile repair shop, an automotive sales or rental establishment, or a special care home;

"club" means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality.

"collector highway" means a highway so classified under the *Highway Act.*

"commercial recreation establishment" means a recreation, wellness, or experiential facility operated as a business and open to the public or private groups for a fee, and may include fitness and wellness facilities, spas, studios, training or instructional facilities, meeting or event spaces, and similar uses, as well as accessory uses that are customarily incidental to the primary main use, including cafés, restaurants, beverage services, offices, meeting rooms, and related retail.

"Commission" means the Capital Region Service Commission.

"community care facility" means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, and may include an early learning and childcare facility, nursing home, residence, or residential centre as defined under the *Family Services Act*.

"community hall" means a building used for community activities with or without purpose of gain.

"conservation use" means a wildlife refuge, natural buffer or other such uses that serve to protect or maintain an environmentally sensitive area.

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

"convenience store" means a retail commercial establishment supplying groceries, sundries, and other daily household necessities to the immediate surrounding area, but does not include a gasoline bar;

"Council" means the Council of the Hanwell Rural Community.

"coverage" means the percentage of the lot area covered by the area of the main building or buildings.

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

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

"dwelling" means a main building, or a portion of it, containing one or more dwelling units.

"**dwelling unit"** means a room or suite of two or more rooms designed or intended for use by an individual or household, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or household.

"early learning and childcare facility" means an early learning and childcare home, a full-time early learning and childcare centre, or a part-time early learning and childcare centre as defined by and in accordance with the *Licensing Regulation* of the *Early Childhood Services Act*;

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

"eating establishment" means a building or part thereof where food is offered for sale or sold to the public for immediate consumption and without limiting the generality of the foregoing, may include such uses as a restaurant, café, cafeteria, take-out counter, ice-cream parlor, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room, stand, or food truck;

"erect" means to construct, build, assemble or re-locate a building or structure, and any physical operations preparatory to the construction, building, assembly, or relocation of the building or structure.

"excavation site" means a disturbance of the ground for the purposes of mining or extracting quarriable substances for sale or off-site use and includes a gravel pit and a quarry;

"fitness centre" means a private club, in which facilities are provided for recreational athletic activities including, but not limited to, a bodybuilding facility and shall include facilities such as a sauna or a solarium.

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

"forestry" means the general growing and harvesting of trees and, without limiting the generality of the foregoing, includes the raising and cutting of wood, pulp, lumber, and other primary forest products; the production of Christmas trees; and specialty forest products such as maple syrup, fiddleheads, wreaths, bark mulch, and fine furniture wood. Forestry may also include the use of portable sawmills for on-site processing of harvested timber but does not include a permanent sawmill.

"garden suite" means a one storey, one- or two-bedroom, self-contained dwelling located on the same lot, but clearly secondary to an existing main residential use;

"gas bar" means one or more pump islands, each consisting of one or more gasoline or diesel pumps, and may include a shelter or canopy as well as involve the sale of other liquids and small accessories required for the operation of motor vehicles.

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

"heavy equipment sales and service" means a building or part of a building or structure in which heavy machinery is maintained, repaired, or offered for sale, rent, or lease.

“hobby farm” means a small agricultural activity that is incidental to the principal residential use and does not constitute a principal income for the farmer or landowner and does not exceed the livestock thresholds set by the *Livestock Operations Act* (O.C. 99-262).

“hotel” means a facility offering transient lodging accommodations, for gain or reward, to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

“household pets” means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding livestock.

“hunting camp or recreation camp” means accommodations for seasonal use for hunting, fishing, snowmobiling, or similar recreational pursuits, and which is not used for gain or reward.

“independent occupancy” means that the unit is self-contained with its own kitchen, bathroom, and sleeping area such that it could function as a separate dwelling.

“kennel” means an establishment containing pens, cages, or enclosures prepared to board, breed, train, or provide short-term care, for profit or gain, or in the hope or expectation of profit or gain, for five or more dogs or cats over the age of six months, but does not include veterinary services;

“large-scale residential subdivision” means a subdivision that would create 25 or more lots, including the remnant, or would create a cumulative total of 25 or more lots from an original lot, as defined in Regulation 80-159, in existence as of the adoption of this Rural Plan.

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes a structure or area used or intended to be used to store manure.

“livestock operation” means the raising, maintenance or use of livestock.

“livestock” means adult cattle, horses, mules, donkeys, pigs, sheep, goats, ostriches, emus, foxes, mink or poultry or other fur bearing animals.

“lot” means a parcel of land, or two or more adjoining parcels of lands, not including lands lying opposite to each other on either side of a road, street, or highway, held by the same owner and used or intended to be used as the site for a building or structure or an addition to the building or structure.

“lot line” means a common line between a lot and an abutting lot, access, or roadway.

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

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

“manufacturing operation” means the use of land, buildings, or structures for the purposes of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, thing, or service.

“medical or dental clinic” means a building or structure used for the provision of medical or dental services which, without limiting the generality of the foregoing, may include chiropractic, optometry, and orthopedic services, but does not include veterinary services.

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

“mini-home park” means a parcel of land, not in a Provincial Park, intended as the location, for residential purposes, of ten or more mobile homes or mini-homes, upon which at least two mobile homes or mini-homes are located for residential purposes;

“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 to a lot and which is suitable for year round occupancy in a similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, and placement on defined supporting structures, and does not include a recreational vehicle as defined elsewhere in this By-Law;

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

“multiple-unit dwelling” means a dwelling containing no more than four dwelling units.

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

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

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

“outdoor recreational use” means a recreational use conducted outdoors and, without limiting the generality of the foregoing, may include: trails used for hiking, snowmobiling or the use of all terrain vehicles, cross country skiing, bicycling, or horseback riding; sleigh rides; nature interpretation activities; canoeing; and hunting and fishing, in accordance with all applicable regulations, but does not include a golf course or a site for organized competitions involving the operation of motorized vehicles;.

“outdoor storage” means the keeping of goods, materials, or equipment outside of a fully enclosed building.

“park” means an area of land set aside for recreational purposes and may include, but is not limited to, playgrounds, baseball fields, tennis courts, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith.

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

“pit” means an area where unconsolidated material such as sand, gravel, clay, or other aggregate is extracted from the earth, without the use of blasting.

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

“portable sawmill” means any land used for the changing of raw timber into new lumber products involving the operation of a portable milling device which, by design, is clearly intended to be easily and frequently transported.

“Protected Natural Area” means an area of land or water permanently set aside under the *Protected Natural Areas Act*.

“quarriable substance” means sand, gravel, clay, soil, ordinary stone, building or construction stone, and rock other than metallic ores.

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

“recreation facility” means a building or place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities but does not include a golf course, a racetrack or any site intended for organized competitions involving the operation of motorized vehicles.

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

“residential dwelling” means a single-unit dwelling, two-unit dwelling, three-unit dwelling, multiple-unit dwelling, mini home or mobile home.

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

“roadside stand” means an accessory structure, or a stall used by a producer to display and sell agricultural products directly to consumers. These stalls are often positioned on or adjacent to a farm, highway, or residential property.

