

Village of Néguac Rural Plan

A BY-LAW RELATING TO THE ADOPTION OF A RURAL PLAN

BY-LAW 99-33

A BY-LAW RELATING TO THE ADOPTION OF
THE VILLAGE OF NÉGUAC RURAL PLAN

PART A

Be it adopted by the duly convened Municipal Council of the Village of Néguac under the authority vested in it by the Community Planning Act, subsection 27(2), as follows:

1. This By-law may be cited as the “Village of Néguac Rural Plan”.
- 2.(1) The Village of Néguac Rural Plan is hereby adopted, with such plan expounding the policies and proposals intended to guide, oversee, and promote in a systematic manner both the socio-economic and the physical development of the municipality.
- (2) The document entitled “Village of Néguac Rural Plan”, attached to these presents as Schedule A, constitutes the rural plan referred to in subsection 2(1), and Schedule B, entitled “Village of Néguac Zoning Map” and attached thereto, forms part thereof.
- (3) A by-law entitled “Municipality of Néguac Basic Planning Statement By-law”, being By-law no. 90-21, passed on the 4th day of February, 1991, and all amendments thereto, and a by-law entitled “Municipality of Néguac Zoning By-law”, being By-law no. 91-22, passed on the 21st day of January, 1991, and all amendments thereto, are hereby repealed.

FIRST READING (by title): May 17, 1999

SECOND READING (by title): May 17, 1999

READING IN ITS ENTIRETY: June 21, 1999

THIRD READING (by title)
AND ADOPTION: June 21, 1999

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Mayor

Clerk

Village of Néguac Rural Plan

(Municipal Seal)

SCHEDULE A

PART B: OBJECTIVES OF THE RURAL PLAN

The Village of Néguac is located on the north shore of Miramichi Bay in northeastern Northumberland County. The Village includes fragile riparian areas that must be protected. Concerned about development trends in the area, Council wishes to adopt a rural plan regulating present and future development in order to facilitate environmental impact monitoring while fostering the community's socio-economic growth.

This By-law aims:

- to promote sound development of the Village through enhanced management of land use and development;
- to optimize, for the entire community's benefit, the use and availability of aggregate, farmland, woodland, and peat bog resources; and
- to protect water, fauna, and flora.

PROPOSALS AND POLICY STATEMENTS RELATING TO LAND USE

Settlement

(a) Residential Uses

While still largely dominated by detached single-family dwellings, the residential sector has gradually come to embrace dwelling types geared to meet the needs of the population. To reflect this trend, the policies and proposals outlined in this section will encompass all of the buildings designed for long-term residential housing.

Policies

Although the main streets in the Village are dominated by residential activity, commercial and industrial activity is also present. However, secondary streets consist almost exclusively of single-family dwellings.

It is a policy of the Village of Néguac:

- to plan residential development so as to promote the effective use of infrastructure and public services; and

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- to take the rural nature of the community into account when planning residential development.

Proposals

It is proposed that residential development, including mobile homes and mini-homes, be permitted along public streets and roads or other accesses approved by the Village. Such development shall meet the environmental standards established by the departments of the Environment and Health. ~~and Community Services.~~

It is proposed that residential development be permitted jointly with other uses. Steps will be taken to reduce or minimize potential conflicts between different uses.

(b) Commercial Uses

With the advent of new technologies and developments in the communications sector, commercial activity is taking on hitherto unknown forms. In keeping with the objectives of the Village of Néguac Rural Plan, the policies and proposals outlined in this section are concerned with retail and service establishments.

Policies

Given the present number of businesses and services and the needs of the local and surrounding population, the Village of Néguac wishes to strengthen the existing range of commercial and professional services.

It is a policy of the Village of Néguac:

- to plan commercial development so as to promote the effective use of land, infrastructure, and public services;
- to plan commercial development so as to preserve the rural character of the community it serves; and
- to manage the type and location of commercial uses.

Proposals

It is proposed that business establishments that cause a nuisance in terms of noise, odours, or traffic be permitted to locate only in those areas where such establishments are already concentrated.

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It is proposed that business establishments that do not cause a nuisance in terms of noise, odours, or traffic, and home occupations be permitted in areas where residential uses predominate.

It is proposed that commercial signage standards be made more flexible.

It is proposed that steps be taken to minimize potential conflicts between business establishments and other adjacent uses.

(c) Industrial Uses

Although still dominated by so-called primary industries, this economic activity sector in Néguaac has gradually adapted to the changing economy. To reflect this transition, the policies and proposals outlined in this section will encompass all of the activities and processes involved in the production of goods.

Policies

Caught between the need to provide stable and diversified employment to its residents and the need to preserve resources and the environment, the Village plans to promote the strengthening of industrial activities compatible with the concept of sustainable development.

It is a policy of the Village of Néguaac:

- to plan industrial development so as to promote the effective use of land, infrastructure, and public services;
- to plan industrial development while preserving the rural character of the community;
- to promote industrial development conducive to secondary and tertiary processing of resources in the region; and
- to manage the type and location of industrial uses in order to minimize or eliminate potential conflicts between those industries and other land uses.

Proposals

It is proposed that the type and location of industrial uses be managed.

It is proposed that industrial signage standards be made more flexible.

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It is proposed that, in primarily residential areas, craft-industry establishments compatible with the character of those areas be permitted to locate there, provided such establishments meet the environmental standards set by the departments of the Environment and Health. ~~and Community Services.~~

It is proposed that, to minimize or prevent potential conflicts between industrial activities and other land uses, industrial activities causing a nuisance in terms of traffic, noise, odours, or product toxicity be permitted to locate only in areas where commercial and industrial activities are already concentrated. Such development shall take place in conformity with the environmental standards established by the departments of the Environment and Health ~~and Community Services.~~

It is proposed that steps be taken to minimize potential conflicts between industrial activities and other adjacent uses.

It is proposed that all applications for recycling and/or composting operations be submitted to Municipal Council for review under section 39 of the Community Planning Act, and that Municipal Council, in consultation with the Department of the Environment, establish directives and requirements concerning the following:

- proposed operations and their impact on the water table;
- protection of neighbouring individuals, property, and infrastructure;
- inspections that are required and their frequency;
- site rehabilitation measures once operations have ended.

(d) Institutional Uses

The Village and various government agencies and not-for-profit organizations provide a wide range of services to the local and surrounding population. The policies and proposals outlined in this section are concerned with all of the buildings that house these agencies and organizations and the infrastructure provided by them to the public.

Policies

Institutional facilities are an essential part of community development. However, such facilities are scattered throughout the area.

It is a policy of the Village of Néguaac:

- to plan the location of institutional facilities so as to better serve the residents who use them.

Proposals

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It is proposed that institutional facilities be encouraged to locate in areas where such uses are already present, so as to promote the effective use of these facilities, infrastructure, and public services.

It is proposed that steps be taken to minimize potential conflicts between institutional activities and other adjacent uses.

(e) Recreation and Tourism Uses

Both the Village and various private-sector companies and not-for-profit organizations provide the public with a wide range of recreation and tourism infrastructure. The policies and proposals outlined in this section are concerned with all of the recreation and tourism facilities and infrastructure available to the public.

Policies

With its coastline, beaches, peat bogs, and salt marshes, the Village of Néguaac is an especially picturesque area with an abundance of ecological resources. The region's beauty and biodiversity greatly enrich the quality of life of its residents and hold tremendous potential from the standpoint of education, recreation, and ecotourism.

It is a policy of the Village of Néguaac:

- to plan recreation and tourism development in the community so as to enhance and preserve the beauty of the coastal area and protect the environment; and
- to permit the development of environmentally friendly recreation and tourism infrastructure while promoting the effective use of infrastructure already in place.

Proposals

It is proposed that recreation, environmental interpretation, and ecotourism infrastructure be permitted to locate not only in areas where residential uses are already present, but also in areas where environmental protection and preservation are a top priority.

It is proposed that diversification of recreation and tourism activities be encouraged so as to promote the effective use of facilities, infrastructure, and existing services.

It is proposed that steps be taken to minimize potential conflicts between recreation and tourism activities and protection of the environment.

(f) Archeological and Historic Sites

In cooperation with various groups, the Village has undertaken to preserve and enhance local heritage and culture. The policies and proposals outlined in this section are concerned with all of the officially designated archeological and historic sites that are managed so as to preserve and enhance local heritage and culture.

Policies

The citizens of Néguaac are committed to their heritage and culture and are proud of the archeological and historic sites in the area.

It is a policy of the Village of Néguaac:

- to continue to identify and enhance local heritage on an ongoing basis; and
- to identify, protect, and enhance archeological sites as well as buildings and works of historic or architectural significance.

