CENTRAL YORK RURAL COMMUNITY RURAL PLAN – BY-LAW A-14

CAPITAL REGION SERVICE COMMISSION

2026

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Schedule A Central York Rural Community Zoning Map

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Part A: Background

1. Introduction

The Central York Rural Community is composed of five separate communities, in whole or in part, that were amalgamated and incorporated on January 1, 2023. The new Rural Community covers the Local Service District of Keswick Ridge, and portions of the Local Service Districts of Bright, Queensbury, Douglas, Estey's Bridge and Kingsclear. Prior to amalgamation, there were four separate rural plans in force in the area that would become the Central York Rural Community, as well as a large amount of unplanned area. By-law No. A-14 will cover the entirety of the Rural Community, bringing everyone under the same land use by-law to provide a uniform direction for how the Rural Community would like to develop.

The intent of this Rural Plan is not to strictly regulate the Rural Community, but to provide a sensible plan that meets all requirements of the *Community Planning Act* and that provides a forum to discuss major change, but which allows the typical building and development to continue as it has throughout the history of the Community.

This plan has been prepared by staff of the Capital Region Service Commission Planning and Development Division and is the product of consultations with members of the Rural Community Council and with members of the general public, who attended open houses or volunteered to sit on the Working Group.

1.1. Adoption of Plan

1.1.1. The Central York Rural Community Rural Plan contained in this by-law is hereby adopted for the Central York Rural Community, under section 44 of the Community Planning Act.

1.2. Title

1.2.1. This by-law may be cited as the "Central York Rural Community Rural Plan".

1.3. Area of Coverage

1.3.1. The area of land laying within the territorial limits of the Central York Rural Community, as described in Regulation 2022-50 (Section 49) under the Local Governance Act and as shown on the map attached as Schedule A, titled "Central York Rural Community Zoning Map" is designated for the purpose of the adoption of a rural plan and is the area over which this by-law applies.

1.4. Repeal

1.4.1. The following by-laws and regulations or portions of by-laws and regulations that regulate land within the Central York Rural Community are hereby repealed:

a. The Central York County Rural Plan and any amendments thereto;
b. The Douglas Planning Area Rural Plan and any amendments thereto;
c. The Estey's Bridge Planning Area Rural Plan and any amendments thereto;
d. The Keswick Ridge Planning Area Rural Plan and any amendments thereto; and
e. The Nashwaak Valley Planning Area Rural Plan and any amendments thereto.

1.4.2. Notwithstanding the repeal of the By-laws and Regulations detailed in section 1.4.1,
a. Section 59 Terms and Conditions, pursuant to the *Community Planning Act*, which have been registered prior to the coming into force of this By-law shall remain in force;
    i. Regulation 16-CYC-042-01
    ii. Regulation 14-DOU-024-03
    iii. By-Law Number A-7
    iv. By-Law Number A-12
b. Nothing in this By-law will prohibit a development for which a permit was granted by the Development Officer prior to the coming into force of this By-law, but any time limits established by such permit shall continue to operate.

Part B: Objectives, Policies, and Proposals

2. Vision and Objectives of the Rural Plan

2.1. Purpose

2.1.1. Land use planning is a tool that helps a community to decide in which ways it should remain the same and in which ways it should be altered. The resulting rural plan contains policies, proposals, and zoning provisions for various land uses within the community. Policies state what the community wants to do, and they guide government in the management of land use. Proposals back up a policy and offer insight into potential actions or projects which may make a policy a reality. General and zoning provisions are tools for implementation and enforcement which serve by way of limitation, condition, or stipulation.

2.2. Vision Statement

2.2.1. To create a vibrant, welcoming community that celebrates our rural lifestyle, fosters strong connections, and embraces sustainable growth. We aim to honor our rich history, while protecting our natural resources. We value the contributions of every resident, all while offering a high quality of life and a strong sense of belonging.

2.3. Objectives

2.3.1. The objectives of the *Central York Rural Community* reflect the community's aspirations for the future development of the area. The 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:

a. To preserve and enhance the rural character and scenic landscapes of the area;
b. To protect existing recreational facilities and promote the development of new recreational opportunities that contribute to community well-being;
c. To support orderly and sustainable development that strengthens community identity, enhances resident safety, and ensures the efficient delivery of shared services;
d. To maintain the quality of all water sources and the biodiversity of Central York and all other water features;
e. To foster a supportive environment for local entrepreneurship, small businesses, and rural industries; and
f. To help ensure local farmers have the protection and flexibility needed to sustain agriculture in the community.

3. Residential Uses

3.1. Policies

3.1.1. It is a policy to permit a variety of housing types throughout the Rural Community in order to support housing affordability and accommodate the diverse needs of current and future residents.

3.1.2. It is a policy to permit secondary suites and garden suites in conjunction with residential uses to support the development of affordable and diverse neighbourhoods.

3.1.3. It is a policy to minimize the impact upon natural features, such as wetlands and floodplains, and groundwater quality by restricting development in sensitive areas and ensuring adequate buffers are maintained.

3.1.4. It is a policy that home-based businesses with appropriate controls necessary to avoid conflicts with surrounding land uses, be permitted as secondary use.

3.1.5. It is a policy to protect and enhance the rural character of the area by supporting land uses that contribute to the development of attractive, safe, and compatible residential neighbourhoods.

3.2. Proposals

3.2.1. It is proposed that developments involving private roads be evaluated with consideration for public safety, topographical slope, and the ability to provide effective emergency services.

3.2.2. It is proposed that land lease communities, including, but not limited to communities composed of manufactured homes, shall be permitted.

3.2.3. It is proposed that small-scale agricultural uses be permitted within residential areas, subject to appropriate regulations to ensure compatibility with surrounding land uses.

3.2.4. It is proposed that subdivisions be designed, where feasible, to support the orderly and efficient future development of adjacent lands.

4. Housing, Including Affordable Housing and Rental Housing:

4.1. Policies

4.1.1. It is a policy to permit a variety of housing types throughout the Rural Community in order to support housing affordability and accommodate the diverse needs of current and future residents.

4.1.2. It is a policy to encourage infill development to promote various forms of compact residential developments.

4.2. Proposals

4.2.1. It is proposed that residential needs of disabled persons, seniors and those of low-income be met through the approved use of special care homes, special care facilities, garden suites and other forms of appropriate dwellings.

4.2.2. It is proposed that minimum lot size and frontage requirements be reviewed and adjusted in rural zone, where appropriate, to facilitate more compact and affordable housing development.

5. Commercial and Industrial Uses:

5.1. Policies

5.1.1. It is a policy to protect the natural environment and the residential character of the community through the control of the type and location of commercial and industrial development.

5.1.2. It is a policy to promote economic growth in the community by encouraging commercial and industrial development in appropriate areas.

5.1.3. It is a policy to encourage land uses that create local employment opportunities and provide access to goods and services.

5.1.4. It is a policy that the health and safety of residents, transportation requirements, and impacts on the environment and surrounding land uses be considered when locating commercial and industrial development.

5.1.5. It is a policy that all proposed commercial and light industrial developments shall be evaluated with consideration to lot size, site layout, scale, aesthetics, setbacks, buffers, parking, traffic impacts, and compatibility with adjacent uses. Evaluations shall also address potential effects on environmentally sensitive areas, and any risks related to visual disturbance, air, water, or soil pollution.

5.1.6. It is a policy to accommodate residential uses as secondary in conjunction with commercial main uses in appropriate zones.

5.1.7. It is a policy to establish an Industrial Zone. The Industrial zone shall provide for higher intensity industrial development.

5.2. Proposals

5.2.1. It is proposed that home-based industries shall be permitted in accordance with appropriate controls necessary to minimize conflicts with nearby land uses.

5.2.2. It is proposed that, where there is an environmental concern, commercial and industrial uses shall be located in downgradient and down-stream areas which are deemed hydrogeologically safe.

5.2.3. It is proposed that the health and safety of residents, transportation requirements, and impacts on the environment and surrounding land uses be considered when locating commercial and industrial development.

5.2.4. It is proposed that commercial or light industrial use not indicated in the rural plan may be considered as an amendment.

6. Institutional Uses:

6.1. Policies

6.1.1. It is a policy to foster institutional uses and community facilities that provide meeting and gathering places for residents and help create a sense of community.

6.1.2. It is a policy to control the location and the on-site and off-site impacts of institutional uses through appropriate provisions and through Schedule A, the Central York Rural Community Zoning Map.

6.1.3. It is a policy to establish the Institutional zone to accommodate new large scale institutional developments.

6.1.4. It is a policy of the Rural Community to encourage the adaptive reuse of existing buildings in a manner that supports local economic and social development and preserves the rural character of the community.

6.2. Proposals

6.2.1. It is proposed to encourage institutional uses to locate areas that are easily accessible to all residents, particularly in areas of concentrated development, to provide an optimal level of service to residents.

6.2.2. It is proposed that for new institutional uses, on-site service volumes and off-site vehicular and pedestrian traffic be considered when making siting decisions.

6.2.3. It is proposed that institutional developments incorporate adequate landscaping, buffering, and setbacks to minimize potential impacts on adjacent residential or agricultural lands.

7. Recreational Facilities and Public Open Spaces:

7.1. Policies

7.1.1. It is a policy to recognize natural open spaces and recreation opportunities in the Rural Community, as they are desirable for the overall well-being of the community.

7.1.2. It is a policy to encourage outdoor recreational facilities, commercial recreational facilities, and community recreational activities in appropriate areas such that the scale and intensity of the use is compatible with surrounding land uses.