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

“salvage yard” means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another person, and which is licensed as per the *Salvage Dealers Licensing Act*;

“sawmill” means a building or structure used to process wood from saw logs to another use and may include land used for open storage of raw or finished lumber or products but does not include a portable milling machine or portable firewood processing machine used on a temporary basis or which produces less than 20 cords of wood within any given year;

“**school**” means an institution where students are taught an education curriculum and may include before and after school programs and all necessary secondary services such as cafeteria, library, administration, theatre, and gymnasium;

“screening” means the use of physical barriers or landscaping (such as fences, trees, shrubs, berms) to mitigate visual or other impacts of one use on adjacent uses

“secondary suite” means a self-contained dwelling unit with a prescribed floor area located in and secondary to a detached single unit dwelling and where both units constitute a single real estate entity;

“secondary use” means a use other than a main or accessory use.

“self service storage facility” means one, or more than one, building or structure containing separate spaces of varying sizes that are offered by lease or rent for the storage of chattels;

“service or repair shop” means a building or part of a building used for the servicing or repairing of articles, goods, or materials but shall not include industrial manufacturing or automotive repair.

“service station" means a building or premises where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored or kept for sale and where minor repairs and inspections of motor vehicles are performed;

“shipping container” means a modular, metal, transportable storage container originally designed for the shipment of goods by truck, rail, or ship.

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

“**sign**” means any illuminated or non illuminated identification, description, illustration, or information device that provides information as to product, place, activity, person, institution or business or any other matter, and which is displayed on the exterior or in the interior of a building in such a manner as to be visible from outside the boundaries of the property and includes the following types:

1) “**billboard**” means a sign displaying third party advertising, which can be periodically replaced.

2) “**canopy sign**” means a sign attached to or forming part of a permanent building projection.

3) "**construction sign**" means a sign indicating an ongoing or upcoming building project on the same lot.

4) "**directory sign"** means a sign listing the names of businesses or organizations on a lot with multiple establishments.

5) **"electronic static copy sign"** means the display on a sign of fixed text or images that remain unchanged for a set period of time and do not scroll or flash (apart from instant changes between messages).

6) "**fascia sign**" means a sign attached to or painted on a building wall, parallel to the wall.

7) "**freestanding sign**" means a sign supported independently of a building and fixed to the ground.

8) "**illuminated sign**" means a sign that is lit by an artificial light source.

9) **"inflatable sign"** means a sign that is an air-inflated or gas-inflated object, balloon, blimp, or similar inflatable device used to attract attention to a business, event, or location.

10) "**minor information and direction sign**" means a sign directing pedestrian or vehicular traffic to ingress and egress locations.

11) "**permanent sign**" means a sign that cannot be readily relocated.

12) "**portable sign**" means a sign designed to be relocated, not including sandwich board signs.

13) "**projecting sign**" means a sign projecting from and supported by a wall.

14) "**real estate sign**" means a sign advertising the sale, rent, or lease of the premises.

15) "**rotating sign**" means a sign or portion of a sign that moves in a revolving manner.

16) "**sandwich board sign**" means a sign constructed of two boards connected at one end, easily taken on and off a site.

"single unit dwelling" means a dwelling containing only one dwelling unit, and includes a mini-home, mobile home, or hunting or recreation camp;

"spa" means a commercial recreation establishment providing wellness or therapeutic services, which may include thermal or Nordic bathing, saunas, pools, massage treatments, wellness programming, and accessory uses such as cafés, restaurants, meeting spaces, lounges, and related retail.

"special care home" means an owner occupied single-unit dwelling used for the purposes of providing special and individualized care to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves, provided the number within the intended user group does not exceed 10 and the facility complies with the applicable legislation.

"stable" means a building or enclosure within which animals, other than household pets, are kept for utilitarian purposes.

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

“**structure**” means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings;

“**subdivision**” means the process defined in the New Brunswick Subdivision Regulation (Regulation 80-159) by which a lot is divided into two or more lots and is defined by Section 1 of the *Community Planning Act* as consisting of the following two types:

1) **“type 1 subdivision”** means a subdivision of land that is not a type 2 subdivision

2) **“type 2 subdivision”** means a subdivision of land that requires the development of

    a) one or more streets, or

    b) a form of access other than a street and approved by an advisory committee or Capital Region Service Commission as being advisable for the development of the land.

“swimming pool” means a tank or other structure, artificially created, at least in part, having a depth greater than one metre, located outdoors, and intended to contain water for the purpose of swimming or diving.

“three-unit dwelling” means a dwelling containing three dwelling units each of which shall have a separate entrance and shall be capable of independent occupancy.

“**trail/pathway**” means a pathway, often off-road, specifically designed to support human-powered travel like walking, cycling, wheelchair use, and skating, enabling people to move between destinations safely and conveniently by providing infrastructure separated from motor vehicle traffic and shall include associated infrastructure such as gates, lookouts, and benches.

“transportation terminal” means the use of land, buildings, or structures for the purposes of storing, servicing, repairing, or loading trucks, transport trailers, or buses.

“travel trailer” means a vehicle designed to be used as temporary accommodation for travel, recreation and vacation purposes.

“two-unit dwelling” means a dwelling containing two dwelling units each of which shall have a separate entrance and shall be capable of independent occupancy.

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

“veterinary services” means the provision of services by veterinarians for the purpose of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

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

“watercourse” means a waterbody recognized under the *Clean Water Act* and identified on the Province of New Brunswick Watercourse and Wetland Alteration (WAWA) Reference Map and may include the full width and length, including the bed, banks, sides, and shoreline, or any part of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch, or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not.

“**wetland**” means a watercourse as defined under the *Clean Water Act*, and includes any river, stream, brook, creek, lake, pond, reservoir, canal, ditch, or other natural or artificial channel that conveys or contains water, whether or not it is identified on the *Province of New Brunswick Watercourse and Wetland Alteration (WAWA) Reference Map*.

“width” means, in relation to a lot:

1) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum setback intersects a line from the midpoint of and perpendicular to the line to which it is parallel, or

2) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines.

“wind turbine” means a structure or device that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the tower, rotor blades, and the foundation, and includes:

1) “**wind turbine, mini”** means a roof mounted turbine or a free-standing turbine with a wind turbine height of 10.6 m or less.

2) “**wind turbine, small scale**” means a wind turbine height greater than 10.6 m but less than 47.2 m.

3) “**wind turbine, large-scale**” means a wind turbine height greater than 47.2 m.

“**wind turbine height”** means the total vertical height of the entire wind turbine structure being the sum of the height of the support foundation above grade, measured at the base of the tower, the turbine tower itself, and the highest vertical extension of the wind turbine rotor blades, generally expressed as half of the rotor blade sweep or diameter.

6. General Provisions

6.1. Permitted Uses in all Zones

1) Land in all zones may be used for the purposes of:

    a) Supplying electric power,

    b) Supplying natural gas,

    c) Supplying and storing water,

    d) Providing for wastewater disposal and treatment,

    e) Facilitating drainage, including storm sewers,

    f) Land for public purposes,

    g) Emergency services,

    h) Creating and maintaining streets, and

    i) Providing all other public or private utilities deemed to be needed by or beneficial to the rural community and the public.

Notwithstanding section 6.1.1, the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose in respect of which the Commission may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.

