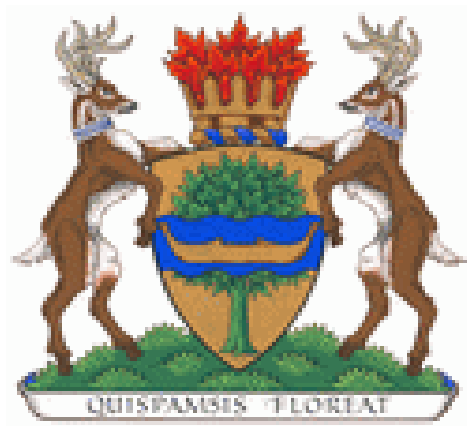


Zoning By-law #038



Town of Quispamsis

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1. TITLE AND SCOPE

- (A) This By-law may be cited as “The Town of Quispamsis Zoning By-law”.
- (B) This By-law applies within the Town of Quispamsis municipal boundaries.
- (C) This By-law:
 - (1) divides the municipality into zones as shown on the “Town of Quispamsis Zoning Map” forming part of this By-law as Schedule “A”;
 - (2) prescribes, subject to powers reserved in the Planning Advisory Committee:
 - (a) the purposes for which land, buildings and structures within any zone may be used; and
 - (b) standards to which land use, and the placement, erection, alteration and use of buildings and structures must conform; and
 - (3) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards under Subsection 1.(C)(2).

2. POWERS OF THE COUNCIL

- (A) No building may be erected in the municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, water, sewerage, streets or other services or facilities.
- (B) When, in its opinion, a building or structure is dilapidated, dangerous or unsightly, the Council may:
 - (1) require the improvement, removal or demolition of such building or structure at the expense of the owner thereof; or
 - (2) acquire the parcel of land on which such building or structure is located.
- (C) Subject to Section 2.(D), within any zone mentioned herein, the Council may:
 - (1) designate land to be used for the location or erection of any installation for the supply of electricity, telecommunications, natural gas, water or sanitary or storm sewers, or for the treatment of or disposal of sewerage wastes; and
 - (2) use land designated under Subsection 2.(C)(1) for a purpose therein mentioned.

- (D) No land may be designated or used for the purposes of Section 2.(C) unless, in the opinion of the Council:
 - (1) such land is essential to the operation of the service concerned; and
 - (2) any development thereon in an R Zone is adequately screened from public view.

3. SPECIAL POWERS OF THE PLANNING ADVISORY COMMITTEE

- (A) No building or structure may be erected on any site where it would otherwise be permitted under this By-law when, in the opinion of the Planning Advisory Committee, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- (B) The Planning Advisory Committee may, subject to such terms and conditions as it considers fit:
 - (1) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this By-law;
 - (2) require the termination or removal of a development authorized under Subsection 3.(B)(1) at the end of the authorized period;
- (C) In prescribing the purposes for which land, buildings and structures may be used, the Planning Advisory Committee may, where so empowered by other Sections in this By-law, impose terms and conditions or may prohibit such uses where compliance with those terms and conditions cannot reasonably be expected. Terms and conditions so imposed shall be limited to those considered necessary by the Planning Advisory Committee to protect:
 - (1) properties within the zone or in abutting zones; or
 - (2) the health, safety and welfare of the general public.
- (D) The Planning Advisory Committee may permit, subject to such terms and conditions as it considers fit:
 - (1) a proposed use of land or a building that is otherwise not permitted under the Zoning By-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the By-law for the zone in which the land or building is situated; or
 - (2) such reasonable variance from the requirements of the Zoning By-law falling within paragraph 53(2)(a) of the *Community Planning Act of New Brunswick*. (AMENDMENT #41; DATED 2023-01-17).

- (3) as, in its opinion, is desirable for the development of a parcel of land or a building or structure and is in accord with the general intent of the By-law and any plan or statement hereunder affecting such development.
- (4) A person who seeks to have a proposed use or variance to this By-law shall:
 - (a) address a written and signed application therefore to the Planning Advisory Committee; and
 - (b) pay a fee as set out in Schedule “A” attached to this By-law.[AMENDMENT #10, DATED 2009-12-01]
- (E) Where requested to permit a proposed use or variance under Section 3.(D), the Planning Advisory Committee may give notice to owners of land in the neighbourhood of the land:
 - (1) describing the land;
 - (2) describing the use proposed or variance requested; and
 - (3) giving the right to make representation to the Planning Advisory Committee in connection therewith within the time limit set out in the notice.
- (F) A legal non-conforming use may continue notwithstanding the Zoning By-law but:
 - (1) if such use is discontinued for a consecutive period of ten (10) months, or such further period as the Planning Advisory Committee considers fit, it shall not be recommenced and any further use of the land, building or structure shall conform with the By-law or regulation; and
 - (2) if a building or structure so used has, in the opinion of the Planning Advisory Committee, been damaged to the extent of at least half of the whole exclusive of the foundation, such building or structure shall not be repaired or restored, or used except in conformity with the By-law, unless the Planning Advisory Committee agrees thereto, and the Council may purchase or otherwise acquire the parcel of land on which such building or structure is situated.
 - (3) a non-conforming use of a part of a building may be extended throughout the building, except that, where a portion of the building was constructed subsequent to the date the use became non-conforming, the use shall not be extended into that portion without the consent of the Planning Advisory Committee.

- (4) with the consent of the Planning Advisory Committee, a non-conforming use may be changed to a similar non-conforming use.
- (5) except as required by statute, by-law or regulation, a person shall not enlarge, add to or structurally alter a building containing a non-conforming use.
- (G) Other powers and duties of the Planning Advisory Committee are specified in Section 4 of the *Community Planning Act of New Brunswick* (AMENDMENT#41; DATED 2023-01-17) with respect to matters dealing with zoning, proposed uses, variances, non-conforming use, subdivisions, approval of an access, location of land for public purposes, street names, advice to the Minister of Local Government and advice to municipalities.

3.1 POWERS OF THE DEVELOPMENT OFFICER - [AMENDMENT #41, DATED 2023-01-17]

(A) Encroachment Occurring in Good Faith

- (1) Pursuant to subsection 53(7) and 53(8) of the *Community Planning Act*, where a person in good faith, as attested to by the Development Officer or their delegate, locates a building or structure so as to encroach up to sixty (60) centimeters on a setback requirement or encroachments up to thirty (30) centimeters on a yard requirement, such an encroachment does not constitute a violation of the requirements of this by-law.

(B) Development Officer Variances

- (1) Pursuant to Section 55(2) of the *Community Planning Act* and subject to the terms and conditions the Development Officer may consider fit, the Development Officer, or their delegate may permit a reasonable variance from the requirements referred to in subsections 53(2)(a)(i), (iii), (iv), (v), (vii), (viii), (ix), and (xiii) of the *Community Planning Act* and referenced in the list below, if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this by-law and the Town's Municipal Development Plan By-law.
 - (a) the minimum size and dimensions of lots and other parcels into which land may be subdivided, and the minimum area and dimensions of land required for a particular class of use of size of building or structure;

- (b) the height, number of storeys, ground area, floor area and bulk of buildings and structures;
- (c) the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces;
- (d) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams, or other bodies of water;
- (e) the placement, height, and maintenance of fences, walls, hedges, shrubs, trees, and other objects;
- (f) the types, dimensions, and locations of means of access of lots to streets;
- (g) the facilities to be provided and maintained for off-street parking and loading of vehicles;
- (h) the location, dimensions, standards of construction and purposes of advertising signs and billboards.

3.2 APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS:

[AMENDMENT #41, DATED 2023-01-17]

(A) Council and Advisory Committee Applications

- (1) Council applications include:
 - (a) Amendment to the Town's Municipal Development Plan By-law
 - (b) Amendment to this by-law
 - (c) Non-conforming Use
 - (d) A resolution pursuant to Section 59 of the *Community Planning Act*
- (2) Planning Advisory Committee Applications include:
 - (a) Similar With or Compatible To Use
 - (b) Temporary Approval
 - (c) Variances
 - (d) Discretionary Use
 - (e) By-law amendments as referred by Council
- (3) Development Officer Applications include:

- (a) Variances
- (b) Development Permits
- (4) Applications submitted under (1), (2), and (3) shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.

3.3 DEVELOPMENT PERMIT APPROVALS [AMENDMENT #41, DATED 2023-01-17]

(A) Development Permit Required

- (1) No person shall undertake a development without having obtained a Development Permit,
- (2) Without limiting the foregoing, a Development Permit is required for the following:
 - (a) A change in the purpose for which land or a building or structure is used;
 - (b) Erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure not regulated by the *Building Code Administration Act of New Brunswick* ;
 - (c) For the purposes of development, the clearing and grubbing of land or the excavation of sand, gravel, clay, shale, limestone, or other deposits or any other disturbance of soil;
 - (d) The excavation of sand, gravel, clay, shale, limestone or other deposits for a development for any disturbance of soil up to one (1) metre;
 - (e) The use of land, buildings and structures for the purpose of displaying advertising signs or billboards; or
 - (f) The clearing and grubbing, or excavation of sand, gravel, clay, shale, limestone, or other deposits for purposes of the sale of other commercial use of the material excavated is proposed.

(B) Development Permit Not Required

- (1) Notwithstanding 3.3(A) the following developments do not require a Development Permit, but may require a Building Permit under the Town's Building By-law 055 or a Sign Permit as per the Town's Sign By-law 036;
- (a) Alterations to the interior of a building that does not involve a change of use;
 - (b) Alterations to the exterior of a building that does not increase the exterior dimensions or size;
 - (c) Changes to the copy of a sign where the sign copy area does not increase pursuant to the Town's Sign By-law.

3.4 DEVELOPMENT PERMIT APPLICATIONS [AMENDMENT #41, DATED 2023-01-17]

- (A) A person who seeks to obtain an approval involving an amendment to this by-law, or a resolution or agreement pursuant to Section 59 of the *Community Planning Act*, or a Development Permit pursuant to Section 3.3, shall submit an application in the form prescribed by the Development Officer and accompanied by a fee in accordance with Schedule "B" of this by-law. Such application shall also be signed by the registered lot owner or authorized agent thereof.
- (B) Any application not satisfying all the requirements of Paragraph (A) shall be deemed abandoned after ninety (90) days immediately following the date of initial submission and shall not be considered further by the Development Officer.
- (C) When an application has been received that seeks approval of a matter that has been denied within the immediately preceding twelve (12) months, it will not be reconsidered unless the Council, the Committee, or the Development Officer, as the case may be, is of the opinion that it is substantially different from the previous application.
- (D) The Development Officer shall refuse an application for a Development Permit if the applicant has not, within six (6) months of the Development Officer receiving the application, provided sufficient information deemed necessary by the Development Officer to consider the application complete.
- (E) The Development Officer shall issue Development Permits for any development, as defined by this by-law, that occurs within the municipal boundary of the Town of Quispamsis. A Development Permit shall be issued when the Development Officer, or delegate, has received and reviewed a completed Development Permit application which describes a development

that complies with the standards and provisions of this by-law and the Municipal Plan. The Development Officer has thirty (30) days to approve or deny an application once the application is deemed to be complete.

- (F) Where a Development Permit has been approved by the Development Officer, the applicant may apply to the Development Officer to modify the Development Permit by providing such additional information as may be necessary by the Development Officer to ascertain whether the revised proposal still complies with the provisions of this by-law and the Municipal Plan.

3.5 DEVELOPMENT PERMIT ISSUANCE [AMENDMENT #41, DATED 2023-01-17]

- (A) A Development Permit issued under this by-law shall remain valid for a period of one (1) year from the date of issue.
- (B) An application shall be approved, and a permit issued if it complies with the Municipal Development Plan By-law, all provisions of this and other by-laws adopted by the Town.
- (C) When a Development Permit has expired pursuant to Paragraph (A), upon the request of the applicant it may be reinstated by the Development Officer under the same terms and applicable fees found in Schedule “B” as the original Development Permit if the scope has not changed and the change of use, as the case may be, is still permitted under this by-law and the Municipal Development Plan By-law.
- (D) Where a Development Permit has been approved by the Development Officer, the applicant may apply to the Development Officer to modify the Development Permit by providing such additional information as may be necessary by the Development Officer to ascertain whether the revised proposal still complies with the provisions of this by-law and the Municipal Development Plan By-law;
- (E) A Development Permit shall be revoked where:
 - (1) The Development Permit was issued on mistaken or false information; or
 - (2) The development undertaken does not conform or exceeds the scope authorized by the Development Permit; unless the applicant immediately proceeds to rectify the situation in manner acceptable to the Development Officer.

- (F) No Development Permit shall be issued for a proposed use of land, building or structure that is in contravention of any provision of this by-law.
- (G) When a Development Officer determines that there has been a breach of this by-law or conditions applicable to a Development Permit, they may revoke or suspend the Development Permit and will notify the permit holder of this action.
- (H) A Development Permit becomes null and void if:
 - (1) The development has not commenced, or authorized actions are not undertaken within one (1) year of the date of issue or within any period of extension granted by the Development Officer; and
 - (2) There has been any violation of this by-law, of any conditions in the permit, or of any changes authorized by the Development Officer.
- (I) The Development Officer shall not approve any Development Permit requiring the consideration of the Planning Advisory Committee and/or Council until such consideration is given, and the Development Officer shall attach any terms and conditions imposed by the Committee or Council as conditions of approval of the Development Permit;
- (J) Notwithstanding other Provisions of this By-law, the Development Officer may refer an application for a Development Permit, together with a recommendation to the Committee for a decision, if there is broad community interest in the application, or a conflict of interest. The applicant must be informed that an application is being referred to the Committee for a decision.

3.6 COMPLETE APPLICATION [AMENDMENT #41, DATED 2023-01-17]

- A. The Development Officer shall have the authority to determine when an application as it relates to this by-law is complete, notwithstanding any request for additional information from the Council or Planning Advisory Committee.

4. AMENDMENTS TO THE BY-LAW

- (A) A person who seeks to have this By-law amended shall:
 - (1) address a written and signed application in duplicate therefore to the Council;

- (2) pay a fee as set out in Schedule “A” attached to this By-law. [AMENDMENT #10, DATED 2009-12-01]
- (B) A person who seeks to have a Development Agreement amended shall:
 - (1) pay a fee as set out in Schedule “A” attached to this By-law. [AMENDMENT #10, DATED 2009-12-01]
- (C) The Council may, if it deems fit, return all or any part of the fee mentioned in Sections 4.(A) or 4.(B).
- (D) An application under this Section shall include such information as may be required by the Council for the purpose of adequately assessing the desirability of the proposal.
- (E) The Council may refuse to consider an application under this Section if such application:
 - (1) seeks to rezone an area of land from one type of zoning to another; or
 - (2) has not been signed by one or more owners of each property in the area mentioned in Section 4.(E)(1)
- (F) Before giving its views to the Council with respect to an application under this Section, the Planning Advisory Committee may carry out such investigation as it deems necessary.
- (G) Unless the Council is of the opinion there is valid new evidence or change in conditions, where an application under this Section has been refused by Council, no further application may be considered by Council for one (1) year from the date of the resolution refusing the rezoning if such application:
 - (1) In the case of rezoning, is in respect of the same area of land with which the original application was concerned; or
 - (2) Not being in relation to rezoning, is similar to the original application.
- (H) In the event Council has not given third (3rd) reading to a proposed amendment to rezone lands within six (6) months of the date of the original public notice, the rezoning application shall be deemed withdrawn by the Applicant and the rezoning process shall automatically be discontinued. [AMENDMENT #41, DATED 2023-01-17]
- (I) In addition to public notice required under Section 111 of the *Community Planning Act of New Brunswick*, (AMENDMENT #41; DATED 2023-01-17) notice may be given to all residents and landowners of properties lying within one hundred (100) meters of the property proposed for zoning amendment, informing them of the intent to amend the By-law and of the procedures for public input. The one hundred (100) meter distance may be increased if Council feels the

particular application warrants expanded notification because of specific circumstances associated with the application.

- (J) Where an application is received by Council to have an area of land rezoned to permit the carrying out of a specific proposal, the Council may, by resolution, set out the proposal and impose such reasonable terms and conditions as are permitted under Section 59 of the *Community Planning Act of New Brunswick*, (AMENDMENT #41; DATED 2023-01-17). Council may seek the advice of the Planning Advisory Committee with respect to the setting of terms and conditions.

5. DEFINITIONS

- (A) In this By-law:

- (1) “adult bookstore or video rental” includes any establishment or place for the purpose of retail trade or rental where twenty (20) percent or more of the value of the total stock in trade in any such establishment or place is comprised of videos, books, magazines, or other periodicals relating to or portrayed as relating to, sexual activities;
- (2) “adult entertainment facility” means any premises or part thereof in which is provided services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- (3) “adult retail outlet” includes an establishment or place for the purpose of retail trade or rental where twenty (20) percent or more of the value of the total stock in trade in any such establishment or place is composed of instruments, devices, or paraphernalia that are designed for use in connection with sexual activities;
- (4) "agricultural use" means any use of land for the purpose of the commercial production of crops or the keeping or raising livestock;
- (5) "alter" means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;
- (6) "bachelor apartment" means a dwelling unit in a multiple dwelling, consisting of not more than one habitable room together with the kitchen or kitchenette and sanitary facilities;
- (7) “basement” means a storey of a building located below the first storey;
- (8) “bathhouse” means an accessory building located on a waterfront property, or adjacent to a swimming pool, intended for uses associated with the waterfront or swimming pool and may contain bathroom

facilities and a storage area for related activities and which may not exceed twenty three (23) square metres in area, nor contain culinary facilities or sleeping accommodations.

- (9) “bed and breakfast” means a dwelling occupied by a family and used incidentally to provide accommodation and meals to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel, motel or inn. A bed and breakfast must have from one (1) to ten (10) rooms, inside access for at least fifty (50) percent of the rooms, a maximum of three (3) rooms per bath, provide a minimum of a continental breakfast on the premise and must provide personalized hospitality directly by the owner or operator;
- (10) “beverage room” means a beverage room licensed under the *Liquor Control Act of New Brunswick* and includes a tavern;
- (11) “building” means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels;
- (12) “building, accessory” 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, and which may contain sanitary facilities, but which may not contain cooking, eating, living or sleeping facilities ;
- (13) "Building Inspector" means the Building Inspector for the Town duly appointed by the Council;
- (14) “building, main” means a building in which is conducted the main or principle use of the lot on which the building is located;
- (15) “buffer zone” means an area on a lot designated to separate two (2) opposing zones and within which no construction, except for fences, walls, pathways, or utility services shall occur;
- (16) “campground” means an establishment providing an area of land, other than a mobile home park, where trailers, camper trailers, tents, camping trucks, motor homes and other similar shelters are placed for the purpose of providing temporary sleeping accommodations, but does not include mobile homes or mini homes;
- (16.1) “cannabis” means cannabis as defined by the Government of Canada, pursuant to the federal Cannabis Act, and the Cannabis Control Act of *New Brunswick* . - [AMENDMENT #41, DATED 2023-01-17]

- (16-2) “cannabis production facility” means a facility and premises authorized by a license issued pursuant to the federal 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. - [AMENDMENT #41, DATED 2023-01-17]
- (16-3) “cannabis retail sales” means the sale of cannabis or cannabis related products to the general public - [AMENDMENT #41, DATED 2023-01-17]
- (17) “condominium” means a building, structure or dwelling unit as regulated under the *Condominium Property Act*, (Chapter C-16).
- (18) “Council” means the Council of the town of Quispamsis;
- (19) “day care facility” means a day care facility as defined in the *Family Services Act of New Brunswick* and regulations thereto;
- (20) “day care services” means the care and supervision of a child for a period of less than twenty four (24) hours in a Day Care Facility;
- (21) “development” means:
- (a) the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility or telephone poles and wires, traffic control devices, pipelines defined in the *Gas Distribution Act of New Brunswick* except for buildings and structures remote from the pipeline used for management and administration or housing or storing of moveable equipment or statutory notices;
 - (b) where the purposes for which land, buildings and structures may be used are set out in the municipal plan, development scheme or zoning by-law or regulation, any change in the purpose for which any land, building or structure is used;
 - (c) any excavation of sand, gravel, clay, shale, limestone or other deposit for a development under Section 5.(A)(21)(a), or for purposes of the sale or other commercial use of the material excavated; or
 - (d) the making of land by cutting or filling to a depth in excess of one (1) meter except in the case of laying pipelines defined in the *Gas Distribution Act of New Brunswick* ;
- (22) “development officer” means the municipal planning officer appointed under Section 10(1) of the *Community Planning Act of New Brunswick*, (AMENDMENT #41; DATED 2023-01-17);

- (22.1) “development permit” means a document authorizing a development issued pursuant to this By-law; [AMENDMENT #41, DATED 2023-01-17]
- (23) “dwelling”, means a main building or a portion thereof containing one or more dwelling units;
- (24) “dwelling, apartment” means a separate building containing three or more dwelling units sharing a common hall and common entrance at grade, but which is not a terrace (row) dwelling;
- (25) “dwelling, duplex” means a separate building divided horizontally into an upper and lower separate dwelling unit each of which has an independent entrance, either directly or through a common vestibule. A basement apartment is not a duplex;
- (25-1) “dwelling, garden suite (coach homes)” means a small accessory dwelling unit located in a small free-standing building detached from the principal dwelling and located at the rear of the same lot as the principal dwelling. [AMENDMENT #41, DATED 2023-01-17]
- (26) “dwelling, mini home” means any dwelling other than a mobile home that is manufactured and designed to be transported as one integral unit. A mini home is minimum of four decimal eighty-eight (4.88) meters and a maximum of five (5) meters wide (excluding eaves), a maximum of twenty one (21) meters in length and maximum of four decimal four (4.4) meters in height;
- (27) “dwelling, mobile home” means a manufactured, movable or portable dwelling unit constructed to be towed to its appropriate site on its own chassis, connected to utilities and designed for year-round living. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
- (28) “dwelling, modular” means any dwelling that is designed in more than one (1) unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a mini home, mobile home, recreational travel trailer or recreational motor vehicle as defined herein;
- (29) “dwelling, multiple” means a dwelling containing more than two (2) dwelling units;

- (30) “dwelling, semi-detached” means a building divided vertically into two (2) side-by-side separate dwelling units each of which has independent entrances and independent parking facilities;
- (31) “dwelling, single family” means a dwelling containing only one (1) dwelling unit and commonly referred to as a “single detached dwelling”;
- (32) “dwelling, terrace” means a dwelling containing at least three (3) and no more than six (6) dwelling units, such units being constructed with common walls, and not one above the other, with individual entrances from the street level directly;
- (33) “dwelling, terrace - distinct ownership” means a dwelling containing at least three (3) and no more than six (6) dwelling units, such units being constructed adjoining with common walls, and not one above the other, with individual entrances from the street level directly, where each of the dwelling units is held under separate and distinct ownership along common walls;
- (34) “dwelling, two family” means a dwelling containing two (2) dwelling units;
- (35) “dwelling unit” means a room or suite of two (2) or more rooms designed or intended for use by an individual or family, in which cooking, sleeping and sanitary facilities are provided;
- (36) “dwelling unit, accessory” means a dwelling unit which is secondary to the principal dwelling unit and contained in the basement or cellar of the same building and not exceeding seventy five (75) percent of the floor area of the basement. An accessory dwelling unit is commonly called a Basement Apartment;
- (37) “erect” means to construct, build, assemble or relocate a building or structure, and any physical operations preparatory thereto;
- (38) “environmentally sensitive areas” 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. This definition also includes areas that are unique because of their aesthetic value or their interest to science;
- (39) “family” means a married couple (with or without never married sons and/or daughters of either or both spouses), a couple living common-law (with or without never married sons and/or daughters of either or both

spouses), or a lone parent of any marital status, with at least one never married son or daughter living in the same dwelling;

- (40) “floor area” means the total area of each floor in a building or structure measured from the exterior of outside walls or outside finished partitions but excluding in the case of a dwelling, any unfinished areas;
- (41) “forestry” means the general growing and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products as well as the portable milling and sawing of wood;
- (42) “garage, public” means any building, space or enclosure in which motor vehicles, watercraft and/or other licensed vehicles are stored for use (as opposed to being stored for sale) or repaired, whether for the public, for business purposes or for hire, and may include the storage and sale of parts, but does not include body repair shops, service stations or gas bars;
- (43) “gas bar” means one (1) or more pump islands, each consisting of one (1) or more gasoline and/or diesel pumps and shelter having a floor area of not more than ten (10) square meters, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing;
- (44) “grade” means the finished level of the ground at the exterior walls of a building or structure;
- (45) “group home” means a residence for the accommodation of five (5) or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. A group home does not include a commercial daycare centre, a neighbourhood daycare centre, a halfway house or a facility for the temporary care of transient and homeless persons;
- (46) "height" means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure;
- (47) "home occupation" means a secondary use conducted in a dwelling and described in Section 6.(K);
- (48) “house, boarding” means a dwelling or part thereof in which rooms and meals are provided to lodgers for compensation;

- (49) "house, rooming" means a dwelling or part thereof in which rooms are provided to lodgers for compensation;
- (50) "household" means a person or group of persons who occupy the same dwelling and do not have a usual place of residence elsewhere in Canada. It may consist of a family group with or without other non-family persons, of two (2) or more families sharing a dwelling, of a group of unrelated persons, or of one (1) person living alone. Households are also equivalent to dwelling units;
- (51) "in-law suite" is a self contained living unit located within a principal dwelling or attached thereto by a common wall and foundation and used for the purpose of providing accommodation to a parent(s) or grandparent(s) of the owner of the principal dwelling;
- (52) "lot" means a parcel of land used or intended to be used as the site for a building or structure or an appurtenance thereto;
- (53) "lot, corner" means a lot having two (2) or more adjacent sides fronting on two (2) or more intersecting or intercepting streets;
- (54) "lot, interior" means a lot other than a corner lot;
- (55) "lot line" means a common line between a lot and an abutting lot, land, access or street;
- (56) "lot line, rear" means the lot line extending along the rear of the lot;
- (57) "lot line, side" means a lot line extending from the street line to the rear of the lot;
- (58) "massage parlour" means an establishment where, for any form of consideration, massage is administered to the human body for sexual pleasure; and which is characterized by an emphasis on sexual activities;
- (59) "mini home park" means a park designated under the Mini Home Parks and Sites By-Law, which is in effect at the time of application, in which the lots are rented by the park owner;
- (60) "mini home subdivision" means a subdivision designated under the Mini Home Parks and Sites By-law in which the lots are sold similar to conventional residential subdivisions;
- (61) "mean grade level" means the average ground elevation on the exterior walls of the building on the lot;