Proposals

It is proposed that heritage resources be preserved in a manner befitting their historic character.

It is proposed that protective measures be adopted for sites, buildings, and/or works of known archeological or historic significance.

It is proposed that development enhancing local heritage and culture while ensuring its integrity and preservation be promoted.

(g) Road Infrastructure

Given the Village's obligations and concerns regarding the delivery of municipal services and rational land use, the policies and proposals outlined in this section are concerned with all of the facilities and networks designed to provide residents with effective and safe road infrastructure.

Policies

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Although development of the road network and the number of lots available are sufficient to meet current demand, the Village plans to promote the enhancement and integration of the network.

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It is a policy of the Village of Néguac:

- to plan the development of its road network so as to promote the effective use of land, infrastructure, and public services; and
- to plan the development of its road network so as to preserve the rural character of the community.

Proposals

It is proposed that standards governing the subdivision of land and road construction be strengthened.

It is proposed that careful consideration be given to the proposed location of streets in new subdivisions and that their integration into the municipal road network be required.

It is proposed that a program to enhance and extend the road network be established.

It is proposed that implementation of the measures to enhance Main Street, contained in the development plan for the core of the Village of Néguac, be promoted.

The Environment

The citizens of Néguac are concerned about the decline of their environment. The Village plans to implement the policies and proposals below in order to ensure the rational use of the environment.

(a) Protection of Coastal Areas

The coastal areas are unique in that they are located where land, sea, and air converge. This especially rich environment is also very fragile. The policies and proposals outlined in this section are concerned with all of the lands located within 500 metres of the high water mark.

Policies

The coastal areas are an important part of the quality of life of the residents of Néguac. Unfortunately, the deterioration in the quality of water in some bays, coastal erosion, the construction of harbour infrastructure and retaining walls, and the operation of motor vehicles on the beaches and dunes have resulted in conflicts that are gradually changing the coastal areas.

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It is a policy of the Village of Néguaac:

- to promote the use of coastal areas in such a way as to protect the environment; and
- to reduce or eliminate conflicts between various land uses, resource development, and the protection and preservation of coastal areas.

Proposals

It is proposed that development of non-renewable resources in coastal areas be prohibited, with the exception of projects that meet the environmental standards set by the departments of Health **and Community Services**, the Environment, **Labour, Fisheries and Aquaculture, and Natural Resources and Energy**.

It is proposed that steps be taken to promote activities fostering the protection and preservation of coastal areas through environmentally friendly land use and resource development practices.

It is proposed that rehabilitation of bays, estuaries, and coastline be promoted.

(b) Wetland Protection

The policies and proposals outlined in this section are concerned with all of the lands that are covered so long by water as to result in the presence of hydric soil, hydrophilic plants, and various other kinds of biologic activity suited to this environment.

Policies

With peat bogs and salt marshes covering a large part of its area, the Village of Néguaac boasts a diversity of fauna and flora. The area is especially suited to a wide range of educational, recreation, and tourism activities, adding to its residents' quality of life. Unfortunately, the filling-in of the salt marshes is disrupting natural cycles and adversely affecting the in-shore fishery.

It is a policy of the Village of Néguaac:

- to plan community development so as to maximize wetland preservation and enhance and maintain biodiversity of the environment.

Proposals

It is proposed that all salt marshes and other marshes of provincial significance be designated environmentally protected areas.

It is proposed that development of non-renewable wetland resources be prohibited, except where projects meet the environmental standards set by the departments of Health and ~~Community Services~~, the Environment, Labour, Fisheries and Aquaculture, and Natural Resources and Energy.

It is proposed that steps be taken to promote activities conducive to wetland protection and preservation through environmentally friendly land use and resource development practices.

It is proposed that resource development sites be located away from wetlands.

It is proposed that steps be taken to promote the rehabilitation of wetlands that have been developed or have suffered negative impacts.

Resources

Given the concerns the Village has about resource development, it plans to implement the policies and proposals below to ensure the rational use of resources and the natural environment.

(a) Water Protection

Water plays a key role in community development. Drinking water is a necessity of life. The policies and proposals outlined in this section are concerned with all of the activities relating to the non-domestic use of ground and surface drinking water, wastewater treatment, resource development, and land drainage.

Policies

The residents of Néguaac are totally dependent on groundwater supplies for their drinking water. The operation of unregulated quarries, clear-cutting, the opening of blueberry plantations, surface water drainage, demographic pressures, water-intensive practices, and changes in water consumption habits could well compromise aquifer recharge.

It is a policy of the Village of Néguac:

- to plan land use so as to minimize the negative impact of resource development and land use planning on groundwater.

Proposals

It is proposed that steps be taken to ensure that the development of farmland, aggregates, and woodland, that the draining of wetlands, and that water-intensive industrial activities take place in accordance with the environmental standards set by the departments of the Environment, Agriculture, and Natural Resources and Energy. The objective is to prevent soil erosion and drying-up of land and to facilitate groundwater recharge and preservation.

It is proposed that the practice of reclaiming, draining, and backfilling salt marshes be discouraged.

(b) Aquacultural Development

Aquaculture depends entirely on the quality and supply of water at development sites. The policies and proposals outlined in this section are concerned with all of the activities relating to wastewater treatment, resource development, and surface water and land drainage.

Policies

Sites propitious for aquaculture are in especially short supply, and some resource development and land use planning practices impact negatively on aquaculture, resulting in conflicts between operators in the aquaculture industry and other coastal area users.

It is a policy of the Village of Néguac:

- to plan land use so as to minimize the negative impact that resource and coastline development and harbour infrastructure may have on sites and waterways suitable for aquaculture;
- to promote the adoption of viable and environmentally friendly aquaculture practices; and
- to reduce or eliminate conflicts between aquaculture industry operators and other coastal area users.

Proposal

It is proposed that steps be taken to promote the establishment of aquaculture enterprises that mesh with the environment in coastal areas, maintain the quality and the normal flow of water at aquaculture sites, and contribute to the region's potential while meeting the environmental standards set by the departments of the Environment and Fisheries and Aquaculture.

(c) Farmland Development and Protection

Agricultural production is entirely dependent on the availability of land. To engage in this activity, producers need land that is suited to it or has the potential therefor. The policies and proposals outlined in this section are concerned with all commercial agricultural activities.

Policies

The relatively low cost of farmland makes it apt to be used for non-agricultural purposes, giving rise to potential conflicts between farmers and non-farmers.

It is a policy of the Village of Néguac:

- to plan the use of farmland so as to preserve as much of it as possible and promote its effective use;
- to support the development of viable and environmentally friendly agricultural activities; and
- to reduce and/or eliminate conflicts between farmers and other users.

Proposals

It is proposed that steps be taken to promote the establishment of farming operations that mesh with the character of the community and meet the environmental standards set by the departments of the Environment, Health ~~and Community Services~~, and Agriculture.

It is proposed that nuisance-causing agricultural activities be permitted to locate only at a distance from other land-use areas so as to reduce and/or eliminate conflicts while supporting local agriculture.

It is proposed that the removal of topsoil be permitted only at excavation and construction sites where topsoil recovery is required.

It is proposed that other land uses be permitted only at a distance from agricultural activities in order to reduce and/or eliminate conflicts.

(d) Woodland Development

More and more, woodlot owners are tending to adopt environmentally sound forest development practices. The policies and proposals outlined in this section are concerned with all commercial woodland development activities and primary processing of forest products.

Policies

Natural and enhanced forests are of long-term value to society. The relatively low cost of woodland makes it prone to other uses, giving rise to conflicts between woodlot owners and other users.

It is a policy of the Village of Néguaac:

- to plan land use so as to preserve as much forest as possible;
- to permit forest operations that mesh with the rural character of the community, preserve the environment, and maintain its biodiversity; and
- to reduce and/or eliminate conflicts between operators in the forest industry and other users.

Proposals

It is proposed that steps be taken to ensure that forest operations mesh with the rural character of the community, take into account the region's potential and limitations, and meet the environmental standards set by the departments of the Environment, Natural Resources and Energy, and Agriculture.

It is proposed that the sustainable development of woodland be promoted.

It is proposed that steps be taken to minimize potential conflicts between forest development activities, other land uses, and environmental protection and preservation.

(e) Development of Aggregate Resources

Aggregates are resources vital to the promotion of the economic and physical development of the community. The policies and proposals outlined in this section are concerned with all commercial development activities relating to sand, gravel, clay, shale, and limestone.

Policies

Since the quality, quantity, and location of these resources depend on geologic and geomorphologic factors, they are scattered throughout the region. Development of the resource can conflict with other land uses.