6.2. Buildings per Lot

No more than one building, containing one or more dwelling units, shall be erected on any lot except where expressly permitted to allow for:

1) a mini home park;

2) a lot containing a garden suite, as per the requirements of section 6.22;

3) a lot wherein dwellings are so located that they would be in conformity with the provisions of this By-law if the lot were divided into separate lots, each abutting a publicly owned street and containing one dwelling;

6.3. Accessory Buildings

1) Accessory buildings, structures, or uses incidental to the main use of the land, building, or structure located on a lot shall be permitted provided the main use is permitted in the

applicable zone and the accessory building, structure, or use is compliant with the applicable standards of the zone.

2) Notwithstanding Section 6.11, a shipping container may be permitted as an accessory structure in any zone, provided it is placed in the side or rear yard and visually screened (by fencing, landscaping, etc.) from public streets and neighboring properties and is subject to compliance with all applicable setback, height, and coverage, of this By-law.

3) That all accessory buildings shall be maintained in an orderly and neat conditions at all times.

4) No accessory building or structure in a Residential-1 (R1) Zone may have an area greater than 112 square metres.

5) No accessory building in a Residential-1 (R-1) Zone shall exceed the height of the main building on the same lot.

6.4. Lot Requirements

Depending on the services present or approved to be provided, the minimum dimensions for lots accommodating land uses listed in **Table 1** shall be as listed therein:

Table 1: Lot Requirements by Land Use and Servicing

	On site services			**Serviced by a sewer system for public use (no public water)**			**Serviced by both public water + public sewer**		
Land Use	**Frontage (m)**	**Depth (m)**	**Area (m²)**	**Frontage (m)**	**Depth (m)**	**Area (m²)**	**Frontage (m)**	**Depth (m)**	**Area (m²)**
Residential									
Single-unit dwelling	54	38	4,000	23	30	672	18	30	545
Single-unit dwelling	54	38	4,000	23	30	672	18	30	545
Two-unit dwelling	59	38	5,350	27	30	1,022	23	30	818
Three-unit dwelling	63	38	6,700	32	30	1,363	27	30	1,090
Four-unit dwelling	68	38	8,050	36 + 1.5 for each dwelling in excess of four	30	1,545 + 102 per each dwelling unit in excess of four	36 + 1.5 per dwelling unit in excess of six	30	1,272 + 68 per each dwelling unit in excess of four
Agriculture									
Commercial farm	54	38	20,000	23	30	690	18	30	545
Stable	54	38	4,000	23	30	690	18	30	545
Commercial, Industrial, Institutional									
Less than 200 m² floor area	54	38	4,000	23	30	690	18	30	545

Increase for each additional 100 m²	N/A	N/A	500	N/A	N/A	N/A	N/A	N/A	N/A
Other									
Resource	54	38	4,000	23	30	690	18	30	545
Gravel pit	54	38	4,000	23	30	690	18	30	545
Parks	54	38	4,000	23	30	690	18	30	545

6.5. Permitted Height

The height of all buildings shall be limited as follows (see Figure 1 for guidance concern measurement of lot and building dimensions):

1) No main building shall exceed 11 metres in height except for multi-unit apartment structures, which may be permitted up to 15 metres or four stories whichever is the lesser;

2) No accessory building or structure shall exceed the height of the main building or structure on the lot;

3) Notwithstanding subsections (1) and (2), agricultural buildings and structures may be exempt from maximum height requirements in accordance with Section 6.16 of this By-law;

4) Where screening is required to buffer from adjacent properties or zones, the maximum permitted height for hedges or vegetative screening does not apply;

5) All screening installed under this section shall be maintained in good condition and shall not obstruct sightlines required for traffic safety.

Figure 1 Measuring Standard Lot and Building Dimensions

Lot Area

Built Area

Built area/ Lot area x100% = D (lot coverage)



A	Minimum Lot Area (Interior Lot)	Total horizontal area within the lot lines of a lot, or the combined total horizontal area within the boundary lines of all part lots associated with a semi-detached dwelling or townhouse dwelling
B	Minimum Lot Area (Corner Lot)	Same as A but usually a larger area for a lot situated at the intersection abutting two or more streets
C	Maximum Height	Maximum vertical distance measured from the mean grade to the highest point on a building or structure, including the highest point of any roof or surface
D	Maximum Lot Coverage	Percentage of lot area covered by the main building above established grade, not including accessory structures, uncovered swimming pools, unenclosed porches, patios, sundecks, and above ground pool decks
E	Minimum Lot Frontage (Interior Lot)	Horizontal distance between the side lot lines of an interior lot as measured along the front lot line
F	Minimum Lot Frontage (Corner Lot)	Horizontal distance between the side lot line and a hypothetical point of intersection of the front and flankage lot lines of a corner lot determined by extension of a straight line
G	Minimum Lot Depth	Horizontal distance between the front and rear lot lines of a lot when these lines are parallel, or the length of a straight line joining the middle of the front lot line with the middle of the rear lot line when the front and rear lot lines are not parallel
H	Minimum Front Yard	Minimum distance between the front lot line and the nearest main wall of any main building on the lot
I	Minimum Rear Yard	Minimum distance between the rear lot line and nearest main wall of any main building or main structure on the lot
J	Minimum Rear Yard abutting Residential	Same as I but usually a greater distance applied to non-residential structures on properties abutting residential zones
K	Minimum Side Yard	Minimum distance between the side lot line and nearest main wall of any main building or main structure on the lot
L	Minimum Flankage Yard (Corner Lot)	Minimum distance between side yard of a corner lot that abuts a street
M	Minimum Side Yard abutting Residential	Same as K but usually a greater distance applied to non-residential structures on properties abutting residential zones

6.6. Zone Setbacks

1) All buildings and structures shall be located on the lot in accordance with the following minimum setback distances:

    a) From arterial or collector highways: 15 metres;

    b) From other streets: 7.5 metres;

    c) From side and rear lot lines: 3 metres;

    d) From watercourses (e.g., Longs Creek, Kelly's Creek): 30 metres;

Notwithstanding the foregoing, where a residential dwelling or accessory residential structure is proposed adjacent to an existing agricultural operation or hobby farm, the residential development shall comply with the minimum setback distances applicable to agricultural or livestock facilities as set out in this By-law.

6.7. Parking Standards

Off street vehicular parking spaces, not less than 6 metres long and 3 metres wide with adequate access to permit the independent access and egress of an automobile, shall be provided to the uses listed in whatever zone or zones they may be permitted as summarized in following **Table 2**:

Table 2: Minimum Parking Requirements

Type	Minimum Parking Requirement
Dwelling unit	One space for each unit
Retail stores or eating establishments	One space for every 18 m² of public floor area
Service or repair shops	One space for every 27 m² of floor area
Business or professional offices, medical or dental clinics	One space for every 36 m² of floor area
Industrial	One space for every 36 m² of floor area or storage space
Bed and breakfasts, motels, or hotels	One space plus an additional space for every unit
Public or private schools	Two spaces for every classroom
Institutional uses (e.g., community halls, churches, places of public assembly)	One space for every 10 m² of floor area
Arenas or sport facilities	One space for every four seats
Community care facilities (other than an early learning and childcare facility)	One space for every two beds

a) Automotive repair and service shops must ensure that all customer and employee vehicles are parked off street. Parking spaces should not spill onto public streets.

b) No more than 60% of the front yard area may be used for parking. The remaining 40% should be landscaped or used for other non parking purposes to maintain an aesthetically pleasing environment.

c) Trucks and equipment, such as those used for garbage collection or similar purposes, must be stored out of sight in a garage or the side or rear yard to minimize visual impact on the surrounding area.