- (62) “non-conforming use” means an existing use or activity of any land, building or structure which does not conform with the permitted uses or activities of this By-law for the zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose or is approved by the Planning Advisory Committee;
- (63) “nursing home” means a residential establishment operated, for the purpose of providing supervisory, personal or nursing care for four (4) or more persons who are:
- (a) not related by blood or marriage to the operator of the home;
 - (b) who by reason of age, infirmity, mental disability or physical disability, are not fully able to care for themselves;
- (64) “owner” means the beneficial owner, and where applicable, means the owner of the fee simple or if such property is held subject to a mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such owners jointly and severally;
- (65) “partial nudity” means the exposing to view the genital areas of a male or the exposing to view the genital areas or the nipples of the breasts of a female;
- (66) “permitted use” means those uses of land, building and structures which are permitted as a matter of right subject only to the requirements of this and other municipal by-laws;
- (67) “personal service” means an establishment providing services for personal care and appearance; for the cleaning, servicing, altering and maintenance of personal articles and accessories;
- (68) “pit and quarry” means the use of land for the extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, limestone, or other deposit;
- (69) "Planning Advisory Committee" means the Planning Advisory Committee established by the Council of the Town in accordance with Section 3, 5, and 6 of the *Community Planning Act* , (AMENDMENT #41; DATED 2023-01-17) and By-law No. 053 of the Town of Quispamsis, (AMENDMENT #41; DATED 2023-01-17) ;
- (69-1) “Planning Director” means a person who is entitled to use the designation MCIP or FCIP under the by-laws of the Canadian Institute of Planners and is appointed by Council as the Town of Quispamsis’

Planning Director; [AMENDMENT #41, DATED 2023-01-17]

- (70) "restaurant" means a building or any portion thereof designed or used primarily for the service of, and consumption of food by customers within such building or portion thereof, and includes a cafeteria;
- (71) "restaurant, drive-in" means any land or building or any portion thereof designed or used primarily for the service of food at a counter within the building or portion thereof, the food being served in a manner which allows the consumption thereof either at a table or counter on the premises, in automobiles, or off the premises;
- (72) "restaurant, take-out" means any land or building or any portion thereof used primarily for the service of food for consumption outside of the building and off the premises;
- (73) "retail store" means an establishment for the sale or rental of merchandise from within an enclosed building and may include supplementary postal services, film processing, repair of merchandise sold or rented by the store and food consumption areas not exceeding twenty (20) percent of the gross leaseable area;
- (74) "service station" means a building or space where petroleum products, anti-freeze, tires or accessories for motor vehicles are stored or kept for sale or where repairs of motor vehicles are performed and may or may not include facilities for the sale of gasoline or diesel;
- (75) "sexual activities" means any lawful sexual activities including:
 - (a) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; or
 - (b) causing the human genitals to be in a state of sexual stimulation or arousal;
- (76) "shopping centre" means an area of at least five thousand four hundred fifty (5,450) square meters of land, planned and controlled as a unit, containing such retail stores, service shops and other establishments as permitted by this By-law, in a unitary type building or buildings at least one thousand four hundred fifty (1,450) square meters in size, together with at least two thousand nine hundred (2,900) square meters of customer parking area, and at least one thousand one hundred (1,100) square meters for circulation, service and planting;
- (77) "sign" means a structure, device or visual display intended to advertise, communicate information or attract the attention of the public for any purpose as regulated in the Quispamsis Sign By-Law;

- (78) “special care home” means a building or portion thereof used as a residence for the accommodation of persons who for various reasons require professional supervision in a group living arrangement for their health and well-being;
- (79) "storey" means:
- (a) that portion of a building between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it; or
 - (b) a basement or cellar, if the average vertical distance from mean grade level to the ceiling thereof is over one decimal five (1.5) meters;
- (80) "storey, first" means the uppermost storey having its first level not more than two (2) meters above grade;
- (81) "street line" means the common line between a street and a lot;
- (82) “structure” means anything erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls or any sign, but does not include utility poles;
- (82-1) “Surveyed Property Pin” means a post, marker, monument, pit or trench or any other thing representing a boundary line, as established by a registered New Brunswick Land Surveyor. [AMENDMENT #41, DATED 2023-01-17]
- (83) "swimming pool" means a tank or other structure, including an inflatable container located in whole or in part outdoors and containing or intended to contain water with a surface area of more than nine (9) square metres or a depth of more than sixty one (61) centimetres for purposes of swimming, diving, wading or soaking;
- (84) “temporary use” means a use and/or structure permitted to exist for a limited amount of time in accordance with the provisions of the *Community Planning Act of New Brunswick* and this By-Law;
- (85) “Town” means the Town of Quispamsis, a municipality in the county of Kings and the Province of *New Brunswick* ;
- (86) "Town Engineer" means that person holding the position of Director of Engineering and Works for the Town of Quispamsis duly appointed by Council as per Section 83 of the *Local Governance Act of New Brunswick*,

[AMENDMENT #41, DATED 2023-01-17] requiring a registered Professional Engineer;

- (87) "use, accessory" means a use other than human habitation, or land, or building, or structure which is naturally or customarily incidental and complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;
- (88) "use, discretionary" means those uses of land, buildings and structures which may only be permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act*, [AMENDMENT #41, DATED 2023-01-17];
- (89) "use, main" means the main purpose for which land or a building or structure, or any combination thereof, is designated, arranged, erected, intended, occupied or maintained;
- (90) "use, secondary" means a use, other than a main use permitted in a dwelling;
- (91) "variance" means a variance granted by the Planning Advisory Committee under Section 53(2)(a) of the *Community Planning Act of New Brunswick* [AMENDMENT #41, DATED 2023-01-17];.
- (91-1) "Watercourse" means watercourse as defined in the Clean Water Act, S.N.B. 1989, c. C-6.1. [AMENDMENT #41, DATED 2023-01-17];
- (91-2) "Wetland" means wetland as defined in the Clean Water Act, S.N.B. 1989, c. C-6.1. [AMENDMENT #41, DATED 2023-01-17]
- (92) "width" means, in relation to a lot:
 - (a) where the side lot lines are parallel, the distances measured across the lot at right angles to such lines; or
 - (b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line of minimum set-back intersects a line drawn perpendicular to and through the mid-point of the line joining the points at which the side lot lines intersect the street line;
- (93) "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 lot line;

- (94) "yard, front" means, in relation to a main building, structure or use on a lot, that part of the lot between such building, structure or use and its projection to the side lot lines, and the street line or access at the front of the lot;
- (95) "yard, rear" means in relation to any building, structure or use on a lot, that part of the lot between such building, structure or use and its projection to the side lot lines, and the rear lot line; and
- (96) "yard, side" 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 side lot line.
- (97) "Utility Storage Trailer" means a non-motorized vehicle which is generally pulled by a motorized vehicle and features a cargo area used for the storage and hauling of loads.[AMENDMENT #10,DATED 2009-12-01]

6. GENERAL PROVISIONS

(A) Uses Permitted in All Zones

- (1) Except as herein provided, any land may be used for:
 - (a) public streets;
 - (b) public parks and playgrounds;
 - (c) utilities and municipal services
- (2) Land designated as Land for Public Purposes may be used for the recreational or other use or enjoyment of the public notwithstanding the zone the land is located in. [AMENDMENT #29, DATED 2019_03_19]

(B) Boundaries of Zones

- (1) The boundary of Zones is shown on the zoning map relating to this By-law and attached as Schedule "A", and substantially follows a street line, a property line, or a watercourse the boundary line of which is the zone boundary;
- (2) Where the boundary of any zone is uncertain, the boundary, as shown on the zoning map relating to this By-law, and attached as Schedule "A", runs substantially parallel to a street line or property line. Where the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such street line and the distance from the street

line shall be determined according to the scale shown on the zoning maps.

(B-1) Lot Boundary Verification

- (1) All surveyed property pins shall be made visible upon request of the Development Officer or their delegate to ensure accuracy of any setback for development and/or to ensure land use activities are within the confines of the lot on which they are occurring;
- (2) Development Permits will not be issued for any development on any lot where surveyed property pins are not visible, or where a property line(s) is not clearly delineated;
- (3) Pursuant to the *Survey Act of New Brunswick*, Section 14, it is an offence to remove a surveyed property pin.

(B-2) Surface Water Drainage [AMENDMENT #41, DATED 2023-01-17]

- (1) Surface water drainage or foundation drainage shall not discharge directly onto an adjacent property but be directed into an approved stormwater management system or in the case of eaves through downspouts discharge at grade onto a splash pan approximately one (1) metre from the building;
 - (a) A dry well, used in the management of surface water drainage must be designed by a professional engineer, Licensed in the Province of *New Brunswick* .

(C) Number of Main Buildings or Structures on a Lot

- (1) Except as herein provided, no more than one main building or structure may be placed or erected and no building or structure may be altered to become a second main building or structure on a lot in an R1 or Ru Zone where the main use is residential. Multiple buildings on one lot are permitted in other zones provided all other zone requirements are met and subject to any other terms and conditions as determined by the Planning Advisory Committee.
- (2) In order for a garage to be classified as an “attached garage” it must be structurally attached by way of the foundation and integrated into the main structure of the dwelling.

(D) Accessory Dwelling Units

- (1) Where permitted and unless stated otherwise in this By-law, accessory dwelling units shall:
 - (a) not result in more than two (2) dwelling units contained in any converted single detached dwelling, subject to the lot area being not less than five hundred forty (540) square meters;
 - (b) be secondary to the main dwelling unit, and not exceed seventy five (75) percent of the floor area of the basement;
 - (c) be completely self-contained and conform to the standards of the National Building Code of Canada as adopted by the Province of *New Brunswick* ;
 - (d) require one (1) parking space, in addition to the normal requirement of the zone; and
 - (e) not permit a Commercial/Residential use (as per Section 6.(X), or Daycare Facility to be operated on the property.

(E) Building and Structure Projections into Yards

- (1) The requirements of this By-law with respect to placing, erecting or altering a building or structure in relation to a lot line or street line apply to all parts of the building or structure except for projections which do not protrude into required yards in excess of:
 - (a) fifteen (15) centimeters for sills, leaders, belt courses or similar ornamental features;
 - (b) forty six (46) centimeters for chimneys, smoke stacks or flues;
 - (c) sixty one (61) centimeters for cornices or eaves;
 - (d) one hundred two (102) centimeters for window or door awnings, or open or lattice-enclosed fire balconies or fire escapes; or
 - (e) subject to Subsection 6.(E)(2):
 - (i) one decimal two (1.2) meters for steps or unenclosed porches; or
 - (ii) one decimal eight (1.8) meters for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height.
- (2) Projections mentioned in Section 6.(E)(1)(e)(i) may not extend into a required side yard to a greater extent than one-half ($\frac{1}{2}$) the required width of the yard.

(F) Elevation of New Structures [AMENDMENT #41, DATED 2023-01-17]

- (1) All new structures shall be placed or erected on a foundation such that the finished first storey elevation is at least one (1) metre above the final centerline grade of the street, as measured on the street at a location which approximates the middle of the structure, unless a variance is granted by the Development Officer, or their delegate, or the Planning Advisory Committee prior to the issuance of a Development Permit.

(G) Height Exceptions

- (1) The height restrictions of this by-law shall not apply to church towers, chimneys, water storage tanks, or to roof mounted structures housing mechanical equipment such as elevator or HVAC.

(H) Residential Development Near a Lagoon, Treatment Plant or Pumping Station

- (1) Notwithstanding any other provision of this By-law, no dwelling may be located within one hundred (100) meters of a sewage lagoon or treatment plant.
- (2) Notwithstanding any other provision of this By-law, no dwelling may be located within fifteen (15) meters of a pumping station.

(I) Development Adjacent to a Stream or Watercourse - [AMENDMENT #41, DATED 2023-01-17]

1. Subject to the provisions of other relevant municipal by-laws and Provincial regulations and notwithstanding any provisions of this by-law, no person shall erect a building or structure or carry out any other development in any zone within thirty (30) metres of a watercourse as defined by the *Clean Water Act* without approval from the Development Officer, or their delegate. Written notice from the *Department of Environment and Local Government*, indicating if a Wetland and Watercourses Alteration Permit under the *Clean Water Act of New Brunswick* is required must be provided by the applicant, prior to the issuance of a Development Permit;
2. Where in the opinion of the Development Officer, a development occurs on a property that may contain an unmapped watercourse or wetland, the property owner shall undertake any necessary measures to delineate the existence and location of said watercourse or wetland to the satisfaction of

the Department of Environment prior to the issuance of a Development Permit.

(J) Commercial and Industrial Development Abutting an R Zone

- (1) Notwithstanding any other provision of this By-law, in the case of a lot in a C or I Zone and abutting an R Zone, no main building or structure may be placed or erected thereon unless the yard adjoining the R Zone has a depth or width equal to twice (2X) the height of the main building or structure. The yard must also incorporate a landscaped buffer area, which may therein have walkways and utility services. This buffer area shall contain trees, shrubs, hedges and/or a decorative wall or fence capable of mitigating any associated nuisances to the satisfaction of the Planning Advisory Committee. No other construction in this buffer zone shall be permitted.

(K) Home Occupations

- (1) The Planning Advisory Committee may permit home occupations in Residential areas located within the home subject to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17].
- (2) A home occupation is subject to the requirements that:
 - (a) it shall be secondary to the main residential use of the dwelling;
 - (b) not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
 - (c) it is confined to the dwelling unit and no part of it is located in an accessory building or structure;
 - (d) the floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of:
 - (i) twenty five (25) percent of the floor area of the dwelling unit, or
 - (ii) thirty two (32) square meters;
 - (e) no change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;

- (f) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- (g) no equipment or material used therein is stored other than in dwelling unit mentioned in Section 6.(K)(2)(a);
- (h) not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot on which the dwelling unit is located;
 - (i) Not more than two (2) Utility Storage Trailers may be on the lot on which the dwelling unit is located. [AMENDMENT #10,DATED 2009-12-01]
- (i) two (2) off-street parking spaces are provided in excess of those required under Section 6.(P);
- (j) the activity not involve the management or dispatching of more than one (1) commercial vehicle;
- (k) such other terms and conditions as the Planning Advisory Committee deems appropriate and necessary; and
- (l) in units containing more than one home occupation, the sum of all home occupations carried out in one unit is not to exceed the conditions pertaining to one home occupation.

(L) Day Care Facilities

- (1) A Day Care Facility which provides day care services to a maximum of five (5) children may be permitted in a Residential R1 Zone and a Rural Ru Zone as a secondary use subject to compliance with:
 - (a) the provisions of Section 6.(K) respecting Home Occupations; and
 - (b) the provisions of the *Family Services Act of New Brunswick* and Regulations thereto.
- (2) A Day Care Facility which provides day care services to more than five (5) children but not more than fifteen (15) children shall be permitted in a Residential R1 Zone and a Rural (Ru) Zone as a discretionary use subject to the following requirements being met:
 - (a) The operator of the Day Care Facility shall enter into an agreement with the Town which ensures compliance with such terms and conditions as may be required by the Planning Advisory Committee, who shall have the right to impose such

terms and conditions that they may consider necessary to protect properties within the particular zone or in abutting zones or to protect the health, safety and welfare of the general public;

- (b) The maximum number of children being provided day care services shall not exceed fifteen (15);
 - (c) The Day Care Facility shall be secondary to the main residential use and as such shall not be located in an accessory building or structure;
 - (d) The owner/operator shall reside at the subject property;
 - (e) The Day Care Facility shall be limited to a detached dwelling unit;
 - (f) The Day Care Facility shall not be located any closer than forty six (46) meters from an intersection to ensure traffic safety;
 - (g) [Amendment #41, Dated 2023-01-17]
 - (h) All signage shall comply with the Sign By-law for the zone in which the Day Care Facility is located;
 - (i) The Day Care Facility shall be located on a local street which permits on-street parking;
 - (j) On-site parking shall be provided as follows:
 - (i) one (1) space per dwelling unit; and
 - (ii) one (1) space per employee; and
 - (iii) one (1) space per five (5) children;
 - (k) The Day Care Facility shall not be occupied until the operator provides the Building Inspector with evidence that the premises meets all applicable building and fire code requirements;
 - (l) The Day Care Facility complies with all Provincial regulations under the *Early Childhood Services Act of New Brunswick* .
[Amendment #41, Dated 2023-01-17]
- (3) A Day Care Facility which provides day care services to more than fifteen (15) children shall be permitted in a Commercial or Institutional Zone subject to the following requirements being met:
- (a) The operator of the Day Care Facility shall enter into an agreement with the Town which ensures compliance with such

terms and conditions as may be required by the Planning Advisory Committee, who shall have the right to impose such terms and conditions that they may consider necessary to protect properties within the particular zone or in abutting zones or to protect the health, safety and welfare of the general public;

- (b) On-site parking shall be provided as follows:
 - (i) one (1) space per employee; and
 - (ii) one (1) space per five (5) children;
- (c) The requirements of the *Family Services Act of New Brunswick* and Regulations thereto;
- (d) Except as permitted in accordance with the foregoing provisions of this Section, a Day Care Facility shall not be permitted in the Town;
- (e) Where the terms and conditions imposed by the Planning Advisory Committee under the authority of Sections 6.(L)(2)(a) or 6.(L)(3)(a) above cannot reasonably be expected to be complied with, the Planning Advisory Committee may prohibit the proposed operation of the Day Care Facility involved.

(M) Recreational Space

- (1) All schools, day care facilities, nurseries and kindergartens shall have an adequate safe outside play area consistent in size with the number of children or pupils using the facility.

(N) Access to a Public Street

- (1) No person shall erect or use a building or structure or use any lot of land regulated by this by-law, unless the lot of land to be used or the lot of land upon which the building or structure is situated or to be situated abuts or fronts on a public street or otherwise achieves access to a public street satisfactory to the Planning Advisory Committee.

(O) Line of Vision at an Intersection

- (1) No building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of one (1) and three (3) meters above the grade of the street within an area bounded by the centre lines thereof and line joining a point on each centre line twenty four (24) meters from their intersection.

(P) Vehicle Off-Street Parking

- (1) Subject to this Section, no building or structure may be placed, erected, altered or used unless vehicular off-street parking spaces are provided in accordance with the requirements of this Section;
- (2) Off-street vehicular parking spaces mentioned in Section 6.(P)(1) shall be provided on the following basis:
 - (a) business or professional office, medical or dental clinic:
 - (i) one (1) space per every twenty eight (28) square meters of floor area;
 - (b) club, lodge or place of public assembly:
 - (i) one (1) space for every eight (8) square meters of floor area;
 - (c) dwelling:
 - (i) one decimal five (1.5) spaces for each dwelling unit;
 - (d) factory or industrial use:
 - (i) one decimal five (1.5) spaces for every two (2) employees;
 - (e) hotel/motel:
 - (i) one (1) space for every habitable unit; plus
 - (ii) one (1) space for every two (2) employees; plus
 - (iii) that required for any restaurant or conference rooms;
 - (f) restaurant: the greater of:
 - (i) one (1) space for every ten (10) square meters of floor area;
or
 - (ii) one (1) space for every four (4) seats;
 - (g) public or private school:
 - (i) one (1) space for every classroom; plus
 - (ii) additional space as determined by the Planning Advisory Committee for auditoriums or gymnasiums;
 - (h) residential building other than hotel, motel or apartment building:
 - (i) one (1) space for every habitable unit;
 - (i) retail store:

- (i) one (1) space for every eighteen (18) square meters of floor area used for selling;
 - (j) service or repair shop:
 - (i) one (1) space for every twenty seven (27) square meters of floor area used for providing services;
 - (k) shopping centre:
 - (i) one (1) space per seventeen (17) square meters of the floor area of the building;
 - (l) billiard or pool room, dance hall, bowling alley:
 - (i) one (1) space for every (10) square meters of the floor area of the building;
 - (m) theatre, church, funeral home establishment:
 - (i) one (1) space for every four (4) seats;
 - (n) warehouse, storage yards:
 - (i) one (1) space for every thirty (30) square meters of storage space.
- (3) With respect to location:
- (a) all required parking spaces shall be provided on the same site as the building or structure and no more than one hundred fifty (150) meters from the building which it serves;
 - (b) in all zones, other than an R Zone, parking shall not be permitted within the required front yard setback area, unless permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17];
 - (c) parking of commercial or industrial vehicles in excess of a gross weight of thirteen thousand five hundred (13,500) kilograms, and/or vehicles containing hazardous or dangerous goods, shall not be permitted in a Residential Zone, unless permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17];

- (d) provided the area is not less than the minimum area required for all buildings which the spaces are to serve, collective provision for off-street parking spaces may be made for two (2) or more buildings on the same lot;
- (e) where collective provision for off-street parking is made under Section 6.(P)(4), the parking area shall:
 - (i) be screened from public view, if practicable;
 - (ii) be surfaced with a durable and dust proof material;
 - (iii) have points of ingress and egress located, in the opinion of the Planning Advisory Committee, with due regard to topography and general traffic conditions; and
 - (iv) not be used for automotive repair work or servicing except in the case of an emergency.
- (4) With respect to dimensions:
 - (a) Each vehicle parking space shall be in accordance with the stall width and length, curb length and minimum driveway as outlined in Table 1. Angle parking shall only allow one (1) way traffic:
- (5) With respect to landscaping:
 - (a) Except for Commercial Zones, the front yard setback area shall be landscaped open space, except for exits and entrances, unless permitted otherwise, subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17];
 - (b) where parking lots abut residential uses, a three (3) meter wide landscaped buffer area with appropriate screening of trees, hedges or fences shall be incorporated to the satisfaction of the Planning Advisory Committee;
 - (c) all permanent parking lots and access driveways required for commercial, industrial and institutional development, and residential development of three (3) units or greater shall:
 - (i) be surfaced with hot-mix asphalt, portland cement, concrete, or asphalt stone chip seal coat;
 - (ii) be graded or drained in such a manner as to ensure that surface water will not escape to neighbouring lands, and

where the surface of the parking area is more than ten (10) centimeters higher or lower than any adjoining land, a suitable retaining wall shall be installed along the edge of the parking lot or along the lot line;

- (iii) be provided with continuous curbing or bumper guards where parking and maneuvering areas and driveways abut landscaped areas; and
- (iv) ensure no parking space, maneuvering area or driveway is located any closer than two (2) meters to any wall or residential development of three (3) units or greater.

(6) With respect to access:

- (a) the number of driveways shall be limited to not more than one (1) driveway for each thirty (30) meters of frontage, and no more than two (2) driveways are permitted for frontages over thirty (30) meters unless deemed by the Planning Advisory Committee to be in the interests of public safety; and
- (b) all driveways to a corner lot shall be located no closer than eleven (11) meters from the intersection of the lot lines along two (2) streets with the exception that no driveway may be located within thirty (30) meters of an intersection of two (2) or more streets if traffic at such intersection is controlled by traffic lights.

(7) With respect to parking for the disabled:

- (a) the number of parking spaces for development where five (5) or more spaces are required shall be in accordance with the following Table 2:
- (b) All disabled parking spaces shall be:
 - (i) provided and considered as part of the number of stalls required for a project;
 - (ii) located closest to the entrance of the building for which they are intended;
 - (iii) identified by a sign and, if the surface is paved, by pavement markings to the satisfaction of the Development Officer; and
 - (iv) a minimum of three decimal eight (3.8) meters in width and seven decimal three (7.3) meters in length.

(Q) Vehicular Off-Street Loading and Unloading

- (1) The owner of every building, structure or premises used in whole or in part for business or commercial purposes involving the use of vehicles for the receipt or distribution of materials or merchandise shall provide and maintain, on lands appurtenant to such building, structure or premises, off-street spaces for such vehicles to stand and for loading and unloading the same, in accordance with the following requirements:
 - (a) for retail and wholesale stores, bulk storage plants, warehousing or similar uses:
 - (i) not less than one (1) space if the gross floor area thereof is four hundred fifty five (455) square meters or less;
 - (ii) not less than two (2) spaces if the gross floor area thereof is in excess of four hundred fifty five (455) square meters but less than two thousand two hundred seventy two (2,272) square meters; and
 - (iii) an additional space for each two thousand two hundred seventy two (2,272) square meters; and
 - (b) for business or office buildings, places of public assembly, schools, hotels or other similar buildings or premises:
 - (i) not less than one (1) space; and
 - (ii) an additional space for each four thousand two hundred seventy two (4,272) square meters or fraction thereof, of gross floor area in excess of two thousand two hundred seventy two (2,272) square meters.
- (2) A loading and unloading space mentioned in Section 6.(Q)(1) shall:
 - (a) be not less than ten (10) meters in length and not less than four (4) meters in width, with five (5) meters overhead clearance;
 - (b) be so located that merchandise or materials are loaded or unloaded on the premises being serviced;
 - (c) be provided with adequate facilities for ingress and egress and unobstructed maneuvering aisles; and
 - (d) be surfaced with a durable and dust proof material.

(R) Lighting Facilities and Illuminating Devices

- (1) No lighting facilities or illuminating device for any purpose may be arranged in such manner as to cause a nuisance, or a safety hazard.

(S) Fences

- (1) Notwithstanding any other provision of this By-law, subject to this Section, a fence may be placed or located in a yard.
- (2) Except for a security fence of chain link construction, no fence in a front yard may exceed seventy five (75) centimeters in height.
- (3) Subject to Section 6.(S)(2), no fence may exceed in height:
 - (a) One hundred eighty (180) centimeters in an R Zone;
 - (b) Two hundred fifty (250) centimeters in a zone other than an R Zone;
 - (c) Notwithstanding the provisions of Section 6.(S)(3)(a) the provisions of Section 6.(T) shall apply with respect to a fence which encloses a swimming pool.
- (4) Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as barbed or razor wire, broken glass, spikes, electrified wire, or any other hazardous or dangerous materials.
 - (a) Notwithstanding Section 6.(S)(4), a low voltage electrified fence or a barb wire fence is permitted in a Ru Zone when associated with agricultural uses. Such fence must be clearly identified with signs placed not more than thirty three (33) metres apart.
 - (b) Notwithstanding Section 6.(S)(4), chain link fence with a barb wire topper, to a maximum of four (4) strands, is permitted in a Commercial or Industrial Zone when used for security purposes.
- (5) Invisible or buried wire fencing intended to contain animals are considered fences for the purposes of this by-law.
- (6) Fences shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and undergrowth of weeds or vines.
- (7) Fences or any greenery bordering property are to be located at least sixty (60) centimeters from the property line.

(T) Swimming Pools

- (1) No land may be used for purposes of a swimming pool unless the pool is enclosed by a fence, or by wall of a building or structure, or by a combination of walls (including an above ground pool wall) and fences

set back a minimum of one hundred thirty (130) centimetres from the edge of the swimming pool, and be at least one hundred fifty (150) centimetres in height to a maximum of two hundred fifty (250) centimetres in height and meeting the requirements of this Section.