7.1.3. It is the policy of the Rural Community to preserve and enhance the scenic character of the rural landscape by encouraging the conservation of open space and minimizing alterations to natural terrain, watercourses, and environmentally sensitive features.

7.1.4. It is a policy that public open spaces be permitted throughout the Rural Community, provided they are not in conflict with existing adjacent or nearby land uses.

7.2. Proposals

7.2.1. It is proposed that new recreational vehicle parks, campgrounds, lodges, cottage establishments, and similar uses be directed away from environmentally sensitive areas.

7.2.2. It is proposed that outdoor recreational uses—including trails, parks, seasonal amenities, and commercial recreation—be permitted in zones where they do not conflict with existing land uses, and where access, servicing, and buffering can be adequately provided.

7.2.3. It is proposed that Council create an inventory that outlines areas that provide for recreation within the Rural Community.

8. Agricultural & Resource Uses:

8.1. Policies

8.1.1. It is a policy to encourage and facilitate the development and long-term viability of resource-based industries in a way that conserves and protects the natural environment and avoids major conflicts with neighbouring land uses.

8.1.2. It is a policy that new pit and quarry operations be directed to locations that minimize environmental disruption and adverse effects on nearby landowners, and to require that a comprehensive site rehabilitation plan be submitted and approved as part of the development process.

8.1.3. It is a policy to permit the establishment of new quarry operations only within lands designated and zoned Extractive Industrial.

8.1.4. It is a policy that provisions be made to permit natural resource activities including agricultural operations, sand or gravel pits, quarries, and forestry.

8.1.5. It is a policy that small-scale agricultural activities be permitted throughout the Rural Community.

8.1.6. It is a policy to establish a Keswick Island zone to comply with the guidelines set by the *Keswick Islands Act* for development on the Keswick Islands.

8.1.7. It is a policy to provide for agricultural uses at a variety of intensities through zoning provisions.

8.1.8. It is a policy to accommodate value added and supplemental activities that can increase farm income by permitting a mix of compatible uses on land where agriculture is a primary permitted use.

8.2. Proposals

8.2.1. It is proposed that the extraction of sand, gravel or rock from one's own property, for one's personal use be permitted throughout the Rural Community.

8.2.2. It is proposed that pit or quarry operations shall not occur within environmentally sensitive areas, including flood plains, or in areas where impacts on watercourses and/or wetlands cannot be avoided or mitigated.

8.2.3. It is proposed the area's history as an agricultural area and the importance of agricultural operations be recognized.
8.2.4. It is proposed the area's history as a resource area and the importance of resource and extractive operations be recognized.
8.2.5. It is proposed that the removal of topsoil from land actively used for agricultural operations be prohibited.

9. Protection of Water Supplies:

9.1. Policies

9.1.1. It is a policy to protect ground and surface water supplies for the use of existing and future residents by discouraging developments which have the potential to degrade or deplete the resource.
9.1.2. It is a policy to prohibit development where groundwater and surface water quality and quantity are determined unsuitable for the intended use.
9.1.3. It is a policy to discourage types of development that pose a significant risk to groundwater resources.

9.2. Proposals

9.2.1. It is proposed that the water supply assessment guidelines adopted by the Capital Region Service Commission be applied throughout the Rural Community.
9.2.2. It is proposed that existing agricultural land, farming operations, and fertile lands be evaluated under the *Clean Water Act* prior to locating public wells.

10. Heritage Buildings and Sites of Historical or Archeological Interest:

10.1. Policies

10.1.1. It is a policy to encourage the preservation, rehabilitation and maintenance of historical buildings, structures and monuments. Archaeology and Heritage Branch must be notified if archaeological objects are discovered , as per Section 9 of the *Heritage Conservation Act*.

10.2. Proposals

10.2.1. It is proposed that, should buildings or sites of heritage or archeological significance be discovered, appropriate controls be developed to maintain their original character and allow for present-day uses. These controls must take in to account and adhere to the relevant sections of the *Heritage Conservation Act*.

11. Conservation of Physical Environment:

11.1. Policies

11.1.1. It is a policy to minimize negative impacts on the natural environment.

11.1.2. It is a policy to protect land and resources that are environmentally sensitive to development, including rivers, streams, wetlands, steep slopes, and groundwater recharge and discharge areas.

11.1.3. It is a policy to permit recreational land uses that conserve or improve fish and wildlife habitats in waterbodies, floodplains, and wetlands.

11.1.4. It is policy to enforce the Central York Rural Community's *Dangerous or Unsightly Premises – Bylaw A-9* as a means to address public safety concerns.

11.1.5. It is a policy to recognize watersheds for their important ecological, recreational, aesthetic, and historical qualities and to strive to enhance and maintain natural watercourses and wetlands in their clean and natural state.

11.1.6. It is policy to establish the Environmental Constraint Zone to protect areas of known environmental significance.

11.1.7. It is a policy to establish the Conservation Zone for areas of land covered by the *Protected Natural Areas Act*.

11.2. Proposals

11.2.1. It is proposed to encourage operators of private septic and communal wastewater systems to ensure that systems function properly and undertake regular performance monitoring to ensure that the discharge does not pose a risk to contamination.

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

11.2.3. It is proposed that applications for amending the rural plan to permit development in close proximity to waterways shall demonstrate how potential impacts to the water quality and quantity of the waterways will be mitigated.

12. Climate Change:

12.1. Policies

12.1.1. It is a policy to recognize the cause and effects of climate change on the environment throughout the Planning Area.

12.1.2. It is a policy to establish a floodplain overlay to limit certain types of high-occupancy development in flood risk areas.

12.1.3. It is a policy to ensure all necessary Provincial approvals, including setback regulations from watercourses and wetlands and watercourse or wetland alteration permits have been obtained prior to the issuance of any building permits or development approvals.

12.1.4. It is a policy to implement a minimum floor elevation through the general provisions for flood hazard areas with the intention of reducing impacts to public safety from flooding events.

12.2. Proposals

12.2.1. It is proposed to encourage new development to consider storm water management that respects the natural contours and drainage patterns of the land and minimizes soil erosion and sediment potential.

12.2.2. It is proposed that the Rural Community explore the development and implementation of a Climate Change Adaptation Plan.

Part C: Zoning Provisions

13. Definitions

13.1. In this by-law,

A

“abattoir” means a building or structure used for the butchering, processing, and packaging of livestock or game animals and may include the sale of such meat products;

“accessory building” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure, or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure, a sea container may only be used as an accessory building;

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

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

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

a) the clearing, draining, irrigating or cultivation of land,
b) the raising of livestock, including poultry,
c) the raising of fur-bearing animals,
d) the raising of bees,
e) the production of agricultural field crops, excluding a cannabis production facility,
f) the production of fruit and vegetables and other specialty horticultural crops, excluding a cannabis production facility,
g) the production of eggs and milk,
h) the operation of agricultural machinery and equipment, including irrigation pumps,
i) the preparation of farm products for distribution from the farm gate, including cleaning, grading, and packaging,
j) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
k) the storage, use or disposal of organic wastes for farm purposes,
l) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
m) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes,
n) a setback or nursery, excluding a cannabis production facility, or
o) any other agricultural activity or process prescribed by the applicable acts and regulations;

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

“amusement centre” means one or more buildings or structures, or premises, used for amusement oriented uses, which may include, but is not limited to, indoor laser tag and paintball arenas, billiard halls, mini-golf, batting cages, bumper cars, and may include accessory arcades, restaurants, and retail sales;

“animal shelter” means a premises that provides stray, abandoned or abused animals a sanctuary or where permanent or temporary adoptive homes are sought for animals;

“animal unit” means the number of livestock or poultry to be supported on one acre of land, animals are grouped into one animal unit 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 foxes, geese, ducks, mink, rabbits including offspring until weaning,
e) 30 chickens or turkeys as well as any offspring until sexual maturity

“arterial highway” means an arterial highway as classified under the *Highway Act*;

“artisan shop" means a shop in which arts or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use;

“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, 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;

“aquaculture use” means the cultivation of aquatic plants or animals, but does not include the cultivation of aquatic plants or animals in a laboratory for experimental purposes or in an aquarium;

B

“backyard chickens” means a secondary use on a residential lot to house a small number of hens;

“bakery” means a retail establishment primarily engaged in the sale of baked products for consumption off site;

“bank” means a building for the custody, loan, or exchange of money;

“bare-land condominium” means a condominium in which the units are defined in relation to the land rather than in relation to a structure;

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

“billboard sign” means a large sign with at least one face larger than three square metres which is independently and permanently fixed to the ground or entirely attached to, and supported by, a wall of a building, or to a structure associated with, or joined to, a building, and of which both sides are visible;

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

“building” means any structure used or intended for supporting or containing any use or occupancy;

“bunkhouse” means a building that is a dormitory only, and provides no kitchen or bathroom, not exceeding 45 square metres in size;

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

C

“camping facility” means an area of land, managed as a unit, either used or maintained for the general public or belonging to or restricted for the use and enjoyment of particular persons, to provide sleeping facilities for short-term or seasonal accommodations for three or more of any combination of tents, yurts, domes, cabins, bunkhouses, or recreational vehicles. Accessory uses may include, but are not limited to, a laundromat, office for the camping facility, washroom facilities, canteen, park or playground, sanitary and waste disposal facilities, and recreational facilities;

“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;