6.8. Loading Standards

Offstreet loading spaces not less than 9 metres long and 3.5 metres wide with overhead clearance of 4 metres or more providing independent access and egress for 8 metres(26-foot) truck shall be provided for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the following requirements:

1) one space for a building or structure with a total floor area up to and including 1,727 square metres;

2) two spaces for a building or structure with a total floor area over 1,727 square metres and up to and including 4,545 square metres;

3) an additional space for each 4,545 square metres, or fraction thereof, of total floor area thereof in excess of the first 4,545 square metres.

6.9. Vehicle-Oriented Uses

The car washes, gas bars, and drive-thrus shall comply with the specific regulations outlined in following **Table 3**:

Table 3: Vehicle-Oriented Uses Requirement

Feature	Requirement/Standard
Drive-Thru Aisle Minimum Width	3 metres unobstructed
Drive-Thru Aisle Restrictions	Must not obstruct vehicle circulation, building entrances, loading areas, or required parking
Drive-Thru Aisle Setback	3 metres from property line abutting a street
Lot Area (Minimum)	2,500 square metres
Lot Frontage (Minimum)	Interior lot: 34 metres
Lot Frontage (Minimum)	Corner lot: 38 metres
Lot Depth (Minimum)	38 metres
Pump Islands Location	At least 9 metres from site boundary, parking lot, or traffic circulation lane
Canopies Extension	May extend to within 6 metres of site boundary
Underground Storage Tanks Setback	Minimum 6 metres from front property line (for tanks 2,000 litres or more)
Landscaping	Minimum 6-metre soft landscaped area from property line abutting public street (excluding driveways)
Car Wash Queuing (Single Bay)	5 in-bound, 1 out-bound
Car Wash Queuing (Multi Bay)	2 in-bound, 1 out-bound
Gas Bar Queuing (Per Pump)	2 in-bound, 1 out-bound
Vehicle Service - Minor Queuing (Drive-Thru only)	5 in-bound, 1 out-bound

Feature	Requirement/Standard
Service Bay Doors Orientation	Oriented away from residential zones/land used for residential purposes
Service Bay Doors Operation	Doors facing residential zones must remain closed except when vehicles are entering or exiting
Vehicle Storage	No vehicle may be parked on-site for more than one week.
Use of Travel Trailers and Recreational Vehicles	A travel trailer or recreational vehicle may be stored on a lot.

6.10. Provincial Highways and Roads

Notwithstanding any other provision of this By-law:

1) Where a structure is proposed within 30 metres of a provincially managed highway or road, the property owner shall be responsible for obtaining any required setback permit from the Province of New Brunswick prior to Development Approval.

2) Any access point to a provincially managed highway or road, including driveways, commercial accesses, or resource roads, shall require an access permit issued by the Department of Transportation and Infrastructure.

3) Unauthorized filling, piping, alteration, or modification of roadside ditches or drainage infrastructure within the provincial right-of-way is prohibited without written approval from the Department of Transportation and Infrastructure, in accordance with the *Highway Act*.

4) The discharge of foundation drainage, sump pumps, or other private drainage systems into roadside ditches or within the provincial right-of-way shall not be permitted without a valid Highway Usage Permit issued by the Department of Transportation and Infrastructure. Property owners who install drainage infrastructure without authorization shall be responsible for any resulting damage, erosion, or flooding.

6.11. Vehicle Bodies

A motor vehicle, recreational vehicle, tractor trailer, tractor engine, container designed for commercial transport, farm tractor, road building machine, or any vehicle drawn, propelled, or driven by any kind of power, despite its wheels having been removed, shall not be used as a dwelling unit, a commercial main building, or as an accessory building or structure in any Zone.

6.12. Topsoil Removal

No person shall strip, excavate, or otherwise remove topsoil for sale, other commercial use, or personal use from a lot or other parcel of land, except where permitted or where there is an excess of topsoil other than that required for grading and landscaping.

6.13. Unsuitable Sites

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 PRAC, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.

6.14. Watercourse Buffers

1) No development permit shall be issued for any development within thirty metres of the ordinary high-water mark of any watercourse, except for activities permitted under the *Clean Water Act* and its associated regulations.

2) Within the 30-metre watercourse buffer, permitted activities may include fences, boardwalks, walkways and trails not exceeding three (3) metres in width, wharfs, boat ramps, marine-dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, public road and driveway crossings, and wastewater, stormwater, and water infrastructure, where permitted under the *Clean Water Act*, the *Watercourse and Wetland Alteration Regulation*, and the *Environmental Impact Assessment Regulation - Clean Environment Act*.

3) Where livestock facilities or manure storage are proposed, the minimum setback from a watercourse shall be 100 metres, in accordance with Section 6.8 (Livestock), notwithstanding the general 30-metre watercourse buffer.

4) Where a proposed development affects two hectares or more of wetland, the proponent may be required to register the project under the *Environmental Impact Assessment Regulation - Clean Environment Act*.

6.15. Signs

The following provisions shall apply to all signs erected, attached, or applied to a structure; or otherwise displayed within the Hanwell Rural Community:

1) Except as permitted under this section, no sign may be placed, erected, or displayed on any land, building, or structure. Excluded from these are traffic control signs and devices as defined by the New Brunswick Motor Vehicle Act and legal notices.

2) Prior to the placement, erection, or display of any sign permitted pursuant to the following provisions of this section, shall first provide a plan or description of the proposed sign for approval by the Development Officer and on approval by the Development Officer shall be issued a sign permit on payment of a fee determined annually by Hanwell Community Council.

3) Notwithstanding foregoing points 1 and 2 of this Section, the Planning Review and Adjustment Committee may refuse to give a sign permit for an illuminated sign on any location with a domestic residence either abutting or opposite. The Planning Review and Adjustment Committee may also impose conditions on the granting of a sign permit for an

illuminated sign, including but not restricted to the permitted hours of illumination, the colours, and the brightness, so as to ensure that all such signs do not adversely affect any residential or commercial property owners in the immediate area to an extent judged unreasonable by the Planning Review and Adjustment Committee.

4) Any person who violates any provision of this Section is guilty of an offence and upon conviction is liable to a minimum fine of $140 and not more than the maximum fine that may be imposed for the commission of an offence punishable under Part II of the New Brunswick Offences Procedure Act as a Category B offence. Each day such offence continues shall be deemed to constitute a separate offence. A sign not expressly permitted by this section is permitted only if approved by the Planning Review and Adjustment Committee and only in compliance with such terms and conditions as may be imposed by the Planning Review and Adjustment Committee.

5) No person shall permit a sign to remain on lands owned or occupied by the owner that is deteriorated, damaged, upset, dislodged, torn, partly illegible, with no message or with a message that is significantly misleading or out of date. A sign may not advertise an activity, business, product, or service no longer conducted on the premises or property, and in such case, the sign shall be removed by the responsible party within 30 days of the date of discontinuance of the activity, business, product, or service.