- (2) Where a portion of a wall of a building forms part of any enclosure mentioned in Section 6.(T)(1):
 - (a) no main or service entrance to the building may be located therein;
 - (b) it may exceed two hundred fifty (250) centimetres in height; and
 - (c) any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least one hundred fifty (150) centimeters above the bottom of the door.
- (3) An enclosure mentioned in Section 6.(T)(1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- (4) A fence mentioned in Section 6.(T)(1):
 - (a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or of other materials, in the manner described in Section 6.(T)(5);
 - (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - (c) shall be located:
 - (i) at least one hundred thirty (130) centimeters from the edge of the swimming pool;
 - (ii) at least one hundred thirty (130) centimeters from any condition that would facilitate its being climbed from the outside; and
 - (iii) at least sixty (60) centimetres from the sideline or rear line of the lot on which it is located.
- (5) The design and construction of a fence under this Section shall provide:
 - (a) in the case of a chain link construction:
 - (i) no greater than thirty eight (38) millimeters diamond mesh;

- (ii) steel wire not less than number twelve (12) gauge, or a minimum number fourteen (14) gauge proved coating forming a total thickness equivalent to number twelve (12) gauge wire; and
 - (iii) at least thirty eight (38) millimeters diameter steel posts, set below frost and spaced not more than three (3) meters apart, with a top horizontal rail of at least thirty eight (38) millimeters diameter steel;
- (b) in the case of wood construction:
 - (i) vertical boarding, not less than twenty-five (25) millimeters by one hundred one (101) millimeters nominal dimensions spaced not more than thirty eight (38) millimeters apart, attached to supporting members and arranged in such manner as not to facilitate climbing on the outside; and
 - (ii) supporting posts at least one hundred one (101) millimeters square or round with one hundred one (101) millimeters diameter, set below frost and spaced not more than two hundred forty (240) centimeters apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail of at least fifty (50) millimeters by one hundred fifty two (152) millimeters nominal dimensions.
- (c) Gates forming part of an enclosure mentioned in Section 6.(T)(1):
 - (i) shall be equivalent to the fence in content, manner of construction and height;
 - (ii) shall be supported on substantial hinges; and
 - (iii) shall be self-closing and equipped with a self-latching device at least one hundred fifty (150) centimeters above the bottom of the gate.
- (6) A swimming pool and its access structure or deck shall be located:
 - (a) at least three (3) metres from the rear and side line of the lot on which it is located;
 - (b) behind the front line of the main dwelling;
 - (c) at least seven decimal five (7.5) metres from the street line; and

- (d) in accordance with NB Power regulations regarding electrical services.

(U) Stripping of Top Soil

- (1) Subject to this Section, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.
- (2) Where, there is an excess of top soil other than that required for grading and landscaping, such excess may be removed for sale or for use subject to terms and conditions as may be required by the Planning Advisory Committee.
- (3) Notwithstanding Section 6.(U)(1), the farming of sod may be carried on where the owner of the land has entered into an agreement with the Council making arrangements satisfactory to the Council for the rehabilitation of the land, and in accordance with Provincial Regulations.
- (4) With the exception of bone fide forestry uses:
 - (a) only such trees as directly impede the lawful construction of buildings and services may be destroyed and where any trees must be destroyed the developer or property owner shall replace them with a reasonable amount of trees of sufficient maturity to enhance the appearance of the lot at the time construction is completed;
 - (b) a reasonable number of trees per lot shall be maintained regardless of the state of the area prior to being developed;
 - (c) only such topographical modifications as are directly necessary for the construction of buildings and services and to enhance the appearance of the lot may be carried out on a lot. However, nothing herein shall prevent the moving of earth and rock as a necessary part of any landscaping.

(V) Liquor Licensed Establishments

- (1) In a Zone other than a Business Park Zone:
 - (a) applications for a liquor licensed establishment, where the license applied for from the Province is other than a Dining Room License, will only be permitted as an amendment to the Zoning By-law, subject to a Section 39 agreement under the *Community Planning Act of New Brunswick* and to such terms and conditions as may be imposed by Council.

(2) In a Business Park Zone:

- (a) applications for a liquor licensed establishment will only be permitted as an amendment to the Zoning By-law, subject to a Section 59 agreement under the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17] and to such terms and conditions as may be imposed by Council, where the license applied for from the Province is other than:
 - (i) a Dining Room License;
 - (ii) a Lounge License where the main use is a restaurant or hotel or motel;
 - (iii) a Special Facility License where the main use is a hotel or motel.

(W) In-Law Suites

- (1) In-law suites are permitted in R1 and Ru Zones subject to the following:
 - (a) In-law suites are not permitted in two family dwellings or in a dwelling which already incorporates an accessory dwelling unit;
 - (b) In-law suites are considered secondary uses and must meet all the zoning requirements for the zone in which they are located; and
 - (c) In-law suites are meant to be temporary units and at such time as they are no longer required, the unit is to be incorporated into the principal dwelling.

(W.1) Garden Suite [Amendment #41, Dated 2023-01-17]

- (1) A Garden Suite (Coach Home) is permitted as an accessory dwelling unit located in a small free-standing building, separate from the principal dwelling. The use may be permanent or temporary in nature. Garden Suites are permitted in R1 and RU Zones subject to approval by the Planning Advisory Committee and the following conditions:
 - (a) It shall be on a lot no less than one thousand three hundred and thirty (1330) square metres in area within an R1 Zone;
 - (b) It shall be on a lot no less than five thousand three hundred fifty (5350) square metres in area within an RU Zone subject to approval of the Department of Justice and Public Safety;

- (c) It shall have a gross floor area ratio of thirty-five (35) percent or less of the main building gross floor area, to a maximum of one hundred (100) square metres;
- (d) It shall not exceed one (1) storey or five (5.0) meters in height above the mean grade level;
- (e) They are not permitted on a lot containing two family dwellings or on a lot containing a dwelling which already incorporates an accessory dwelling unit;
- (f) They are considered secondary uses and must meet all the zoning requirements for the zoning which they are located;
- (g) It must be located in the rear yard;
- (h) It shall observe the following setbacks:
 - (i) a minimum of three (3) metres from the main dwelling unit;
 - (ii) a minimum of three (3) metres from any side or rear lot line;
- (i) It shall have electrical service provided to the garden suite underground when located in a R1 zoning;
- (j) It shall have potable water services provided direct from the main dwelling unit. The connection must be completed by a plumbing professional licensed with the Province of *New Brunswick* ;
- (k) It must be connected to either a Municipal Sewer System or to an onsite sewage disposal system approved by the Department of Justice and Public Safety and all costs associated with the connection are the responsibility of the property owner;
- (l) The property shall not be subdivided to create a flag lot for the secondary unit;
- (m) The property owner must reside on the property either in the principal dwelling or the garden suite.

(X) Commercial/Residential Uses

- (1) Commercial/residential uses (boarding houses, rooming houses, group homes, nursing homes, bed and breakfast establishments) are only permitted as discretionary uses subject to such terms and conditions as may be imposed by the Planning Advisory Committee or as zoning amendments, (through Section 59 of the *Community Planning Act of*

New Brunswick), [AMENDMENT #41, DATED 2023-01-17], and subject to such terms and conditions as may be prescribed by Council. In setting terms and conditions, the Planning Advisory Committee and Council shall give consideration to:

- (a) adequate provision of on-site parking;
- (b) provision of acceptable signage and landscaped buffers and open space where compatibility with adjacent residential use is a concern; and
- (c) if the proposed site is not serviced by the municipal water system, the requirement for a hydrogeological study to satisfy Council that the local well yield is of sufficient quality and quantity to support the density of development proposed and that existing wells of adjacent properties will not be adversely affected by the proposed development.

(Y) Protection of Ground Water Capacity

- (1) Many uses in the Town are dependent on individual wells or groundwater aquifers that have low yields or limited capacity. These systems may not have the capacity to accommodate large increases in density directly or without affecting the well capacities of adjacent uses. In setting terms and conditions for any rezoning or discretionary use that involves permanent or temporary accommodation of a large number of people, (terrace dwellings, apartments, hotels, motels, commercial/residential uses, restaurants, etc.), or a business or industry that uses large quantities of water, the Planning Advisory Committee and/or the Council will require that sufficient evidence, (engineering report, hydrogeological study, pump tests, etc.) is presented to the Town Engineering Department to satisfy either the Planning Advisory Committee and/or Council, (on the advice of the Town Engineer), that the water source has adequate capacity to handle the proposed use and that it will not adversely affect the capacities of wells on adjacent properties.
- (2) [AMENDMENT # 9,DATED 2009-04-07] Notwithstanding any other provision of this By-law, no person shall be permitted to install or operate an Open Loop Geothermal Heat Exchange System within any zone within the municipality.
 - (a) Geothermal Heat Exchange System - means a system that extracts heat from or rejects heat into the ground or body of water through which the piping of the system passes.

- (b) Open Loop System - means a system designed and installed to obtain water from any source, (e.g. groundwater aquifer, well, lake), circulated through the system for the purposes of heat energy transfer and returning the water to the same or another location.

(Z) Limitations on Gas Stations, Service Stations, Drycleaners

- (1) Because of concerns with potential groundwater contamination from petroleum products and chlorinated solvents, gas stations, gas bars, service stations and dry cleaning establishments are not permitted in any zone, except an 'T' or 'C' Zone, and only then through an amendment process and subject to a Section 39 agreement under the *Community Planning Act of New Brunswick* . This will permit municipal staff, the Planning Advisory Committee and Council to have each application reviewed and to attach terms and conditions as may be required to ensure groundwater protection.

(AA) Public Utilities in Residential Zones

- (1) Facilities or buildings for public utilities will be permitted in residential (R) Zones subject to terms and conditions as may be determined by the Planning Advisory Committee. The Planning Advisory Committee shall give consideration for provision of setbacks, landscaped buffer areas, off street parking and of architectural treatment compatible with any adjacent residential development.

(BB) Restrictions for Waterfront Properties [Amendment #41, Dated 2023-01-17]

- 1. In addition to the provisions of this, and other by-laws of the Town, the following provisions apply to all development along waterfront properties and/or within thirty (30) metres of a watercourse;
 - (a) No alteration of existing building, structure, or land shall occur on any property bordering a watercourse without first requesting and being granted approval by the Development Officer or his designate, or the Planning Advisory Committee, who shall have the authority to impose such terms and conditions as they consider necessary and appropriate;
 - (b) The Development Officer or his designate, or the Planning Advisory Committee may request that a Watercourse and Wetland Alteration Permit be obtained from the province, and may also request that an environmental impact assessment screening be completed on the possible effect of any alterations to a building, structure, or land before granting or denying the variance request;

- (c) Any structure which is destroyed by fire may be rebuilt upon issuance of a Development Permit, and a Building Permit, which is conditional that it is rebuilt on the existing foundation, providing that the existing foundation has at least three (3) remaining exterior walls constructed of rock, concrete, or concrete block and subject to the approval of the Development Officer or his designate, or the Planning Advisory Committee who shall have the authority to impose such terms and conditions as they consider necessary and appropriate, and which may be subject to Section 6.(BB)(1)(b).

(CC) KENNELS

- (1) The maximum numbers of dogs permitted to be kept on a lot in a Residential Zone is limited to four (4) adult dogs and one (1) litter of puppies under 6 months of age.
- (2) Any person who keeps a dog or dogs for breeding purposes shall obtain a Breeders Licence pursuant to the Animal Control By-law.
- (3) Any person who keeps five (5) or more dogs shall obtain a Kennel Licence pursuant to the Animal Control By-law.
- (4) The keeping and/or breeding five (5) or more dogs is only permitted in a Commercial or Light Industrial Zone as a discretionary use.
- (5) Persons wishing to board, groom, dog-sit or otherwise engage in a commercial operation concerning dogs in a Residential Zone must obtain a Kennel Licence pursuant to the Animal Control By-law and comply with conditions as set by the Planning Advisory Committee.

(DD) SERVICE FEES

- (1) Fees for the provision of Community Planning and Development Services provided by the Town of Quispamsis shall be as set out in Schedule “A” attached to this By-law. [AMENDMENT #10,DATED 2009-12-01]

(EE) CANNABIS PRODUCTION FACILITY (AMENDMENT #41; DATED 2023-01-17)

- (1) Where permitted by this by-law, a cannabis production facility is subject to the following requirements:
 - (a) Are only permitted as a Discretionary Use in Light Industrial Zone;
 - (b) All functions associated with a cannabis production facility shall be conducted within a completely enclosed building;

- (c) No lot containing a cannabis production facility shall be permitted within one hundred fifty (150) metres of any residential zone or a lot containing an existing public or private school measured to the property line; and
- (d) No outdoor storage associated with a cannabis production facility is permitted.

(FF) CANNABIS RETAIL SALES (AMENDMENT #41; DATED 2023-01-17)

- (1) Where permitted by this by-law, cannabis retail is subject to the following requirements:
 - (a) Are only permitted as a Discretionary Use and are subject to such terms and conditions as may be imposed by the Planning Advisory Committee, as outlined in Section 53(3)(c) of the *Community Planning Act of New Brunswick* ;
 - (b) A lot being used for cannabis retail shall be at least three hundred (300) metres away from any lot containing any Daycare, Early Learning Centre as defined under the Education Act, or any Educational Facility (K-12).

7. CLASSIFICATION

- (A) For the purposes of this By-law, the Town is divided into zones, delineated on the plan attached as Schedule “A” entitled "Town of Quispamsis Zoning Map".
- (B) The zones in Section 7.(A) are classified and referred to as follows:
 - (1) single and two-family dwellings R1 Zone
 - (2) multiple residential R2 Zone
 - (3) terrace dwelling - distinct ownership R3 Zone
 - (4) mini home RM Zone
 - (5) central commercial CC Zone
 - (6) special commercial SC Zone
 - (7) highway commercial HC Zone
 - (8) business park BPC Zone
 - (9) neighbourhood commercial NC Zone
 - (10) adult entertainment zone AEC Zone

- (11) light industrial LI Zone
 - (12) pits and quarries PQI Zone
 - (13) telecommunication TI Zone
 - (14) institutional INST Zone
 - (15) municipal recreational and
 - (16) park and recreation PR Zone
 - (17) conservation area CR Zone
 - (18) rural RU Zone
 - (19) Integrated Development ID Zone
- (C) Collectively R1, R2, R3, RM and RU Zones are referred to as ‘R’ Zones; CC, SC, HC, NC, BPC and AEC are referred to as ‘C’ Zones; LI, PQI and TI as ‘T’ Zones; INST and MRC-INST as ‘INST’ Zones; and PR and CR as Recreational Zones.
- (D) Except as otherwise provided, in any zone, all land shall be used and all buildings or structures, or parts thereof, shall be placed, erected, altered or used only in conformity with the requirements of the provisions of this By-law pertaining to such zone.

8. SINGLE OR TWO-FAMILY DWELLINGS (R1 ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of, and for no other purpose:
 - (a) one of the following main uses:
 - (i) a single or two-family dwelling; or
 - (ii) a park or playground; and
 - (b) one of the following secondary uses:
 - (i) a home occupation, subject to Section 6.(K);
 - (ii) an accessory dwelling unit, subject to Section 6.(D);
 - (iii) an in-law suite, subject to Section 6.(W).
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this Section.

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick* [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) a day care facility, subject to Section 6.(L);
 - (b) a public utility facility, subject to Section 6.(AA).
 - (c) a kennel, subject to Section 6.(CC).
 - (d) a bed and breakfast, subject to Section 6.(X).
 - (e) a garden suite, subject to Section 6.(W-1). (AMENDMENT #41; DATED 2023-01-17)

(C) Lot Sizes

- (1) No main building or structure may be placed, erected or altered, on a lot unless the lot meets the minimum requirements outlined on Table 3, the types of units permitted in this zone.

(D) Size of Dwellings

- (1) No single family dwelling may be placed, erected or altered so that it has a ground floor area less than:
 - (a) Seventy Five (75) square meters in the case of a one-storey dwelling;
 - (b) Sixty five (65) square meters in the case of a one and one-half storey dwelling; or
 - (c) Fifty five (55) square meters in the case of a two storey dwelling.
- (2) No two-family dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than:
 - (a) if one (1) such unit is above the other (duplex), sixty five (65) square meters; or
 - (b) if semi-detached:
 - (i) fifty five (55) square meters in the case of a one storey dwelling;

- (ii) fifty (50) square meters in the case of a one and one-half storey dwelling; or
- (iii) forty four (44) square meters in the case of a two storey dwelling.
- (c) For the purpose of this Section, ground floor area or floor area does not include garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

(E) Yards for a Main Building or Structure

- (1) Subject to Section 6.(E), no main building or structure may be placed, erected or altered so that it is:
 - (a) with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway or seven decimal five (7.5) meters in the case of any other street or highway;
 - (b) within three (3) meters of a side lot line; or
 - (c) within seven decimal five (7.5) meters of the rear lot line.
- (2) Notwithstanding Section 8.(E)(1)(b), where a building lot is four thousand (4000) square metres or larger, the main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained.

(F) Height of a Main Building or Structure

- (1) No main building or structure may exceed nine (9) meters in height.
- (2) All new structures shall be placed in conformity with Section 6.(F) of this by-law.

(G) Accessory Buildings and Structures

- (1) No accessory building or structure used as a detached garage may:
 - (a) exceed one (1) storey or five (5.0) meters in height above the mean grade level;
 - (b) be placed, erected or altered so that:
 - (i) any part is in front of the front of the main building on the lot;
 - (ii) any part is closer than one decimal five (1.5) meters of a side or rear lot line, but where a side or rear lot line is also

- a street line, the provision of Section 8.(E)(1)(a) respecting yards for a main building or structure shall apply;
 - (iii) any part is located within three (3) meters of the main building on the lot.
 - (c) exceed sixty three (63) square meters in area or have a horizontal dimension greater than ten (10) meters;
 - (d) be used for:
 - (i) agricultural purposes;
 - (ii) the keeping of animals other than household pets;
 - (iii) a dwelling unit.
- (2) No accessory building or structure used other than as a detached garage, (such as storage shed or bathhouse), may:
- (a) exceed three decimal six five (3.65) meters in height;
 - (b) be placed so that:
 - (i) any part is in front of the front line of the main building on the lot;
 - (ii) no closer to the house a distance equal to the height of the accessory building;
 - (iii) any part is closer than one decimal five (1.5) meters of a side or rear lot line, but where a side or rear lot line is also a street line, the provisions of Section 8.(E)(1)(a) respecting yards for a main building or structure shall apply;
 - (c) exceed twenty three (23) square meters;
 - (d) be used for:
 - (i) agricultural purposes;
 - (ii) motor vehicle storage;
 - (iii) the keeping of animals other than household pets;
 - (iv) a dwelling unit.
- (3) Accessory buildings and structures, in total, may not occupy more than ten (10) percent of the area of a lot or eighty six (86) square metres, whichever is less.

- (4) Accessory buildings are not to be placed on a lot before the main dwelling is constructed.
- (5) Notwithstanding Sections 8.(G)(1) to 8.(G)(3), a temporary winter car shelter may be erected in accordance with the provisions of the building by-law.
- (6) The number of accessory buildings or structures shall not exceed three (3) per lot.

(H) Lot Occupancy

- (1) Buildings and structures on a lot shall not occupy a greater portion of the area of a lot than thirty (30) percent.

(I) Landscaping

- (1) Subject to this Section, the owner of a lot developed for residential purposes shall landscape:
 - (a) the front yard of the main building; and
 - (b) that part of the lot within one decimal five (1.5) meters of any building thereon;
- (2) For the purposes of this Section, landscaping shall include:
 - (a) all grading necessary to divert surface water from the dwelling and in so far as is reasonably possible, to contour the front yard to the surrounding terrain, together with the installation of a lawn having a minimum of three inches of topsoil; and
 - (b) may include the placement of such paths, patios, walkways, trees, ornamental shrubs, vines and flowers as are not prohibited by this or any other by-law, rule or regulation.
- (3) Notwithstanding Section 8.(I)(1), the front yard mentioned therein may be used to a reasonable degree for the purposes of walks and driveways for access to the main building or other use on the lot.
- (4) Landscaping required under this Section shall be completed within twenty four (24) months of the date of occupancy of the dwelling.
- (5) Houses built for speculation shall have the landscaping of the front yard completed within twenty-four (24) months from the date of completion of the construction.

(J) Divided Ownership of Lots Along Common Walls

- (1) A lot which contains a dwelling unit on each side of a common wall, may be subdivided into “part lots” at that common wall, provided that:
 - (a) each dwelling unit shall continue to be used as a single unit within the building, and any rebuilding of either dwelling unit shall be to the common wall, and
 - (b) any lot created as a result of the subdivision must meet the minimum lot area and lot width requirements for the zone in which they are located.
- (2) No detached dwelling may be placed or erected, and no building or structure may be altered to become a detached dwelling, on any lot resulting from the subdivision unless both resultant lots meet the minimum lot area and lot width requirements for the zone in which they are located, where a lot or other piece of land is subdivided either:
 - (a) into two or more lots along the common walls of attached dwellings; or
 - (b) for the purpose of placing or erecting dwelling units of attached dwellings on separate lots.
- (3) [AMENDMENT # 9, DATED 2009-04-07] Notwithstanding the provisions of paragraph 8(J) (1) and 8 (J) (2) above, where a lot which contains a dwelling unit on each side of a common wall is located within a Zone that is serviced by both municipal water and municipal sewer, and is proposed to be subdivided into part lots at that common wall;
 - (a) each dwelling unit shall continue to be used as a single unit within the building, and any rebuilding of either dwelling unit shall be to the common wall; and,
 - (b) any lot created as a result of the subdivision must meet the minimum lot dimensions as stipulated in Table 3.

9. MULTIPLE RESIDENTIAL (R2 ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of, and for no other purpose:
 - (a) one of the following main uses:
 - (i) a multiple dwelling;

- (ii) an apartment dwelling;
 - (iii) a terrace dwelling;
 - (iv) a single or two family dwelling;
 - (v) a condominium;
 - (vi) a park or playground;
- (b) one of the following secondary uses;
 - (i) a home occupation subject to Section 6.(K);
- (c) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this Section;
- (d) a public utility facility, subject to Section 6.(AA).

(B) Lot Sizes

- (1) No building or structure may be placed, erected or altered on a lot unless the lot meets the requirements outlined in Table 3 for the types of units permitted in this zone.

(C) Size of Dwelling Units

- (1) No multiple dwelling or terrace dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than:
 - (a) Thirty two (32) square meters in the case of a bachelor apartment;
 - (b) Forty one (41) square meters in the case of a one (1) bedroom dwelling unit;
 - (c) Fifty five (55) square meters in the case of a two (2) bedroom dwelling unit, or;
 - (d) Sixty five (65) square meters in the case of a dwelling unit containing three or more bedrooms.
- (2) For the purposes of this Section, ground floor or floor area does not include garages, carports, porches, verandas, breezeways, or exterior stairways.

(D) Yards for a Main Building or Structure

- (1) No main building or structure may be placed, erected or altered so that it is:

- (a) with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway or seven decimal five (7.5) meters in the case of any other street or highway;
- (b) within six (6) meters of a side lot line; or
- (c) within nine (9) meters (30 ft.) of the rear lot line.

(E) Height of a Main Building or Structure

- (1) No main building or structure may exceed eleven (11) meters in height.

(F) Accessory Buildings or Structures

- (1) The provisions of Section 8.(G) with respect to accessory buildings or structures apply.

(G) Lot Occupancy

- (1) Buildings and structures on a lot shall not occupy a greater portion of a lot than thirty (30) percent.

(H) Landscaping

- (1) Subject to Section 9.(H)(2), the provisions of Section 8.(I) with respect to landscaping apply.
- (2) Where a lot containing a multiple dwelling is located adjacent to a single or two family dwelling, a landscaped buffer area shall be provided on the periphery of the multiple lot. The buffer area is to be at least three (3) meters in width and shall contain landscaping in the form of trees, hedges or shrubs.

(I) Parking

- (1) Each dwelling unit shall be provided with one decimal five (1.5) parking spaces per unit.
- (2) No parking facilities shall be constructed in the front of a dwelling except for terrace dwellings. If a terrace dwelling contains more than four (4) units, any parking in front of the dwelling must gain access to the street from one (1) or two (2) driveways and not from each individual unit.
- (3) Parking requirements shall in no way reduce the requirements of Section 9.(H) with respect to landscaping.

(J) Divided Ownership of Lots Along Common Walls

- (1) The provisions of Section 8.(J) apply.

(K) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

10. TERRACE DWELLING RESIDENTIAL (R3 ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of, and for no other purpose;
- (a) one of the following main uses:
 - (i) a terrace dwelling;
 - (ii) a terrace dwelling: distinct ownership;
 - (iii) a single or two family dwelling;
 - (iv) a condominium;
 - (v) park or playground;
 - (b) one of the following secondary uses;
 - (i) home occupation subject to Section 6.(K);
 - (c) any accessory building, structure or use incidental to the main use of the land, building or structure, if such main use is permitted by this Section;
 - (d) a public utility facility, subject to Section 6.(AA).

(B) Lot Sizes

- (1) No building or structure may be placed, erected, or altered on a lot unless the lot meets the requirements outlined in Table 3 for the types of units permitted in this zone.

(C) Size of Dwelling Units

- (1) No terrace dwelling or terrace dwelling - distinct ownership may be placed, erected or altered so that it contains a dwelling unit with a floor area less than:

- (a) Fifty five (55) square meters in the case of a one (1) bedroom dwelling unit;
 - (b) Sixty five (65) square meters in the case of a two (2) bedroom dwelling unit, or;
 - (c) Seventy five (75) square meters in the case of a dwelling unit containing three (3) or more bedrooms.
- (2) For the purposes of this Section, ground floor or floor area does not include garages, carports, porches, verandas, breezeways, or exterior stairways.

(D) Yards for a Main Building or Structure

- (1) No main building or structure may be placed, erected or altered so that it is:
 - (a) with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway or seven decimal five (7.5) meters in the case of any other street or highway;
 - (b) with respect to a side lot line;
 - (i) common wall side zero (0) meters;
 - (ii) end wall side interior – seven decimal five (7.5) meters;
 - (iii) end wall side corner – seven decimal five (7.5) meters;
 - (c) within nine (9.0) meters of the rear lot line.

(E) Height of a Main Building or Structure

- (1) No main building or structure may exceed one (1) storey or six (6) meters in height.

(F) Accessory Buildings or Structures

- (1) The provisions of Section 8.(G) with respect to accessory buildings or structures apply.

(G) Lot Occupancy

- (1) Buildings and structures on a lot shall not occupy a greater portion of a lot than thirty (30) percent.

(H) Landscaping

- (1) Subject to Section 10.(H)(2), the provisions of Section 8.(I) with respect to landscaping apply.
- (2) Where a lot containing a terrace dwelling or a terrace dwelling - distinct ownership is located adjacent to a single or two (2) family dwelling, a landscaped buffer area shall be provided on the periphery of the multiple lot. The buffer area is to be at least three (3) meters in width and shall contain landscaping in the form of trees, hedges or shrubs.
- (3) A site plan showing proposed green spaces, parking areas, lighting, access routes and drainage paths for the lot must be submitted to the Development Officer for approval as complying with the provisions of this By-law.