“caretaker’s dwelling” means a single dwelling unit that is secondary to an agricultural, institutional, commercial, or industrial use for occupancy of the owner or an employee responsible for the maintenance, repair, or security of the property;

“cemetery” means land that is set apart for the burial of human and/or animal remains;

“chicken culling” means the humane euthanasia or removal of chickens as part of normal agricultural practices related to poultry production for human consumption, including flock health management and disease prevention, carried out in accordance with applicable legislation;

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

“commercial recreational establishment” means a recreational facility operated as a business and open to the public for a fee and, without limiting the generality of the foregoing, may include a golf course, amusement centre, or sports facility;

“commercial use” means any use that exists primarily for the purpose of financial gain by means of sale, lease, or rental of a product or service directly to the public;

“Commission” means the Regional Service Commission having jurisdiction and as established under the *Regional Service Delivery Act*;

“community centre" means a building intended for public assembly or social and cultural activities;

“companion animals” means domesticated animals commonly kept as household pets, including dogs and cats;

“composting operation” means a commercial composting activity in which vegetable matter, table scraps, garden waste, manure, and other organics are brought to a central location to be rendered into an organic soil additive for resale to the public;

“condominium” means real estate, units of which are designated for individual ownership with the remainder designated for common ownership by the individual owners;

“confined livestock area” means an outdoor non- grazing area where livestock is confined by fencing or other structures or topography, and includes a feedlot and an exercise yard;

“conservation use” means a wildlife refuge, natural buffer, or other such use that serves 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;

“crematorium” means a building or structure fitted with the proper appliances for the purposes of the cremation of human or animal remains;

D

“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 residential building or structure, or part thereof, containing one or more dwelling units;

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

E

"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*;

"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;

"electronic static copy" means, with respect to a sign, colour, graphic, logo, symbol, word, numeral, text, image, message, picture, or combination thereof displayed electronically, in a manner that is fixed for a set period of time;

"emergency services" means a building or use for the purpose of protecting or restoring safe conditions in the community and without limiting the generality of the forgoing may include fire stations, police stations, and ambulance services;

"environmentally sensitive area" means the habitat required for the maintenance and conservation of rare, threatened, or endangered species and sensitive natural features that provide critical habitat to various plant and animal communities;

"erect" means to construct, build, assemble, or relocate a building or structure, including any physical operation preparatory thereto;

"EV charging station" means an electric vehicle charging port which can deliver up to 20kW and is most common for home charging, fleet charging, and public charging where vehicles are parked for longer periods (1 hour +);

"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;

F

"factory outlet" means a building or part of a building which is secondary to permitted industrial use where products manufactured by that industry are kept for wholesale or retail sale;

"farmer's market" means an establishment or premises where farm products of a predominantly local farming community are sold at retail from areas designated for individual retailers;

“fixed sign” means a sign that is painted on, attached to and supported by a wall of a building or structure or by a fence or wall or by a canopy and of which only one side is visible.

“flood” (flooding, flood event) means, in general, an event that occurs when ditches, streams, lakes, or rivers overflow their banks or channels as a result of one or more of the following: a) prolonged or intense precipitation, b) melting snow, or c) blockage of flow;

“forestry use” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, may include silviculture activities, the raising and cutting of wood, pulpwood, saw logs, and other primary forest products, and the growing, harvesting, and production of Christmas trees, maple syrup, and fiddleheads, but does not include a sawmill;

“freestanding sign” means any sign supported independently of a building and permanently fixed to the ground by posts or a monument style base;

“front lot line” means a lot line dividing the lot from an abutting roadway;

“front yard” means, in relation to any building, structures, or part thereof on a lot, that part of the lot between such building, structure, or use and a front lot line;

“funeral home” means a building or part thereof designed for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of a dead human body for interment or cremation, and may include a crematorium as a secondary use subject to the applicable legislation;

G

“garage suite” means a one- or two-bedroom dwelling located above a detached garage on the same lot but clearly secondary to an existing main residential use;

“garden centre” means a building or premises where plants, trees, shrubs, and other gardening products are sold to the public and may include greenhouses or other structures for growing or storage, but which does not include the growing of cannabis;

“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, ;

“gasoline 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 liquids and small accessories required for the operation of motor vehicles;

“general service establishment” means an establishment for servicing, repairing, installing or renting things and equipment, including but not limited to radio or television service or repair shops, locksmith shops, small appliance service or repair shops, or household and carpenter tool service or repair shops;

“golf course” means a facility, other than a mini-golf course, for the playing of golf at which there may be a clubhouse including ,but not limited to, dining facility, restrooms and locker rooms.

“government office” means a building owned and operated by any level of government;

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

“grazing field” means a fenced enclosure or confined area used for the grazing of livestock which usually contains sufficient vegetation to serve as the principal food source for the livestock confined therein;

“grocery store” means a retail establishment primarily selling food products for home preparation and consumption and may also include the sale of other items of home and personal care, and which is generally larger and carries a broader range of merchandise than a convenience store;

“group home” means a residence, licensed or approved under provincial statute, for the accommodation of up to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioural, physical condition, or legal status, require a group living arrangement for their well-being, but does not include a “special care home”, as defined elsewhere within this By-Law;

H

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

“heavy equipment sales or service operation” means a building or structure in which heavy machinery is manufactured, maintained, repaired, or offered for sale, rent, or lease;

“home occupation” means a secondary use conducted in a dwelling or an accessory building for gain or reward, and which is conducted by at least one member of the family residing in that dwelling;

“hospital” means a facility that provides long and short term medical and health care, overnight stays, surgery, laboratory and diagnostic services for treating human illness, disease, and injury;

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

“hunting or recreation camp” means accommodations for seasonal use for hunting, fishing, snowmobiling, or similar recreational pursuits;

I

“industrial use” means the use of land, buildings, or structures for the manufacturing, processing, fabricating or assembling of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses;

“inflatable sign” means a non-rigid sign supported by gas or air pressure;

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

J

“jail” means an institution for the confinement of persons held in lawful custody;

K

“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 companion animals over the age of six months, but does not include veterinary services;

L

“laundromat” means a building or structure where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning;

“light industrial use” means the use of land, buildings or structures for the making of finished products or parts, usually from already prepared materials, including the processing, fabrication, assembly, treatment, packaging, removal, storage, sales and distribution of such products or parts, but excluding industrial uses;

“livestock” means bull, cow, bison, buffalo, donkey, fox, rabbit, horse, mink, mule, pig, steer, llama, alpaca, deer, sheep, goat, ostrich, emu, chicken, turkey, or geese;

“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;

“local highway” means a local highway as classified under the *Highway Act*;

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

“lot line” means a common boundary between a lot and an abutting lot or roadway;

M

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

“manufacturing operation” means a building or structure in which a product is fabricated and from which a product is shipped to a whole sale or retail outlet;

“medium scale wind turbine” means a wind turbine having a capacity of more than 10kW and less than 3MW;

“microbrewery or micro-distillery" means a facility for the production of beer, cider, wine, or spirits, or a combination thereof where no more than 800,000 litres of beer or cider, 100,000 litres of wine, or 75,000 litres of spirits are produced per calendar year;

“mini-home” means a building 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 nor to which towing apparatus can be attached, and that is capable of being transported by means of a flat-bed float trailer from the site of its construction without significant alteration;

“mini-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;

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

“Minister” means the Minister responsible for the *Community Planning Act*;

“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 three or more dwelling units;

N

“nursing home” means a residential facility licensed under the *Nursing Homes Act*, operated, whether for profit or not, for the purpose of supervisory, personal, or nursing care for seven or more persons who are not related by blood or marriage to the owner of the home and who, by reason of age, infirmity, or mental or physical disability are not fully able to care for themselves, but does not

include an institution operated under the *Mental Health Act*, the *Hospital Services Act*, the *Hospital Act*, or the *Family Services Act*;

O

"office" means a building or part thereof where professional, business, consulting, clerical, or administrative services are provided;

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

"outdoor recreational facility" means an area of land set aside for recreational purposes and may include, but is not limited to: playgrounds; baseball fields; golf courses; tennis courts; soccer and other athletic fields; outdoor rinks; outdoor swimming pools; areas designed for passive enjoyment and similar uses; and includes the buildings and structures in connection therewith but does not include tracks or facilities intended to be used for motocross, auto racing or similar activities;

P

"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 associated buildings and structures;

"party wall" means a wall shared by two adjoining properties;

"passive recreation use" means informal types of recreation which are non-consumptive uses such as, but not limited to walking, wildlife observation, and biking;

"personal service establishment" means a store or shop providing personal, professional, financial, or technical, services, assistance, or advice to consumers, and without limiting the generality of the foregoing, may include: barber and beauty shops, dressmakers and tailors, financial institutions, massage therapy clinics, pawnshops, printing and photocopy services, shoe repair shops, legal, architecture, and engineering offices, and professional photographers' studios;

"pet establishment" means a combination of an animal shelter, pet grooming services, a pet retail store, and a kennel;

"pet grooming" means an establishment where animals are groomed and washed, and may include the ancillary sale of products related to this service, but does not include any associated kennel or overnight accommodation.