6) A variance may be issued to any clause in this Section, subject only to the following conditions:

    a) That, in the opinion of the Planning Review and Adjustment Committee, to refuse a request from a business for a variance to a particular clause would give rise to special hardship; or

    b) That the business has demonstrated to the satisfaction of the Development Officer that special circumstances exist which, if ignored, would give rise to significant commercial loss or would put the business at an unfair commercial disadvantage to its competitors in the community.

7) All signs except Sandwich Board, Temporary, or Special Events Signs shall be permanently mounted in a manner as to make the sign immovable, such as securely fastened to Sono-tubing to a concrete foundation by posts or anchor bolts embedded in the concrete or buried at sufficient depth below ground to prevent relocation of the sign.

8) No sign shall be erected, operated, used, or maintained and no sign permit shall be issued for a sign that:

    a) Is placed in such a manner that inhibits the safe movement or parking of vehicles, nor to impede the safe motion of pedestrians, for example; is located at or near a sharp road curve or below the crest of a hill;

    b) Has a size, location, colouring, or manner of illumination which may be confused with, constructed as, or tend to hide from view, any traffic control device;

c) Is an imitation of a traffic control device or contain the words “stop” “go” “look” “danger” “yield,” or any similar words, phrases, symbols, lights, or characters used in a manner that may mislead, confuse, or otherwise interfere with traffic along a public road;

d) Obstructs free ingress or egress from a fire escape, door, window, or other required exits;

e) Is painted on or attached to or fully or partially covers a roof;

f) Is painted on a tree, stone, cliff, or other natural objects;

g) Is placed on any portion of a roadway, public utility, or lot administered by any level of government or government agency without the consent of the appropriate body;

h) Incorporates a searchlight, string-light, spinner, or streamer;

i) Uses bright fluorescent-coloured lettering or numbers;

j) Is attached to or located on any parked vehicle or trailer not normally used in the daily activity of the business and that is visible from the road to act as a sign for the advertisement of products, or to direct people to a business or activity, except if located in the Rural (RU) Zone, where it is subject to Terms and Conditions outlined by the Planning Review and Adjustment Committee.

9) Signs Permitted in All Zones

a) Signs regulating the property use, denoting on premises traffic or parking, or other signs denoting the direction or function of various parts of a building, structure, or lot provided such signs are less than 0.46 square metres in sign area;

b) Signs erected by a governmental body or under the direction of such a body;

c) Memorial signs or tablets, signs denoting the date of erection of a structure, and the flag, pennant, or insignia of any government;

d) A sign not to exceed 0.46 square metres in area applied to attached to a building occupied by either a Class 1 or Class 2 Home-based Business, which may identify the business conducted on the premises and the purpose of that business;

e) A sign notifying the public of a construction project located within the construction site, which shall be removed within thirty days of completion of construction;

f) Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate time, date, or weather conditions, or similar devices whose principal function is not to convey an advertising message;

g) Signs erected on a public property or public right-of-way under the direction of a governing body and in accordance with any provincial regulations respecting signs along roadways; and

h) Special Events Signs will be permitted in all zones subject to the following conditions:

i. Special events signs shall not exceed 1.5 square metres in apparent surface area;

ii. The sign shall not be placed to obstruct or hide any other sign;

iii. Special events signs do not require permits but must be promptly removed once their purpose has been met. Individuals, organizations, and firms who do not promptly remove such signs are guilty of an offence under this by-law; and

iv. To advertise special events, non-profit groups and service clubs may place a sign at the entrance to the Community for the 5 days preceding and the day of the event but must be removed immediately following the event. Signs must be of solid construction, and letters must be of sufficient size to allow the sign to be easily read by passing traffic. This use does not require a permit or payment of a fee; however, the Development Officer must be advised that the sign is being placed.

10) Restrictions on the Number of Signs

a) That the total number of signs allowed to be placed on a single property or erected by or on behalf of a single business or person, shall not exceed two signs, one per sign type as described in the following sections.

b) Notwithstanding the above, the following signs are exempt from the number restriction:

i. Any business, including a home-based business or art/craft studio, may post a sign with the words “Open” and (separately) “Closed” during the appropriate hours of operation on or close to the entrance door or in a nearby window;

ii. A food service business may post a non-illuminated sign with its menu on or close to the entrance door or in a nearby window with no restrictions on the hours of posting;

iii. No more than two Minor Information and Direction Signs;

iv. Commemorative, Official, Historical or Heritage related plaques, signs and similar notices and displays, at the Development Officer’s discretion.

11) Freestanding Signs

a) Freestanding signs are permitted in commercial or industrial zoned lots, provided they do not adversely affect any residential or commercial property owners in the immediate area and meet the following requirements:

i. A maximum sign face area of 8 square metres;

ii. If the lot has more than 100 metres of lot frontage or is a corner lot, a second freestanding sign is permitted provided that the second sign has a sign face area not exceeding 50% of the sign face area of the primary sign;

iii. When more than one sign is permitted on a lot:

1. Signs must be separated by a minimum of 50 metres when located on the same street frontage; and, by a minimum of 30 metres, measured along the property line, when located on separate street frontages in the case of a corner lot;

2. The signs may be a combination of directory and/or freestanding provided that freestanding signs have a sign face area not exceeding 8 square metres; and,

3. The larger sign must be located adjacent to the primary entrance to the lot.

iv. A maximum sign height of 11 metres;

v. A minimum two metre setback from front and side property lines for the entire perimeter of the sign and in no case shall any portion of the sign project over a property line unless there is a public utility easement, or any easement on the property prohibiting this setback;

vi. In the case of corner lot, be located a minimum of 11 metres from the intersection of the property lines.

12) Portable Signs

a) In all zones, portable on-premises signs are permitted provided that the sign shall:

i. Be located on the property;

ii. In the case of multiple occupancy buildings, one sign per tenant;

iii. Not obstruct the view of vehicular traffic;

iv. Be non-illuminated;

v. Be erected only during the operating hours of the business;

vi. Minimum 2-meter setback from the property line unless there is a public utility easement, or any easement on the property prohibiting this setback;

vii. Do not adversely affect road or pedestrian traffic or any property owners within the immediate area;

viii. Fit into the existing character of the area.

13) Fixed Signs

a) In all zone's, Fixed Signs are permitted provided that the sign shall:

   i. Be of a size, height, design, illumination, and installation that fits with the character of the immediate area;

   ii. Not adversely affect the road and pedestrian traffic;

   iii. Not adversely affect the property owners in the immediate area;

   iv. Ensure the total visible surface does not exceed one square metre.

b) In the R1 and RR Zones, Fixed Signs must be non-illuminated and are permitted to identify the residents, no trespassing, or a home-based business up to a maximum size of 0.46 square metres;

c) In all zones, except the Residential (R1) Zone, non-illuminated Fixed signs identifying parking, fire lanes, and other similar uses are permitted up to a maximum size of 0.8 square metres;

d) In all zones, except the Residential (R1) Zone, advertising Fixed Signs are permitted and may be illuminated, provided that the sign shall:

   i. Be attached to, painted, or erected upon a wall or surface of a building with the face of the sign parallel to the wall. Fixed Signs shall not be painted on or cover a fence or roof;

   ii. Not exceed 10% of the building face on which they are displayed;

   iii. In the case of multiple occupancy buildings, a proportional allocation for each business (building) face.