(I) Parking

- (1) Each dwelling unit shall be provided with one decimal five (1.5) parking spaces per unit.
- (2) No parking facilities shall be constructed in the front of a dwelling except for terrace dwellings or terrace dwelling - distinct ownership. If a terrace dwelling contains more than four (4) units, any parking in front of the dwelling must gain access to the street from one (1) or two (2) driveways and not from each individual unit.
- (3) Parking requirements shall in no way reduce the requirements of Section 9.(H) with respect to landscaping.

(J) Services

- (1) The developer must provide sufficient evidence (engineering report, hydro geological study, pump tests, etc.) to satisfy the Town Engineer that the proposed development will not adversely affect the capacity of the municipal sanitary system and that the water source has adequate capacity to handle the proposed use and that it will not adversely affect the capacities of wells on adjacent properties.

(K) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

11. MINI HOME RESIDENTIAL (RM ZONE)

(A) Permitted Uses

- (1) Subject to Section 11.(B), any land may be used for the purposes of, and for no other purpose:
 - (a) one of the following main uses:
 - (i) a mini home park;
 - (ii) a mini home subdivision; or
 - (iii) a park or playground; and
 - (b) one of the following secondary uses:
 - (i) a home occupation, subject to Section 6.(K);
 - (c) any accessory building, structure or use incidental to the main use of the land if such main use is permitted by this Section.
 - (d) a public utility facility, subject to Section 6.(AA).

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17] and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) a daycare facility subject to Section 6.(L).

(C) Accessory Buildings or Structures

- (1) Accessory buildings or structures are permitted subject to the provisions of the Mobile Home Parks and Tourism Camp By-law and with written permission of the Park Owner.

(D) Mini Home Park By-Law

- (1) The use of land for the purposes of a mini home park is subject to the provisions the Town of Quispamsis Mobile Home Parks and Tourism Camp By-Law adopted in accordance with Section 188 of the *Municipalities Act of New Brunswick* .

(E) Mini Home Park Standards

- (1) Notwithstanding the provisions of Section 11.(D), a mini home park must be serviced by a municipally or provincially approved communal sewage treatment system and communal water supply system.

- (2) Each site in a mini home park shall meet the following standards:
 - (a) minimum lot width per unit 15 meters
 - (b) minimum lot width per unit parallel to street 28 meters
 - (c) minimum lot depth per unit 35 meters
 - (d) minimum lot depth per unit parallel to street 15 meters
 - (e) minimum lot area per unit 525 square meters
 - (f) minimum lot area per unit parallel to street 420 square
 - (g) minimum front yard per unit 6.0 meters
 - (h) minimum side yard per unit 2.0 meters
 - (i) minimum rear yard per unit 3.0 meters
 - (j) maximum height per unit 8.53 meters
 - (k) maximum lot coverage per unit 40%

(F) Mini Home Subdivision Standards

- (1) A mini home site in a subdivision must meet the same standards as outlined for conventional single family units namely:
 - (a) Section 8.(C) with respect to lot sizes (depending on the level of services available);
 - (b) Section 8.(E) with respect to yard sizes;
 - (c) Section 8.(F) with respect to building heights;
 - (d) Section 8.(G) with respect to accessory buildings and structures;
 - (e) Section 8.(H) with respect to lot occupancy; and
 - (f) Section 8.(I) with respect to landscaping.

(G) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

12. CENTRAL COMMERCIAL (CC ZONE)

(A) Permitted Uses

- (1) Subject to this Section, any land, building or structure may be used for the purpose of, and for no other purpose;
 - (a) one or more of the following main uses:
 - (i) a bank or other financial institution;
 - (ii) a hotel, subject to Section 12.(A)(1)(c).;
 - (iii) a municipal, provincial or federal building;
 - (iv) a museum or library;
 - (v) an office or office building;
 - (vi) a shopping centre;
 - (vii) a retail store or service shop but not including an adult entertainment facility, a massage parlour, an adult bookstore or video rental, or an adult retail outlet;
 - (viii) a park or playground.
 - (b) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this Subsection.
 - (c) the following uses will only be permitted when municipal sanitary sewer and water supply are available, or the applicant can provide sufficient evidence, (engineering report, hydrogeological study, pump tests, etc.), to satisfy the Town Engineer that the proposed water source has adequate capacity to supply the proposed use and that it will not adversely affect the capacities of wells on surrounding properties:
 - (i) a hotel or motel.
- (2) No use permitted under Section 12.(A)(1) may be established or conducted except in a completely enclosed building.
- (3) Notwithstanding that a self-storage facility is not a permitted use in a central commercial (CC Zone), such a use shall be permitted on property located at 199 Hampton Road having PID No. 00249805 and 00089250 subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the Community Planning Act. [AMENDMENT #14, DATED 2012_04) (Repealed with Repeal By-law No. RO25, DATED October 4, 2016)
- (4) Notwithstanding that a car wash operation is not a permitted use in a central commercial (CC) Zone, such a use shall be permitted on property

identified as a portion of PID No. 30256226, as shown on the Schedule “A” of Amendment 038-22, and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the Community Planning Act. [AMENDMENT #22, DATED 2017_02_17].

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) a bus or public transportation terminal;
 - (b) a club or fraternal building or use;
 - (c) a laundry, bakery, dairy or printing establishment;
 - (d) a commercial parking lot;
 - (e) restaurant, sit down;
 - (f) restaurant, licensed (Dining Room License);
 - (g) restaurant, drive-in;
 - (h) restaurant, take-out;
 - (i) a day care facility subject to Section 6.(L);
 - (j) a building, structure or use customarily incidental and accessory to a use mentioned in this Subsection;
 - (k) a kennel, subject to Section 6.(CC);
 - (l) a cannabis retail store, subject to Section 6.(FF). (AMENDMENT #41; DATED 2023-01-17)
- (2) No use permitted under Section 12.(B)(1) may be established or conducted except in a completely enclosed building (with the exception of a commercial parking lot).

(C) Lot Sizes

- (1) No main building may be placed, erected or altered unless the lot on which it is located is serviced by the municipal sewer system and has and contains:
 - (a) a width of at least thirty (30) meters;
 - (b) a depth of at least thirty eight (38) meters;
 - (c) an area of at least one thousand one hundred forty (1,140) square meters.

(D) Yards for a Main Building or Structure

- (1) Subject to Section 6.(E), no main building or structure may be placed, erected or altered so that it is:
 - (a) with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway or seven decimal five (7.5) meters in the case of any other street or highway;
 - (b) within six (6) meters of a side lot line; or
 - (c) within seven decimal five (7.5) meters of the rear lot line.

(E) Height of a Main Building or Structure

- (1) No main building or structure may exceed eleven (11) meters in height.

(F) Accessory Buildings and Structures

- (1) No accessory building or structure may:
 - (a) exceed five (5.0) meters in height;
 - (b) be placed, erected or altered so that it is:
 - (i) closer to the street at the front of the lot than the rear of the main building or structure; or
 - (ii) within one decimal five (1.5) meters of a side lot or rear lot line; or
 - (c) be used for agricultural purposes or for the keeping of animals other than household pets.

(G) Landscaping

- (1) Subject to Section 6.(P)(4) with respect to parking lots and Section 6.(J) with respect to commercial development abutting an R Zone, a minimum of fifty (50) percent of the front yard shall be landscaped open space.

(H) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

13. SPECIAL COMMERCIAL (SC ZONE)

- (A) All provisions contained in Section 12. with respect to the Central Commercial Zone shall apply to the Special Commercial Zone with the following exceptions:
 - (1) that one of the permitted uses may be a billiard parlour, licensed to sell alcohol pursuant to the Special Facility License provisions of the *Liquor Control Act of New Brunswick*, SNB, Chapter L-10 and amendments thereto;
 - (2) that the sale of alcohol under a Special Facilities License may be permitted in association with other permitted uses, subject to such terms and conditions as may be determined by Council;
- (B) Any new construction and/or renovations to existing buildings are subject to a Development Agreement with the Town; and
- (C) Video Lottery Terminals are only permitted in a Special Commercial Zone.

14. HIGHWAY COMMERCIAL (HC ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purpose of , and for no other purpose than:
 - (a) car wash, subject to Section 14.(A)(3);
 - (b) service or health club;
 - (c) commercial recreation establishment;
 - (d) drive-thru business;
 - (e) drive-in business, excluding a public garage;
 - (f) financial institution;
 - (g) garden centre;
 - (h) home decorating and hardware establishments;
 - (i) hotel/motel, subject to Section 14.(A)(3);

- (j) office;
 - (k) personal service establishment;
 - (l) printing establishment;
 - (m) restaurant, subject to Section 14.(A)(3);
 - (n) retail store;
 - (o) service repair establishment;
 - (p) shopping centre;
 - (q) tourist information centre;
 - (r) a park or playground.
- (2) any accessory building, structure or use, incidental to the main use of the land, building or structure if such main use is permitted by this Section; and
- (3) the following uses shall only be permitted when municipal sanitary sewer and municipal water supply are available or the applicant can provide sufficient evidence, (engineering report, hydrogeological study, pump tests, etc.), to satisfy the Town Engineer that the proposed water source has adequate capacity to supply the proposed use and that it will not adversely affect the capacities of wells on surrounding properties:
- (a) car wash;
 - (b) hotel/motel;
 - (c) restaurant.
- (4) Notwithstanding that a rebar operation is not a permitted use in a Highway Commercial (H) Zone, such a use shall be permitted on property identified as 929 Hampton Road, PID NO. 30178727, as shown on the attached Schedule A”, and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act*. (AMENDMENT NO.038-30 – August 20, 2019)

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected, then the use may be prohibited by the Planning Advisory Committee:

- (a) vehicle sales and/or rental and ancillary uses;
 - (b) warehouse, retail;
 - (c) warehouse, wholesale;
 - (d) public garage;
 - (e) restaurant, licensed (Dining Room License)
 - (f) a daycare facility subject to Section 6.(L).
 - (g) a kennel, subject to Section 6.(CC)
 - (h) a cannabis retail store, subject to Section 6.(FF). (AMENDMENT #41; DATED 2023-01-17)
- (2) Notwithstanding that gas bars are not permitted uses in this zone, the property on the southwest quadrant of the intersection of Gondola Point Arterial and Millennium Drive has been previously approved for a gas bar subject to terms and conditions.
- (3) Notwithstanding the provisions of 14.(B)(2), the following use is permitted on property located at 8 Millennium Drive having PID #00114595, and shown on Schedule “A”, attached hereto, subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the *Community Planning Act of New Brunswick*, and subject to a development agreement with the Town. Where compliance with such terms cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) A gas station/gas bar operation.
- (C) **Lot Sizes**
 - (1) The provisions of Section 12.(C) apply.
- (D) **Yards For A Main Building or Structure**
 - (1) The provisions of Section 12.(D) apply.
- (E) **Height of Main Building or Structure**
 - (1) The provisions of Section 12.(E) apply.
- (F) **Accessory Building and Structures**
 - (1) The provisions of Section 12.(F) apply.
- (G) **Landscaping**
 - (1) The provisions of Section 12.(G) apply.

(H) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

15. NEIGHBOURHOOD COMMERCIAL (NC ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of, and for no other purposes:
- (a) one or more of the following main or secondary uses:
 - (i) a snack bar or coffee shop;
 - (ii) a convenience goods store selling bakery products, pharmacy products, groceries, hardware, magazines and books, video rentals; or
 - (iii) a personal service shop, such as a barber shop or beauty parlour, laundry pick-up;
 - (iv) a studio or craft workshop;
 - (v) a service repair shop;
 - (vi) a single family dwelling; and
 - (vii) a day care facility, subject to Section 6.(L).
 - (b) any accessory building, structure or use incidental to the main or secondary use of the land, building or structure if such main or secondary use is permitted by this Subsection.
 - (c) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the *Community Planning Act of New Brunswick*, and subject to a development agreement with the Town. Where compliance with such terms cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (i) a dentist's office with a maximum of two practicing dentists and three support staff;

- (ii) a doctor's office with a maximum of two practicing doctors and three support staff;
 - (iii) a lawyer's office with a maximum of two practicing lawyers and three support staff;
 - (iv) an accountant's office with a maximum of two practicing accountants and three support staff;
 - (v) an engineer's office with a maximum of two practicing engineers and three support staff;
 - (vi) an architect's office with a maximum of two practicing architects and three support staff;
 - (vii) a kennel, subject to Section 6.(CC).
- (2) Notwithstanding the provisions of 15.(A)(1)(c)(I) the following use is permitted on property located at 317 Hampton Road having PID #00250837, (corner of Hampton Road/Old Coach Road), subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to section 34(4)© of the *Community Planning Act of New Brunswick*, and subject to a development agreement with the Town. Where compliance with such terms cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (i) A dentist's office with a maximum of three practicing dentists and six support staff.

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) A combined Residential/Commercial use is permitted for any permitted use listed in Section 15.(A)(1)(a) subject to the following terms:
 - (i) The Commercial use must occupy 100% of the ground floor. No Residential use is permitted on the ground floor.

- (ii) The Residential use must occupy 100% of the second (2nd) and other floors and must be accessed by an entrance separate from the Commercial use.
- (iii) An Accessory Dwelling Unit is not permitted.

(C) Lot Sizes

- (1) The provisions of Section 12.(C) apply.

(D) Yards For A Main Building or Structure

- (1) The provisions of Section 8.(E) apply.

(E) Height of a Main Building or Structure

- (1) No main building or structure may exceed nine (9) meters in height.

(F) Accessory Buildings or Structures

- (1) The provisions of Section 12.(F) apply.

(G) Landscaping

- (1) The provisions of Section 12.(G) apply.

(H) Development Agreement

- (1) Any new construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

16. ADULT ENTERTAINMENT (AEC ZONE)

(A) Permitted Uses

- (1) Subject to this Section any land, building or structure may be used for the purpose of, and for no other purpose:
 - (a) one or more of the following main uses:
 - (i) adult entertainment facility;
 - (ii) massage parlour;
 - (iii) adult bookstore or video rental; and
 - (iv) adult retail outlet;
 - (b) any accessory building, structure or use incidental to a use, building or structure permitted in this Section.

(B) Other Provisions

- (a) The provisions contained in Section 12.(C) through 12.(G), inclusive, of this By-Law shall apply to AEC Zones.

(C) Development Agreement

- (1) Any new construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

17. BUSINESS PARK ZONE (BPC ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
 - (a) any of the permitted uses listed in Section 14.(A)(1) to Section 14.(A)(3) with respect to Highway Commercial Uses;
 - (b) the following limited uses:
 - (i) animal hospital;
 - (ii) appliance sales and service;
 - (iii) building products establishment;
 - (iv) commercial printing and associated services;
 - (v) electronic and electrical sales and service;
 - (vi) information technology businesses;
 - (vii) recreation, entertainment, cultural, tourism facilities;
 - (viii) research facilities;
 - (ix) a privately operated adult training or educational facility;
 - (x) call centres;
 - (xi) television and radio stations;
 - (xii) a municipal, provincial, or federal building.

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*,

[AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:

- (a) vehicle sales and/or rental and ancillary uses;
- (b) warehouse, retail;
- (c) warehouse, wholesale;
- (d) drive-in business, automotive;
- (e) service industrial establishments;
- (f) light manufacturing establishments;
- (g) a kennel, subject to Section 6.(CC);
- (h) a lounge, (with a lounge license), where it is located within a restaurant or dining room and secondary to the main use as a restaurant or dining room;
- (i) a lounge, (with a lounge license or a special facilities license), where it is located within a hotel and secondary to the main use as a hotel or motel;

(2) Video Lottery Terminals are not permitted in this zone.

(C) Lot Sizes

- (1) No main building may be placed, erected or altered unless the lot on which it is located is serviced by the municipal sewer system and has and contains:
 - (a) a width of at least thirty (30) meters;
 - (b) a depth of at least thirty eight (38) meters;
 - (c) an area of at least one thousand one hundred forty (1,140) square meters.

(D) Yards For a Main Building or Structure

- (1) The provision of Section 12.(D) apply.

(E) Height of Main Building or Structure

- (1) The provisions of Section 12.(E) apply.

(F) Accessory Building and Structures

(1) The provisions of Section 12.(F) apply.

(G) Building Design, Outdoor Storage and Landscaping

(1) These provisions shall be in accordance with the Millennium Drive Development Scheme Bylaw and any amendments thereto.

(H) Development Agreement

(1) Any new construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

18. LIGHT INDUSTRIAL (LI ZONE)

(A) Permitted Uses

(1) Any land, building or structure may be used for the purposes of and for no other purpose;

(a) one or more of the following main uses:

(i) animal hospital;

(ii) building products establishment;

(iii) cold storage plant;

(iv) commercial printing and associated services;

(v) contractors establishment;

(vi) greenhouse;

(vii) heavy equipment sales establishment;

(viii) laboratory - experimenting, commercial or testing;

(ix) motor vehicle service and repair establishment, but not a gas bar or a service station which sells gasoline or diesel;

(x) recycling depot;

(xi) repairing, automation or storage of goods;

(xii) storage buildings;

(xiii) tradesman's establishment;

(xiv) truck or heavy equipment terminal, storage or maintenance;

- (xv) warehouse;
- (xvi) wholesale business;
- (xvii) business office accessory to a permitted use;
- (xviii) a park or playground.
- (b) retail uses incidental to any of the above uses but not exceeding twenty five (25) percent of the total floor area of the main building;
- (c) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this Subsection; and

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) manufacturing, fabricating, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials or components provided that, in the opinion of the Planning Advisory Committee, these uses are not dangerous, obnoxious or offensive by reasons of the presence, emission or production of odours, smoke, noise, gas fumes, vibration, radiation, refuse matter or other water-carried waste;
 - (b) a kennel, subject to Section 6.(CC)
 - (c) a cannabis production facility, subject to Section 6.(EE).
(AMENDMENT #41; DATED 2023-01-17)

(C) Exterior Building Design

- (1) The exterior of all buildings constructed must conform to the following:
 - (a) Front exteriors of stone, brick, architectural reinforced concrete, glass and metal combinations, colour coated metal, ceramic or glazed tile, colour coated block. Sides and rear of buildings shall

be of wood, masonry, architectural metal, asbestos cement or material of similar standards except where side and rear walls face on abutting streets, where the material shall be the same as the material prescribed for the front exterior of the building.

(D) Outside Storage Areas

- (1) Outside storage shall be permitted and shall be screened from the street by a solid hedge or row of trees or by a wall or solid fence not less than two (2) meters and not more than two decimal five (2.5) meters in height. The height of the wall or fence may be reduced by an amount equal to the depth of the grade of the parking area below the grade of the surrounding land. Where feasible, existing screening trees shall be preserved.

(E) Lot Sizes

- (1) No main building or structure may be placed, erected or altered on a lot unless the lot has and contains:
 - (a) a width of at least fifty four (54) meters;
 - (b) a depth of at least seventy four (74) meters;
 - (c) an area of at least four thousand (4,000) square meters.

(F) Yards For a Main Building or Structure

- (1) Subject to Section 6.(E), no main building or structure may be placed, erected or altered so that it is:
 - (a) within seven decimal five (7.5) meters of a street line; or
 - (b) within a distance of a side or rear lot line than the greater of six (6) meters or one-half ($\frac{1}{2}$) the height thereof;
 - (c) when the adjoining property is not zoned industrial, a treed buffer zone of fifteen (15) meters shall be established and maintained by the developer;
 - (d) notwithstanding Section 18.(D) where a lot adjoining an “R” Zone is to be used for purposes of open storage or the conducting of part of the purposes of the use of the lot wholly or partly outside a building, a planting screen of sufficient length to interfere with the view from the adjoining “R” Zone shall be required, except where the view is blocked by a change in grade or other natural or man made conditions. Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, a

wooden fence or masonry wall of not less than one decimal two (1.2) meters nor more than one decimal eight (1.8) meters in height may be substituted.

(G) Accessory Buildings and Structures

- (1) Except for a gate-keeper or security office not exceeding nine (9) square meters in size, no accessory building or structure may be placed, erected or altered so that it is:
 - (a) closer to the street than the front of the main building or structure;
 - (b) within a distance of a side or rear lot line than the greater of three (3) meters or one-half (½) the height thereof;
 - (c) within a bordering buffer zone;
 - (d) used for agricultural purposes or for the keeping of animals other than household pets.

(H) Building Height Restrictions

- (1) No building in an Industrial Zone shall exceed eleven (11) meters in height.

(I) Landscaping of Front Yards

- (1) Subject to Section 6.(P)(4) with respect to parking lots and Sections 6.(J) and 18.(F) with respect to industrial uses abutting an R Zone, a minimum of fifty (50) percent of the front yard of the lot shall be landscaped open space.

(J) Development Agreement

- (1) Any new development, construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

19. PITS AND QUARRIES (PQI ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purpose of and for no other purpose than:
 - (a) one or more of the following main uses:

- (i) a pit or quarry for the extraction of sand, gravel, shale, clay peat and rock, other than metallic areas.

(B) Provisions

- (1) The above uses are only permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) Extraction activities are subject to the following conditions:
 - (i) that the lot on which the activity occurs must be at least four (4) hectares in area;
 - (ii) that the location and nature of any road access to a pit or quarry operation must be deemed to be acceptable by the Planning Advisory Committee;
 - (iii) that they do not include the removal of topsoil for commercial purposes;
 - (iv) that asphalt plants may only be permitted as a temporary use and associated with a contract for a project in or for the Town and subject to such terms and conditions as may be required by the Planning Advisory Committee;
 - (v) that operations must be carried out in accordance with the Town's Gravel, Sand Pits and excavation of Land By-Law in effect at the time of application;
 - (vi) that if the use as a pit or quarry ceases and a permit is not obtained for two successive years, the zoning reverts back to the zone that existed prior to the rezoning.

20. TELECOMMUNICATION (TI ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of and for no other purpose;
 - (a) one or more of the following main uses:

- (i) the location of a telecommunication tower.
 - (b) any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted by this Subsection.

(B) Lot Sizes

- (1) No telecommunication tower may be placed, erected or altered unless the lot has and contains:
 - (a) an area at least equal to the largest area required for lots in zones immediately adjacent.

(C) Yards

- (1) A telecommunication tower shall be placed, erected or altered so that it is centrally located on the lot.
- (2) The entire perimeter of any structure or building located on the lot shall be fenced sufficient to prevent unauthorized access to the structure or building.

(D) Access

- (1) Where the lot does not front on a public street, access must be approved by the Planning Advisory Committee.

(E) Height

- (1) No telecommunication tower shall exceed one hundred (100) meters in height.
- (2) No telecommunication tower shall impede or pose a danger to air traffic, shall have adequate lighting, and shall comply with all Federal and Provincial Government Standards respecting all of the foregoing.

(F) Development Agreement

- (1) Any new construction is subject to a Development Agreement with the Town.

21. INSTITUTIONAL (INST. ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of and for no other purpose;

- (a) one or more of the following main uses:
 - (i) a building intended for public assembly or for social cultural or recreational activities;
 - (ii) an educational building;
 - (iii) a health building;
 - (iv) a governmental or municipal building;
 - (v) a religious or secular institution;
 - (vi) a cemetery;
 - (vii) a park, playground or public sportsfield.

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:
 - (a) any accessory building, structure or use incidental to the main use of the land, building or structure as identified in Section 21.(A)(1)(a);
 - (b) a provincially licensed special care home for the accommodation of more than four (4) persons;
 - (c) a day care facility, subject to Section 6.(L);
 - (d) a funeral home.
 - (e) a nursing home
 - (f) a senior citizens' home

(C) Lot Sizes

- (1) The provisions of Section 12.(C) with respect to lot sizes apply.

(D) Yards For a Building or Structure

- (1) The provisions of Section 12.(D) with respect to yard sizes apply.

(E) Height of a Main Building or Structure

- (1) A religious institutional building shall not exceed in height:

- (a) for the main portion fifteen (15) meters; and
- (b) for spires, belfries or other subsidiary features, a distance equal to twice (2X) the height of the main portion;
- (2) No other building may exceed fifteen (15) meters in height.

(F) Accessory Buildings and Structures

- (1) In approving a use under Section 21.(B)(1)(a), the Planning Advisory Committee shall not approve such use if it:
 - (a) encroaches on yards required for the main building or structure to which it is accessory; or
 - (b) exceeds in height the lesser of:
 - (i) two (2) storeys or nine (9) meters; or
 - (ii) the height of the main building or structure to which it is accessory.

(G) Landscaping

- (1) Subject to Section 6.(P)(4) with respect to parking lots, a minimum of fifty (50) percent of all yards abutting a street or an R Zone shall be landscaped open space.

(H) Development Agreement

- (1) Any new construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

22. MUNICIPAL, RECREATION AND COMMERCIAL (MRC-INST ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purpose of and for no other purpose;
 - (a) one or more of the following main uses: [AMENDMENT #13, DATED 2010-06-15]
 - (i) an arena; or
 - (ii) a civic centre;
 - (iii) a recreational centre;
 - (iv) a municipal building,

- (v) a park or public garden.
 - (vi) a multipurpose recreational and community based facility;
 - (vii) a community swimming pool;
 - (viii) retail commercial outlets which are compatible with sport and recreation related uses;
 - (ix) a day care facility;
 - (x) a conference centre or a convention centre;
 - (xi) a parking lot which services adjacent land on which a multipurpose recreational and community based facility is located.
- (b) any accessory building, structure or use, incidental to the main use of the land, building, or structure if such main use is permitted by this Section.
 - (c) Notwithstanding the provisions of Section 6(V)(1)(a), liquor licensed events and facilities shall be deemed to be a use incidental to the main use of the land and building where the main use is a multipurpose recreational and community based facility. [AMENDMENT #13, DATED 2010-06-15]

(B) Discretionary Uses

- (1) Deleted [AMENDMENT #13, DATED 2010-06-15]

(C) Other Provisions

- (1) Deleted [AMENDMENT #13, DATED 2010-06-15]

(D) Development Agreement

- (1) Any new non-municipal construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

23. PARK AND RECREATION (PR ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purposes of and for no other purpose;
 - (a) one or more of the following main uses:

- (i) public open space for the aesthetic or other use of the general public;
- (ii) a park or playground;
- (iii) a public sportsfield; or
- (iv) a golf course or driving range.

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17], and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected, then the use may be prohibited by the Planning Advisory Committee:
 - (a) any accessory building, structure or use incidental to the main use of land, building or structure as identified in Section 23.(A)(1)(a).

(C) Development Agreement

- (1) Any new non-municipal construction and/or renovations to existing buildings are subject to a Development Agreement with the Town.

24. CONSERVATION AREA (CR ZONE)

(A) Permitted Uses

- (1) Any land within a conservation area may be used for the same use as permitted by the adjacent zoning on the same lot as the CR Zone and subject to:
 - (a) any restrictions imposed by the Provincial Department of the Environment;
 - (b) if any area other than that in Section 24.(A)(1)(a) above;
 - (i) as areas of natural or scientific interest;
 - (ii) as protection of environmentally sensitive areas;
 - (iii) a park;

- (iv) any accessory buildings or structures incidental to the main use.