"playground" means an area of landscaped open space equipped with children's play equipment such as slides, swings, or wading pools;

"portable milling machine" means a movable sawmill used on a temporary basis which produces less than 100 cords of wood within any given year;

"portable sign" means any sign which is specially designed or intended to be readily moved from one location or another and which does not rely on a building or fixed foundation for its structural support, and includes Signs commonly known as an "A-Board" or "Mobile Sign", or fabric devices and banners (excluding national or provincial flags which are not for advertising or announcement purposes) tethered to any building, structure, vehicle, or other device;

"post office" means a business which provides packaging and mail services;

"projecting sign" means a sign which is wholly or partially dependent on a building or structure for support and which projects beyond such building or structure in such a way that both sides are substantially visible;

"protected natural area" means an area of land or water permanently set aside under the *Protected Natural Areas Act*;

"provincial highway" means a provincial highway as classified under the *Highway Act*;

"provincial park" means a provincial park as defined and maintained by the *Parks Act*;

"pub or bar" means a drinking establishment licensed under the *Liquor Control Act* of New Brunswick whose primary function is the service of alcoholic beverages for consumption on the premises; some establishments may also service food, or have entertainment but their main purpose is to serve alcoholic beverages;

Q

"quarriable substance" means ordinary stone, building or construction stone, sand, gravel, peat, clay, and soil;

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

R

"rear lot line" means a lot line extending along the rear of the lot;

"rear yard" means, in relation to any building, structure or use on a lot, that part of the lot between such building, structure, or use and a rear lot line;

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

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

"redemption waste disposal site" means a premises where scrap or used materials are handled, dismantled, refurbished, or temporarily stored for resale or further disposal, subject to the

applicable Act or Regulation; scrap or used materials include waste paper, rags, wood, bottles, glass, and metal;

“religious institution” means a building for religious assembly which is maintained and controlled by a religious body;

“residential lease land community” means a parcel of land containing two or more manufactured homes or modular homes intended for residential occupancy, where the land is owned by one person or entity and the individual home sites are leased to occupants;

“retail use” means 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, furniture, appliances and tools, art and crafts, books, clothing, garden supplies, recreation or sporting goods, bakeries, drug stores, liquor stores, florists, and video rental stores, but does not include any use separately listed in a zone;

S

“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 components 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 100 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;

“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 in addition and subordinate to a main use;

“self-serve 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;

“seniors residence” means any home for senior citizens sponsored and administered by a public body, institutional body, or non-profit organization;

“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;

“sewage treatment facility" means a facility designed for the treatment of sewage that serves a given area;

“side lot line” means a lot line extending from a roadway to the rear of the lot;

“side yard” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the main building, structure, or use on a lot;

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

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

“small scale agriculture” means a small agricultural or hobby farm activity that is incidental to the principal residential use, is not carried out for financial gain or reward, or does not constitute a principal income for the farmer or landowner, and does not exceed the livestock thresholds set by provincial regulation i.e. specifically, fewer than 20 head of cattle or 200 poultry according to the Livestock Operations Act (O.C. 99-262);

“small scale wind turbine” means a wind turbine that is owned and operated for the owner’s use having a capacity of 10 kW or less;

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

“spring freshet” means a flood resulting from the spring snow thaw;

“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;

“supportive care facility” means a use for the purposes of providing special and individualized care to elderly persons, children, or persons who require care for their emotional, mental, social, behavioral, or physical condition, provided the facility complies with applicable legislation, and without limiting the foregoing, may include a nursing home, special care home, group home, or seniors residence;

T

“three-unit dwelling” means a dwelling containing three dwelling units;

“topsoil” means topsoil as defined within the *Topsoil Preservation Act*;

“topsoil removal” means the removal of topsoil for the purposes of the sale or commercial use of the material excavated;

“tourist establishment” means an area of land that is managed as a unit and operated to provide self-contained accommodations units to the traveling or recreating public, such as camping facilities, chalets, cabins, and yurts and that may include services and facilities in connection with the accommodations;

“trucking operation” means a building or land on which a business or industry involving the maintenance, servicing, storage or repair of trucks and similar commercial vehicles is conducted, including the dispensing of fuel and petroleum products and the sale of parts and accessories;

“two-unit dwelling” means a dwelling containing two dwelling units;

U

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

V

“veterinary clinic” means a building or structure, or part there-of, used for 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;

W

“warehouse” means a building, or part thereof, or structure used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles, and the like, but does not include fuel storage;

“watercourse” means 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;

“wayside pit” means a temporary pit developed for use by the Department of Transportation and Infrastructure, directly or under contract, solely for the purpose of highway construction, not including private roads, and is not located within a highway as defined within the *Highway Act*;

“wetland” means land that:

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

“width” means, in relation to a lot

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

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

“wind turbine height” means the distance from the base of the structure to its highest point; the highest point for a horizontal-axis wind turbine is defined as the tip of the blade when the blade is in a vertical position above the hub where the rotor is attached;

14. Purpose, Administration, Classification, and Conformity

14.1. Purpose

14.1.1. The purpose of Part C is:

a) to divide the Planning Area into zones;
b) to prescribe, subject to powers reserved to the Commission,
    (1) the purpose for which land, buildings, and structures in any zone may be used, and
    (2) standards to which land use and the placement, erection, alteration, and use of buildings and structures must conform; and
c) to prohibit, other than in conformity with the purposes and standards mentioned in section 14.1.1(b),
    (1) land use, and
    (2) use, placement, erection, or alteration of buildings or structures.

14.2. Powers of the Commission

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

14.2.2. As provided in section 55 of the *Community Planning Act*, the Commission may permit, subject to terms and conditions as it considers fit,

a) a proposed use of land or a building that is otherwise not permitted under the zoning provisions if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the provisions for the zone in which the land or building is situated; or
b) such reasonable variance from the requirements of this by-law's zoning provisions falling within paragraph 53(2)(*a*) of the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accordance with the general intent of this by-law and with any statement hereunder affecting such development.

14.2.3. In all zones created by this by-law, the use of land for the purposes of:

a) electric power;
b) natural gas;
c) EV charging stations;
d) water supply and storage;
e) sanitary sewage disposal and treatment of sewage generated within the planning area;
f) emergency services;
g) cemeteries;
h) drainage, including storm sewers;
i) wayside pits;
j) community gardens;
k) municipal recreation use;
l) walking trails;
m) land for public purpose;

n) mobile vendor;
o) seasonal or temporary market, festival, or event;
p) streets;
q) adaptive reuse of institutional buildings for supportive and transitional housing; and
r) all other public or private utilities

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

14.3. Temporary Use

14.3.1. The Commission may, subject to such terms and conditions as it considers fit,
a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
b) require the termination or removal of a development authorized under section 14.3.1(a) at the end of the authorized period.

14.3.2. The Commission may authorize, subject to terms and conditions, the extension of a temporary use for an additional period not exceeding one year, if:
a) the applicant holds an authorization under section 14.3.1(a) that is to expire or has expired;
b) an application with respect to the land has been made to amend the Rural Plan; and
c) the Commission has received a resolution from the Council confirming that the Council will consider the application referred to in section 14.3.2(b).

14.3.3. The Commission may:
a) delegate its authority under section 14.3.1(a) to the development officer, and
b) authorize a delegate under section 14.3.3(a) to further delegate their authority under section 14.3.3(a) to any person.

14.4. Specific Powers of Council

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

14.5. Classification

14.5.1. For the purposes of the By-Law the area is divided into zones as delineated on the plan attached as Schedule A, entitled “Central York Rural Community Zoning Map”.

14.5.2. The zones mentioned in subsection 14.5.1 are classified and referred to as follows:

ZONE	SYMBOL
Rural	RU Zone
Rural Residential	RR Zone
Residential Leased Land Community	RLLC Zone
Commercial & Light Industrial	CLI Zone
Industrial	I Zone
Mixed-Use	MU Zone
Institutional	INST Zone
Agriculture & Resource	A&R Zone
Extractive Industrial	EI Zone
Environmental Constraint	EC Zone
Conservation	C Zone
Comprehensive Development	CD Zone
Keswick Islands	KI Zone

14.6. Conforming and Non-Conforming Uses

14.6.1. In any zone, all land on a lot 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 of, except as otherwise provided, the parts of this by-law pertaining to such zone.

14.6.2. A non-conforming use is as addressed within sections 60 and 61 of the *Community Planning Act*.

14.6.3. An agricultural operation shall be permitted a minimum vacancy period of 24 months before losing its non-conforming status.

14.6.4. Development on Crown Land may be exempt from zoning regulations contained herein as per section 129 of the *Community Planning Act*.

14.7. Unauthorized Development

14.7.1. Nothing in this by-law shall be deemed to sanction any development not having obtained the appropriate permits prior to its date of enactment, whereby any such development becomes subject to the applicable provisions contained herein.

14.8. Existing Building or Structure on an Undersized Lot

14.8.1. A building or structure, its development having commenced or been completed on or before the effective date of this by-law, upon a lot having less than the minimum frontage, depth, or area required by this by-law may be enlarged, reconstructed, repaired, or renovated provided that

a) the zone-applicable minimum distances between the main building or structure and the lot lines are satisfied; and
b) all other applicable provisions have been met.