14) Projecting Signs

a) In all zones, Projecting Signs are permitted provided that the sign shall:

   i. Be of a size, height, design, illumination, installation that fits with the character of the area;

   ii. Not adversely affect the road and pedestrian traffic;

   iii. Not adversely affect the property owners in the immediate area;

   iv. Not project over a property line;

   v. Ensure the total visible surface does not exceed one square metre;

   vi. Not project beyond one metre from a building, wall, or other structure, nor protrude within 2 metres of a street line nor fail to clear the ground by 3 metres,

   vii. Not project over a lot line; and

viii. Not project more than 1.5 metres above the top of any main wall or parapet to which it is affixed.

15) Billboard Signs are permitted on all lots except those zoned R1 or RR, provided that such a sign does not:

a) Exceed a height greater than 4 metres;

b) Exceed a total area of 18 square metres; and

c) Be located closer than 2 metres to the property line.

16) Electric Static Copy

a) Where permitted, a sign displaying Electronic Static Copy shall be designed to cease operating in the case of a malfunction.

b) Where this by-law permits a sign to display electronic static copy, the following requirements shall be met:

i. The message duration shall not be less than 10 seconds;

ii. The message transition shall not be less than 1 second; and

iii. Message transition shall be limited to scrolling or fading in or out but shall not involve any visible effects including but not limited to action, motion, dissolving, blinking, intermittent or flashing light, or the illusion of such effect.

c) Signs that are externally illuminated shall not shine or reflect light directly into neighbouring properties or in the direction of oncoming traffic.

17) A maximum of one inflatable sign is permitted on a commercial property and must be located on the property to which the sign refers, provided the inflatable sign shall be located no closer than three metres from the property line and shall not be located within a public road right-of-way;

18) A sign shall be exempt from this by-law if it is:

a) A sign showing building addresses or a name plate for a private residence approved by NB 911;

b) An indoor sign, unless it is intended to be viewed from outside of the building;

c) Permitted or required in accordance with the Posting Signs on Land Regulation, Fish and Wildlife Act, and any other applicable Federal or Provincial Act or Hanwell Rural Community By-law, including traffic control signs and devices in accordance with the Traffic Control Act.

d) A construction sign on an active construction site that does not exceed 6 square metres in area, and which shall be removed on completion or occupancy of the project, whichever is earlier;

e) A temporary political sign provided that it is not posted prior to the calling of an election and is removed within seven days following the election, does not obscure any other legally posted signs, does not obstruct a public right of way, and does not cause a traffic hazard by way of obscuring traffic signs or the sightline of drivers or pedestrians required for safety;

f) A real estate sign that is not illuminated, advertising a sale, rent, or lease of any premises, and provided that it is located on the property referred to.

g) A temporary sign of less than 0.2 square metres for private and limited non-profit events, such as a garage sale on a single site or a church supper, which shall be removed after the day of the advertised event.

h) A direction and/or information and/or warning sign erected by or on behalf of the Hanwell Rural Community.

6.16. Agricultural Buildings

1) The maximum height requirements of this By-law do not apply to agricultural buildings, including but not limited to barns, silos, grain bins, and similar farm structures located within the Rural (RU) Zone or the Rural Residential (RR) Zone.

2) Except in an industrial zone or for an agricultural operation, and no fence shall contain barbed wire.

6.17. Keeping of Livestock

1) Livestock facilities, barns, stables, abattoirs, and manure storage or handling areas shall be located and operated in accordance with the separation distances and siting requirements established under the *Clean Water Act* and its associated regulations, as administered by the Department of Environment and Local Governments.

2) For the purposes of this regulation, an “animal unit” is defined as follows:

a) 1 bull, cow, donkey, horse, pony, mule, bison, buffalo, or steer including offspring until weaning;

b) 4 llamas, sheep, goats, pigs, emus, or ostrich including offspring until weaning;

c) 7 alpaca or deer including offspring until weaning;

d) 20 fox, geese, ducks, mink, or rabbits including offspring until weaning;

e) 30 chickens or turkeys including offspring until sexual maturity.

3) The maximum number of animals permitted on a property shall not exceed the equivalent of one animal unit per acre, as defined above, unless otherwise specified by the relevant authority.

4) Agricultural uses that include livestock operations are permitted only where the establishment complies with all applicable livestock legislation, including the *Livestock Operations Act*, the *Clean Water Act*, and any other associated regulation.

5) Compliance with provincial legislation shall be demonstrated to the Development Officer upon request.

6) Roosters are permitted only where the agricultural operations are permitted as a main use and are not permitted as part of the backyard chicken's use.

7) Manure and waste shall be removed from the site or spread on the land as fertilizer, or composted on a regular basis so as not to create odours, attract pests, or contaminate soil or water;

8) The keeping of livestock is subject to the *Livestock Operations Act* and *Regulation*. If the use is determined to be exempt from the *Act* and *Regulation*, in respect to the livestock units that are less than the threshold established by the *Livestock Operations Act*, the keeping of livestock is subject to terms and conditions as may be imposed by the Commission, except on those lots where the follow requirements are met:

    a) manure shall be stored on an impervious pad, or liquid manure shall be stored in a tank;

    b) manure storage shall not be located closer than 30 metres from any lot line or closer than 100 metres from any watercourse, wetland, or well other than the well of the owner;

    c) fences and walls shall be well maintained and kept in proper repair to keep all livestock on the property where the livestock facility or grazing field is located;

    d) the following requirements for livestock facilities are met:

Minimum Lot Size	Minimum Setback from all Lot Lines	Minimum Separation Distance*
< 1 acre	3 m	20 m
> 1 to 2 acres	6 m	35 m
> 2 to 5 acres	10 m	50 m
> 5 acres	10 m	100 m

*Separation distances are measured between the livestock facility and an occupied dwelling or a well, other than the residential dwelling or well located on the same lot as the livestock facility.

6.18. Hobby Farms

Where permitted, a hobby farm may be established as a secondary use on a lot containing a permitted residential dwelling, in addition to the following:

1) the hobby farm shall be small-scale, non-commercial, and incidental to the residential use of the lot;

2) the number of animals kept on the lot shall not exceed the animal unit limits established in Section 6.17 of this By-law;

3) all livestock facilities, including barns, stables, and manure storage areas, shall adhere to the separation distances established under Section 6.17 of this By-law;

4) all livestock facilities shall be located in a side or rear yard or sited so as to minimize visual, noise, and odour impacts on neighbouring properties;

5) no activity associated with a hobby farm shall constitute a commercial agricultural operation, and no on-site sale of animals shall occur;

6) any accessory buildings used for the hobby farm, shall comply with Section 6.3 of this By-law and shall remain subordinate to the main residential dwelling.