25. RURAL (RU ZONE)

(A) Permitted Uses

- (1) Any land, building or structure may be used for the purpose of, and for no other purpose than:
 - (a) one of the following main uses:
 - (i) an agricultural use, subject to Section 25.(C);
 - (ii) a forestry use, subject to Section 25.(D);
 - (iii) a fishery use, subject to Section 25.(E);
 - (iv) a single and two family residential use, subject to Section 25.(F);
 - (v) a recreation use (parks, playgrounds, golf courses, sportsfield);
 - (vi) a tourism use, (camps, lodges, campgrounds, water-based activities), subject to Section 25.(G);
 - (b) one of the following secondary uses:
 - (i) an in-law suite, subject to Section 6.(W);
 - (ii) a home occupation, subject to Section 6.(K);
 - (iii) a day care facility, subject to Section 6.(L).
 - (iv) an accessory dwelling unit, subject to Section 6.(D).
- (2) Notwithstanding that a Licensed Dining facility is not a permitted use in a Rural (RU) Zone, such a use shall be permitted on property identified as PID No. 30023584 as shown on the attached Schedule “A”, and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 53(3)(c) of the *Community Planning Act of New Brunswick*, [AMENDMENT #41, DATED 2023-01-17]. [AMENDMENT #23, DATED 2017_04_18].

(B) Discretionary Uses

- (1) The following uses are permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the *Community Planning Act of New Brunswick* and subject to a Development Agreement with the Town. Where compliance with such terms or conditions cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee;
 - (a) a commercial/residential use (boarding houses, rooming houses, group homes, nursing homes, bed and breakfast establishments), subject to Section 6.(X).
 - (b) a kennel, subject to Section 6.(CC);
 - (c) a garden suite, subject to Section 6. (W-1). (AMENDMENT #41; DATED 2023-01-17)

(C) Agricultural Uses

- (1) Agricultural uses are subject to the following conditions:
 - (a) that the lot must be at least one (1) hectare in area;
 - (b) that livestock operations be located no closer than ninety (90) meters to any occupied dwelling;
 - (c) that land applications of manure be conducted in accordance with the Provincial Department of Agriculture Guidelines;
 - (d) that livestock operations conform to Provincial Regulations; and
 - (e) that commercial piggeries and poultry farms are prohibited.

(D) Forestry Uses

- (1) Forestry uses are subject to the following conditions:
 - (a) that the lot must be at least one (1) hectare in area.

(E) Fishery Uses

- (1) Fishery uses are subject to the following conditions:
 - (a) that all fishing activities must be conducted in accordance with Provincial Fish and Game Regulations; and
 - (b) that prior to approval of any permits associated with fish ponds, the applicant must provide proof of approval from the Provincial Department of the Environment.

(F) Single and Two Family Residential Use

- (1) Where a lot has or contains less than five thousand (5,000) square meters in area, then the provisions of Sections 8.(G) to 8.(I) shall apply.
- (2) Single and two family uses are subject to the Provincial Department of Health Regulations with respect to lot sizes outlined in Table 3 as referenced in Section 8.(C)(1).
- (3) The main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained.

(G) Tourism Uses

- (1) Tourism uses are subject to any applicable provincial regulations such as licensing or servicing requirements for camps, lodges and campgrounds.
- (2) Where municipal sanitary sewer and municipal water supply are not available, the applicant must provide sufficient evidence (engineering report, hydrogeological study, pump tests, etc.) to satisfy the Town Engineer that the proposed water source has adequate capacity to supply the proposed use and that it will not adversely affect the capacities of wells on surrounding properties.

(H) Mini Home Parks and Sites

- (1) Mini Home Parks and Subdivisions in the Rural Zone are only permitted as an amendment to the Zoning By-Law and are subject to the same provisions as outlined in Section 11. for RM Mini Home Zones.
- (2) Mini homes are permitted on individual lots in the Rural Zone only along existing main roads and not in traditional single family subdivisions, and must be placed on a permanent foundation.
- (3) Individual mini home lots must conform to the Provincial Subdivision and Building regulations for unserviced lots as outlined in Table 3 in Section 8.

(I) Institutional Uses

- (1) Institutional Uses in the Rural Zone are only permitted as amendments to the Zoning By-Law, and subject to the same provisions as outlined in Section 21., Institutional Zone.

(J) Neighbourhood Commercial Uses

- (1) Neighbourhood Commercial uses in the Rural Zone are only permitted as amendments to the Zoning By-Law and subject to the same provisions as outlined in Section 15., Neighbourhood Commercial Zone.

(K) Lots Sizes

- (1) Unless specifically stated otherwise in this By-Law, no main building or structure may be placed, erected or altered and no building or structure may be altered to become a main building or a dwelling, on a lot unless the lot has and contains:
 - (a) a width of at least fifty four (54) meters;
 - (b) a depth of at least thirty eight (38) meters; and
 - (c) an area of at least one (1) acre.
- (2) Single and two-family residences must conform to the lot sizes outlined in Table 4:
- (3) Septic system installation shall be carried out under the supervision of the Provincial Department of Health, and any conditions so set by the Provincial Department of Health shall be complied with for septic installation.

(L) Size of Dwellings

- (1) Unless specifically stated otherwise in this By-Law, the provisions of Section 8.(D) with respect to size of dwellings apply.

(M) Yards For a Main Building or Structure

- (1) Unless specifically stated otherwise in this By-Law, the provisions of Section 8.(E) with respect to yards for a main building or structure apply.
- (2) If the main building or structure exceeds nine (9) metres in height, then no such main building or structure may be placed within a distance of a side or rear lot line of the greater of three (3) metres or one-half ($\frac{1}{2}$) the height of the building or structure.

(N) Height of a Main Building or Structure

- (1) No main building or structure may exceed eleven (11) meters in height.

(O) Accessory Buildings and Structures

- (1) No accessory building or structure may:
 - (a) be placed, erected or altered so that it is:

- (i) except in the case of an agricultural or forestry use, within the front yard of the main building or structure;
- (ii) with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway, or seven decimal five (7.5) meters in the case of any other street or highway;
- (iii) within a distance of a side or rear lot line of the greater of three (3) meters or one-half (½) the height of the building or structure;
- (b) exceed eleven (11) meters in height;
- (c) be used as a dwelling unit.

(P) Integrated Development (ID Zone)

25.1 (A) Any land, buildings or structures may be used for a combination of uses contained in a specific proposal approved by Council, the terms and conditions of which are described in a resolution or agreement adopted or entered into under Section 39.

25.2 (B) All uses shall conform with the provisions of this By-law in effect at the time of execution of the Section 39 agreement except as otherwise provided in the agreement and approved by Council.

26. PENALTIES

- (A) Any person who violates or fails to comply with any provision of this by-law is guilty of an offence, and is liable on conviction to a fine of not less than one hundred forty (\$140), and not more than the maximum fine that may be imposed for the commission of an offence punishable under Part II of the *Provincial Offences Procedural Act* as a Category 'B' offence.

27. ENFORCEMENT

This by-law may be enforced by the Town of Quispamsis Planning Director and/or Development Officer and/or By-law Enforcement Officer, or designates, where indicated. (AMENDMENT #41; DATED 2023-01-17)

28. SEVERABILITY

- (A) If any part of this by-law shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

29. BY-LAW REPEALED

- (A) Zoning By-law Number 014 and all amendments thereto relating to Zoning are hereby repealed.
- (B) The repeal of By-law 014, a By-law of the Municipality of Quispamsis Respecting Zoning, shall not affect any by-law infraction, penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any Development, Zoning, or Subdivision Agreement completed, existing or pending at the time of repeal.

30. EFFECTIVE DATE

- (A) This by-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: December 16, 2008

READ SECOND TIME: December 16, 2008

READ THIRD TIME & ENACTED: January 20, 2009

AMENDMENT No. 1 READ THIRD TIME AND ENACTED: April 3, 2007

AMENDMENT No. 2 READ THIRD TIME AND ENACTED: May 15, 2007

AMENDMENT No. 3 READ THIRD TIME AND ENACTED: April 15, 2008

AMENDMENT No. 4 READ THIRD TIME AND ENACTED: May 6, 2008

AMENDMENT No. 5 READ THIRD TIME AND ENACTED: May 7, 2008

AMENDMENT No. 6 READ THIRD TIME AND ENACTED: September 2, 2008

AMENDMENT No. 7 READ THIRD TIME AND ENACTED: October 7, 2008

AMENDMENT No. 8 READ THIRD TIME AND ENACTED: January 20, 2009

AMENDMENT No. 9 READ THIRD TIME AND ENACTED: April 7, 2009

AMENDMENT No. 10 READ THIRD TIME AND ENACTED: December 1, 2009
AMENDMENT No. 11 READ THIRD TIME AND ENACTED: February 16, 2010
AMENDMENT No. 12 READ THIRD TIME AND ENACTED: February 16, 2010
AMENDMENT No. 13 READ THIRD TIME AND ENACTED: June 15, 2010
AMENDMENT No. 14 READ THIRD TIME AND ENACTED: April 3, 2012
(AMD No. 14 - Repealed with By-law No. RO25, DATED October 4, 2016)
AMENDMENT No. 15 READ THIRD TIME AND ENACTED: August 21, 2012
AMENDMENT No. 16 READ THIRD TIME AND ENACTED: February 5, 2013
AMENDMENT No. 17 READ THIRD TIME AND ENACTED: May 7, 2013
AMENDMENT No. 18 READ THIRD TIME AND ENACTED: October 15, 2013
AMENDMENT No. 19 READ THIRD TIME AND ENACTED: December 17, 2013
AMENDMENT No. 20 READ THIRD TIME AND ENACTED: (NOT ENACTED)
AMENDMENT No. 21 READ THIRD TIME AND ENACTED: August 18, 2015
AMENDMENT No. 22 READ THIRD TIME AND ENACTED: February 21, 2017
AMENDMENT No. 23 READ THIRD TIME AND ENACTED: April 18, 2017
AMENDMENT NO. 24 READ THIRD TIME AND ENACTED: November 7, 2017
AMENDMENT NO. 25 READ THIRD TIME AND ENACTED: February 20, 2018
AMENDMENT NO. 26 READ THIRD TIME AND ENACTED: June 19, 2018
AMENDMENT NO. 27 READ THIRD TIME AND ENACTED: October 2, 2018
AMENDMENT NO. 28 READ THIRD TIME AND ENACTED: December 18, 2018
AMENDMENT NO.29 READ THIRD TIME AND ENACTED: March 19, 2019
AMENDMENT NO. 30 READ THIRD TIME AND ENACTED: August 20, 2019
AMENDMENT NO.31 READ THIRD TIME AND ENACTED: September 17, 2019
AMENDMENT NO. 32 READ THIRD TIME AND ENACTED: October 15, 2019
AMENDMENT NO. 33 READ THIRD TIME AND ENACTED: August 18, 2020
AMENDMENT NO. 34 READ THIRD TIME AND ENACTED: July 19, 2022
AMENDMENT NO. 35 READ THIRD TIME AND ENACTED: April 19, 2022
AMENDMENT NO. 36 READ THIRD TIME AND ENACTED: September 6, 2022
AMENDMENT NO. 37 – READ THIRD TIME AND ENACTED: April 18, 2023

AMENDMENT NO. 38 READ THIRD TIME AND ENACTED: September 20, 2022
AMENDMENT NO. 39 READ THIRD TIME AND ENACTED: September 20, 2022
AMENDMENT NO. 40 READ THIRD TIME AND ENACTED: March 21, 2023
AMENDMENT NO.41 READ THIRD TIME AND ENACTED: January 17, 2023
AMENDMENT NO.42 READ THIRD TIME AND ENACTED: February 7, 2023
AMENDMENT NO.43 READ THIRD TIME AND ENACTED: June 20, 2023
AMENDMENT NO. 44 READ THIRD TIME AND ENACTED: (Placeholder)
AMENDMENT NO. 45 READ THIRD TIME AND ENACTED: October 3, 2023
AMENDMENT NO. 46 READ THIRD TIME AND ENACTED: January 16, 2024

AMENDMENT NO. 038-01 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as a 2090 square meter portion of PID No. 00231795, and further described as a portion of Civic No. 110 Stock Farm Road, Lois McMahon Property, as shown on the Lois M. McMahon Subdivision Plan as Lot 07-1, from Rural (RU) to Telecommunications (T1), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the Town of Quispamsis Zoning Map attached to Zoning By-law No. 038 as Telecommunications (T1) zone.

READ FIRST TIME: March 6, 2007

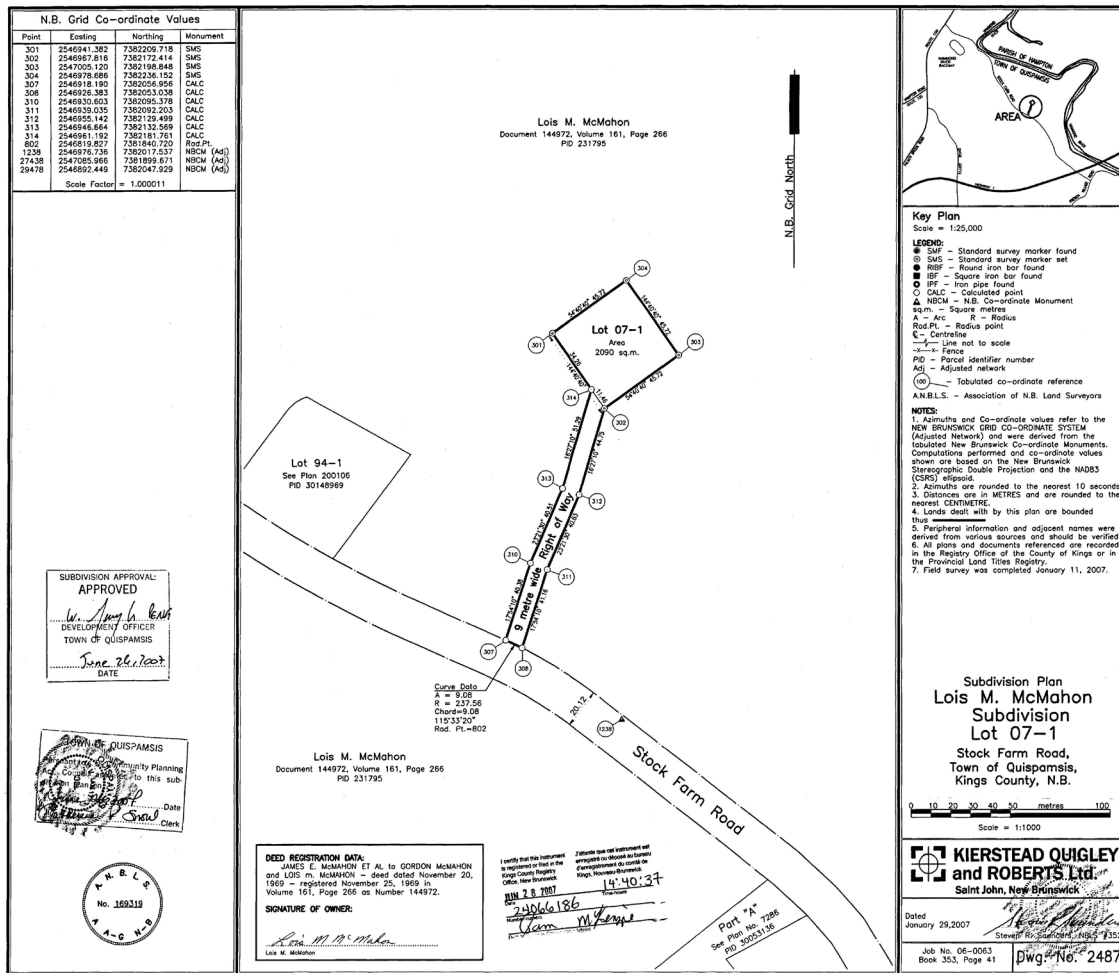
READ SECOND TIME: March 6, 2007

READ THIRD TIME AND ENACTED: April 3, 2007

MAYOR

CLERK

Schedule "A"



AMENDMENT NO. 038-02 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, approximately 6.58 acres, identified as PID No. 00252544, with access off the Pettingill Road, as shown on the tentative Lakeside Estates Subdivision Plan prepared by Kierstead Quigley & Roberts Ltd. and dated February 13, 2007, from Residential (R1) to Terrace Dwelling (R3), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Terrace Dwelling (R3) zone.

READ FIRST TIME: April 3, 2007

READ SECOND TIME: April 3, 2007

READ THIRD TIME AND ENACTED: May 15, 2007

MAYOR

CLERK

Schedule "A"



AMENDMENT NO. 038-03 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, consisting of 8.2 acres, identified as PID NO. 30250930 and situated between Swanton Drive and Millennium Drive with access off Millennium Drive from Residential (R1) to Multiple Residential (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 038 as Multiple Residential (R2) zone.

READ FIRST TIME: April 1, 2008

READ SECOND TIME: April 1, 2008

READ THIRD TIME AND ENACTED: April 15, 2008

MAYOR

CLERK

[illegible]

While this map may not be free from error or omission, care has been taken to ensure the best possible quality. This map is a graphical representation of property boundaries which approximates the size, configuration and location of properties. It is not a survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area.

Même si cette carte n'est peut-être pas libre de toute erreur ou omission, toutes les précautions ont été prises pour en assurer la meilleure qualité possible. Cette carte est une représentation graphique approximative des terrains (limites, dimensions, configuration et emplacement). Elle n'a aucun caractère officiel et ne doit donc pas servir à la rédaction de la description officielle d'un terrain ni au calcul de ses dimensions exactes ou de sa superficie.

Zoning By-law 038 with AMD 044, 45 & 46

AMENDMENT NO. 038-04 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as PID No. 00252536, with access off the Pettingill Road from Residential (R1) to Terrace Dwelling (R3), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Terrace Dwelling (R3) zone.

READ FIRST TIME: January 15, 2008

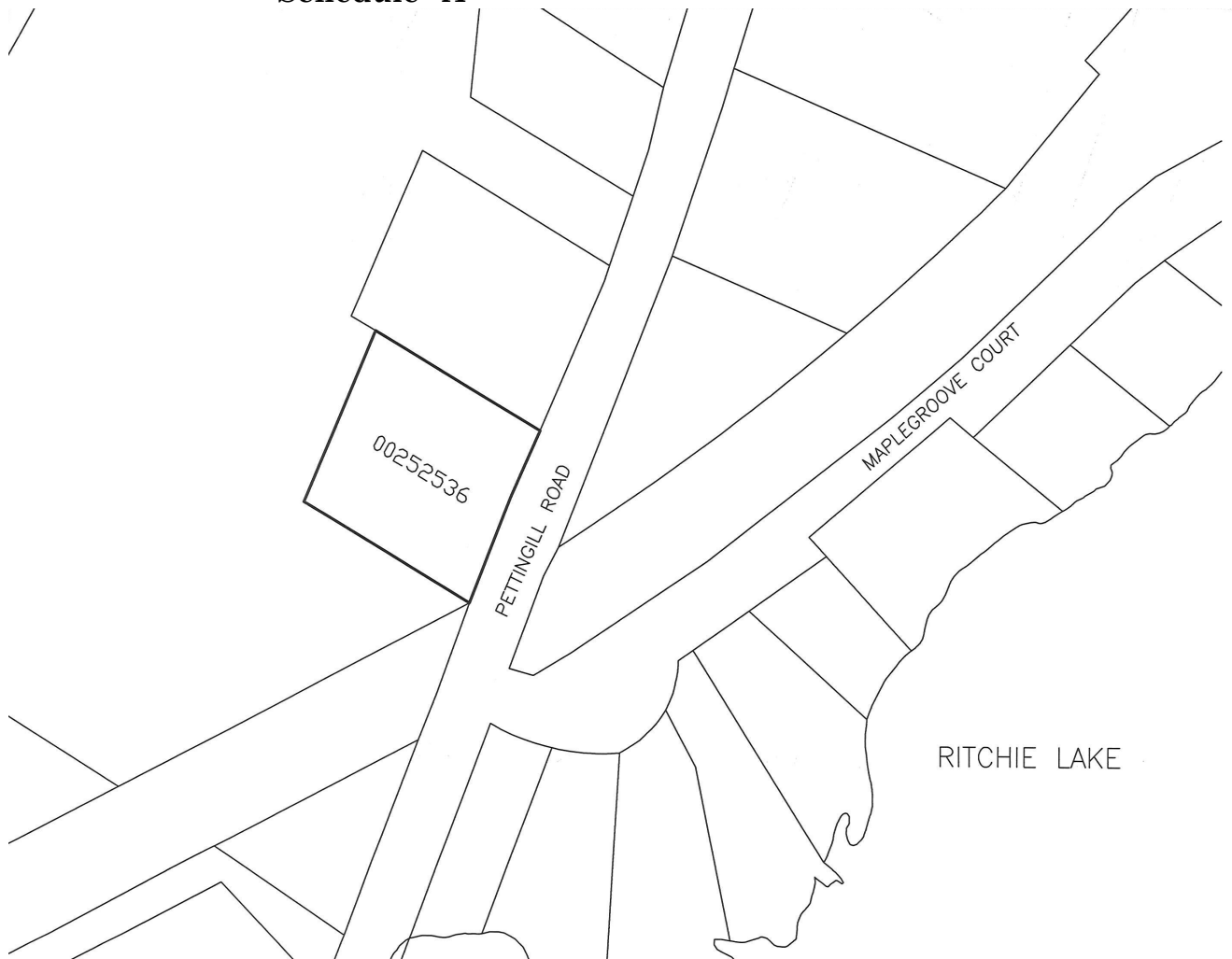
READ SECOND TIME: January 15, 2008

READ THIRD TIME AND ENACTED: May 6, 2008

MAYOR

CLERK

Schedule "A"



**AMENDMENT NO. 038-05 TO ZONING BY-LAW NO. 38
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended, as follows:

1. By adding immediately after Section 12. (A) (2) the following:

(3) Notwithstanding that a self-storage facility is not a permitted use in a central commercial (CC Zone), such a use shall be permitted on property located at 199 Hampton Road having PID No. 00249805 and 00089250 subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.”

READ FIRST TIME: May 6, 2008

READ SECOND TIME: May 6, 2008

READ THIRD TIME AND ENACTED: May 7, 2008

MAYOR

CLERK

Schedule “A”



AMENDMENT NO. 038-06 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as PID No. 00451559 from Residential (R1), to Multiple Residential (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Multiple Residential (R2) zone.

READ FIRST TIME: July 15, 2008

READ SECOND TIME: July 15, 2008

READ THIRD TIME AND ENACTED: September 2, 2008

MAYOR

CLERK

**AMENDMENT NO. 038-07 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as 355 Hampton Road with PID No.'s 00250787 and 30220644 from Residential (R1) to Neighbourhood Commercial (NC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule "A" attached, be delineated on the town of Quispamsis Zoning Map as Neighbourhood Commercial (NC).

READ FIRST TIME: September 16, 2008

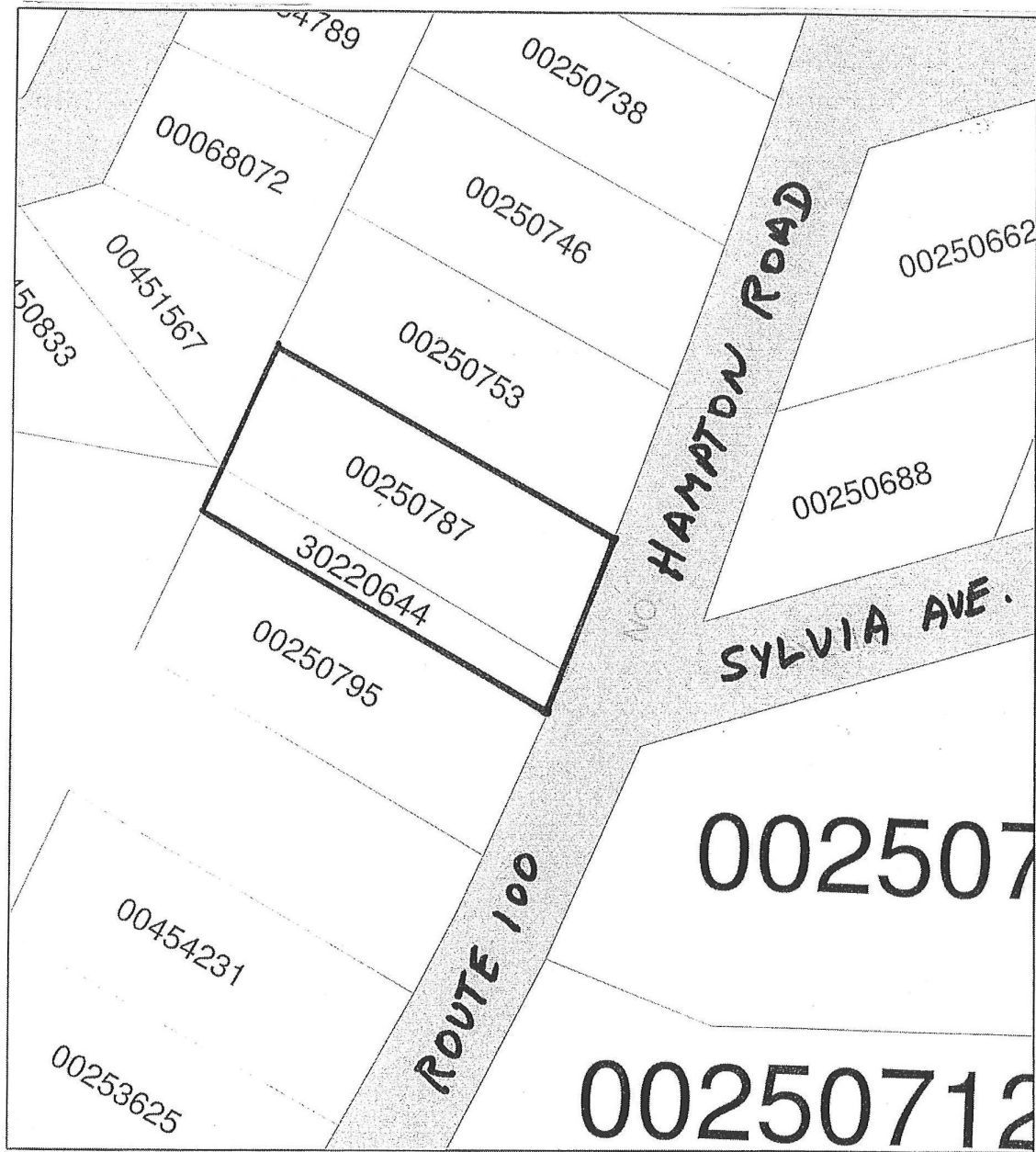
READ SECOND TIME: September 16, 2008

READ THIRD TIME AND ENACTED: October 7, 2008

MAYOR

CLERK

Schedule "A"



AMENDMENT NO. 038-08 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-Law No. 038; a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

By rezoning a parcel of land, identified as PID No. 30253116, with access off Vincent Road; and further identified as Lot 34 on the Deer Haven Subdivision Plan, from Residential (R1) to Institutional (INST), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the Town of Quispamsis Zoning Map as Institutional (INST).