It is a policy of the Village of Néguac:

- to plan community development so as to minimize demand for aggregate during development projects; and
- to reduce conflicts between aggregate development and other resource and land uses.

Proposals

It is proposed that all applications for the development of new sites or for the expansion of existing aggregate excavation sites be submitted to Municipal Council for review under section 39 of the Community Planning Act, and that Council, in cooperation with the departments of Natural Resources and Energy and the Environment, establish directives and requirements relating to the following:

- proposed operations and their impact on the water table;
- protection of neighbouring individuals, property, and infrastructure;
- inspections that are required and their frequency;
- site rehabilitation measures once operations have ended.

It is proposed that removal of topsoil be permitted at aggregate development sites so that any surpluses not needed for site rehabilitation may be sold or used for other commercial purposes.

It is proposed that steps be taken to promote the rehabilitation of excavation sites located near roadways and settlement zones.

It is proposed that steps be taken to ensure that aggregate development sites in operation prior to the coming into force of this By-law meet the standards prescribed herein.

It is proposed that steps be taken to minimize potential conflicts between aggregate development activities, other land uses, and environmental protection and preservation.

(f) Peat Development

Since the location of peat bogs depends on climatic and geologic factors, these resources are scattered throughout the region. The policies and proposals outlined in this section are concerned with all of the activities associated with the commercial excavation of sphagnum peat moss.

Policies

By dint of their impact in terms of biodiversity, peat bogs contribute to the quality of life of the Village's residents. While peat development can make a significant contribution to the community's economy, it can also conflict with other land uses.

It is a policy of the Village of Néguac:

- to promote the development of peat resources;
- to minimize the harmful environmental effects of peat development; and
- to reduce conflicts between peat development operations and other resource and land uses.

Proposals

It is proposed that all peat development applications be submitted to Municipal Council for review under section 39 of the Community Planning Act and that Council, in cooperation with the departments of Natural Resources and Energy and the Environment, establish directives and requirements relating to the following:

- proposed operations and their impact on the water table;
- protection of neighbouring individuals, properties, and infrastructure;
- limitation of peat particle emissions into the air;
- limitation of peat particle emissions into waterways, bays, and lagoons;
- inspections that are required and their frequency; and
- site rehabilitation measures once operations have ended.

It is proposed that steps be taken to minimize potential conflicts between peat development activities and other uses.

PART C: ZONING PROVISIONS

SECTION 1 – ZONING MAP AND INTERPRETATION

1.1 The zoning map in Schedule B, entitled “Village of Néguac Zoning Map”, is the designated zoning map for the by-law adopted by the Village of Néguac.

1.2 In this By-law:

“Act” means the Community Planning Act;

“advisory committee” means the Village of Néguac Planning Advisory Committee;

“aggregates” means sand, gravel, clay, shale, or limestone excavated for sale or for any other commercial purpose;

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

“artisan” means a person who, on his own behalf or against payment, engages in a manual occupation;

“automobile graveyard” means a building, yard, or any other place used for storing and keeping motor vehicles or used motor vehicle parts intended to be resold or delivered to another person;

“billboard” means a blank sign intended for the rental or lease of advertising space;

“building” means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals, or chattels;

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

“building inspector” means the building inspector appointed by Municipal Council under section 74 of the Municipalities Act;

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

“cottage” means a single-family dwelling used by an individual or by a family and which is located in a coastal or resource development area on a lot that does not abut a street;

“Director” means the Provincial Planning Director appointed under section 4 of the Act;

“dwelling” means a main building or portion thereof, other than a mobile home or a mini-home, containing one or more dwelling units;

“dwelling, multiple-family” means a dwelling containing more than two dwelling units;

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

“dwelling, two-family” means a dwelling containing two dwelling units;

“dwelling unit” means a room or a series of rooms designed or intended for use by an individual, household, or family, in which culinary facilities and sanitary conveniences are provided for the use of the occupant(s);

“erect” means to construct, build, assemble, or re-locate a building or structure, and includes any physical operations preparatory thereto;

“family” means two or more related persons occupying the same dwelling unit, as distinguished from a housekeeping unit or group occupying a hotel or boarding or rooming house;

“home occupation” means a secondary use incidental to the residential use of a dwelling and which is described in 10.2;

“household” means two or more people who are not necessarily related, occupying the same dwelling unit, as distinguished from a group occupying a hotel or boarding or rooming house;

“household pet” means a domestic animal customarily kept within a dwelling or in an outside pen or building for the sole purposes of pleasure and includes dogs, cats, rabbits, small birds, and rodents;

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

“lot line, rear” means a line or point intersecting the side lot lines;

“lot line, side” means a line running from the street line to the rear line of a lot;

“mini-home” means a dwelling unit that is designed to be used with or without a permanent foundation and that has a width of less than six metres throughout its entire length exclusive of steps or porches, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“Minister” means the Minister of Environment and Local Government;

“mobile home” means a mobile home within the meaning of section 188 of the Municipalities Act;

“mobile home park” means a mobile home park within the meaning of section 188 of the Municipalities Act;

“multi-purpose trail” means a pedestrian trail, environmental interpretation trail, riding trail, bicycle trail, cross-country ski trail, or a snowmobile trail;

“neighbourhood convenience store” means a retail store that sells everyday household items;

“quarry” means the use of land for the purpose of excavating sand, gravel, clay, shale, limestone, or any other material for the purpose of its sale or any other commercial use;

“settlement zone” means the 125-metre-wide strip of land along the Village streets as illustrated on the zoning map.

“sign” means a device, display, or structure situated outdoors that is used to advertise or identify an object, person, institution, organization, activity, product, service, event, or place;

“sign, off-site” means a sign advertising an activity, business, product, or service not sold or conducted at the place where the sign is located;

“stable” means a building or enclosure where animals other than household pets are kept for utilitarian purposes or for pleasure;

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“street” means a public (municipal or provincial) right-of-way not less than 20 metres wide and also includes all public rights-of-way in existence at the time of the coming into force of this By-law;

“street line” means the line of abutment of a lot and a street;

“structure” means an erection other than a building or a power or telephone pole or line;

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

“swimming pool” means a structure located outdoors, intended to contain water for the purpose of swimming or diving;

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

“use, accessory” means a use of land or a building or structure which is naturally or customarily incidental and complementary to the main use of the land, building, or structure and which is not a secondary use;

“use, agricultural” means the use of land for the purpose of producing crops or raising livestock and includes the operation of a sod farm, riding school or riding stable, and commercial dog kennels;

“use, aquacultural” means the use of land or watercourses for the purpose of farming marine species for subsequent sale;

“use, fishing-related” means the use of land by the owner of the land or by a person designated by him for the purpose of storing material and equipment used by an individual holding one or more commercial fishing permits;

“use, forestry” means the use of woodland or a sawmill for commercial purposes;

“use, secondary” means a use that is authorized in a main or accessory building, but which is neither a main nor accessory use;

“warehouse” means a building, where goods are stored;

“wetlands” means land where the water table is at, near or above the land surface or land that is covered so long by water as to support processes common to wet or

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aquatic environments (hydric soil, hydrophilic plants, and various other kinds of biologic activity suited to this environment);

“width” means, in relation to a lot,

- (a) where the side lot lines are parallel, the distance measured across the lot at right angles to such lines, or
- (b) where the side lot lines are not parallel, the distance between the side lot lines as measured across the lot along a line drawn parallel to a line joining the points at which the side lot lines intersect the limits of the abutting street, and through the point at which the line of minimum set-back intersects a line drawn perpendicular to and through the mid-point of the right-of-way line.

"wholesale" means the sale of goods in relatively large quantities to be retailed by others;

“workshop” means a building in which an artisan plies his trade;

“yard, front” means that part of a lot located between a lot line and a building, structure, or use located on the lot;

“yard, rear” means that part of a lot located between the rear lot line and a building, structure, or use located on the lot;

“yard sale” means the use, by one or more persons, of land or a building for the purpose of selling personal belongings;

“yard, side” means that part of a lot located between a side lot line and a building, structure, or use located on the lot.

SECTION 2 – PURPOSE, ADMINISTRATION, CLASSIFICATION,
AND CONFORMITY

Purpose

- 2.1 The purpose of Part C is:
- (a) to divide into zones the area designated in section 2, Part A;
 - (b) to determine, subject to the authority vested in the Advisory Committee,
 - (i) the uses to which the land, buildings, and structures in all zones may be put;
 - (ii) land use standards and the location, erection, alteration, and use of buildings and structures.
 - (c) to prohibit land development and the use, location, erection, or alteration of buildings or structures that do not comply with the uses and/or standards indicated under paragraph (b).