14.9. Interpretation

14.9.1. Should uncertainty exist on the limit of any zone as depicted on Schedule A, the following guidelines will be followed:

a) where the depicted limit follows a highway, road, or street, the centreline of such feature is the limit;
b) where the depicted limit does not coincide with that of a subdivision plan filed in the registry office or a plan of survey attached to a document registered in the registry office, the boundaries depicted on said plans supersede those of the zoning map;
c) where the depicted limit, intending to follow a lot line, differs from the ground location of the lot line, the ground location shall prevail;
d) where the depicted limit, intending to follow a lot line, differs from that shown on a more recent Service New Brunswick property map due to the correction of a cartographic error or the settlement of a boundary dispute or uncertainty, the more recent depiction shown on said property map shall prevail;
e) where the depicted limit, intending to follow a lot line, differs from that shown on a more recent Service New Brunswick property map due to subdivision or amalgamation, the depicted limit shall prevail; and
f) where none of the above applies, the zone boundary is determined by measuring the Zoning Map directly;

14.10. Amendments

14.10.1. A person who seeks to have this by-law amended shall:

a) address a written and signed application to the Commission; and

b) pay a fee of $1,500.00, payable to the Commission.

14.10.2. On the advice of the Council, the Commission may return to the applicant all or any part of a fee mentioned in section 14.10.1(b).

14.10.3. An application shall include such information as may be required by Council or the Commission.

14.10.4. For an application under this section which has been previously refused by Council, no further application may be considered for a period of one year after such application; unless, upon investigation, Council is of the opinion there is valid new evidence or change in conditions, where:

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

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

14.11. Rural Plan Review

14.11.1. Council shall undertake a review of the Rural Plan every 10 years.

14.12. Diagram

14.12.1. Diagrams may be used for interpretation, but the written text prevails in case of conflict.

14.13. Crown Lands

14.13.1. 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.

14.13.2. 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.

14.13.3. 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.

15. General Provisions

15.1. Permits

15.1.1. No person shall undertake a development, nor undertake or continue the building, locating or relocating, demolishing, altering, or replacing of main or accessory buildings or structures, without acquiring either a building permit or a development approval issued by the Building Inspector or by the Development Officer, subject to review by said Inspector or Officer. No permit or approval shall be issued unless all the provisions of this by-law are satisfied.

15.1.2. The Development Officer's approval of a development is required before the Building Inspector may issue a building permit.

15.1.3. Notwithstanding sections 15.1.1 to 15.1.2, no permit will be required for the following:

a) re-roofing;
b) non-structural repairs;
c) installation, including paving or bricking, of walkways or driveways;
d) window replacement of the same size or smaller, excluding bedroom windows;
e) retaining walls less than 1 metre in height from the top of the wall to the lowest adjacent surface;
f) any landscaping or planting activity, including the extraction of sand, gravel, and rocks, for the landowner's own on-site use;
g) recreation structures such as play equipment, poles for flags, or clotheslines;
h) insulating, finish floor replacement, wallpapering, replacing exterior cladding for residential properties only, eavestroughing, or cosmetic decorations;
i) a power or telephone pole or line;
j) fences less than 1.8 metres in height or other forms of lot line demarcation; and
k) minor repairing, non-structural maintenance, or replacing existing exterior decks, landings, or stairs, where the replacement is of the same configuration as the item being replaced.

15.1.4. Where the provisions of this By-law conflict with those of any other municipal, provincial, or federal regulations, By-laws, or codes, the higher or more stringent requirements shall prevail.

15.2. Location of Buildings and Structures on a Lot

15.2.1. No building or structure may be placed, erected, or altered in any zone unless such building or structure conforms to the following setback requirements:

a) 15 metres from the limit of an arterial or collector highway;
b) 7.5 metres from the limit of a local highway or local road;
c) 3 metres from a side yard lot line; or
d) 3 metres from a rear yard lot line.

15.2.2. Notwithstanding section 15.2.1, a building or structure may be placed, erected, or altered so that it is as near a boundary of a street or highway as existing buildings or structures, provided that the nearest side of each existing building or structure is immediately adjacent to and will be within 30 metres of the nearest side of the building or structure to be placed, erected or altered.

15.2.3. No accessory building or structure shall be placed, erected, or altered so that it is:
- a) closer than 15 metres from the front lot line on an arterial or collector highway;
- b) closer than 7.5 metres from the front lot line on a local highway or local road;
- c) closer than 3 metres to a side lot line; or
- d) closer than 3 metres to a rear lot line.

15.2.4. No development shall be undertaken within 30 metres of the right-of-way of a provincial highway unless a valid setback permit or written approval has been obtained from the New Brunswick Department of Transportation and Infrastructure, where required.

15.3. Dwellings with Common Party Walls

15.3.1. Notwithstanding any other section of this plan, dwellings with common party walls occupying more than one lot shall be considered as one building occupying one lot for the purposes of determining required setbacks, lot occupancy, lot area, etc.

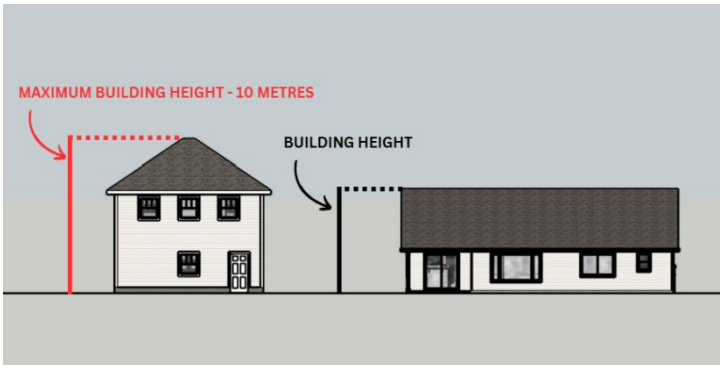
15.4. Dwellings per Lot

15.4.1. No more than one building, containing one or more dwelling units, may be placed or erected on a lot, and no building or structure may be altered to become a second dwelling on a lot, except where the following uses are permitted:
- a) a garden suite;
- b) a tourist establishment;
- c) a residential lease land community;
- d) a lot wherein dwellings are so located that they would be in conformity with the provisions of this By-law if the lot was divided into separate lots, each abutting a public street and containing one dwelling.

15.5. Height of a Main Building or Structure

15.5.1. No main building or structure may exceed 10 metres in height,

15.5.2. The height restriction in subsection 15.5.1 shall not apply to a barn, livestock facility, silo, chimney, church tower, communication antennae, signage, or water storage facility.



15.6. Lot Occupancy

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

15.7. Lot Size

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

15.7.2. Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall have and contain:

a) for a single unit dwelling or a building or structure not used for residential purposes,
   i. a width of at least 18 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 540 square metres;

b) for a two-unit dwelling,
   i. a width of at least 23 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 818 square metres;

c) for a three-unit dwelling,
   i. a width of at least 27 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 1,090 square metres;

d) for a multiple unit dwelling,
   i. a width of at least 36 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 1,272 square metres, plus 68 square metres for each dwelling unit in excess of four.

15.7.3. Where a lot is serviced by a sewer system for public use, and not by a water system for public use, the lot shall have and contain:

a) for a single unit dwelling or a building or structure not used for residential purposes,
   i. a width of at least 23 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 690 square metres;

b) for a two-unit dwelling,
   i. a width of at least 27 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 1,022 square metres;

c) for a three-unit dwelling,
   i. a width of at least 32 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 1,363 square metres; and

d) for a multiple unit dwelling,
   i. a width of at least 36 metres;
   ii. a depth of at least 30 metres; and
   iii. an area of at least 1,545 square metres, plus 100 square metres for each dwelling unit in excess of four.

15.7.4. Where a lot is not serviced by a sewer system for public use, a lot shall have and contain:

a) for a single unit dwelling or a building or structure not used for residential purposes,
   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.

15.7.5. Where a lot is to be serviced by a private sewage disposal system and has been approved by the agency responsible, the lot may be used as the location for:

a) a two-unit dwelling where the lot has and contains,
   i. a width of at least 59, and
   ii. an area of at least 5,350 square metres;
b) a three-unit dwelling where the lot has and contains,
   i. a width of at least 63, and
   ii. an area of at least 6,700 square metres;
c) a multiple unit dwelling where the lot has and contains,
   i. a width of 68 metres, and
   ii. an area of at least 8,050 square metres

15.7.6. Notwithstanding the provisions of this section, a lot created prior to the adoption of this by-law, not meeting the requirements of section 15.7, may be used for a single unit dwelling if approved by the Department of Public Safety for the installation of a septic tank and disposal field.

15.8. Undersized Lots

15.8.1. The Rural Plan does not prevent the use of a lot in existence prior to the adoption of the Rural Plan that does not conform to the minimum size requirements provided:

a) the proposed use of the lot is permitted in the zone
b) that the lot is serviced by an approved sewage disposal system; and
c) that setbacks, lot occupancy, and all other relevant requirements are maintained.

15.9. Home Occupations

15.9.1. Where permitted, a home occupation may be conducted as a secondary use in a dwelling or an accessory building or a combination, subject to the following conditions:

a) that the home occupation shall not consist of a convenience store, eating establishment, the production or sale of cannabis, automotive sales or rental establishment, salvage yard, machine and weld shop, an industrial use, or any use that involves an outdoor animal enclosure;
b) that no changes are made that will modify the residential characteristics of the dwelling unit or accessory building.
c) the home occupation is limited to one sign pursuant to section 15.16;
d) that no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit or accessory building;
e) that the service does not produce inordinate amounts of water or create excessive noise, fumes, dust, vibration, glare, electronic interference, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood;
f) that the service does not generate sewage in excess of what can be accommodated by an existing sewage disposal system;

g) that the outdoor storage of materials, equipment be maintained in an orderly and neat condition at all times; and
h) that adequate on-site parking be provided for all personal, business, and customer vehicles.