7) A small-roadside stand may be permitted as an accessory use to a hobby farm, subject to the following conditions:

    a) the building is constructed to the satisfaction of the building inspector and has a floor area no greater than 22 square metres;

    b) where located on Route 640 or 102, the building shall be set back a minimum of 25 metres from the centre line of the highway;

    c) where located on any other road or street, the building shall comply with the applicable setback requirements of this by-law; and

    d) the building and property shall be maintained in a neat and tidy condition at all times.

6.19. Backyard Chickens

Where permitted, an occupant of a lot may hold up to ten hens provided the following provisions are met:

1) the lot has an area of at least 4,000 square metres;

2) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing impermeable to predators;

3) the enclosure shall be located in a side or rear yard at least 5 metres from any lot line and must be visually screened from a public street and neighbouring properties;

4) roosters are prohibited;

5) any manure or waste material shall be removed from the site, or spread on the land as fertilizer, or composted, on a regular basis,

6) the activity is registered with the Clerk; and

7) where the number of chickens on a lot exceeds ten, the use shall be subject to terms and conditions as may be established by the Commission.

6.20. Kennels

Where permitted, a kennel shall be subject to terms and conditions as set by the Commission in addition to the following:

1) A kennel is permitted on a lot with an area determined by the number of dogs kept on the premises as follows:

    a) Between 5 and 10 dogs, an area of at least 4,000 square metres;

    b) Between 11 and 15 dogs, an area of at least 10,000 square metres;

2) The kennel is located at least 15 metres from the street line and 10 metres from any other property line;

3) The kennel is visually and audibly screened by a buffer such as a continuous barrier of coniferous trees, hedges, or solid wooden fencing, each having a minimum height of 1.8 metres; and

4) The total occupancy of the kennel shall not exceed a total of 15 adult dogs at any one time.

6.21. Home-based Businesses

Home-based Businesses shall be permitted in two forms designated as Class-1 and Class-2 home-based businesses subject to the following:

1) Where permitted, a Class-1 home-based business may be conducted in a residential dwelling subject to the following conditions:

    a) the home-based business shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-based business, - except for a sign permitted Section 6.15 of this By-law;

    b) with the exception of vehicles designed and used primarily for travel on public highways, there shall be:

        i. no outdoor storage of goods, equipment, or materials associated with the home-based business;

        ii. the premises shall not be used for automotive repair, painting or washing, machinery repair or rental, welding or any other industrial use, a convenience store, eating establishments, tanning centre, laundry services, sharpening services, or any rental or retail operation, except where retail is accessory to the production of goods or crafts produced on the premises or the provision of a service;

iii. the home-based business shall not produce any smoke, fumes, obnoxious odours, noise, vibration, heat, humidity, glare, or electronic interference so as to be easily observed beyond the limits of the property in which the home-based business is conducted;

iv. the home-based business shall be conducted by the occupants of the dwelling, plus no more than one non-resident employee;

v. the home-based business shall not generate a significant increase in traffic that affects the residential character of the area;

vi. activities must not significantly increase water use or introduce materials that could impair on-site well or septic systems.

2) Where permitted, a Class-2 home-based business may be conducted subject to the following conditions:

a) the home-based business shall not consist of a salvage yard or used car lot and there shall be only incidental and minimal use or storage of toxic or flammable materials; and

b) the home-based business shall not consist of a convenience store, eating establishments, or retail operation except where retail is accessory;

c) the home-based business shall be conducted by the occupants of the dwelling, plus no more than two non-resident employees;

d) any equipment must be stored out of sight, either in a garage or in the side or rear yard to minimize visual impact on the surrounding area;

e) operations must respect the capacity of on-site well and septic systems, avoiding excessive water use or discharge of contaminants.

6.22. Secondary Suites and Garden Suites

Where permitted, a secondary suite may be constructed within or as an addition to an existing single-unit dwelling or a garden suite may be located on a lot containing a single-unit dwelling subject to terms and conditions and provided:

1) that the lot has an area of at least 4,000 square metres;

2) the percentage of the lot covered by the expanded main building in the case of a secondary suite or the combination of a garden suite with the principal dwelling does not exceed 35%;

3) a garden suite shall only be located in the rear or side yard at least 5 metres from any lot line and from the primary residential dwelling;

4) adequate water and sewer systems, as acceptable to the Department of Justice and Public Safety, or other agencies having jurisdiction are available or can be provided to provide for needs of both dwelling units;

5) to be constructed in such a manner so as to maintain the appearance of the primary residential dwelling;

6) a garden suite must have a total floor area less than 115 square metres;

7) for all secondary and garden suites on-site septic systems, provincial approval of servicing shall be required prior to Development Approval.

6.23. Pits and Quarries

The final perimeter of any area excavated for a pit or quarry shall exceed the distances specified for the surrounding features listed in **Table 4**:

Table 4: Separation Distances for Pits and Quarries

	Gravel Pit	Quarry
A road, street, highway, easement, or right-of-way	100 m	30 m
The foundation of any building	100 m	200 m
A private water supply well	100 m	600 m
The ordinary high-water mark or bank or a watercourse	50 m	75 m
A residential property boundary	50 m	100 m
A lot line of an abutting non-residential property	15 m	50 m

1) All pit and quarry operations shall have adequate signage posted around the perimeter, and visible from any access, warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes, or open holes.

2) All pit and quarry operations shall have gates at all accesses that shall be closed and locked when the site is not in use.

3) A landscaped buffer of at least 10 metres shall be maintained between the final perimeter of any pit or quarry and any public street or adjacent property.

4) The excavation site shall not:

    a) damage any adjacent property; and

    b) serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues, or any other material likely to be harmful to the environment.

        i. No excavation shall take place to a depth below the groundwater table.

6.24. Solar Energy Systems

Mini and small-scale solar energy systems shall be considered accessory structures and shall be subject to the following requirements:

1) Roof-mounted solar panels are permitted on all main, secondary, and accessory buildings in all zones, provided they do not exceed the maximum building height by more than 1.5 metres;

2) Ground-mounted solar panels are permitted in all zones, subject to standard accessory structure setbacks and a maximum height of 4.5 metres;

3) A maximum of two ground-mounted solar arrays shall be permitted per lot in Residential and Rural Zones, unless otherwise approved by the Development Officer.

6.25. Wind Turbines

Mini, small-scale, and large-scale wind turbines shall be permitted subject to the following:

1) Mini and small-scale wind turbines shall be considered an accessory structure and shall be subject to the following requirements:

    a) A maximum of one mini scale or roof mounted wind turbine is permitted on all lots, except in the Rural (RU), and Industrial (I) Zones, where no more than three mini wind turbines shall be permitted on a lot;

    b) A maximum of one small scale wind turbine shall be permitted in the Rural (RU), and Industrial (I) Zones.

2) Large-scale wind turbines shall be permitted by conditional agreement only in the Rural (RU), and Industrial (I) Zones but shall not:

    a) Be built closer than two times the total wind turbine height to any lot line, building, public or private road, street, or highway, or within 1,000 m of a residential building;

    b) Display any commercial advertising or signage;

    c) Be provided with artificial lighting except for lighting required to meet a Provincial or Federal regulation.

3) A wind turbine may not be built closer than two times the total wind turbine height to any lot line, public or private road, street, or highway, or an existing main building, with the exception of roof mounted wind turbines.