Powers of Council

2.2(1) No building may be erected in respect of which, in the opinion of Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets, or other services or facilities.

2.2(2) When, in the opinion of Council, a building or structure is dilapidated, dangerous, or unsightly, Council may:

- (a) require the improvement, removal, or demolition of such building or structure at the expense of the owner thereof; or
- (b) acquire the parcel of land on which such building or structure is located.

2.2(3) Subject to subsection (5), Council may, in any zone specified in this By-law,

- (a) set aside certain lands for the location or erection of facilities for the distribution of electricity or water; drainage, including storm sewers; or for sanitary sewage disposal and treatment; and
- (b) use any land set aside under paragraph (a) for the purposes indicated.

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2.2(4) Notwithstanding any other provision in this By-law, Council may, at its discretion, authorize the promoter of a building or structure to pay to the Village a fee of 200 dollars in lieu of each off-street vehicular parking space that it is required to establish under this By-law.

2.2(5) A lot may not be set aside or used for the purposes stipulated in subsection (3) unless Council is of the opinion that

- (a) the lot is required to establish the service in question; and
- (b) any development in an R or C zone is adequately screened from public view.

Powers of the Advisory Committee

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

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

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

2.3(3) In all zones established under this By-law, the Advisory Committee may impose any terms and conditions it deems necessary to ensure the use of land for the purpose of the supply of:

- (a) electric power;
- (b) water supply and storage;
- (c) sanitary sewage disposal and treatment;
- (d) drainage, including storm sewers;
- (e) streets;
- (f) and all other public services;

including the location or erection of any structure or installation for the supply of any of the above-mentioned services. Municipal Council may also prohibit planned uses where compliance with the terms and conditions imposed cannot reasonably be expected.

2.3(4) The Advisory Committee may grant dispensations to this By-law.

Amendments

2.4(1) A person who seeks to have this By-law amended shall

- (a) apply in writing to Municipal Council;
- (b) include therewith, where the application involves rezoning,
 - (i) a statement containing the name(s) and street address(es) of the owner(s), the PID number(s) of the lot(s), and the proposed use(s) of the lot(s) covered under the amendment,
 - (ii) the signature of the owner(s) of the parcel(s) of land to be rezoned,
- (c) pay a fee of 400 dollars to the Village.

2.4(2) If it so decides, Municipal Council may return to the applicant all or any part of the fee mentioned under paragraph (c).

Classification

2.5(1) For the purposes of this By-law, the area is divided into zones as delineated on the plan attached hereto as Schedule B, entitled “Village of Néguaac Zoning Map” and dated October 11, 2005.

2.5(2) The zones mentioned under subsection (1) are classified and referred to as follows:

- (a) Residential,
Residential – R zones;

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- (b) Commercial,
Not applicable;
- (c) Institutional,
Not applicable;
- (d) Industrial,
Industrial - I Zone;
- (e) Mixed,
 - (i) Residential, commercial, industrial, and institutional - M1 zones;
 - (ii) Residential, commercial, and craft industries - M2 zones;
- (f) Green belt,
Coastal – C zones;
- (g) Resource,
Resource development – N zones.

Conformity

2.6 In any zone, all land shall be used, and all buildings or structures, or parts thereof, shall be placed, erected, or used only in conformity with the requirements of, except as otherwise provided, the part of this By-law pertaining to such zone.

SECTION 3 – RESIDENTIAL USES

R Zones - Residential Zones

Permitted Uses

- 3 Any land, building, or structure in a zone classified as an R zone may be used for the purpose of, and for no other purpose,
- (a) one of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a multiple-family dwelling,
 - (iv) a rooming or boarding house,
 - (v) senior citizen housing,
 - (vi) a mobile home or mini-home;
 - (b) one or more of the following secondary uses:
 - (i) a neighbourhood convenience store,
 - (ii) an artisan's workshop, subject to 10.4,
 - (iii) a home occupation, subject to 10.2,
 - (iv) a park or playground,
 - (v) a nursery or greenhouse,
 - (vi) a stable,
 - (vii) a dwelling unit, subject to 10.11(2) (a), (b), or (c);
 - (c) any accessory building, structure, or use incidental to the main or secondary use of the land, building, or structure if such main or secondary use is permitted by this section.

SECTION 4 – COMMERCIAL USES

Not applicable.

SECTION 5 – INSTITUTIONAL USES

Not applicable.

SECTION 6 – INDUSTRIAL USES

I Zones - Industrial Zones

Permitted Uses

6. (1) Any land, building or structure in a zone classified as an I zone may be used for the purpose of, and for no other purpose:

a) one or more of the following main uses:

- i) a warehouse and/ or wholesale business, subject to 10.17;
- ii) a design or manufacturing business, subject to 10.17;
- iii) a petroleum product warehouse business;
- iv) a warehouse or station (depot) for a trucking business, subject to 10.17;
- v) a construction business, subject to 10.17;
- vi) a natural resource processing business, subject to 10.17;
- vii) a business for the recycling of containers, paper, and cardboard in an accessory building and subject to 10.17 and 10.18;
- viii) a compost-producing business, subject to 10.30

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

SECTION 7 - USES

M1 Zones – Mixed residential, commercial, industrial, and institutional zones

Permitted Uses

7. (1) Any land, building, or structure in a zone classified as an M1 zone may be used for the purpose of, and for no other purpose,

- (a) one or more of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a multiple-family dwelling,
 - (iv) a rooming or boarding house,
 - (v) senior citizen housing,
 - (vi) a mobile home or mini-home,
 - (vii) a retail store or service shop,
 - (viii) an artisan's workshop,
 - (ix) a fish market, subject to 10.26,
 - (x) a butcher's shop or bakery,
 - (xi) an establishment providing accommodations, a restaurant, or a take-out restaurant,
 - (xii) an establishment holding a licence or permit issued under the Liquor Control Act,
 - (xiii) a beauty parlour or barber shop,
 - (xiv) a service station or public garage,

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- (xv) a public service establishment,
 - (xvi) a business office,
 - (xvii) a nursery or greenhouse,
 - (xviii) a design or manufacturing business,
 - (xix) a warehouse,
 - (xx) a trucking or construction business,
 - (xxi) a building intended for public assembly or for social, cultural, or recreational activities,
 - (xxii) an educational building,
 - (xxiii) a multi-purpose trail,
 - (xxiv) a park or playground,
 - (xxv) a religious institution,
 - (xxvi) a cemetery;
- (b) one or more of the following secondary uses:
- (i) an artisan's workshop, subject to 10.4,
 - (ii) a home occupation, subject to 10.2,
 - (iii) a business for the recycling of containers, paper, and cardboard in an accessory building and subject to 10.17 and 10.18,
 - (iv) an agricultural use, subject to 10.21,
 - (v) a stable,
 - (vi) a neighbourhood convenience store,
 - (vii) a retail store or service shop,
 - (viii) a dwelling unit, subject to 10.11(2) (a), (b), or (c);

- (ix) a design or manufacturing business;
- (c) any accessory building, structure, or use incidental to the main or secondary use of the land, building, or structure if such main or secondary use is permitted by this section.

M2 Zones – Mixed Residential, Commercial, and Craft Industry Zones

Permitted Uses

7. (2) Any land, building, or structure in a zone classified as an M2 zone may be used for the purpose of, and for no other purpose,

- (a) one or more of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a multiple-family dwelling,
 - (iv) a rooming or boarding house,
 - (v) senior citizen housing,
 - (vi) a mobile home or mini-home,
 - (vii) a retail store or service shop,
 - (viii) an artisan's workshop,
 - (ix) a bakery,
 - (x) an establishment providing accommodations, a restaurant, or a take-out restaurant,
 - (xi) an establishment holding a licence or permit issued under the Liquor Control Act,
 - (xii) a nursery or greenhouse,

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- (xiii) a beauty parlour or barber shop,
 - (xiv) a public service establishment,
 - (xv) a business office,
 - (xvi) a warehouse,
 - (xvii) a trucking or construction business,
 - (xviii) a building intended for public assembly or for social, cultural, or recreational activities,
 - (xix) an educational building,
 - (xx) a multi-purpose trail,
 - (xxi) a park or playground,
 - (xxii) a cemetery,
 - (xxiii) a secondary or tertiary food products transformation business,
- (b) one or more of the following secondary uses:
- (i) an artisan's workshop, subject to 10.4,
 - (ii) a home occupation, subject to 10.2,
 - (iii) an agricultural use, subject to 10.21,
 - (iv) a stable,
 - (v) a neighbourhood convenience store,
 - (vi) a retail store or service shop,
 - (vii) a dwelling unit, subject to 10.11(2) (a), (b), or (c),
- (c) any accessory building, structure, or use incidental to the main or secondary use of the land, building, or structure if such main or secondary use is permitted by this section.