15.10. Early Learning and Childcare Facilities

15.10.1. Where permitted, an early learning and childcare facility shall be subject to the following:
a) the facility shall comply with all provincial regulations and be licensed appropriately;
b) pick-up and drop-off of children must occur on-site; and
c) for a childcare operation conducted on a residential lot, no bed and breakfast, garden suite, secondary suite, or supportive housing is permitted in any building on the lot.

15.11. Garden Suites and Garage Suites

15.11.1. Where permitted, a garden suite or a garage suite may be located on a lot containing a one- or two-unit dwelling provided:
a) there is only one garden suite or garage suite per lot;
b) the garden or garage suite is located on a lot with an area of at least 4000 square meters;
c) the garden suite or garage suite meets the required setbacks;
d) the garden suite or garage suite meets the requirements for fire separation per the National Building Code of Canada;
e) the garden suite or garage suite is clearly secondary to the main dwelling;
f) the garden suite or garage suite has a gross floor area less than 115 square metres;
g) the use not exceed 4.25 meters in height for a garden suite or 6.25 meters in height for a garage suite;
h) the garden suite or garage suite is provided with adequate water and sewer systems, as acceptable to the Department of Justice and Public Safety or another agency having jurisdiction;
i) there is adequate on-site parking provided for the garden suite or garage suite; and
j) the garden suite or garage suite is subject to terms and conditions as may be imposed by the Commission.

15.12. Secondary Suites

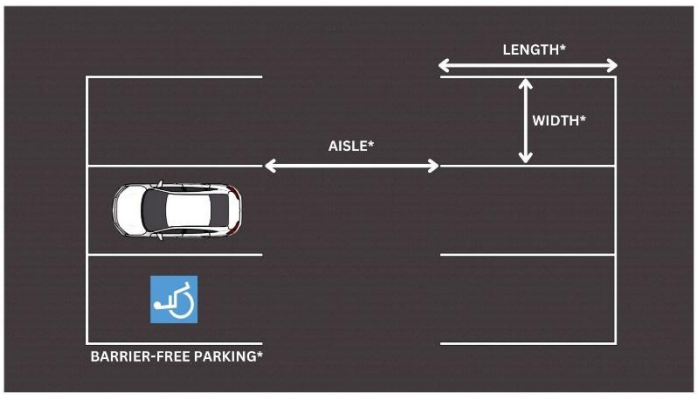
15.12.1. Where permitted, a secondary suite is subject to the following requirements:
a) The suite shall be located within a one-unit, two-unit, or rowhouse dwelling where each main unit is a single real estate unit per the National Building Code of Canada;
b) the suite shall not exceed 80% of the gross floor area of the main dwelling or 80 square metres, whichever is less;
c) the suite shall contain a maximum of 2 bedrooms with the floor area of each bedroom not exceeding 20 square meters;

d) the presence of a secondary suite shall not change the exterior appearance of the main building; and
e) there is adequate on-site parking provided for the secondary suite.

15.13. Parking Standards

15.13.1. All uses of land shall provide adequate on-site parking, so that no on-street parking is required for the use.

15.13.2. For non-residential uses, barrier free parking shall be required as per the *Barrier-Free Design Building Code Regulation – Building Code Administration Act*.



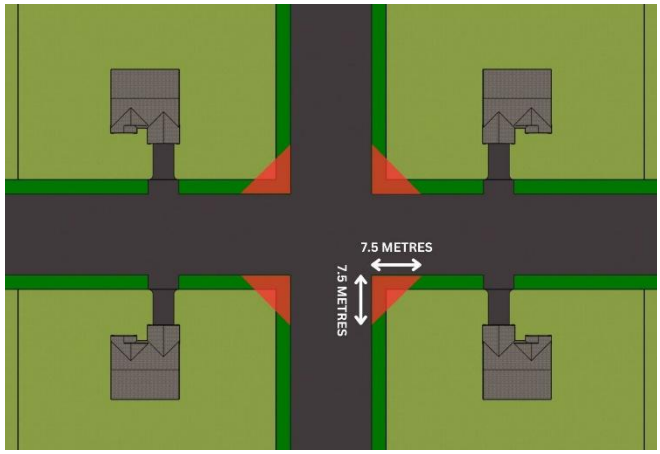
*DIMENSIONS AS PER *BUILDING CODE ADMINISTRATION ACT*

15.14. Loading Standards

15.14.1. A loading space, not less than 9 metres long, 3.5 metres wide, and 4 metres high, with access thereto, shall be required for every building or structure used for any purpose involving the receipt or distribution of goods, animals, salvage, materials, or commodities.

15.15. Visibility on Corner Lots

15.15.1. On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by street lines and a line joining points on the street lines at a distance of 7.5 metres from the point of intersection.



15.16. Signs

15.16.1. The following sign types are permitted subject to the following standards:

	Freestanding Sign	Portable Sign	Fixed Sign	Projecting Sign
Height	Maximum 5m	Maximum 1m	At or below second storey windows	At or below second storey windows, minimum of 2.5m above grade
Maximum surface area	$1m^2$ per side	$0.5m^2$ per side	$1m^2$	$0.5m^2$ per side
Setbacks	2m from a property line, 7m from the street line for a corner lot		Can project a maximum of 25cm from the wall to which it is fixed	Cannot project more than one metre from the wall to which it is fixed and cannot project over a lot line

15.16.2. 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;
b) an indoor sign, unless it is intended to be viewed from outside 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 Central York 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 identifies the responsible professionals, contractors, etc. and other construction details for any one project provided that it does not exceed 6 square metres in area, and is 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, 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 or lawn sign that is not illuminated, advertising a sale, rent, or lease of any premises, and provided that it is located on the referenced property;
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, a church supper, etc;
h) two minor information or direction signs on any property which do not exceed 0.4 metres by 0.3 metres;
i) a direction and/or information and/or warning sign erected by or on behalf of the Central York Rural Community; or
j) a yard sale sign to be removed after the day of the sale.

15.16.3. No sign shall be erected or displayed:

a) on a corner lot where such placement would contravene the visibility requirements pursuant to Section 15.15; and
b) on a property not owned by the person or business being advertised unless permission has been obtained from the landowner.

15.17. Outside Storage

15.17.1. With the exception of outside storage on a lot zoned for industrial use, no equipment, vehicle parts, aggregate, or scrap of any kind may be stored outside buildings or structures in a way that is contrary to the *By-Law No. A-9 – A By-Law of the Central York Rural Community Respecting Dangerous or Unsightly Premises Within the Municipal Boundaries of Central York Rural Community*.

15.17.2. Any outdoor storage area shall comply with the minimum yard setback required under this by-law.

15.18. Excavation Sites

15.18.1. An excavation site shall not be located in any zone except in either the Extractive Industrial or Resource & Agriculture Zone.

15.18.2. At minimum, the final perimeter of all excavation sites shall not be located within:

a) 30 metres of a road, street, highway, easement, or right-of-way;
b) 150 metres of the foundation of any building;
c) 150 metres of a private water supply well;
d) 60 metres of the ordinary high water mark or the bank of a watercourse;
e) 30 metres from the boundary of any existing area that has been designated as a Natural Protected Area under the *Protected Natural Areas Act*;
f) 50 metres of a residential property boundary; and
g) 30 metres of any lot line of an abutting property.

15.18.3. Removal of any quarriable substance by the use of explosives shall occur only in the Extractive Industrial zone and not occur within 600 metres of any drinking water supply well.

15.18.4. All excavation site operations shall have adequate signage posted around the perimeter that is visible from any access, warning people of any dangerous situations associated with the operation, including, but not limited to, blasting, steep slopes, or open holes.

15.18.5. A treed or landscaped buffer of at least 15 metres in width shall be maintained between the final perimeter of any excavation site and any public street or adjacent property.

15.18.6. A barricade such as a fence or a berm shall be put in place around any extraction site that has a vertical face slope steeper than 60 degrees from horizontal and in excess of 3 metres in height.

15.18.7. The excavation site shall not 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.

15.18.8. No excavation may take place to a depth below the groundwater table unless it is demonstrated by a qualified hydrologist that there will be no negative consequences to the water table and the availability of water to surrounding wells.

15.18.9. All relevant provincial agencies shall be contacted, including archeology, and a rehabilitation plan shall be submitted to the Development Officer prior to a development approval being granted for an extraction site.

15.19. Bed and Breakfast

15.19.1. A bed and breakfast may be conducted in a single unit dwelling subject to the following:

a) it is not conducted in a dwelling that also includes an early learning and childcare facility, special care home, or secondary suite;
b) it has adequate water and sewer services in accordance with the appropriate provincial or municipal requirements; and
c) it has adequate off-street vehicle parking for employees and overnight guests.

15.20. Tourist Establishment

15.20.1. Where permitted, a tourist establishment shall be subject to the following provisions:

a) the lot has an area of at least 4,000 square metres;
b) all tents, recreational vehicles, camps, cottages, bunkhouses, and their accessory uses shall be located at least 5 metres from any property line;
c) the tourist establishment has acceptable connection to water and sewer/septic in accordance with the appropriate provincial and municipal requirements;
d) a camping facility shall have a minimum of two separate access points onto a street that is at least 6 metres in width;
e) when abutting a residential use, a 2 metre tall opaque fence shall be required, unless an adequate treed buffer is maintained to reasonably shield the use from view;
f) where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for areas along the perimeter;
g) refuse collection shall be fully enclosed and screened from adjacent properties. Containers for refuse shall include mechanisms that prevent access from wildlife; and
h) if the property is located within the floodplain overlay, any portable accommodations, such as tents and recreational vehicles, must be removed from the property for the duration of the spring freshet.