READ FIRST TIME: December 16, 2008

READ SECOND TIME: December 16, 2008

READ THIRD TIME & ENACTED: January 20, 2009

MAYOR

CLERK

AMENDMENT NO. 038-09 TO BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-Law No. 038; a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

1. By adding to Section 8 (J) , Section 8 (J)(3), as follows:

8(J)(3) Notwithstanding the provisions of paragraph 8(J) (1) and 8 (J) (2) above, where a lot which contains a dwelling unit on each side of a common wall is located within a Zone that is serviced by both municipal water and municipal sewer, and is proposed to be subdivided into part lots at that common wall;

- a. each dwelling unit shall continue to be used as a single unit within the building, and any rebuilding of either dwelling unit shall be to the common wall; and,
- b. any lot created as a result of the subdivision must meet the minimum lot dimensions as stipulated in Table 3.

In addition, Table 3 is amended to include the provisions for a minimum lot width for an interior lot to 12 m and for a corner lot to 14 m.

2. By adding to Section 6 (Y), Section 6 (Y)(2), as follows:

6 (Y) (2) Notwithstanding any other provision of this By-law, no person shall be permitted to install or operate an Open Loop Geothermal Heat Exchange System within any zone within the municipality.

- a. Geothermal Heat Exchange System - means a system that extracts heat from or rejects heat into the ground or body of water through which the piping of the system passes.
- b. Open Loop System - means a system designed and installed to obtain water from any source, (e.g. groundwater aquifer, well, lake), circulated through the system for the purposes of heat energy transfer and returning the water to the same or another location.

3. Section 3. (D) (b) be amended to increase the variance permit fee from twenty five dollars (\$25) to fifty dollars, (\$50).

READ FIRST TIME: March 17, 2009

READ SECOND TIME: March 17, 2009

READ THIRD TIME & ENACTED: April 7, 2009

AMENDMENT NO. 038-10 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMIS RESPECTING ZONING
FEES

**Following Schedule 'A' Deleted – See New Schedule of Fees -
[AMENDMENT #29, DATED 2019_03_19]**

Schedule A

COMMUNITY PLANNING AND DEVELOPMENT SERVICE FEES

SERVICE	FEE
Processing a Rezoning Application pursuant to Section 4(A)	\$1,000.00
Processing a Rezoning Application pursuant to Section 4(A) where an amendment of the Municipal Plan is required	\$1,250.00
Providing a Zoning confirmation letter	\$25.00
Providing a letter confirming that a use of land, a building or a structure is in compliance with the Zoning and Municipal Plan By-laws	\$100.00
Processing and considering applications for a Temporary Use Variance	\$1,000.00
Processing and considering requests for Zoning By-law Variances	\$50.00
Examining an instrument under paragraph 44(1)(l) of the Community Planning Act	\$100.00
Amending a Section 39 Community Planning Act Development Agreement	\$750.00

READ FIRST TIME: November 17, 2009

READ SECOND TIME: November 17, 2009

READ THIRD TIME AND ENACTED: December 1, 2009

SEAL

MAYOR

CLERK

**AMENDMENT NO. 038-11 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as 15 Sugarmaple Lane with PID No. 00252395 from Residential (R1) to Institutional (INST), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the Community Planning Act.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map as Institutional (INST).

READ FIRST TIME: February 2, 2010

READ SECOND TIME: February 2, 2010

READ THIRD TIME AND ENACTED: February 16, 2010



AMENDMENT NO. 038-12 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as a portion of PID NO. 30262232 and PID No. 30028773 off Swanton Drive from Residential (R1) to Multiple Residential (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 038 as Multiple Residential (R2) zone.

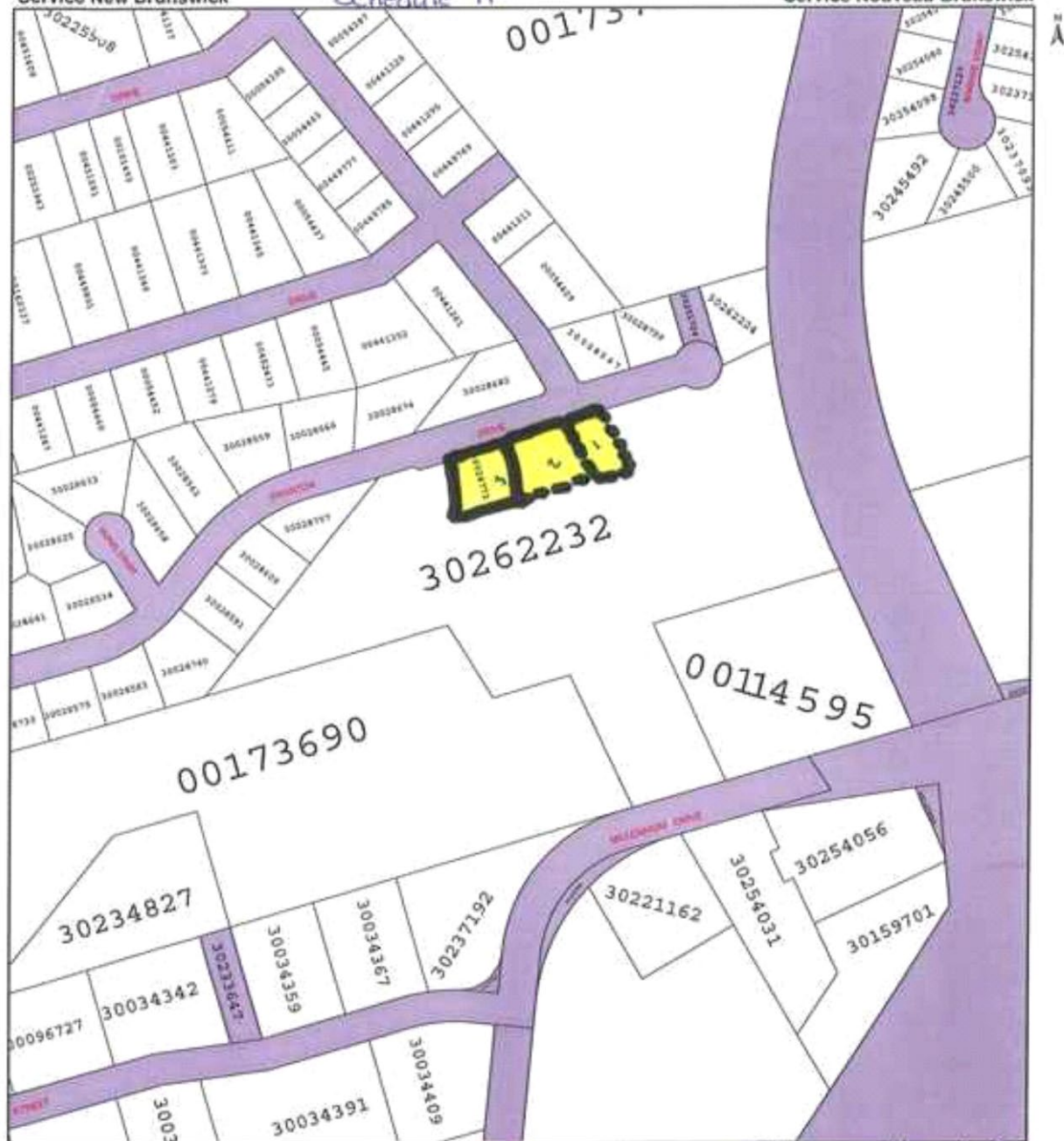
READ FIRST TIME: February 2, 2010

READ SECOND TIME: February 2, 2010

READ THIRD TIME AND ENACTED: February 16, 2010

MAYOR

CLERK



Map Scale / Échelle cartographique 1 : 3361

Shannex Health Care
Rezoning Application
December, 2009

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AMENDMENT NO. 038-13 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

1. By adding immediately after Section 22(A)(1)(a)(v) the following:

(vi) a multipurpose recreational and community based facility;

(vii) a community swimming pool;

(viii) retail commercial outlets which are compatible with sport and recreation related uses;

(ix) a day care facility;

(x) a conference centre or a convention centre;

(xi) a parking lot which services adjacent land on which a multipurpose recreational and community based facility is located.

2. By adding immediately after 22(A)(1)(b) the following:

(c) Notwithstanding the provisions of Section 6(V)(1)(a), liquor licensed events and facilities shall be deemed to be a use incidental to the main use of the land and building where the main use is a multipurpose recreational and community based facility.

3. By deleting Sections 22(B) and 22(C).

4. A parcel of land identified as PID 30222376, shown on Schedule "A" attached hereto, be rezoned from Residential (R1) to Municipal, Recreation and Commercial Zone (MRC-INST) and further, that such parcel of land be delineated on the Town of Quispamsis Zoning map attached to Zoning By-law No. 38 as Municipal, Recreation and Commercial (MRC-INST).

READ FIRST TIME: May 18, 2010

READ SECOND TIME: May 18, 2010

READ THIRD TIME AND ENACTED: June 15, 2010

AMENDMENT NO. 038-14 TO ZONING BY-LAW NO. 38
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended, as follows:

1. By adding immediately after Section 12. (A) (2) the following:

(3)Notwithstanding that a self-storage facility is not a permitted use in a central commercial (CC Zone), such a use shall be permitted on property located at 199 Hampton Road having PID No. 00249805 and 00089250 subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

READ FIRST TIME: December 20, 2011

READ SECOND TIME: December 20, 2011

READ THIRD TIME & ENACTED: April 3, 2012

MAYOR

CLERK

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AMENDMENT NO. 038-15 TO BY-LAW NO. 038

A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Quispamsis that By-law No. 038, a By-law of the Town of Quispamsis Respecting Zoning is hereby amended as follows:

By adding immediately after Section 15.(A)(1) the following:

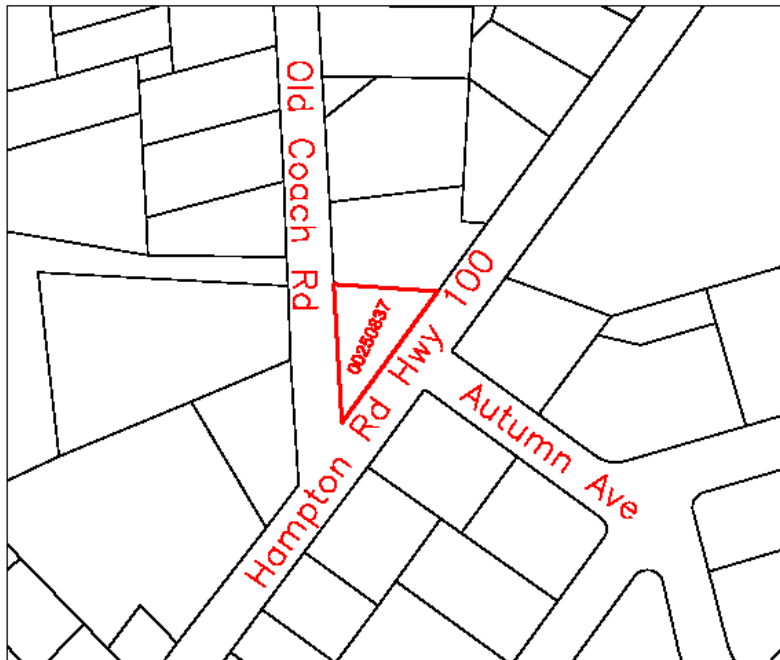
15.(A)(2) Notwithstanding the provisions of 15.(A)(1)(c)(i) the following use is permitted on property located at 317 Hampton Road having PID #00250837, and shown on Schedule "A", attached hereto, subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the *Community Planning Act of New Brunswick*, and subject to a development agreement with the Town. Where compliance with such terms cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:

A dentist's office with a maximum of three practicing dentists and six support staff.

READ FIRST TIME: July 17, 2012

READ SECOND TIME: July 17, 2012

READ THIRD TIME AND ENACTED: August 21, 2012



AMENDMENT NO. 038-16 TO BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Quispamsis that By-law No. 038, a By-law of the Town of Quispamsis Respecting Zoning is hereby amended as follows:

By adding immediately after Section 14.(B)(2) the following:

14.(B)(3)Notwithstanding the provisions of 14.(B)(2) the following use is permitted on property located at 8 Millennium Drive having PID #00114595, and shown on Schedule "A", attached hereto, subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the *Community Planning Act of New Brunswick*, and subject to a development agreement with the Town. Where compliance with such terms cannot reasonably be expected then the use may be prohibited by the Planning Advisory Committee:

A gas station/gas bar operation.

READ FIRST TIME: September 4, 2012

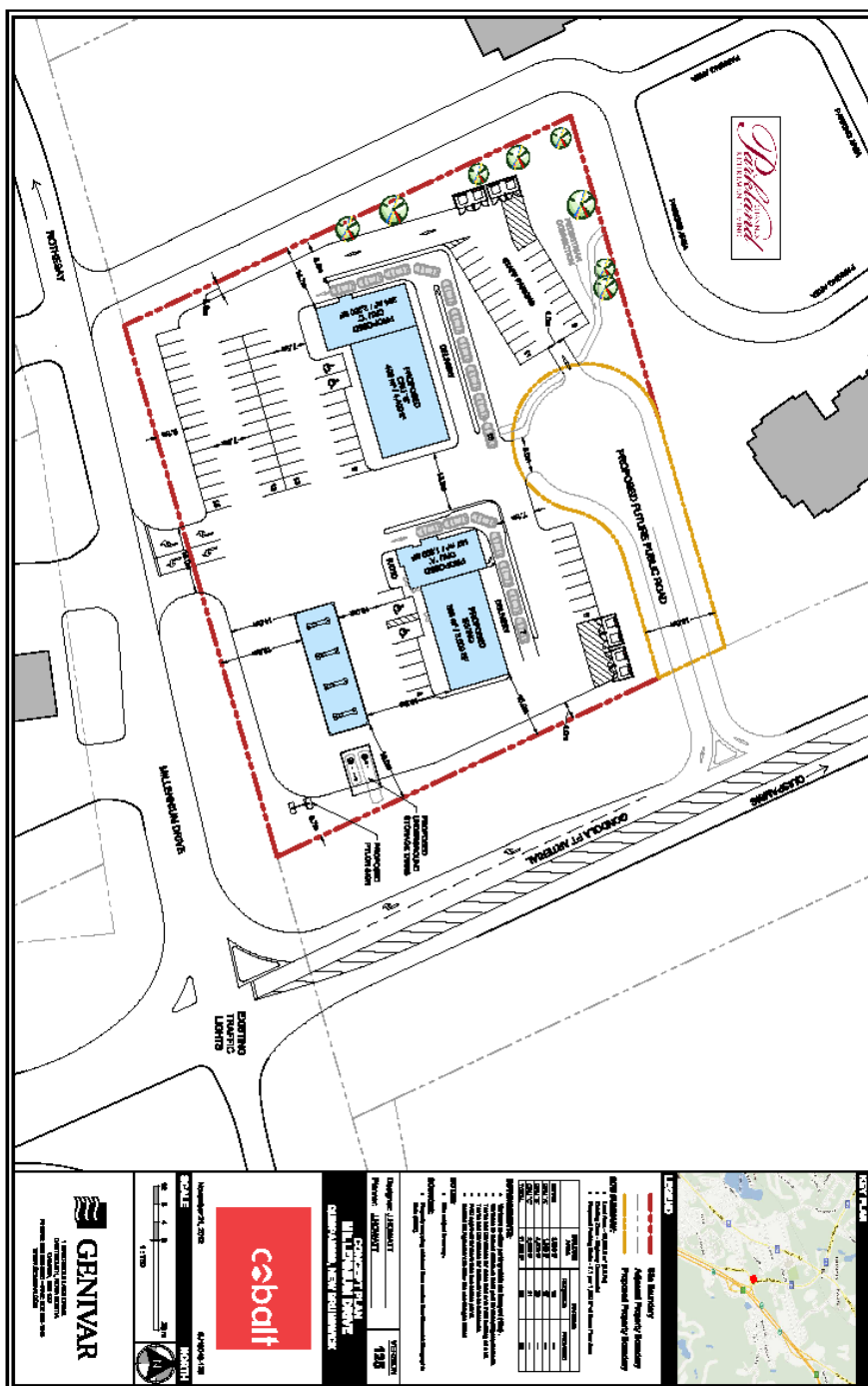
READ SECOND TIME: September 4, 2012

READ THIRD TIME AND ENACTED: February 5, 2013

MAYOR

CLERK

Schedule “A”



AMENDMENT NO. 038- 17 TO BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Quispamsis that By-law No. 038, a By-law of the Town of Quispamsis Respecting Zoning is hereby amended as follows:

By adding immediately after Section 7.(B)(18) the following:

(19) Integrated Development ID Zone

By adding immediately after Section 25.(O) the following:

Integrated Development (ID Zone)

25.1 (A) Any land, buildings or structures may be used for a combination of uses contained in a specific proposal approved by Council, the terms and conditions of which are described in a resolution or agreement adopted or entered into under Section 39.

25.1 (B) All uses shall conform with the provisions of this By-law in effect at the time of execution of the Section 39 agreement except as otherwise provided in the agreement and approved by Council.

READ FIRST TIME: April 16, 2013

READ SECOND TIME: April 16, 2013

READ THIRD TIME AND ENACTED: May 7, 2013

MAYOR

CLERK

AMENDMENT NO. 038-18 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

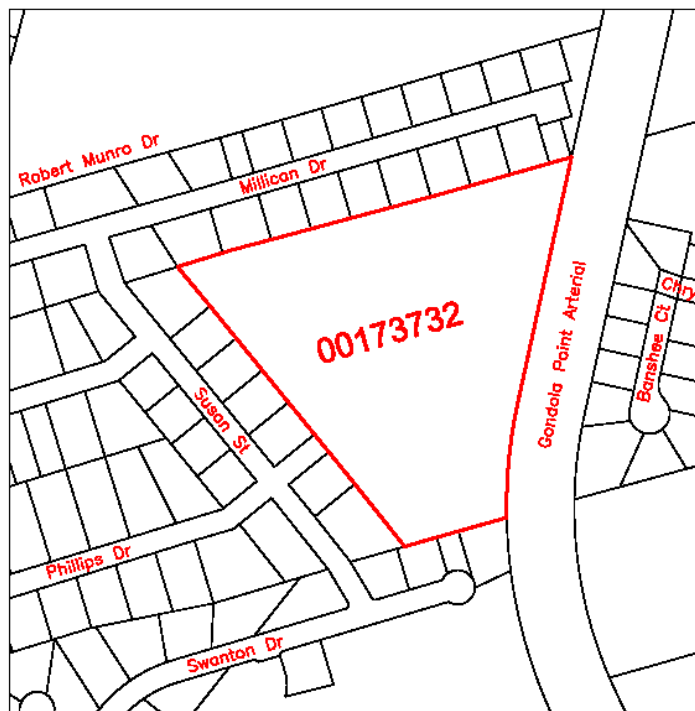
By rezoning a parcel of land, identified as PID No. 00173732, situated between Swanton Drive, Gondola Point Arterial, Millican Drive & Susan Street, consisting of approximately 6.5 hectares, from Residential (R1), to Integrated Development (ID) Zone, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Integrated development (ID) zone.

READ FIRST TIME: May 21, 2013

READ SECOND TIME: May 21, 2013

READ THIRD TIME AND ENACTED: October 15, 2013



Schedule "A"

AMENDMENT NO. 038-19 TO ZONING BY-LAW NO. 038

A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

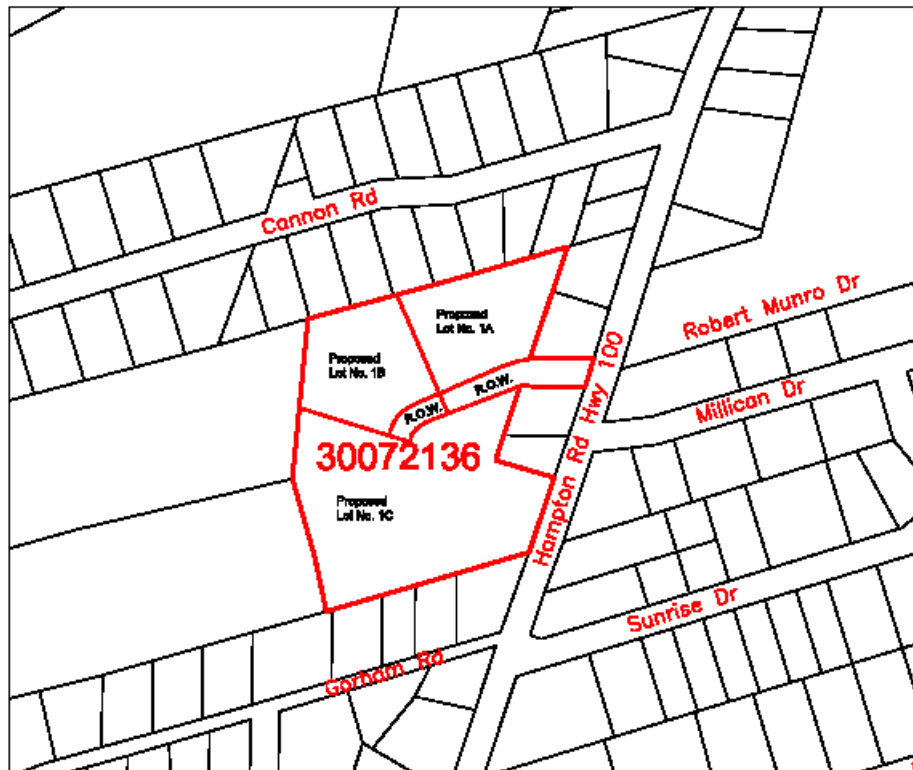
BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

By rezoning a parcel of land from “Institutional (INST)” to “Multiple Residential (R2)”, identified as a portion of PID NO. 30072136, being a portion of 383 Hampton Road, more specifically as shown on the attached Schedule “A” as Proposed Lot 1A and Proposed Lot 1B, dated July 10, 2013 and prepared by Architects 4, shown on Schedule "A" attached hereto.”⁰

READ FIRST TIME: October 15, 2013

READ SECOND TIME: October 15, 2013

READ THIRD TIME AND ENACTED: December 17, 2013



**AMENDMENT NO. 038-20
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING
ZONING**

NOT Enacted – a Proposed Amendment No. *038-20* was used for the following rezoning applications, none of which received 3rd and final readings:

- Homestar Inc. (2015) – 15 Elliot Road;
- Dr. Jeff Sheppard (2015) – 15 Pettingill Road; and
- Cipolla, (2014)- 351 Hampton Road)

AMENDMENT NO. 038-21 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

By rezoning a parcel of land from “Residential (R1)” to “Multiple Residential (R2)”, identified as PID NO. 00253641 with Civic No. 351 Hampton Road, and more specifically as shown on the attached Schedule “A”, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the Community Planning Act.