SECTION 8 – GREEN BELT USES

C Zones – Coastal Zones

Permitted Uses

8 Any land, building, or structure in a zone classified as a C zone may be used for the purpose of, and for no other purpose,

- (a) one of the following main uses:
 - (i) a single-family dwelling,
 - (ii) a two-family dwelling,
 - (iii) a multiple-family dwelling,
 - (iv) senior citizen housing,
 - (v) a mobile home or mini-home,
 - (vi) a cottage,
 - (vii) a beach, park, playground, or campground,
 - (viii) an establishment providing accommodations, a restaurant, or a take-out restaurant,
 - (ix) an establishment providing accommodations or a restaurant holding a licence or permit issued under the Liquor Control Act,
 - (x) an aquacultural use, subject to 10.22,
 - (xi) a seafood processing facility, subject to 10.34,
 - (xii) a fish market, subject to 10.26,
 - (xiii) a retail store or service shop,
 - (xiv) an artisan's workshop,
 - (xv) a business office,
 - (xvi) a warehouse,

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- (xvii) a building intended for public assembly or for social, cultural, or recreational activities,
 - (xviii) an educational building,
 - (xix) a multi-purpose trail,
 - (xx) a cemetery,
 - (xxi) a wharf or marina;
- (b) one or more of the following secondary uses:
- (i) an artisan's workshop, subject to 10.4,
 - (ii) a home occupation, subject to 10.2,
 - (iii) an agricultural use, subject to 10.21,
 - (iv) an aquaculture use, subject to 10.22,
 - (v) a dwelling unit, subject to 10.11(2) (a), (b), or (c);
- (c) any accessory building, structure, or use incidental to the main or secondary use of the land, building, or structure if such main or secondary use is permitted by this section.

SECTION 9 – RESOURCE USES

N Zones – Resource Development Zones

Permitted Uses

9 Any land, building, or structure in a zone classified as an N zone may be used for the purpose of, and for no other purpose,

- (a) one or more of the following main uses:
 - (i) an agricultural use, subject to 10.21,
 - (ii) a stable,
 - (iii) an aquacultural use, subject to 10.22,
 - (iv) a peat excavation and processing business, subject to 10.17, 10.24 and 10.31
 - (v) a forestry use, subject to 10.23,
 - (vi) a sugar bush,
 - (vii) a nursery or greenhouse,
 - (viii) an aggregate development business, subject to 10.25,
 - (ix) an artisan's workshop,
 - (x) a transportation or construction business,
 - (xi) a warehouse,
 - (xii) a compost-producing business, subject to 10.30,
 - (xiii) a multi-purpose trail,
 - (xiv) a campground,
 - (xv) a cottage,

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- (xvi) an establishment which holds a licence or permit issued under the Liquor Control Act and is located inside a cross-country ski lodge, a snowmobile lodge, or a sugar bush,
- (xvii) a park or playground;
- (b) one or more of the following secondary uses:
 - (i) an artisan's workshop, subject to 10.4,
 - (ii) a home occupation, subject to 10.2,
 - (iii) a stable;
- (c) any single-family dwelling, mobile home, or mini-home, or any accessory building, structure, or use incidental to the main use of the land, building, or structure if such main use is permitted by this section.

SECTION 10 – GENERAL PROVISIONS

The measurements contained in the following sections include both metric and imperial. The reader will note, however, that imperial measurements are given for information and reference purposes only and have no significant value. Metric measurements shall prevail in the event of any discrepancy between the two.

Access to the Lot

10.1 All lots covered under this By-law shall abut on a street and have direct access thereto or shall have access that has been approved by the Planning Advisory Committee.

Home Occupations

10.2(1) Subject to subsection (2), where a home occupation is permitted under this By-law, a dwelling may be used for one of the following home occupations:

- (a) an occupation as an accountant, architect, artist, dentist, designer, doctor, lawyer, professional engineer, insurance agent, real-estate agent, or a similar occupation in an office or studio therein; or
- (b) an occupation as an artisan, photographer, seamstress, shoemaker, hairdresser, or a similar occupation; or
- (c) a day-nursery, nursing home, the teaching of crafts, dancing, music, or recreational activities, or a similar occupation.

10.2(2) A home occupation is subject to the following conditions:

- (a) not more than three persons shall be engaged in the home occupation, in addition to members of the family resident in the dwelling unit in which it is located;
- (b) the home occupations referred to in paragraph (1)(b) and (c) may be carried out in the dwelling unit or in an accessory building or structure;
- (c) signs identifying a home occupation shall be non-illuminated, of a size not exceeding 1.5 square metres and may be placed on the front of the building in which the said activity is conducted or in conformity with Schedule A; and

- (d) the parking spaces for the home occupation shall be located on the same lot as the home occupation and shall be laid out in accordance with the requirements of section 10.33 of this By-law.

Landscaping

10.3(1) Subject to this section, the owner of a lot for which a building permit has been issued shall landscape:

- (a) the front and side yards of the main building;
- (b) all yards appurtenant to a street line.

10.3(2) The content of landscaping required under this section:

- (a) shall include graded and sodded front and side yards;
- (b) may include the placement of paths, sidewalks, parking spaces, loading and unloading spaces, and trees or bushes; and
- (c) may not impede the normal run-off of surface water on the developed lot and on neighbouring lots.

Artisans' Workshops

10.4(1) Subject to subsection (2) of this section, artisans' workshops are permitted as secondary to a main residential use.

10.4(2) The operation of workshops referred to in subsection (1) is subject to the requirements that:

- (a) they shall be operated in an accessory building and shall not exceed 55 square metres in floor area;
- (b) three other persons may engage in this activity, in addition to members of the family of the owner resident in the main building on the lot where the workshop is located;
- (c) any signs shall be non-illuminated, measure no more than 1.5 square metres and shall be placed on the outside of the building where the said activity is conducted or in conformity with Schedule A;

- (d) parking spaces shall be located on the same lot as the activity in question and shall be laid out in accordance with the requirements of section 10.33 of this By-law;
- (e) outdoor storage shall comply with the provisions of section 10.17 of this By-law.

Neighbourhood Convenience Stores

10.5(1) Subject to subsection (2), where this By-law permits the operation of a neighbourhood convenience store, a dwelling may be used to operate such a business.

10.5(2) The business shall not occupy more than 25% of the floor area of the dwelling.

Accessory Buildings and Structures

10.6(1) No accessory building or accessory structure shall

- (a) be more than 6 metres in height or exceed the height of the main building or the main structure; or
- (b) be located, erected, or altered such that it is situated
 - (i) within 14 metres of the lot line; or
 - (ii) in the front yard of the main building or the main structure; or
 - (iii) within 1.50 metres of the side or rear lot line.
- (c) The restrictions in paragraph (a) do not apply in M1 zones.
- (d) Notwithstanding the restrictions in paragraph b)(ii), an accessory building or accessory structure can be placed, set up or modified in the front yard of the main building (principal) or main construction as far as this one is built on a lot located in the coastal zone and is facing the waters of Neguac Bay.

Automobile Graveyards

10.7 No one shall operate, erect, locate or relocate, alter, or replace an automobile graveyard, unless

- (a) such a person holds a permit for that purpose under New Brunswick Regulation 83-42 – New Brunswick Motor Vehicle Act, and New Brunswick Regulation 84-107 – Salvage Dealers Licensing Act and unless the location is in conformity with the provisions of the New Brunswick Unsightly Premises Act; and
- (b) outdoor storage is in conformity with the provisions of section 10.17 of this By-law.

Fences

10.8(1) Notwithstanding all other provisions of this By-law and subject to the specific provisions of this section, a fence may be erected in a yard.

10.8(2) A fence shall not exceed 75 cm in height along the entire part of the lot located between the street right-of-way and a distance of 6 metres therefore measured perpendicularly to such right-of-way.

10.8(3) Subsection (2) shall apply to all street rights-of-way of a corner lot.

10.8(4) Subject to subsection (2), the height of any fence may not exceed:

- (a) 1.5 metres in an M zone;
- (b) 2 metres for a residence located in any zone and adjacent to a store, industry, or public building;
- (c) 1.5 metres for all other fences in all other zones.