15.21. Recreational Vehicles

15.21.1. With the exception of a tourist establishment, where permitted, recreational vehicles shall comply with the following:

a) on an occupied lot, recreational vehicles shall be located a minimum of 1.5 metres from any other property line;
b) on a vacant lot the recreational vehicles shall be located within the required setbacks of section 15.2;
c) if a property is located within the floodplain overlay, the recreational vehicles must be removed from the property for the duration of the spring freshet; and
d) a recreational vehicle may be used as a temporary dwelling and shall comply to Section 15.21.

15.22. Keeping of Livestock

15.22.1. 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 following 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.

15.23. Backyard Chickens

15.23.1. Where permitted within the RR Zone, RLLC Zone, and MU Zone, the keeping of chickens shall be considered a secondary use on a lot containing a single dwelling unit, subject to the following:

a) for a lot with an area of at least 1,100 square metres, no more than 6 chickens may be kept at any given time;
b) for a lot with an area of at least 4,000 square metres, no more than 15 chickens may be kept at any given time;
c) for a lot with an area of at least 4,000 square metres, no more than 1 male fowl may be kept at any given time;
d) no more than 199 chickens shall be raised for slaughter for personal consumption on a lot, and such activity shall not involve the commercial sale, processing, or distribution of poultry.
e) a roofed enclosure consisting of a chicken coop connected to a chicken run is required and shall be fully enclosed by wired fencing and impermeable to predators;
f) the enclosure shall be located in the rear yard;
g) the enclosure shall be located a minimum of 3 metres from any potable water well and shall be located a minimum of 4.5 metres from any lot lines;
h) any waste material shall be removed from the site or composted on a regular basis;

15.24. Agricultural Separation Distances

15.24.1. Notwithstanding any other provision of this by-law, the following minimum separation distances shall apply to agricultural operation uses:

a) A new agricultural operation that includes a livestock facility or the storage of manure shall be located away from any existing dwelling and lot line pursuant to Section 15.22 (d);
b) A new dwelling shall be located away from any existing agricultural operation that includes a livestock facility or the storage of manure pursuant to Section 15.22 (d);
c) Any agricultural operation that involves the spreading of manure shall be located at least 10 metres from any residential zone or residential lot.

15.24.2. Where separation distances in this section differ from other siting standards contained in this Bylaw, the larger of the applicable distances shall apply.

15.25. Kennels and Pet Establishment

15.25.1. Where permitted, a kennel shall be subject to the following:

a) a kennel is permitted on a lot with an area determined by the number of dogs kept on the premises as follows:
    i. between 5 and 10 companion animals, an area of at least 6,000 square metres;
    ii. between 11 and 15 companion animals, an area of at least 10,000 square metres;
b) the kennel is located at least 15 metres from the street line and 15 metres from any other property line;

c) 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
d) where the number of companion animals on a lot exceeds 15, the use shall be subject to terms and conditions as established by the Commission.

15.25.2. Where permitted, a pet establishment shall be subject to the following:
a) a pet establishment shall only be permitted on a lot having a minimum area of 20,000 square metres;
b) the use shall comply with all applicable provincial licensing and regulatory requirements;
c) the establishment shall be designed and operated in a manner that minimizes adverse impacts, including noise, odour, and traffic, on adjacent properties;
d) any outdoor areas associated with the use shall be appropriately screened and maintained;

15.26. Wind Turbines

15.26.1. Small scale wind turbines:
a) a small wind turbine shall only be permitted as an accessory use in all zones;
b) a small wind turbine shall be set back a minimum of 1.5 times the turbine height from any property line;
c) all structures associated with the turbine, including anchors, shall be setback a minimum of 3 metres from and property line; and
d) the turbine shall be removed if not in use for a period of two consecutive years.

15.26.2. Medium scale wind turbines and wind farms:
a) medium scale wind turbines shall only be permitted as a main use on all zones
b) medium scale wind turbines shall be set back a minimum of 1.5 times the turbine height from any property line;
c) medium scale turbines shall be set back a minimum of 550 metres from any existing dwelling;
d) medium scale turbines shall be setback a minimum of 3.5 times the height of the turbine from the right-of-way of a public highway;
e) all structures associated with the turbine, including anchors, shall be setback a minimum of 3 metres from any property line; and
f) the turbine shall be removed if not in use for a period of two consecutive years.

15.27. Salvage Yards

15.27.1. Where permitted, a salvage yard shall be located on a lot with an area of at least 2 hectares and shall be subject to terms and conditions as may be imposed by the Commission.

15.27.2. Where permitted on a lot having an area of less than 2 hectares, a Development Agreement consisting of applicable terms and conditions, shall be signed between the developer and the Council;

15.27.3. When abutting a residential use, a 2 metre tall opaque fence shall be required, unless an adequate treed buffer is maintained to reasonably shield the use from view; and

15.27.4. When abutting a non-residential use, a 2 metre tall opaque fence shall be required along the front yard, unless an adequate treed buffer is maintained to reasonably shield the use from view.

15.28. Development in the Floodplain

15.28.1. No main building may be erected, constructed, or modified unless it meets the following minimum requirements:

a) in the case of a new main building:
   i. the parcel of land does not have sufficient space outside the Floodplain Overlay Zone to contain the use;
   ii. a minimum floor elevation greater than the known minimum flood extent;
   iii. provide a drainage plan, if adaptation measures result in more than 1 vertical metre of fill;
b) in the case of an existing building, the building may be expanded or modified if:
   i. it does not reduce the elevation of the existing building;
   ii. any expansion of habitable space is limited to 40% of the area of the building footprint that existed at the time of this Rural Plan coming into effect;
c) this section does not apply to accessory buildings or structures, open spaces, or temporary uses.

15.29. Seasonal Roadside Vegetable and Fruit Stands

15.29.1. The following terms and conditions apply to the erection of seasonal roadside vegetable and fruit stands:

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 104 or 105, the building shall be set back a minimum of 25 metres from the centre line of the highway l
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.

15.30. Separation Distances

15.30.1. Separation distances specified below shall be maintained for residential, recreational, and institutional uses, unless such uses are permitted on the same lot:

a) livestock operation pursuant to Section 15.22;
b) salvage yard – 200 metres;
c) sawmill – 200 metres
d) wind turbines – 2.5 times the turbine height;
e) asphalt plant – 750 metres;

f) waste composting operation – 500 metres; and
g) abandoned landfill site – 200 metres.

16. Floodplain Overlay

16.1. These provisions shall prevail over underlying zone and provision standards within this area, including, but not limited to, permitted uses.

16.2. Notwithstanding any underlying zone standard in this by-law, all land, new development, or building or structure shall adhere to the following:

a) the following uses are not permitted:
   i. an institutional use with a residential component such as hospitals, prisons, residential care homes, and similar facilities;
   ii. a multiple unit dwelling;
   iii. a building for emergency services;
   iv. a government office;
   v. an early learning and childcare facility;
   vi. a public or private school;
   vii. a facility for the manufacturing, processing, packaging, or storage of hazardous materials; or
   viii. a facility for the storage and/or treatment of liquid or solid waste.

17. Rural – RU Zone

17.1. In a RU Zone, any land, building, or structure may be used for the purposes of, and no other than,

a) one or more of the following main uses:

i. a single-unit dwelling;
ii. a two-unit dwelling;
iii. a multiple-family dwelling up to four units;
iv. a special care facility;
v. an early learning and childcare facility, subject to section 15.10;
vi. a personal service establishment;
vii. a general service establishment;
viii. a religious institution;
ix. a tourist establishment, subject to section 15.20;
x. a recreational vehicle, subject to section 15.21;
xi. a forestry use;
xii. a passive recreation use
xiii. a park or playground;
xiv. an outdoor recreational use;
xv. an eating establishment;
xvi. a retail use under 1000 square metres in area;
xvii. a community centre;
xviii. a school;
xix. a health clinic;
xx. a supportive care facility;
xxi. a hotel or motel;
xxii. a veterinary clinic;
xxiii. a self-serve storage facility;
xxiv. a conservation use;
xxv. a business or professional office;
xxvi. an artisan shop;
xxvii. a bakery;
xxviii. an abattoir ;
xxix. a garden centre;
xxx. a farmer's market; or
xxxi. an agricultural use, subject to section 15.22; and

b) one or more of the following main uses, subject to terms and conditions as may be set by the Commission:

i. a gasoline bar;
ii. an automotive repair shop;
iii. an automotive sales or rental establishment;
iv. a contractor's yard;
v. a gravel pit;

vi. a light industrial use;
vii. a kennel, subject to section 15.25;
viii. a commercial recreational establishment;

c) one or more of the following secondary uses:
i. an office for the management of a permitted main use;
ii. a home occupation, subject to section 15.9;
iii. a garden suite or garage suite, subject to section 15.11;
iv. a secondary suite, subject to section 15.12;
v. a bed and breakfast, subject to section 15.19;
vi. the storage of a recreational vehicle, subject to section 15.21;
vii. a caretaker's dwelling;
viii. a portable milling machine;
ix. a pet grooming facility;
x. backyard chickens on a residential lot, subject to section 15.23; or

d) accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

18. Rural Residential – RR Zone

18.1. In a RR Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) one or more of the following main uses:
   i. a single-unit dwelling;
   ii. a two-unit dwelling;
   iii. a multiple-unit dwelling;
   iv. an early learning and childcare facility, subject to section 15.9;
   v. a park or playground;