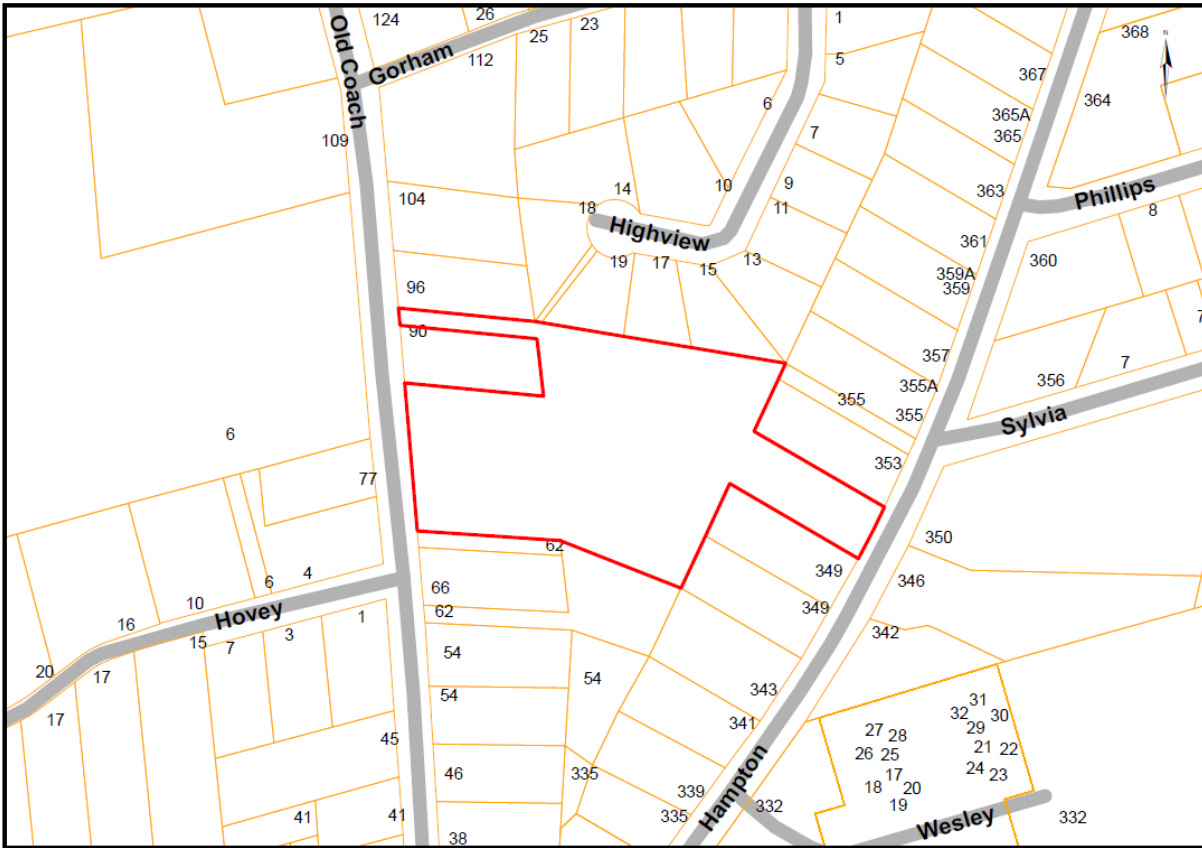
READ FIRST TIME: May 19, 2015

READ SECOND TIME: May 19, 2015

READ THIRD TIME AND ENACTED: August 18, 2015

_____	SEAL	_____
MAYOR		CLERK

Schedule "A"



Sources:
SNB Digital Property Fabric February 2014

351 Hampton Road

Date: 4/15/2015

AMENDMENT NO. 038-22 TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

1. By adding immediately after Section 12.(A)(3) the following:

12.(A)(4) Notwithstanding that a car wash operation is not a permitted use in a central commercial (CC) Zone, such a use shall be permitted on property identified as a portion of PID No. 30256226, as shown on the attached Schedule “A”, and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

READ FIRST TIME: January 21, 2017

READ SECOND TIME: February 7, 2017

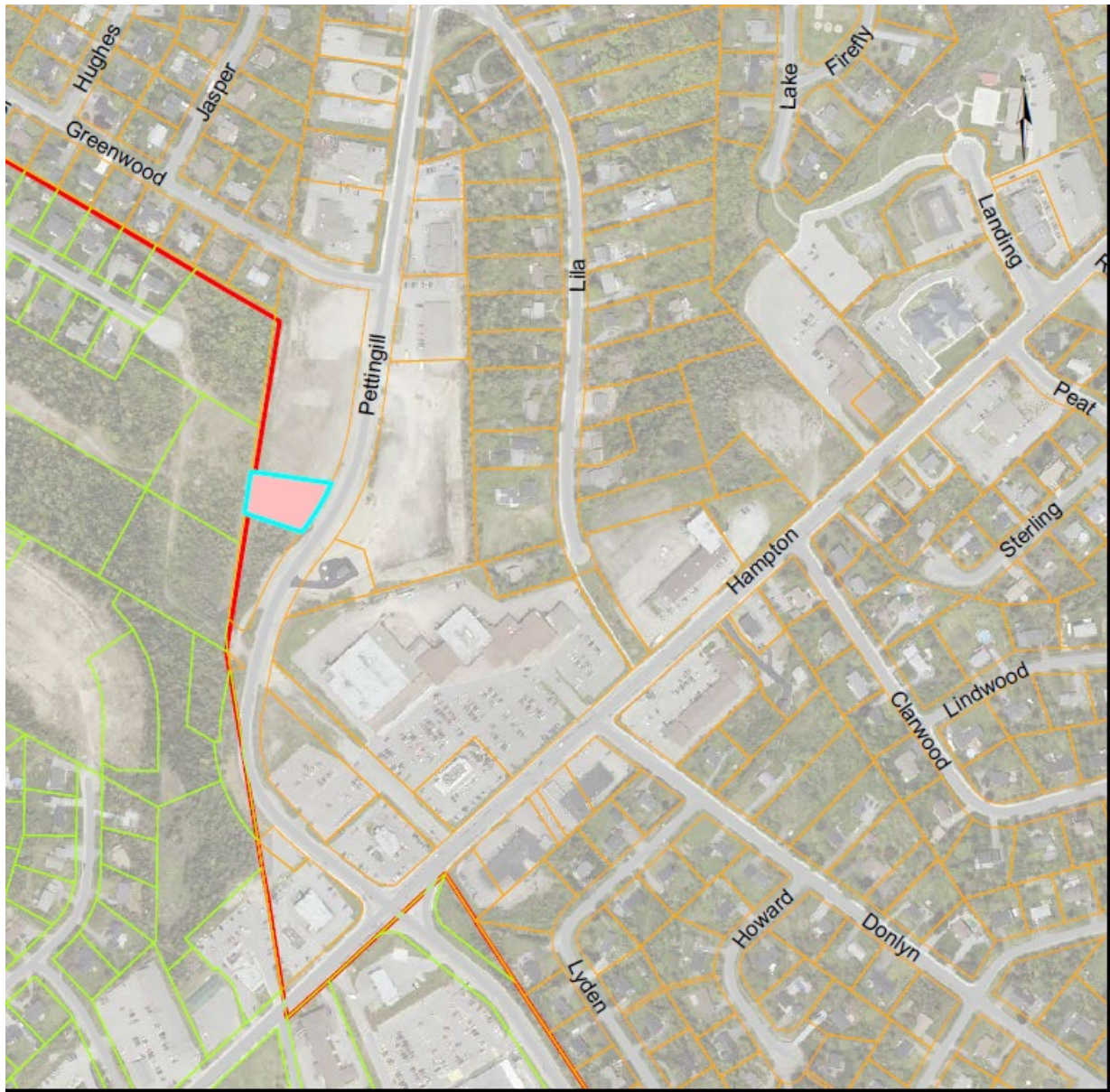
READ THIRD TIME AND ENACTED: February 21, 2017

SEAL

Mayor Gary Clark

Catherine Snow, Clerk

Schedule “A”



**Route 66 Car Wash
Proposed Location**

0 100 200 Meters

Date: 8/17/2016

**AMENDMENT NO. 038-23
TO ZONING BY-LAW NO. 038**

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

1. By adding immediately after Section 25.(A)(1) (b)(iv) the following:

25.(A)(2) Notwithstanding that a Licensed Dining facility is not a permitted use in a Rural (RU) Zone, such a use shall be permitted on property identified as PID No. 30023584 as shown on the attached Schedule "A", and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*.

READ FIRST TIME: April 4, 2017

READ SECOND TIME: April 4, 2017

READ THIRD TIME AND ENACTED: April 18, 2017

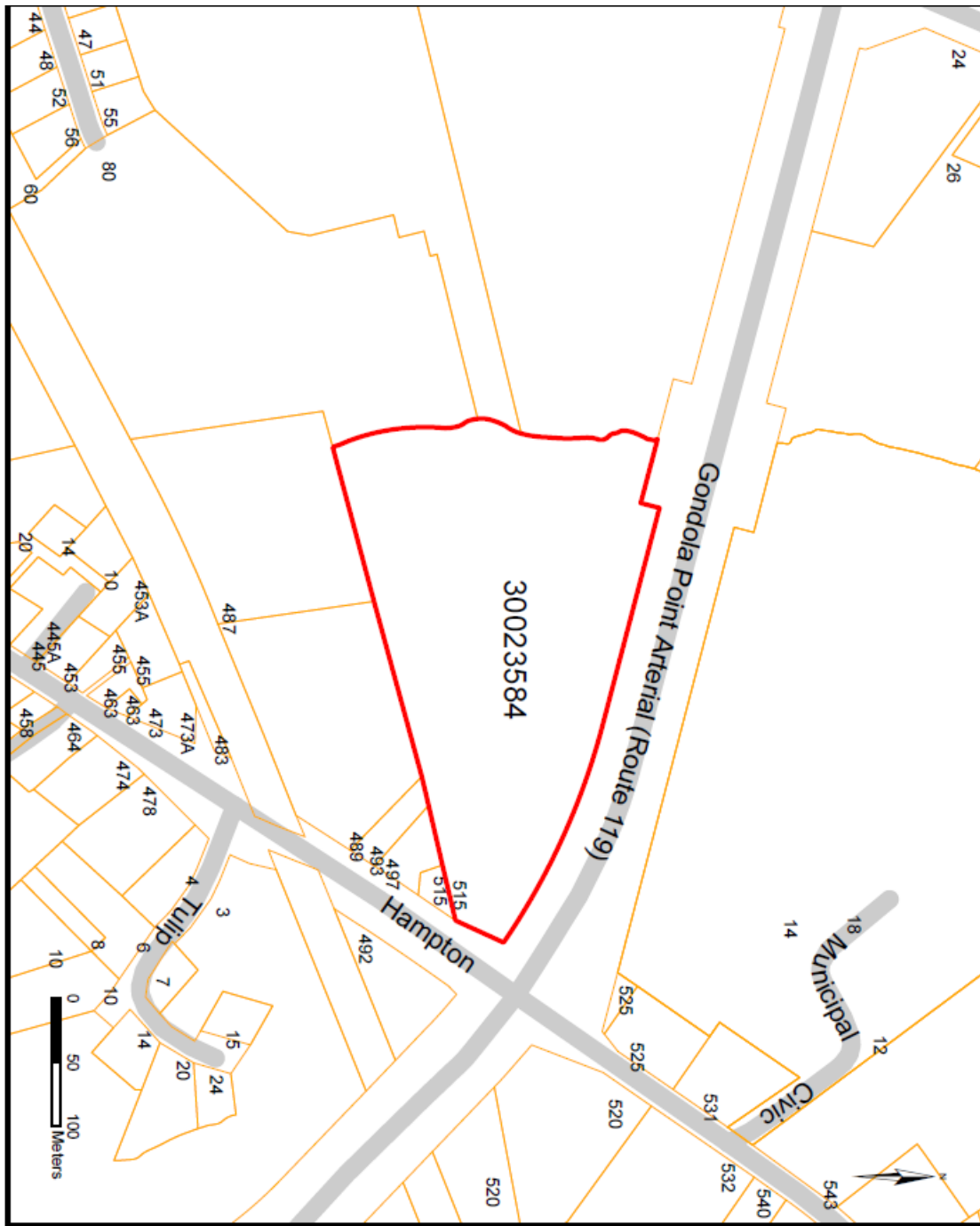
X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

S E A L



**AMENDMENT NO. 038-24
TO
BY-LAW NO. 038**

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning is hereby amended as follows:

By rezoning a parcel of land from “Residential (R1)” to “Institutional (INST)” , identified as PID NO. 00253187 with Civic No. 213 Pettingill Road, and more specifically as shown on the attached Schedule “A”, subject to the property owner entering into a development agreement pursuant to the provisions of Section 39 of the *Community Planning Act*:

READ FIRST TIME: September 5, 2017

READ SECOND TIME: September 5, 2017

READ THIRD TIME AND ENACTED: November 7, 2017

Gary Clark, Mayor

S E A L

Catherine P. Snow, Clerk

Schedule "A"



Sources:
SNB Property Fabric May 2017
Quispamsis Orthophotography 2016

213 Pettingill Road
Ortho

0 50 100 Meters

Date: 6/21/2017

**AMENDMENT NO. 038-25
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

By rezoning a parcel of land, as shown on the Attached Schedule A, consisting of 23.3 acres (9.43 hectares), identified as PID NO. 30325906 from “Residential (R1)” to “Multiple Residential (R2)”, with access off Merritt Hill Road and Matthews Drive; subject to terms and conditions of a developer’s agreement.

READ FIRST TIME: January 16, 2018

READ SECOND TIME: January 16, 2018

READ THIRD TIME AND ENACTED: February 20, 2018

SEAL

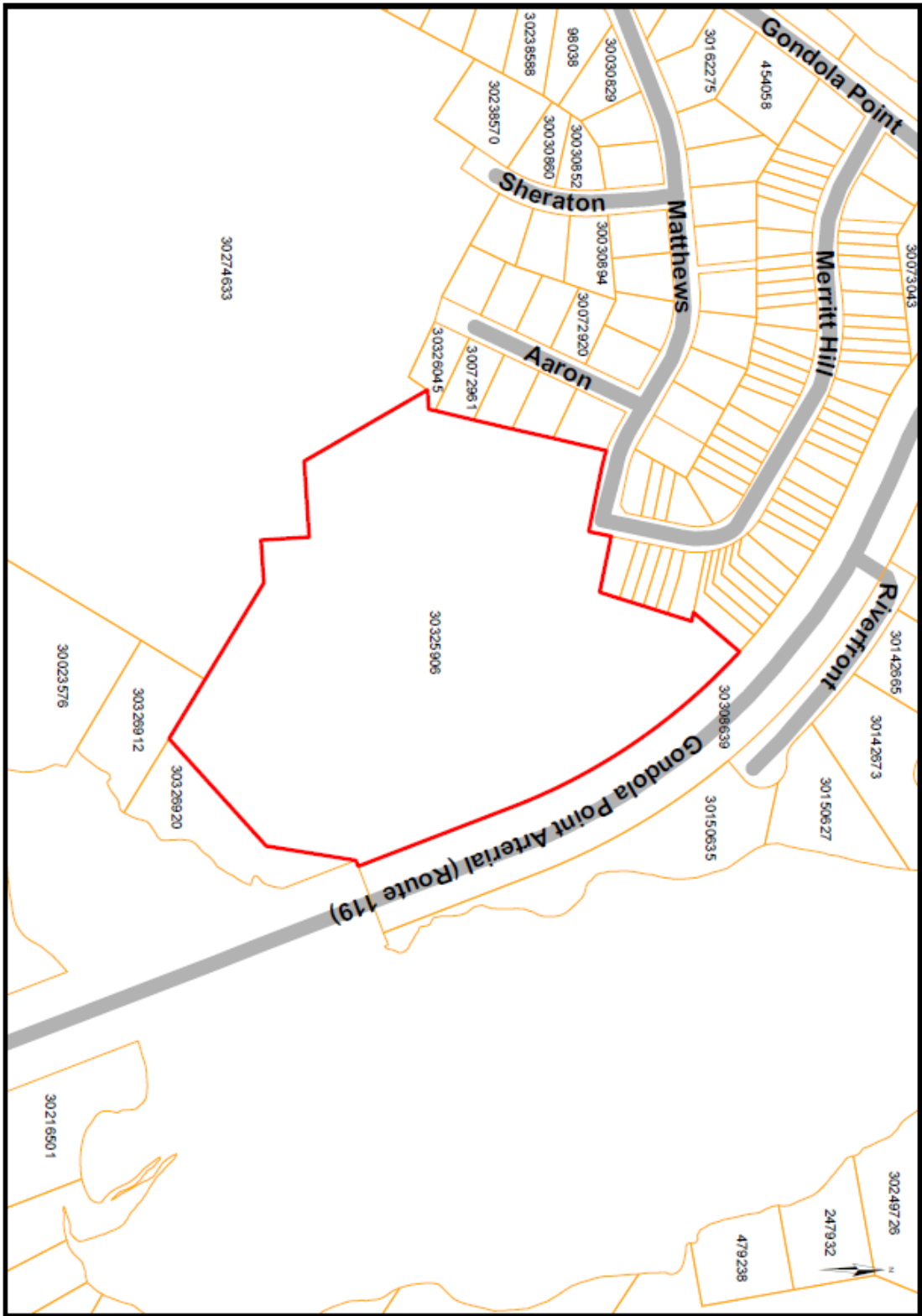
X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

Schedule "A"



Sources:
SNB Digital Property Fabric January 2018

PID 30325906
Matthews Drive/Merritt Hill Road

Date: 2/27/2018

**AMENDMENT NO. 038-26
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as PID No. 00252403, (309 Hampton Road), from Residential (R1), to Multiple Residential (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the Community Planning Act.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Multiple Residential (R2).

READ FIRST TIME: May 1, 2018

READ SECOND TIME: May 1, 2018

READ THIRD TIME AND ENACTED: June 19, 2018

SEAL

X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

Schedule “A”



0 10 20 Meters
Date: 2/22/2018

309 Hampton Road
Ortho

Sources:
SNB Property Fabric January 2018
Quispamiss Orthophotography 2016

**AMENDMENT NO. 038-27
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as PID No. 251835, identified with Civic No. 224 Hampton Road, from Residential (R1) to Central Commercial (CC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the Community Planning Act.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Central Commercial (CC)

READ FIRST TIME: August 21, 2018

READ SECOND TIME: August 21, 2018

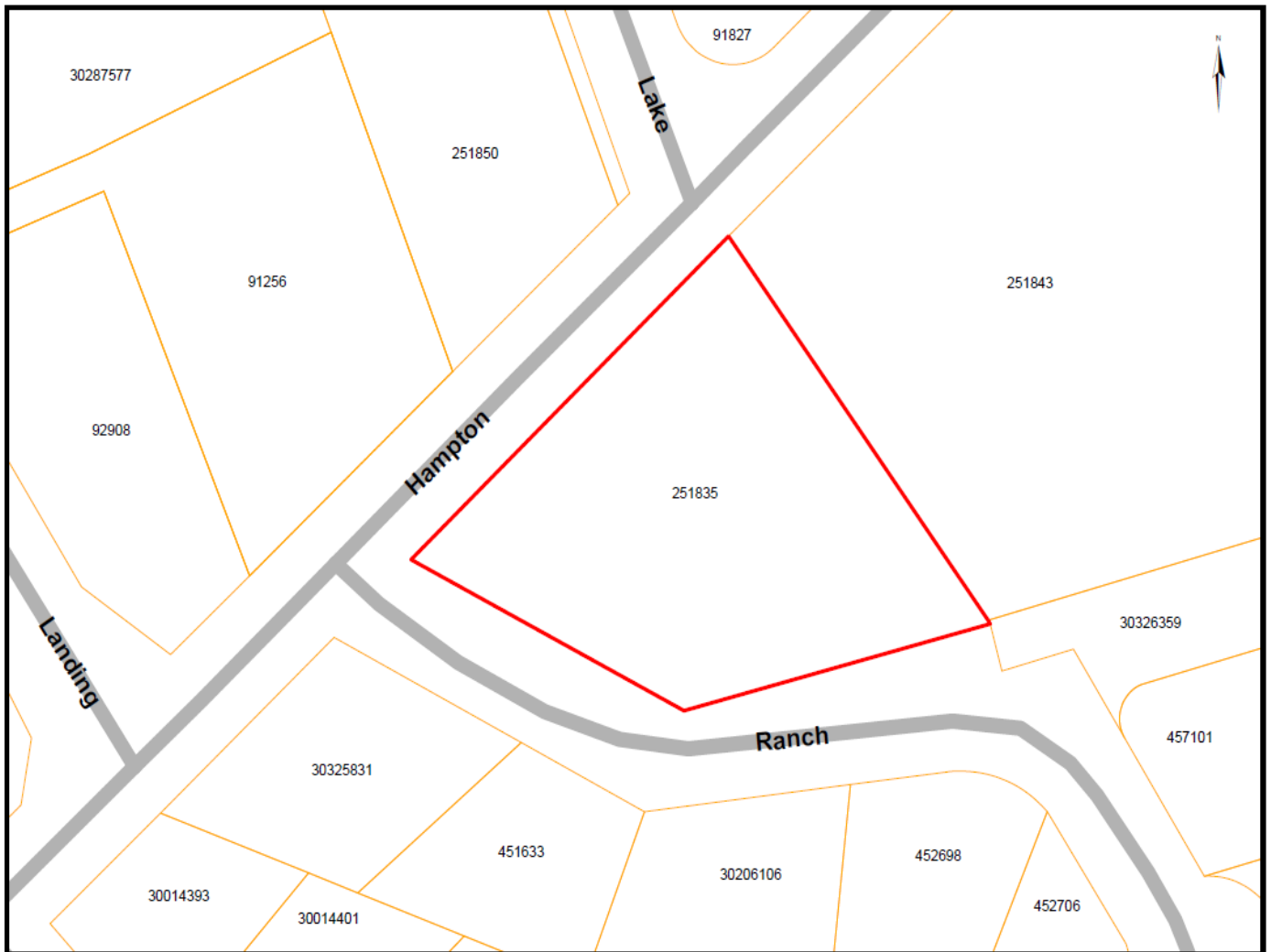
READ THIRD TIME AND ENACTED: October 2, 2018

SEAL

MAYOR

CLERK

Schedule "A"



Sources:
SNB Digital Property Fabric March 2018

PID 00251835
224 Hampton Road

Date: 5/25/2018

**AMENDMENT NO. 038-28
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

By rezoning a parcel of land, identified as PID No. 30018121, identified with Civic No. 2 Leeswood Drive from Park and Recreation (PR) to Rural (RU), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the Community Planning Act.

And further that such parcel of land, Schedule “A” attached, be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 38 as Rural (RU).

READ FIRST TIME: November 20, 2018

READ SECOND TIME: November 20, 2018

READ THIRD TIME AND ENACTED: December 18, 2018

SEAL

MAYOR

CLERK

Schedule "A"

Sources:
SAB Property Fabric August 2018
Gaisparnis Orthophotography 2016

2 Leeswood Drive
Ortho

0 5 10
Meters
Date: 9/20/2018



AMENDMENT NO. 038-29
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended, as follows:

1. By deleting Schedule “A”, (as amended by Amendment 038-10) and replacing it with the following:

SCHEDULE “A”		
Community Planning and Development Service Fees		
1.	Development Agreement - <i>As per requirements in the Zoning By-law</i>	\$ 300
2.	Section 59 Development Agreement Amendment	\$ 150
3.	Hold Harmless	\$ 250
4.	Development Officer Review and Stamp of documents (<i>Deeds, Plans, etc.</i>)	\$ 150
5.	Zoning By-law - Temporary Use	\$ 300
6.	Zoning By-law - Variances <i>Development Officer or Planning Advisory Committee</i>	\$ 300
7.	Zoning By-law Amendment Application <i>Including Agreement as required.</i>	\$ 1,500
8.	Zoning By-law Amendment Application <i>With Amendment to the Municipal Plan.</i> <i>Applicants may be subject to additional fees depending on the requirements of advertising.</i>	\$ 1,800
9.	Amending a Section 59 Development (<i>Development approved through previous rezoning</i>)	\$ 850
10.	Zoning Confirmation Letter - Residential Properties including land uses, compliance with Zoning and Municipal Plan By-laws, outstanding work orders, etc.	\$ 75
11.	Zoning Confirmation Letter – Non-Residential Properties including land uses, compliance with Zoning and Municipal Plan By-laws, outstanding work orders, etc.	\$ 125

2. By adding immediately after Section 6(A)(1) the following:

- i. (2) Land designated as Land for Public Purposes may be used for the recreational or other use or enjoyment of the public notwithstanding the zone the land is located in.

READ FIRST TIME: February 19, 2019

READ SECOND TIME: February 19, 2019

READ THIRD TIME AND ENACTED: March 19, 2019

SEAL

X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

**AMENDMENT NO. 038-30
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

1. By adding immediately after Section 14. Highway Commercial (HC Zone), Subsection (A)(3) the following:

14.(A)(4) Notwithstanding that a rebar operation is not a permitted use in a Highway Commercial (HC) Zone, such a use shall be permitted on property identified as 929 Hampton Road, PID No. 30178727, as shown on the attached Schedule "A", and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act*.

READ FIRST TIME: June 18, 2019

READ SECOND TIME: June 18, 2019

READ THIRD TIME AND ENACTED: August 20, 2019

X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk

S E A L



Sources:
SNB Property Fabric April 2019
Quispamsis Orthophotography 2018

929 Hampton Road
Ortho

0 50 100
Meters
Date: 2019-05-14

**AMENDMENT NO. 038-31
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

By rezoning a parcel of land from Residential (R1) – Single or Two Family Dwellings to Multiple Residential (R2), identified as 280 Hampton Road, with PID No. 30327753, as shown on the attached Schedule “A”, and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act*.

READ FIRST TIME: August 20, 2019

READ SECOND TIME: August 20, 2019

READ THIRD TIME AND ENACTED: September 17, 2019

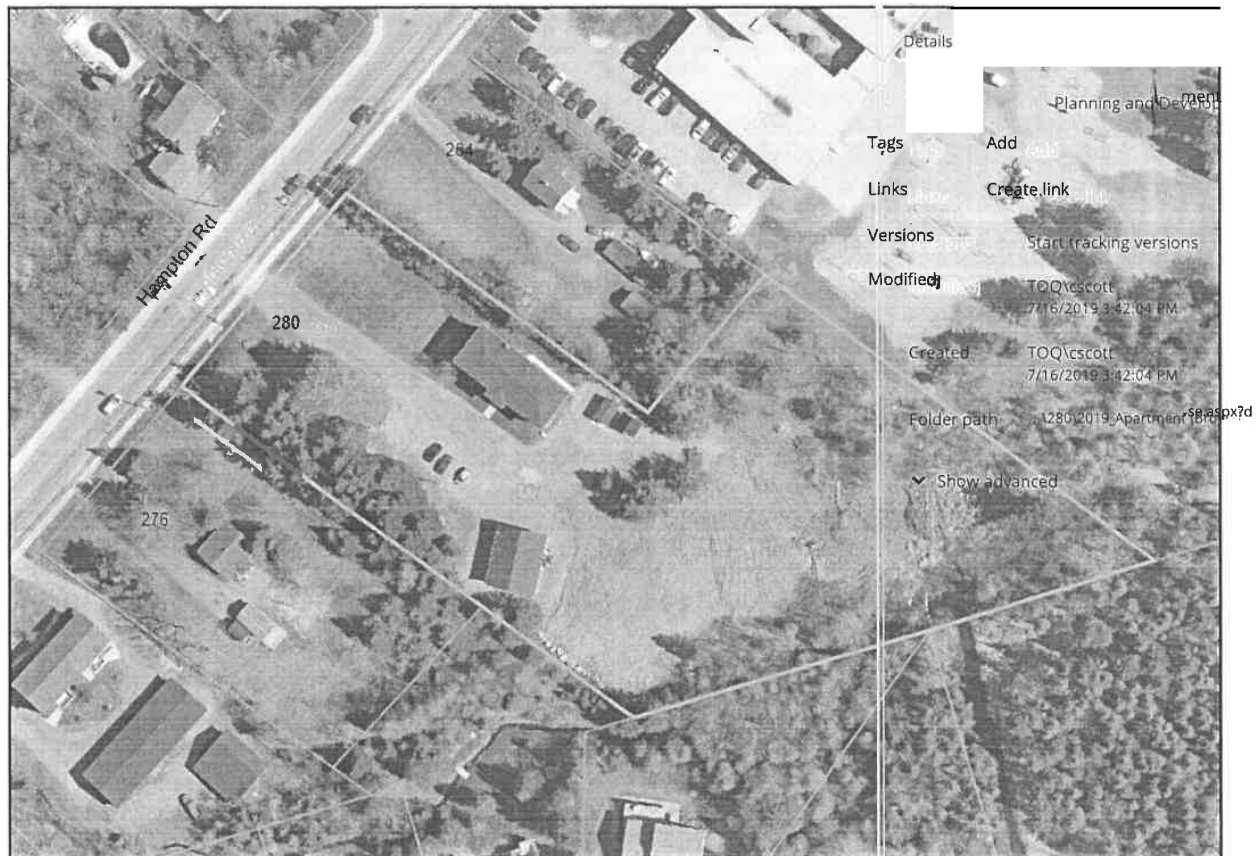
S E A L

X

Gary Clark
Mayor

X

Catherine P. Snow
Clerk



280 Hampton Road
PID No. 30327753
R1 to R2

**AMENDMENT NO. 038-32
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Neighbourhood Commercial” (NC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as a portion of PID No. 30290175 with Civic No. 86 Meenan’s Cove Road, consisting of 4330 square metres (1.07 acres), of the 6534 sq. metre (1.61 acre) parcel, as shown on the attached Schedule “A”; and, subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*.

READ FIRST TIME: October 1, 2019

READ SECOND TIME: October 1, 2019

READ THIRD TIME AND ENACTED: October 15, 2019

S E A L

X

Elizabeth O'Hara
Deputy Mayor

X

Catherine Snow
Town Clerk

Schedule "A"

X-Ref. PID No. 30337919 (New PID No.)

Portion of PID 30290175 being rezoned from Single and Two-Family Dwellings (R1) to Neighbourhood Commercial (NC)



**AMENDMENT NO. 038-33
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Multiple Residential” (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No. 251959, with Civic No. 258 Hampton Road, situated on the corner of the Hampton Road and Pinewood Crescent, consisting of 16,600 square metres (4.17 acres), as shown on the attached Schedule “A”.