Lot Coverage Ratio

10.9(1) The lot coverage ratio

- (a) of the main building(s) used for commercial, industrial, or institutional purposes, located on a lot measuring more than 4,000 square metres, shall not exceed 40% of the area of the lot on which it (they) is (are) located;

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- (b) of the main building(s) used for commercial, industrial, or institutional purposes, located on a lot ranging in size from 690 square metres to 4,000 square metres, shall not exceed 30% of the area of the lot on which it (they) is (are) located or shall not exceed 20% if the area of the lot is less than 690 square metres;
- (c) of the main building(s) used for residential purposes, located on a lot measuring more than 4,000 square metres, shall not exceed 15% of the area of the lot on which it (they) are located;
- (d) of a main building used for residential purposes, located on a lot measuring more than 690 square metres but less than 4,000 square metres, shall not exceed 25% of the area of the lot on which it is located;
- (e) of a main building used for residential purposes, located on a lot measuring less than 690 square metres, shall not exceed 35% of the area of the lot on which it is located.

10.9(2) The lot coverage ratio

- (a) of the accessory building(s) located on a lot measuring more than 4,000 square metres shall not exceed 3% of the area of the lot on which it (they) is (are) located.
- (b) of the accessory building(s) located on a lot measuring less than 4,000 square metres shall not exceed 10% of the area of the lot on which it (they) is (are) located.

10.9(3) Notwithstanding subsection (2), the lot coverage ratio of the accessory building(s) used for commercial purposes in an M1 zone, located on a lot measuring more than 4,000 square metres, shall not exceed 10% of the area of the lot on which it (they) is (are) located.

Lot Sizes

10.10(1) No building or structure may be built, located or relocated, altered, or replaced on a lot unless the lot meets the requirements of this By-law.

- (a) Where a lot is not serviced by a municipal sewer system, the lot shall comply with the General Regulation – Health Act, New Brunswick Regulation 88-200 and shall have:
 - (i) a width of at least 54 metres;

- (ii) a depth of at least 38 metres; and
 - (iii) an area of at least 4,000 square metres; or
- (b) Where a lot is serviced by a municipal sewer system, the lot shall have:
- (i) a width of at least 23 metres;
 - (ii) a depth of at least 30 metres;
 - (iii) an area of at least 690 square metres.

10.10(2) Notwithstanding subsection (1), lots delineated prior to January 1976 and for which a specific property title is established may be used for a single- or two-family dwelling, provided the septic system has been approved by the Department of Health.

Size of Dwelling and Dwelling Units

10.11(1) No single- or two-family dwelling may be placed, erected, or altered such that it has a ground floor area less than

- (a) 55 square metres in the case of a one- or one-and-one-half storey building; or
- (b) 45 square metres in the case of a building with two or more stories; or
- (c) 55 square metres in the case of mobile homes and mini-homes.

10.11(2) No dwelling unit in a multiple-family dwelling may have a floor area less than

- (a) 32 square metres, in the case of a dwelling unit containing a combination living room and bedroom, commonly known as a bachelor apartment, or
- (b) 45 square metres, in the case of a dwelling unit containing one bedroom, or
- (c) 55 square metres, in the case of a dwelling unit other than one mentioned in paragraph (a) or (b).

10.11(3) For the purposes of this section, ground floor area or floor area shall not include garages, carports, porches, verandas, breezeways, approach halls, or, except for those completely contained in a dwelling unit, stairways.

10.11(4) A mobile home shall be outfitted with a sturdy skirt that is designed, painted, and arranged so as to blend in with the overall appearance of the mobile home.

10.11(5) All buildings and structures attached to a mobile home shall be matched thereto and painted so as to blend in with the overall appearance of the mobile home.

Location of Buildings and Structures

10.12 Subject to this section, no building or structure may be placed, erected, or altered so that it is

- (a) closer than
 - (i) 7.5 metres to the street line in respect of a street whose right-of-way is 20 metres or more; or
 - (ii) 17.5 metres to the axis of a street whose right-of-way is 20 metres or less; and
- (b) closer than
 - (i) 2.5 metres to the side lot line, if such lot is serviced by a municipal sewer system; or
 - (ii) 3 metres to the side lot line, if such lot is not serviced by a municipal sewer system; and
- (c) closer than 3 metres from one of the side lot lines and closer than 26 meters to the other side line, if such lot is more than 54 meters wide and has an area of 4000 square metres;
- (d) closer than 7.5 metres to the rear lot line.

Location of Commercial Oil and Gas Tanks

10.13 An above-ground oil or gas tank shall be located

- (a) in the side or rear yard of the building; and
- (b) at a distance of at least 3 metres from the side or rear lot lines.

Stripping of Topsoil

10.14(1) Subject to the present section, no person may strip, excavate, or otherwise remove the topsoil from a lot for sale or for commercial uses other than those provided for under New Brunswick Regulation 95-66 – General Regulation – Topsoil Preservation Act.

10.14(2) However, if in connection with aggregate excavation sites or with the construction of a building or structure, there is an excess of topsoil other than that required for grading or landscaping at the excavation or construction site, such excess may be removed for sale.

Enclosures for Swimming Pools

10.15 (1) No land shall be used for the purpose of a swimming pool unless the pool is completely enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences at least 1.6 metres (5.3 feet) in height and meeting the requirements of this section.

10.15(2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (1),

- (a) no main or service entrance to the building shall be located therein; and
- (b) any door therein, other than a door to a dwelling or dwelling unit, shall be self-closing and equipped with a self-latching device at least 1.6 metres (5.3 feet) above the bottom of the door.

10.15(3) An enclosure mentioned in subsection (1) shall not have rails, bracing, or other attachments on the outside thereof that would facilitate climbing.

10.15(4) A fence mentioned in subsection (1)

- (a) shall be made of chain link construction, with galvanized, vinyl, or other CSA-approved coating, or of wood or of other materials, in the manner prescribed in subsection (5);
- (b) shall not be electrified or incorporate barbed wire or other dangerous material; and

- (c) shall be located at least
 - (i) 1.25 metres from the edge of the swimming pool, and
 - (ii) 1.25 metres from any condition that would facilitate its being climbed from the outside.

10.15(5) A fence under this section shall be designed and constructed:

- (a) in the case of a fence made of chain links;
 - (i) no greater than 4 centimetres diamond mesh,
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire, and
 - (iii) at least 4 centimetre diameter steel posts, set below frost in an envelope of cement and spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetres diameter steel;
- (b) in the case of a fence made of wood:
 - (i) vertical boarding, not less than 2.5 centimetres by 10 centimetres, spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside, and
 - (ii) supporting cedar posts at least 10 centimetres square or round with 10 centimetre diameters, set below frost and spaced not more than 2.5 metres apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with dimensions of at least a width of 5 centimetres and a height of 15 centimetres, and
- (c) in the case of a fence constructed with materials and in a manner other than described in this subsection, in a manner that will ensure rigidity equal to the design and construction prescribed by this subsection.

10.15(6) Gates forming part of an enclosure mentioned in subsection (1)

- (a) shall be equivalent to the fence in content, manner of construction, and height;

- (b) shall be supported on substantial hinges; and
- (c) shall be self-closing and equipped with a self-latching device at least 1.60 metres above the bottom of the gate.

Signs

10.16(1) Other than a traffic control device as defined by the Motor Vehicle Act, a legal notice or a store window sign advertising goods for sale in the store, the location, dimensions, standards of construction and purposes of public advertisement in the form of a sign is permitted only upon compliance with the requirements of this section.

10.16(2) No person shall use land, a building, or structure to post a public announcement without having first obtained a permit for the sign.

10.16(3) A sign permit shall:

- (a) be in the form prescribed by Municipal Council;
- (b) indicate the applicant's name and address;
- (c) indicate the location of the proposed sign;
- (d) indicate the width, length, and depth of the proposed sign;
- (e) indicate the height of the base and top of the proposed sign;
- (f) be signed by the building inspector.

10.16(4) A sign permit may be obtained from a building inspector on payment of a fee of

- (a) 10 dollars for the signs referred to in subsection 10.16(6) and in paragraphs 10.16(9) (a) and 10.16(9) (b),
- (b) 100 dollars per year for the signs referred to in paragraph 10.16(9) (c),
- (c) 10 dollars for the signs referred to in paragraph 10.16(9) (d).

10.16(5) Notwithstanding subsection (2), a person may place, erect, or display a non-illuminated sign on any land, building, or structure without obtaining a permit for the sign if such sign

- (a) advertises the sale, rental, or lease of the land, building, or structure and does not exceed 1 square metre in gross surface area;

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- (b) is a private traffic directional sign, identifies by name a residential property or the residents thereof, warns against trespass and does not exceed 0.5 square metres in gross surface area, or identifies a lot by name and does not exceed 3 square metres in gross surface area.
- (c) identifies the architects, engineers, contractors, and other individuals or firms involved with the construction of a building or structure, but such sign shall be removed from the site within 14 days after the beginning of the intended use of the building or structure;
- (d) announces a candidate for public office in a municipal, provincial, or federal election, but such sign shall be removed from the site within 14 days after the election.