b) one or more of the following secondary uses:
   i. a home occupation, subject to section 15.9;
   ii. a garden suite or garage suite, subject to section 15.11;
   iii. a secondary suite, subject to section 15.12;
   iv. the storage of a recreational vehicle; subject to section 15.21;
   v. backyard chickens, subject to section 15.23;

c) accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

19. Residential Leased Land Community – RLLC Zone

19.1. In a RLLC Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. a mini-home park;
   ii. a bare-land condominium, subject to applicable legislation;

b) One or more of the following secondary uses:
   i. an office relating to the management of the main use;
   ii. a home occupation;
   iii. backyard chickens, subject to section 15.23;

c) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

20. Commercial and Light Industrial – CLI Zone

20.1. In a CLI Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:

i. a retail store;
ii. a business office;
iii. a lumber yard;
iv. a building supply store;
v. a commercial recreational facility;
vi. a self-service storage facility;
vii. an automotive sales or rental establishment;
viii. an automotive repair shop;
ix. a contractor's yard;
x. a small engine service or repair shop;
xi. an equipment sales or rental establishment;
xii. a gasoline bar;
xiii. a kennel subject to section 15.25;
xiv. an eating establishment;
xv. a machine and welding shop;
xvi. a special care facility;
xvii. an early learning and childcare facility, subject to section 15.10;
xviii. a tourist establishment subject to section 15.20;
xix. a health clinic;
xx. a supportive care facility;
xxi. a bank;
xxii. a hotel or motel;
xxiii. a golf course;
xxiv. a veterinary clinic;
xxv. a grocery store;
xxvi. an abattoir;
xxvii. a light industrial use;
xxviii. a farmer's market; or
xxix. an agricultural use, subject to section 15.22; and

b) One or more of the following main uses, subject to terms and conditions as may be set by the Commission:

i. light manufacturing, sales, or service;
ii. a pet establishment subject to section15.25;
iii. a microbrewery or micro-distillery;
iv. a heavy equipment manufacturing, sales or service

c) One or more of the following secondary uses:

i. a single-unit dwelling;
ii. a garden suite or garage suite subject to section 15.11; or

d) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

21. Industrial – I Zone

21.1. In an I Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses
   i. a contractor's yard;
   ii. a warehouse;
   iii. a self-serve storage facility;
   iv. an automotive repair shop;
   v. an automotive sales or rental establishment;
   vi. a salvage yard, subject to section 15.27;
   vii. a composting operation;
   viii. an aquaculture use;
   ix. a redemption waste disposal site;
   x. an industrial use;
   xi. a trucking operation;
   xii. a cannabis production facility, subject to applicable legislation;
   xiii. a heavy equipment sales or service operation;
   xiv. a manufacturing operation; or
   xv. a sawmill; and

b) One or more of the following secondary uses:
   i. an office relating to the management of the main use;
   ii. a caretaker's dwelling;
   iii. a factory outlet; and

c) Any accessory building, structure, or use to an authorized main or secondary use.

22. Mixed-Use – MU Zone

22.1. In a MU Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. a single-unit dwelling;
   ii. a two-unit dwelling;
   iii. a multi-unit dwelling;
   iv. a special care home;
   v. veterinary services;
   vi. a group home;
   vii. a nursing home;
   viii. a clinic;
   ix. an early learning and childcare facility, subject to section 15.10;
   x. a retail store;
   xi. a business office;
   xii. a personal service establishment;
   xiii. a tourism use;
   xiv. an outdoor recreational facility;
   xv. a commercial recreational facility;
   xvi. a community hall;
   xvii. an eating establishment;
   xviii. a place of worship;
   xix. a post office;
   xx. a funeral home;
   xxi. a park or playground;

b) One or more of the following main uses, subject to terms and conditions as may be set by the Commission:
   i. an automotive sales or rental establishment;
   ii. an automotive repair shop;
   iii. a service station and gasoline bar;
   iv. a contractor's yard;
   v. a kennel subject to section 15.25;

c) One or more of the following secondary uses:
   iii. a home occupation;
   iv. backyard chickens subject to section 15.23;
   v. a secondary suite subject to section 15.12;
   vi. a garden suite or garage suite subject to section 15.11; or

d) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

23. Institutional – INST Zone

23.1. In an INST Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. a community centre;
   ii. an outdoor recreational facility;
   iii. a religious institution;
   iv. a hospital;
   v. a health clinic;
   vi. a building for emergency services;
   vii. a supportive care facility;
   viii. a community care facility or seniors residence;
   ix. a school;
   x. a jail;
   xi. a government office;
   xii. a park or playground;

b) One or more of the following secondary uses:
   i. an office relating to the management of the main use;
   ii. a commercial recreational facility;
   iii. a caretaker's dwelling; and

c) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

24. Agriculture and Resource – A&R Zone

24.1. In an A&R Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. a forestry use;
   ii. an aquaculture use;
   iii. an agricultural use, subject to section 15.22;
   iv. a kennel, subject to section 15.25;
   v. a pet establishment, subject to section 15.25;
   vi. an outdoor recreational use;
   vii. a gravel pit;
   viii. a topsoil removal operation, subject to applicable legislation;
   ix. a sawmill;
   x. a park or playground;
   xi. a passive recreation use;
   xii. a mining operation;
   xiii. an excavation site, subject to section 15.18 and any applicable legislation;

b) One or more of the following secondary uses to a permitted main use:
   i. an office relating to the management of the main use;
   ii. a microbrewery or micro-distillery;
   iii. a home occupation, subject to section 15.9;
   iv. a single unit dwelling;
   v. a two-unit dwelling;
   vi. a garden suite or garage suite, subject to section 15.11;
   vii. a secondary suite, subject to section 15.12;
   viii. a portable milling machine;
   ix. backyard chickens, subject to section 15.23; and

c) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

25. Extractive Industrial – EI Zone

25.1. In an EI Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. an excavation site, subject to section 15.18 and any applicable legislation;
   ii. forestry operation;

b) One or more of the following secondary uses to a permitted main use:
   i. accessory buildings or structure incidental to the main use;
   ii. crushing, screening, or washing of extracted materials;
   iii. stockpiling, storage, or distribution of extracted materials;
   iv. extraction equipment maintenance;
   v. temporary office or site office associated with an extractive use;
   vi. public utility and service infrastructure;
   vii. weigh scale;
   viii. temporary accommodation for on-site workers
   ix. temporary storage of fuels, oils and lubricants for on-site equipment subject to applicable provincial regulations;

c) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

26. Environmental Constraint – EC Zone

26.1. In an EC Zone, any land, building, or structure may be used for the purpose of, and no other purpose than,

a) One or more of the following main uses:
   i. an agricultural use, subject to section 15.22;
   ii. a park or playground;
   iii. a passive recreation use;
   iv. a conservation use;

b) One or more of the following main uses subject to terms and conditions as may be imposed by the commission:
   i. a structure incidental to a permitted main use;
   ii. other uses, permitted in the immediate adjacent zone, permitted through the wetland and watercourse alteration permitting process, administered by the Department of Environment. In this instance, all zone standards of the adjacent zone that permits the use, apply; and

c) Accessory buildings, structures, or uses incidental to the main or secondary uses of the lot.

27. Conservation – C Zone

27.1. The C Zone is intended for land that is protected under the *Protected Natural Areas Act*.

27.2. In a C Zone, any land, building or structure may be used for the purposes of and for no other purpose than a use permitted under the *Protected Natural Areas Act* and the *General Regulation – Protected Natural Areas Act*.

28. Comprehensive Development – CD Zone

28.1. The CD Zone is intended to accommodate development that due to its unique characteristics, innovation, or unusual site characteristics require specific regulation not available in other zones. This zone requires a specific proposal described in a resolution or agreement adopted or entered into under section 59 of the *Community Planning Act*.

28.2. In a CD Zone, any land, building or structure may be used for any use provided Council has approved a specific proposal that includes such use or uses pursuant to section 59 of the *Community Planning Act*.

28.3. Zone standards shall be those standards of the proposal approved by Council pursuant to section 59 of the *Community Planning Act*.

28.4. Council or the Development Officer will specify plans and/or studies necessary to be included in support of the rezoning application at the time of submission. Such plans and/or studies may include, but are not limited to, context, site, building, elevation, landscaping, grading, servicing, stormwater, and traffic.

29. Keswick Islands – KI Zone

29.1. In a KI Zone, no uses are permitted under this by-law.

29.2. Notwithstanding the above, any land use, building or structure authorized and regulated under the *Keswick Islands Act*, as amended from time to time, shall be permitted.

Central York Rural Community

Bylaw No. A-14

Central York Rural Community Rural Plan

The council of the Central York 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 "Central York Rural Community Rural Plan" (By-law No. A-14), including that part referred to as "Central York Rural Community 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: _____

_____ _____

Duncan Walker, Clerk David DuPlessis, Mayor

I, Duncan Walker, Clerk of the Central York Rural Community, in the County of York and the Province of New Brunswick, do solemnly declare

1. THAT I am the clerk of the Central York Rural Community, a rural community, and that I am personally acquainted with the facts herein declared;

2. THAT the provisions of Sections 110 and 111 of the *Community Planning Act* have been complied with in respect of By-law No. A-14 entitled the Central York Rural Community Rural Plan, enacted by the Council of the Central York Rural Community on _____.

Signed:_____ Dated:_____

Duncan Walker, Clerk