4) Be finished in anything other than a nonreflective white, grey, or light blue matte finish or any other color or combination of color that is required to meet a Provincial or Federal regulation.

5) Any wind turbine that is no longer operational shall be removed from the lot.

7. Zones

7.1. Land Uses Permitted by Zone

The following land uses are permitted in the zones indicated by the title and shortform in the column heading and are subject to all other requirements of this By-law. If the use is permitted as a main use, the shortform is capitalized (e.g., **R**); if it is permitted as secondary use the shortform is lower case (e.g., **r**). If a use is not listed in the column to which a specific zone corresponds, it is deemed prohibited in that zone. If listed with conditions, it is permitted only if those conditions are met.

Some uses are footnoted with numbers from 1 to 9, which are references to other provisions within this by-law.

Table 5: Permitted Uses by Zone

	Zones										
	Single-unit Residential	Rural Residential	Rural	Mini Home Park	Community Commercial Mix	Highway Commercial Mix	Park and Institutional	Industrial	Resource Extraction	Yoho Lake	Conservation
Land Use	**R1**	**RR**	**RU**	**MP**	**CC**	**HC**	**PI**	**I**	**RX**	**YL**	**CS**
RESIDENTIAL											
Secondary suite	r1[2]	rr[2]	ru[2]							yl[2]	
Garden suite	r1[2]	rr[2]	ru[2]							yl[2]	
Class 1 - Home-based business	r1[3]	rr[3]	ru[3]	mp[3]	cc[3]					yl[3]	
Class 2 - Home-based business		rr[4]	ru[4]		cc[4]					yl[4]	
Mini-home park				MP							
Multiple-unit dwelling		RR[5]	RU[5]		CC[5]						
Single-unit dwelling	R1	RR	RU	MP	CC					YL	
Special care home	R1	RR	RU		CC		PI			YL	
Three-unit dwelling		RR[5]	RU[5]		CC[5]						
Two-unit dwelling		RR[5]	RU[5]		cC[5]						
AGRICULTURE											
Agricultural operation			RU						RX		
Aquaculture			RU						RX		

	Zones										
	Single-unit Residential	Rural Residential	Rural	Mini Home Park	Community Commercial Mix	Highway Commercial Mix	Park and Institutional	Industrial	Resource Extraction	Yoho Lake	Conservation
Land Use	**R1**	**RR**	**RU**	**MP**	**CC**	**HC**	**PI**	**I**	**RX**	**YL**	**CS**
Backyard chickens	r1[6]	rr[6]	ru[6]							yl[6]	
Hobby farm		rr[5]	ru[5]		cc[5]					yl[5]	
Industrial abattoir								I			
Provincially Inspected Abattoir									RX		
Stable			RU								
COMMERCIAL											
Auction centre						HC		I			
Automotive repair shop			RU[1]		CC	HC		I			
Automotive sales or rental establishment			RU[1]		CC	HC		I			
Service Station			RU[1]		CC	HC		I	rx		
Bed and breakfast			RU[1]		CC						
Beverage room					CC	HC	pi	I			
Business office					CC	HC		I			
Car Wash					cc[8]	hc[8]		i[8]			
Commercial recreation establishment					CC	HC	PI	I			
Contractor's yard			RU[1]					I		YL	
Convenience store			RU[1]		CC	HC		I			
Fitness centre					CC	HC	PI	I			
Gas Bar					cc[8]	hc[8]		i[8]			
Golf course			RU[1]		CC	HC	PI	I			
Heavy equipment sales and service						HC		I			
Hotel or motel						HC					
Kennel			RU[9]					I[9]			
Medical or dental clinic			RU[1]		CC	HC		I			
Personal service establishment					CC	HC		I			

	Zones										
	Single-unit Residential	Rural Residential	Rural	Mini Home Park	Community Commercial Mix	Highway Commercial Mix	Park and Institutional	Industrial	Resource Extraction	Yoho Lake	Conservation
Land Use	**R1**	**RR**	**RU**	**MP**	**CC**	**HC**	**PI**	**I**	**RX**	**YL**	**CS**
Eating establishment					CC	HC	pi	I[1]			
Retail store					CC	HC	pi	I			
Self-service storage facility						HC		I			
Service or repair shop						HC		I			
Shooting range							PI	I			
Transportation terminal						HC	PI	I			
Veterinary service			RU		CC	HC		I			
Warehouse						HC[1]		I			
INSTITUTIONAL											
Cemetery			RU				PI				
Church or other religious building			RU		CC		PI				
Community care facility			RU		CC		PI	I			
Community hall	R1	RR	RU		CC		PI			YL	
Early learning and childcare facility	r1[1]	rr[1]	RU[1]		CC		PI	I			
Government or non-profit office					CC	HC	PI	I			
Nursing Home		RR[1]	RU[1]		CC	HC	PI	I			
Recreational facility			RU		CC		PI	I			
School			RU				PI				
INDUSTRIAL											
Batching plant								I			
Bulk fuel depot								I			
Manufacturing operation						HC[1]		I			
Portable asphalt plant								I			
Salvage yard								I			
Cannabis Production Facility								I[1]			

	Zones										
	Single-unit Residential	Rural Residential	Rural	Mini Home Park	Community Commercial Mix	Highway Commercial Mix	Park and Institutional	Industrial	Resource Extraction	Yoho Lake	Conservation
Land Use	**R1**	**RR**	**RU**	**MP**	**CC**	**HC**	**PI**	**I**	**RX**	**YL**	**CS**
RESOURCE											
Forestry			RU						RX	YL	CS
Sawmill									RX[1]		CS[1]
Gravel pit									RX[7]		
Quarry									RX[7]		
PARK											
Campground			RU		CC		PI			YL	CS
Conservation use							PI		RX		CS
Hunting or recreation camp			RU				PI		RX	YL	CS
Park, playground or open space	R1	RR	RU	MP			PI			YL	CS
Trail and pathways	R1	RR	RU	MP	CC	HC	PI	I		YL	CS

Conditions

[1] Subject to terms and conditions as may be set by the Commission
[2] Subject to section 6.22 Secondary suite and Garden suites
[3] Subject to subsection 6.21(1) Class 1 Home-based Businesses
[4] Subject to subsection 6.21(2) Class 2 Home-based Businesses
[5] Subject to section 6.18 Hobby Farms
[6] Subject to section 6.19 Backyard Chickens
[7] Subject to section 6.23 Pits and Quarries
[8]Subject to Section 6.9 Vehicle-Oriented Uses
[9]Subject to Section 6.20 Kennels

Hanwell Rural Community

Bylaw No. 37-2026

Hanwell Rural Community Plan

The council of the Hanwell Rural Community, under authority vested in it by Section 44 of the *Community Planning Act*, enacts as follows:

1. A Rural Plan for the physical development and improvement of the Rural Community is hereby adopted.

2. The document entitled “Hanwell Rural Community Plan” (By-law No. 37-2026), including that part referred to as “Hanwell Rural Plan Zoning Map” attached as Schedule A, constitutes the Rural Plan mentioned in section 1.

READ A FIRST TIME: _____

READ A SECOND TIME: _____

READ A THIRD TIME AND ENACTED: _____

_____ _____

Sherri Johnston, Clerk Dave Morrison, Mayor