10.16(6) A sign, other than one referred to in subsection (5), may be placed, erected, or displayed if:

- (a) the gross surface area does not exceed 10 square metres, in the case of a sign placed flat against one of the walls of a building abutting a street, or
- (b) its gross surface area does not exceed 15 square metres, in the case of a free-standing sign.

10.16(7) A free standing sign, other than a free standing private traffic directional sign not exceeding 0.20 square metres, shall have a minimum setback and maximum height as determined from the table provided in Schedule A.

10.16(8) No sign may:

- (a) be an imitation of a traffic control device or contain the words “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or similar words arranged in such a manner as to be construed as a traffic control device; or
- (b) have a size, location, content, colouring, or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or
- (c) identify an activity, business, product, or service no longer conducted or no longer available on the premises on which the sign is located.

10.16(9) Notwithstanding the provisions of subsection 10.16 (8), a person may place, erect, or display

- (a) a free-standing sign identifying several activities, institutions, businesses, or services that do not exist on the premises on which the sign is located, provided the sign:
 - (i) is located at the intersection of the street where these activities, institutions, businesses, or services are located, and
 - (ii) is in conformity with the minimum set-back and the maximum height stipulated in Schedule A.
- (b) a maximum of two off-site signs identifying an activity, institution, business, or services that do not exist on the premises on which the sign is located, provided that these signs:
 - (i) are no more than 3 square metres in size,
 - (ii) are located in M1 or M2 zones,
 - (iii) are in conformity with the minimum set-back and the maximum height stipulated in Schedule A;
- (c) an off-site sign identifying a store or business located outside the village limits, provided the sign
 - (i) is no more than 3 square metres in size,
 - (ii) is located in M1 or M2 zones,
 - (iii) is in conformity with the minimum set-back and maximum height stipulated in Schedule A.
- (d) a billboard identifying a special activity or a new store, provided that it
 - (i) is no more than 3 square metres in size,
 - (ii) is located in M1 or M2 zones,
 - (iii) is displayed for a maximum of six months,
 - (iv) is in conformity with the minimum set-back and maximum height stipulated in Schedule A.

Outdoor Storage

10.17 With the exception of outdoor storage in connection with a fishing-related use, no equipment, vehicle, mixed material containing aggregates, or scrap may be stored outside buildings or structures, unless they are located in rear or side yards appurtenant to the main building.

Recycling Facilities

10.18 No one shall operate, erect, locate or relocate, alter, or replace a recycling facility unless it complies with provincial regulations governing recycling and the provisions of section 10.17 of this By-law.

Loading and Unloading Spaces

10.19(1) An off-street loading space 9 metres in length and 3.5 metres in width and equipped with an access shall be provided for each building or structure used for an activity requiring the use of vehicles for the distribution of goods, in accordance with the following requirements:

- (a) 1 space if the gross floor area thereof is 1,700 square metres or less;
- (b) 2 spaces if the gross floor area thereof ranges from 1,700 square metres to 4,500 square metres inclusively;
- (c) an additional space for each 4,500 square metres or fraction thereof.

10.19(2) A loading and unloading space mentioned in subsection (1) shall:

- (a) be not less than 9 metres in length and not less than 3 metres in width, with 4.5 metres overhead clearance;
- (b) be so located that merchandise and materials are loaded or unloaded on the premises being served;
- (c) be provided with adequate facilities for ingress and egress and unobstructed manoeuvring aisles; and
- (d) be surfaced with a durable and dustproof material.

Sewage Disposal

10.20 All lots shall be serviced by a private sewer system approved under New Brunswick Regulation 88-200, General Regulation – Health Act, or by a public sewer system approved under New Brunswick Regulation 82-216, Water Quality Regulation – Environmental Protection Act.

Agricultural Use

10.21 Notwithstanding requirements that may be established by the departments of Agriculture, the Environment, and/or Health, agricultural use shall be subject to the following conditions:

- (a) with the exception of a hog farm, which may not be located nearer than 1,500 metres from any settlement zone, farm buildings, except for those of the owner, shall be situated no nearer than 90 metres from a dwelling;
- (b) no manure, liquid manure, herbicide, or pesticide may be applied less than 30 metres from dwellings or a quarry if the declination of the land facing the quarry is greater than 5%. Alternatively, such application is permitted as far as the boundary of the said property.
- (c) no agricultural activity may take place less than 45 metres from a waterway;
- (d) no livestock operation may be located within 60 metres of a waterway;
- (e) no blueberry plantation may be established unless:
 - (i) it is located at least 45 metres from any waterway;
 - (ii) windbreaks (consisting of coniferous or deciduous trees) at least 50 metres wide are left or planted between the rows of blueberry plants.

Aquacultural Use

10.22 Aquacultural uses shall be subject to the requirements that may be established by the departments of Fisheries and Aquaculture, the Environment, Natural Resources and Energy, and/or Health and to the provisions of section 10.17 of this By-law.

Forestry Use

10.23 A buffer zone measuring at least 30 metres shall be maintained along settlement zones and waterways. Selection cutting and commercial and pre-commercial thinning are permitted in such zone.

Peat Excavation and Processing

10.24(1) Subject to this section, no person shall undertake or continue to extract peat on private or Crown land, for the purposes of its sale or any other commercial use without first obtaining a permit under General Regulation 93-92 – Quarriable Substances Act and New Brunswick Regulation 82-126, Water Quality Regulation – Clean Environment Act.

10.24(2) Peat may not be excavated less than 30 metres from the coastal high water mark and salt marshes.

10.24(3) No person shall use a peat excavation site for the purposes of storing or disposing of toxic substances, scrap, household or construction waste, or any other materials apt to pose an environmental hazard.

Standards Governing the Excavation of Aggregates
and Non-conforming Uses of Existing Excavation Sites

10.25(1) Subject to this section, no person shall undertake or continue to extract sand, gravel, clay, shale, limestone, or any other material for the purposes of its sale or any other commercial use, unless otherwise provided under this By-law.

10.25(2) No aggregate excavation site may:

- (a) damage adjoining property;
- (b) at no time permit ponding of water in excess of 60 centimetres in depth;
- (c) be used as a place for the storage or disposal of toxic substances, scrap, household or construction waste, or any other materials apt to pose an environmental hazard.

10.25(3) All excavation sites shall meet the following standards:

- (a) no excavation shall take place less than 300 metres from any waterway;
- (b) no excavation shall take place less than 1.2 metres above the water table;
- (c) accesses to the site over which excavated material is transported shall be maintained by the owner in a dust-free condition by covering them with gravel of a maximum size of 3.2 centimetres, and such accesses shall be located at least 30 metres from any main buildings;

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- (d) the site owner shall leave or plant between the excavation site and any dwelling or settlement zone a windbreak (consisting of coniferous or deciduous trees) not less than 15 metres wide;
- (e) no operation relating to the excavation shall be apt to create a hazard to human life, cause injury to a person, or damage adjoining property;
- (f) the excavation site shall be located at least 150 metres from any dwelling;
- (g) the top or base of the slope of the excavation, or any building, structure or site of any intended repair or storage shall not be within 15 metres of an abutting property line or within 150 metres of a public roadway;
- (h) a sign measuring at least 20 centimetres x 30 centimetres bearing the word “danger” shall be placed at the entrance to all roads leading to the excavation site.

10.25(4) On cessation of operations at an excavation site for a period of at least 12 months, the site shall be rehabilitated as follows:

- (a) the slope of the excavation shall not be steeper than 1.5 metres horizontal to 1 metre vertical;
- (b) all plants, equipment, buildings, or structures placed or erected on the site for purposes of the excavation shall be removed;
- (c) all stock piles of earth, sand, gravel, or other excavated material shall be removed from the site, backfilled into the excavation, or spread over the site;
- (d) the site shall be cleared of debris;
- (e) the land of the site of the excavation shall be rehabilitated within 12 months following the date of cessation of excavation work.

10.25(5) Where the owner of an excavation site does not meet the rehabilitation requirements for the excavation site as prescribed in this section, Municipal Council may have the necessary work done at the delinquent owner’s expense.

10.25(6) Unless an application is made to Municipal Council for review under section 39 of the Community Planning Act, no aggregate excavation site may be expanded on land other than that on which it is located.

10.25(7) Subject to this subsection, no person shall undertake to develop and operate a new site for the extraction of sand, gravel, clay, shale, limestone, or any other material for the purpose of its sale or any other commercial use without having first obtained a permit to that end.

10.25(8) A person wishing to obtain a permit for the development and operation of a new aggregate excavation site shall make application in writing to the building inspector on the form provided therefore.

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10.25(9) An application referred to in subsection (8) shall:

- (a) state the name and address of the applicant;
- (b) indicate the location of the proposed excavation site;
- (c) be accompanied by a survey plan of the proposed excavation site, indicating the location of the proposed access road(s), buildings, and waterways located less than 300 metres from the proposed site.

10.25(10) On receipt of an application for the development and operation of a new excavation site and provided all the requirements of subsection (9) have been met, the building inspector shall submit the application to Municipal Council for review under section 39 of the Community Planning Act.

10.25(11) A permit for the development and operation of a new excavation site shall:

- (a) be on a form provided by Municipal Council;
- (b) set out the details of the proposal as specified in subsection (9);
- (c) be signed by the building inspector;
- (d) be valid until April 30 of the year following the year of issue and may be renewed.

10.25(12) No permit to develop or operate a new aggregate excavation site shall be issued under this section if

- (a) the proposed work would be apt to:
 - (i) create a hazard to human life,
 - (ii) cause injury to a person,
 - (iii) damage adjoining property,
 - (iv) adversely affect a water course,
 - (v) lower the water table on neighbouring properties;
- (b) the land of the site is or would be subject to flooding to the extent that no reasonable amount of corrective work could eliminate or sufficiently reduce the hazard.

10.25(13) Before renewing an excavation permit, the building inspector shall make sure that the slopes of that part of the excavation site having previously been worked are not steeper than 1.5 metres horizontal to 1 metre vertical.

10.25(14) The building inspector may revoke or suspend the excavation permit of any holder who violates the provisions of this section.

Fish Markets

10.26 Fish markets shall be subject to the terms and conditions that may be established by the departments of Fisheries and Aquaculture, the Environment, and/or Health.

Set-back

10.27 Except where otherwise provided under this By-law, no main building or main structure shall be located or erected less than:

- (a) 30 metres from the waters of all waterways and lakes;
- (b) 30 metres from the boundary of any wetlands, except for wetlands located within 60 metres of an existing public roadway;
- (c) 30 metres from the boundaries of land used for agricultural purposes;
- (d) 30 metres from a seafood processing facility;
- (e) 30 metres from a livestock operation;
- (f) 100 metres from an operating peat site;
- (g) 100 metres from a catch basin or settling tank;
- (h) 150 metres from a quarry or aggregate development site.

Number of Main Buildings or Main Structures on a Lot

10.28(1) Except where otherwise provided in this By-law, no one shall locate or erect more than one main building or one main structure on the same lot, and no one shall alter a building or structure on a lot to become a second main building or a second main structure.

10.28(2) Notwithstanding the provisions of subsection (1), where a lot abuts a public roadway, has an area of at least 4,000 square metres, is at least 54 metres wide, has been approved by the district health officer, and already has a single-family dwelling located thereupon, the building inspector may issue to the lot owner a temporary residence permit for the purpose of temporarily placing or erecting a mobile home thereon to be used solely for housing

- (a) the parent, grandparent, son, or daughter of the occupant or of the spouse; and
- (b) the spouse and any dependent of the persons cited in paragraph a).

10.28(3) The building instructor may issue a temporary residence permit to any occupant cited in subsection (2) who so requests in the manner prescribed by Council.

10.28(4) Temporary residence permits issued under subsection (3) are subject to the following terms and conditions:

- (a) such temporary residences shall be established so as to meet the requirements of this By-law in the event the lot is to be subdivided into separate lots abutting a street;
- (b) No person other than
 - (i) the parent, grandparent, son, or daughter of the occupant or of the spouse of the occupant of the single-family dwelling, and
 - (ii) the spouse and any dependent of the persons cited in subparagraph (i) shall reside in the mobile home; and
- (c) upon the death of
 - (i) the parent, grandparent, son, or daughter of the occupant or of the spouse of the occupant of the single-family dwelling, and
 - (ii) the spouse and any dependent of the persons cited in subparagraph (i);

the mobile home shall be removed immediately from the lot.

10.28(7) Notwithstanding the provisions of subsection (1):

- (a) in the case of a lot which abuts a public street, has an area of at least 1,400 square metres, is at least 54 metres wide, is serviced by a municipal sewer system, and already has a building located thereupon, the building inspector may issue to the lot owner a permit for the purpose of placing thereon, erecting, or altering a building or structure on a lot to become a second main building.
- (b) These main buildings shall be established so as to meet the requirements of this By-law in the event the lot is to be subdivided into separate lots abutting a street.

Building Permits

10.29 No person shall undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefore has been issued pursuant to the municipal construction by-law.

Compost Production

10.30 Notwithstanding the terms and conditions that may be established by the departments of Agriculture, the Environment, and/or Health, compost production sites shall be located at least 1,500 metres from settlement zones, and, except for those belonging to the owner of the facility, they shall be situated at least 150 metres from any dwelling.

Environmental Protection

10.31(1) Where a peat excavation site is cleared or developed, plant growth along a shore or public road shall be kept in a strip measuring 30.5 metres, except in the case of selection cutting of trees and access to the shore not in excess of 12.2 metres wide.

10.31(2) With the exception of peat development, no excavation of materials, filling, or building is permitted on wetlands, beaches, or dunes, unless previously authorized by the Department of the Environment.

10.31(3) No person shall build structures such as marinas, wharves, jetties, or any similar structure without the prior authorization of the departments of the Environment and Natural Resources and Energy.

Potable Water Protection

10.32 All work to service a lot with a public or private drinking water well shall be carried out in accordance with New Brunswick Regulation 90-79 Water Well Regulation – Clean Water Act and New Brunswick Regulation 93-203 Potable Water Regulation – Clean Water Act.

Off-street Vehicular Parking

10.33(1) Off-street vehicular parking spaces that meet the following conditions shall be provided:

- (a) for a business or professional office, medical or dental clinic, one space for every 36 square metres of gross floor area;
- (b) for a church, undertaking establishment, meeting hall, dance hall, theatre, club, billiard or pool room, bowling alley, gymnasium, or other sporting venue, one space for every eighth of the maximum number of persons permitted by the fire marshal;
- (c) for a dwelling, one space for each dwelling unit, plus one additional space for every four dwellings units;
- (d) for a manufacturing and processing enterprise, one space for every 36 square metres of floor space used for industry, except storage;
- (e) for a hotel, one space for every two bedrooms;
- (f) for a motel, one space for every habitable unit;
- (g) for a public or private school, one space for every classroom;
- (h) for a restaurant, one space for every 18 square metres of public floor area;
- (i) for a retail store, one space for every 18 square metres of floor area used for selling;
- (j) for a service or repair shop, one space for every 27 square metres of floor area used for providing services;
- (k) for a warehouse, one space for every 36 square metres of storage space.

10.33(2) Except for parking spaces for motel patrons, no parking space is permitted nearer than 2 metres from a wall containing windows to habitable rooms.

10.33(3) Parking spaces shall be

- (a) an area of not less than 6 metres in length and not less than 3 metres in width;
- (b) readily accessible from the nearest street;
- (c) located on the same lot as the building or structure they serve.

10.33(4) Off-street vehicular parking spaces shared by two or more buildings may be established on the same lot, provided the shared parking spaces contain the minimum number of spaces required for all of the buildings served.

Seafood Processing

10.34 Notwithstanding terms and conditions that may be established by the departments of Fisheries and Oceans, Fisheries and Aquaculture, the Environment, and/or Health, seafood processing facilities may not be located nearer than 30 metres from any dwelling and shall comply with the provisions of section 10.17 of this By-law.

Schedule A

Table for Self-standing Signs

Area of Sign	Maximum Permitted Height								
0.2 to 1.99 m ²	3 m								
2 to 2.99 m ²			4 m						
3 to 3.99 m ²				5 m					
4 to 4.99 m ²					6 m				
5 to 5.99 m ²						7 m			
6 to 6.99 m ²							8 m		
7 to 7.99 m ²								9 m	
8 m ² to 15 m ²									
	3 m	4 m	5 m	6 m	6 m	7 m	7 m	7 m	
Minimum Set-back Required									

How to Use This Table:

After finding the area of the proposed sign in the column on the left, determine maximum permitted height by referencing the area of the sign with the number on the corresponding line. The number at the bottom of the corresponding column is the set-back.