READ FIRST TIME: June 16, 2020

READ SECOND TIME: June 16, 2020

READ THIRD TIME AND ENACTED: August 18, 2020

S E A L

MAYOR

CLERK

Schedule A



Sources:
SNB Property Fabric March 2022
Quispamsis Orthophotography 2020

258 Hampton Road
Ortho

0 10 20
Meters
Date: 2022-05-03

**AMENDMENT NO. 038-34
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Highway Commercial” (HC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No. 250217, (11.45 hectares), and PID No. 173765, (5.67 hectares), situated between the Gondola Point Arterial, (Route 119), CN Rail, Phinney Lane and Monarch Drive for a total of 17.12 hectares, (42.30 acres), with access off a public road to be developed off the Gondola Point Arterial, (Route 119).

READ FIRST TIME: June 21, 2022

READ SECOND TIME: June 21, 2022

READ THIRD TIME AND ENACTED: July 19, 2022

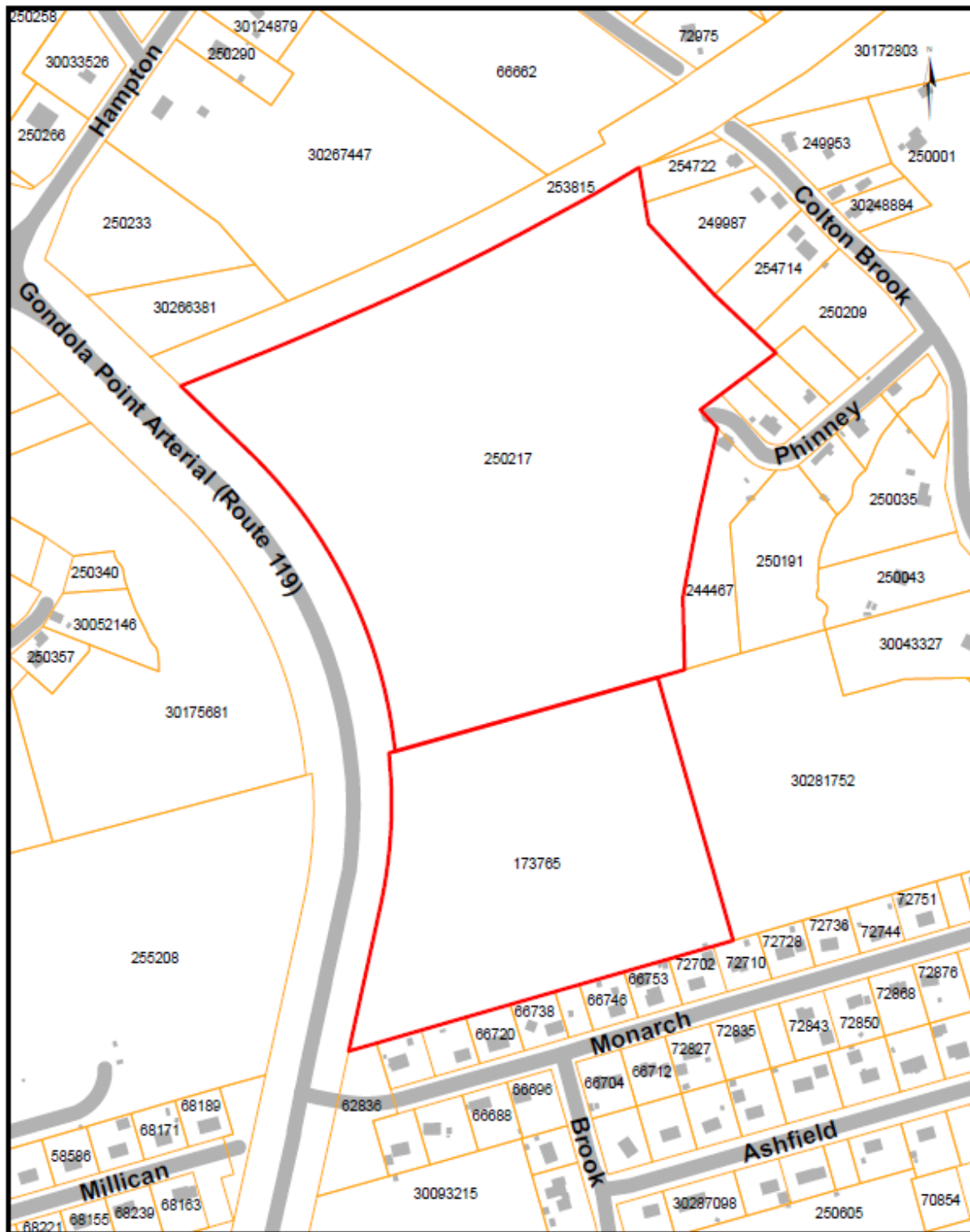
S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



Schedule A
PID 00250217 & PID 00173765

Sources:
 SNB Digital Property Fabric December 2021

Date: 2022-02-09

**AMENDMENT NO. 038-35
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Terrace Dwelling Residential, (R3), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No.: 30216527 and PID No.: 00251694, with Civic No.: 124 Pettingill Road, consisting of approximately 4.7 Hectares, (11.32 Acres), of land with access off the Pettingill Road and Heritage Way.

READ FIRST TIME: March 15, 2022

READ SECOND TIME: March 15, 2022

READ THIRD TIME AND ENACTED: April 19, 2022

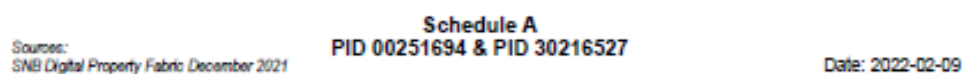
S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



**AMENDMENT NO. 038-36
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Rural” (RU) to “Multiple Residential” (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No.: 231928, consisting of approximately 8.1 hectares of a 13 hectare parcel, off Corduroy Road, and further identified as Maple Ridge Estates – Cargo Lane.

READ FIRST TIME: May 3, 2022

READ SECOND TIME: May 3, 2022

READ THIRD TIME AND ENACTED: September 6, 2022

S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

Schedule A



Sources:
SNB Property Fabric February 2022
Quispamsis Orthophotography 2020

Maple Ridge Proposed Condo Development
Ortho

0 25 50
Meters
Date: 2022-04-01

**AMENDMENT NO. 038-37; A BY-LAW OF THE MUNICIPALITY OF
QUISPAMISIS RESPECTING ZONING
APIARY OPERATIONS**

BE IT ENACTED by the Council of the Town of Quispamsis that By-law No. 038, a By-law of the Town of Quispamsis Respecting Zoning is hereby amended as follows:

(1) By adding immediately after Section 5. (10) the following:

5.(10.1) “beehive” means a manufactured receptacle for housing bees;

5.(10.2) “beekeeping” is the maintenance, owning and breeding of bees for their honey and other bee related by-products;

(2) By adding immediately after Section 5.(46) the following:

5.(46.1) “hobby beekeeping” use means the keeping, owning, or maintaining of beehives for personal enjoyment but not as a commercial operation;

(3) By adding immediately after Section 5.(63) the following:

5.(63-1) “nuisance” means any activity or state of affairs resulting from or related to beekeeping, causing a substantial and unreasonable interference with a person’s use or enjoyment of their land and or property;

(4) By adding immediately after Section 6.(DD), the following:

6.(EE) Hobby Beekeeping

(1) Hobby beekeeping is permitted in any zone subject to the provision of this by-law.

(2) Hobby beekeeping is subject to the following provisions:

(a) Hobby beekeeping shall be secondary to the main use on the lot;

(b) Any person who keeps bees as a hobby within the municipality shall provide to the Town proof of registration with the New Brunswick Bee Association (NBBA) and with the Provincial

Apiarist pursuant to the *Bee Act* of New Brunswick, prior to a permit being issued by the Development Officer;

- (c) Notwithstanding Section 6.(EE)(1), hobby beekeeping in any residential (R) zone is restricted to Single and Two-Family Dwelling (R1) and Rural (RU) zones;
- (d) Hobby beekeeping is limited to a maximum of four (4) beehives per lot in a Residential (R1) Zone, with less than four thousand (4000) sq metres of land area. In Rural (RU) Zones on lots with at least four thousand (4000) sq metres of area the maximum number of beehives permitted is eight (8). All other considerations for hobby beekeeping must be approved by the Planning Advisory Committee, who shall have the right to impose such terms and conditions as they may consider necessary to protect properties, or to protect the health, safety, and welfare of the general public;
- (e) The minimum lot size requirement for hobby beekeeping is one thousand one hundred forty (1140) sq metres;
- (f) All beehives in Single and Two-family Residential (R1) and Rural (RU) Zones are to be located in the rear yard; for all other zones the siting of beehives will be approved by the Planning Advisory Committee, who shall have the right to impose such terms and conditions as they may consider necessary to protect properties, or to protect the health, safety, and welfare of the general public;
- (g) A continuous source of water, containing crushed rock such as limestone and/or saline, must be placed on a lot containing beehives and shall be available to active bees beginning while the hives are still in dormancy before the snow melts and continuing until late into the Fall when the bees become dormant;
- (h) All beehive entrances must be directed away from adjacent properties;
- (i) All beehives must be located at least three (3) metres from any rear and side lot lines;
- (j) Notwithstanding Section 6.EE(2)(i), a fifteen (15) metre setback is required for any rear or side yard abutting a public right-of-way;

- (k) A site plan must be submitted identifying the proposed location of the beehive(s) on a lot including all required setbacks, the direction of the beehive entrances, and the location of the continuous water supply;
 - (l) No hobby beekeeper shall cause or permit to cause a nuisance, as defined by this by-law; and
 - (m) A Development Permit is issued prior to the installation of any beehive on a lot within the municipal boundary;
- (5) By replacing Section 26.(A) with the following language:

26. Offences and Penalties

- (A) Where work requiring a permit under this By-law has been commenced by anyone prior to the issuance of a Development Permit, the fees prescribed herein shall be doubled.
- (B) Any person who contravenes any of the provisions of this by-law is guilty of an offense and liable, on summary conviction, to a fine as outlined in Schedule A of the *Community Planning Act* of New Brunswick, SNB, 2017, c19.

Read First Time: March 21, 2023

Read Second Time: March 21, 2023

Read Third Time & Enacted: April 18, 2023

S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

**AMENDMENT NO. 038-38
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Residential (R1)” to “Multiple Residential” (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No.: 251462, with Civic No. 160 Pettingill Road, consisting of approximately 8.9 hectares, (21.9 acres), with access off the Pettingill Road, and situated across from Southwood Drive and adjacent to Heritage Way.

READ FIRST TIME: June 21, 2022

READ SECOND TIME: July 19, 2022

READ THIRD TIME AND ENACTED: September 20, 2022

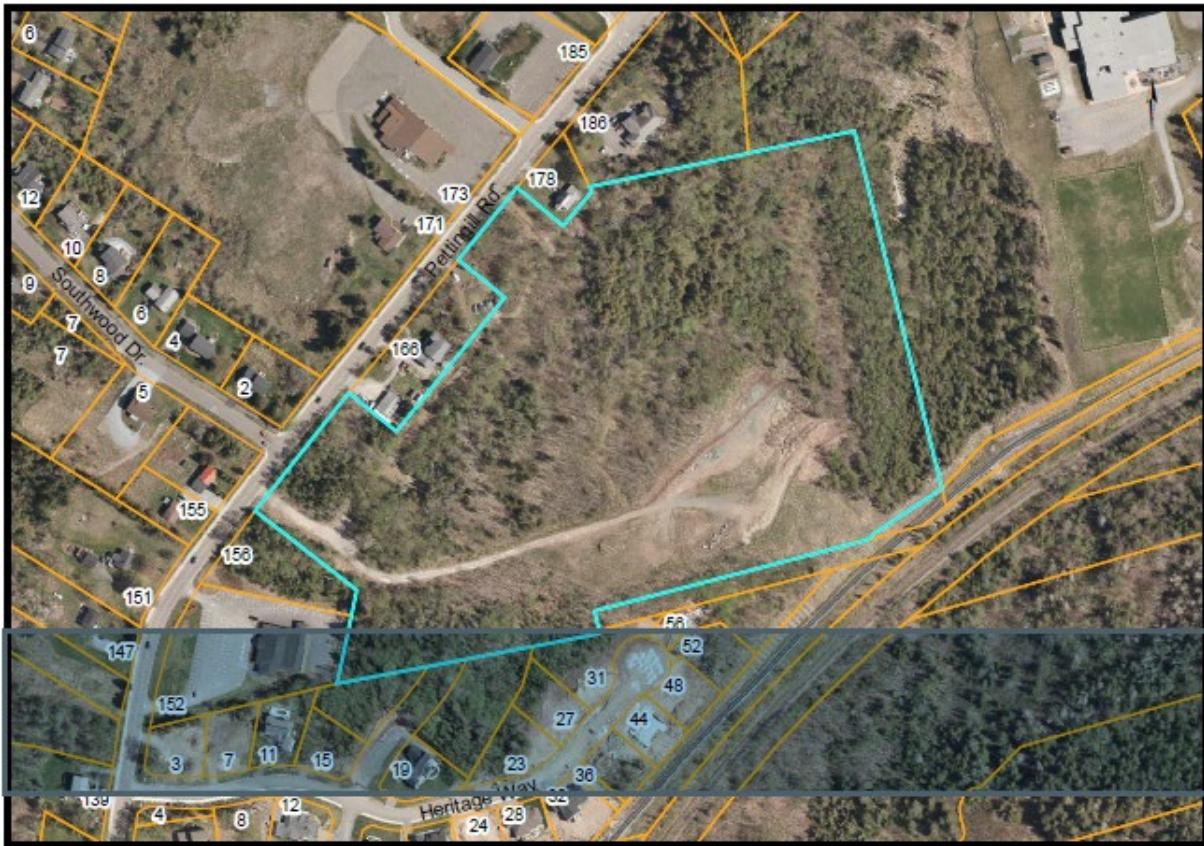
S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



Sources:
SNB Property Fabric March 2022
Quispamsis Orthophotography 2020

160 Pettingill Road
Orthography Map

0 50 100
Meters
Date: 5/3/2022

**AMENDMENT NO. 038-39
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Neighbourhood Commercial” (NC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, consisting of approximately 2,096 square meters, identified with PID No. 451815, with Civic No. 318 Hampton Road, and situated on the corner of Hampton Road and Autumn Avenue.

READ FIRST TIME: August 16, 2022

READ SECOND TIME: August 16, 2022

READ THIRD TIME AND ENACTED: September 20, 2022

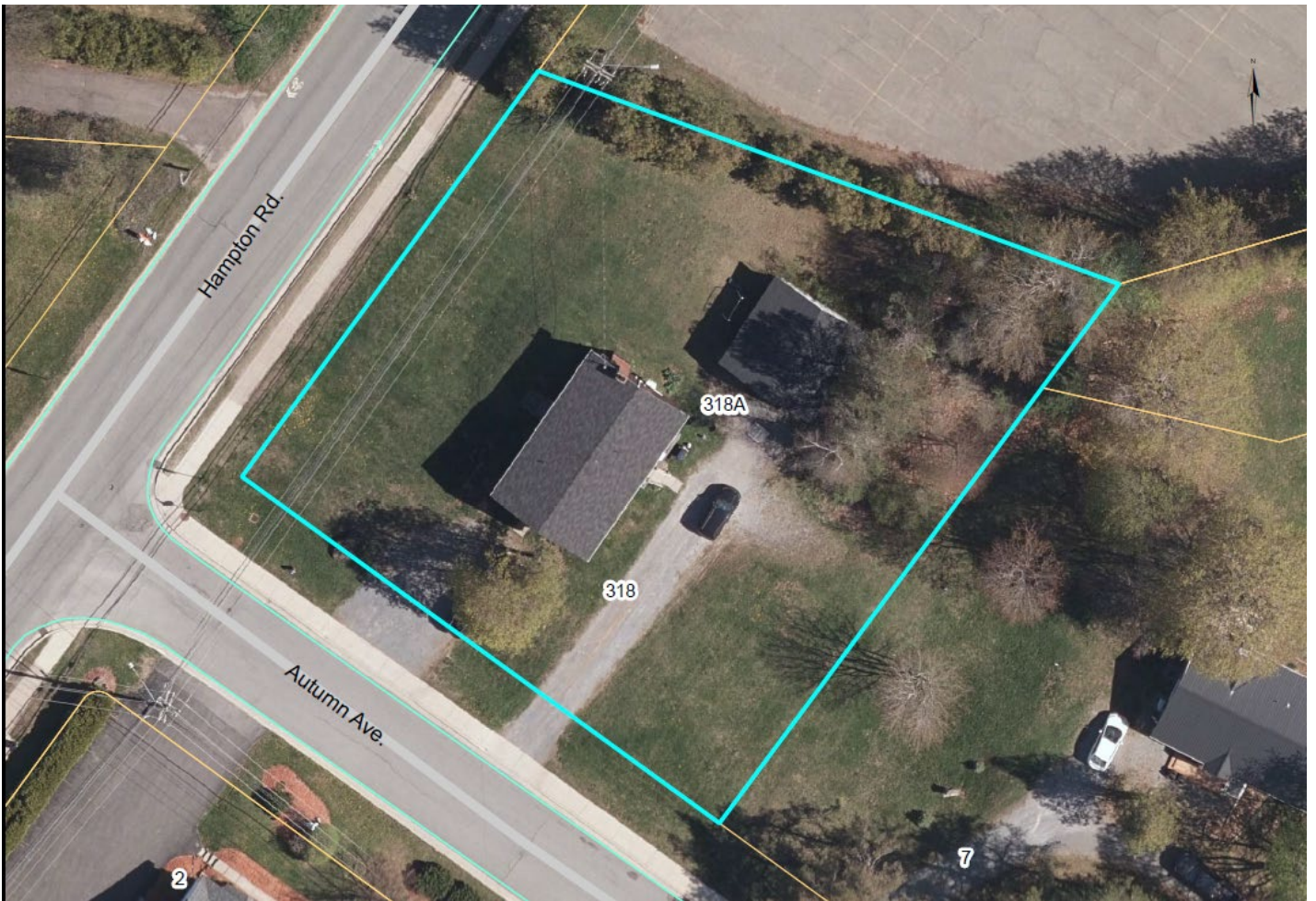
S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



**AMENDMENT NO. 038-40
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING ZONING**

BE IT ENACTED by the Council of the town of Quispamsis that Zoning By-Law No. 038, a By-law of the Municipality of Quispamsis Respecting Zoning, is hereby amended as follows:

By rezoning the following property from “Residential (R1)” to “Multiple Residential” (R2), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No.: 00248518, with Civic No. 169 Vincent Road, consisting of approximately 1.7 hectares (4.2 acres) of land with access off a private lane off the Vincent Road.

READ FIRST TIME: November 1, 2022

READ SECOND TIME: March 21, 2023

READ THIRD TIME AND ENACTED: March 21, 2023

S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



**AMENDMENT NO. 038-41
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING
ZONING**

BE IT ENACTED by the Council of the Town of Quispamsis that
By-law No. 038, a by-law of the Town of Quispamsis
Respecting Zoning, is hereby amended as follows:

(5) By adding immediately after Section 3.(G) the following:

3.1 POWERS OF THE DEVELOPMENT OFFICER

(C) Encroachment Occurring in Good Faith

- (1) Pursuant to subsection 53(7) and 53(8) of the *Community Planning Act*, where a person in good faith, as attested to by the Development Officer or their delegate, locates a building or structure so as to encroach up to sixty (60) centimeters on a setback requirement or encroachments up to thirty (30) centimeters on a yard requirement, such an encroachment does not constitute a violation of the requirements of this by-law.

(D) Development Officer Variances

- (1) Pursuant to Section 55(2) of the *Community Planning Act* and subject to the terms and conditions the Development Officer may consider fit, the Development Officer, or their delegate may permit a reasonable variance from the requirements referred to in subsections 53(2)(a)(i), (iii), (iv), (v), (vii), (viii), (ix), and (xiii) of the *Community Planning Act* and referenced in the list below, if the Development Officer is of the opinion that the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of this by-law and the Town's Municipal Development Plan By-law.
- (a) the minimum size and dimensions of lots and other parcels into which land may be subdivided, and the minimum area and dimensions of land required for a particular class of use of size of building or structure;

- (b) the height, number of storeys, ground area, floor area and bulk of buildings and structures;
- (c) the percentage of land that may be built on, and the depth, size or area of yards, courts, parking areas and open spaces;
- (d) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams, or other bodies of water;
- (e) the placement, height, and maintenance of fences, walls, hedges, shrubs, trees, and other objects;
- (f) the types, dimensions, and locations of means of access of lots to streets;
- (g) the facilities to be provided and maintained for off-street parking and loading of vehicles;
- (h) the location, dimensions, standards of construction and purposes of advertising signs and billboards.

3.2 APPLICATIONS AND DEVELOPMENT PERMIT APPROVALS:

(A) Council and Advisory Committee Applications

- (5) Council applications include:
 - (a) Amendment to the Town's Municipal Development Plan By-law
 - (b) Amendment to this by-law
 - (c) Non-conforming Use
 - (d) A resolution pursuant to Section 59 of the *Community Planning Act*
- (6) Planning Advisory Committee Applications include:
 - (a) Similar With or Compatible To Use
 - (b) Temporary Approval
 - (c) Variances
 - (d) Discretionary Use
 - (e) By-law amendments as referred by Council
- (7) Development Officer Applications include:

- (a) Variances
- (b) Development Permits
- (8) Applications submitted under (1), (2), and (3) shall be submitted in the form prescribed by the Development Officer and accompanied by the appropriate fee. An application shall be signed by the registered lot owner or an authorized agent thereof.

3.3 DEVELOPMENT PERMIT APPROVALS

(A) Development Permit Required

- (3) No person shall undertake a development without having obtained a Development Permit,
- (4) Without limiting the foregoing, a Development Permit is required for the following:
 - (g) A change in the purpose for which land or a building or structure is used;
 - (h) Erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure not regulated by the *Building Code Administration Act of New Brunswick* ;
 - (i) For the purposes of development, the clearing and grubbing of land or the excavation of sand, gravel, clay, shale, limestone, or other deposits or any other disturbance of soil;
 - (j) The excavation of sand, gravel, clay, shale, limestone or other deposits for a development for any disturbance of soil up to one (1) metre;
 - (k) The use of land, buildings and structures for the purpose of displaying advertising signs or billboards; or
 - (l) The clearing and grubbing, or excavation of sand, gravel, clay, shale, limestone, or other deposits for purposes of the sale of other commercial use of the material excavated is proposed.

(B) Development Permit Not Required

- (2) Notwithstanding 3.3(A) the following developments do not require a Development Permit, but may require a Building Permit under the Town's Building By-law 055 or a Sign Permit as per the Town's Sign By-law 036;

- (d) Alterations to the interior of a building that does not involve a change of use;
- (e) Alterations to the exterior of a building that does not increase the exterior dimensions or size;
- (f) Changes to the copy of a sign where the sign copy area does not increase pursuant to the Town's Sign By-law.

3.4 DEVELOPMENT PERMIT APPLICATIONS

- (G) A person who seeks to obtain an approval involving an amendment to this by-law, or a resolution or agreement pursuant to Section 59 of the *Community Planning Act*, or a Development Permit pursuant to Section 3.3, shall submit an application in the form prescribed by the Development Officer and accompanied by a fee in accordance with Schedule "B" of this by-law. Such application shall also be signed by the registered lot owner or authorized agent thereof.
- (H) Any application not satisfying all the requirements of Paragraph (A) shall be deemed abandoned after ninety (90) days immediately following the date of initial submission and shall not be considered further by the Development Officer.
- (I) When an application has been received that seeks approval of a matter that has been denied within the immediately preceding twelve (12) months, it will not be reconsidered unless the Council, the Committee, or the Development Officer, as the case may be, is of the opinion that it is substantially different from the previous application.
- (J) The Development Officer shall refuse an application for a Development Permit if the applicant has not, within six (6) months of the Development Officer receiving the application, provided sufficient information deemed necessary by the Development Officer to consider the application complete.
- (K) The Development Officer shall issue Development Permits for any development, as defined by this by-law, that occurs within the municipal boundary of the Town of Quispamsis. A Development Permit shall be issued when the Development Officer, or delegate, has received and reviewed a completed Development Permit application which describes a development that complies with the standards and provisions of this by-law and the Municipal Plan. The Development Officer has thirty (30) days to approve or deny an application once the application is deemed to be complete.

- (L) Where a Development Permit has been approved by the Development Officer, the applicant may apply to the Development Officer to modify the Development Permit by providing such additional information as may be necessary by the Development Officer to ascertain whether the revised proposal still complies with the provisions of this by-law and the Municipal Plan.

3.5 DEVELOPMENT PERMIT ISSUANCE

- (K) A Development Permit issued under this by-law shall remain valid for a period of one (1) year from the date of issue.
- (L) An application shall be approved, and a permit issued if it complies with the Municipal Development Plan By-law, all provisions of this and other by-laws adopted by the Town.
- (M) When a Development Permit has expired pursuant to Paragraph (A), upon the request of the applicant it may be reinstated by the Development Officer under the same terms and applicable fees found in Schedule “B” as the original Development Permit if the scope has not changed and the change of use, as the case may be, is still permitted under this by-law and the Municipal Development Plan By-law.
- (N) Where a Development Permit has been approved by the Development Officer, the applicant may apply to the Development Officer to modify the Development Permit by providing such additional information as may be necessary by the Development Officer to ascertain whether the revised proposal still complies with the provisions of this by-law and the Municipal Development Plan By-law;
- (O) A Development Permit shall be revoked where:
 - (3) The Development Permit was issued on mistaken or false information;
or
 - (4) The development undertaken does not conform or exceeds the scope authorized by the Development Permit; unless the applicant immediately proceeds to rectify the situation in manner acceptable to the Development Officer.
- (P) No Development Permit shall be issued for a proposed use of land, building or structure that is in contravention of any provision of this by-law.
- (Q) When a Development Officer determines that there has been a breach of this by-law or conditions applicable to a Development Permit, they may revoke or

suspend the Development Permit and will notify the permit holder of this action.

- (R) A Development Permit becomes null and void if:
 - (3) The development has not commenced, or authorized actions are not undertaken within one (1) year of the date of issue or within any period of extension granted by the Development Officer; and
 - (4) There has been any violation of this by-law, of any conditions in the permit, or of any changes authorized by the Development Officer.
- (S) The Development Officer shall not approve any Development Permit requiring the consideration of the Planning Advisory Committee and/or Council until such consideration is given, and the Development Officer shall attach any terms and conditions imposed by the Committee or Council as conditions of approval of the Development Permit;
- (T) Notwithstanding other Provisions of this By-law, the Development Officer may refer an application for a Development Permit, together with a recommendation to the Committee for a decision, if there is broad community interest in the application, or a conflict of interest. The applicant must be informed that an application is being referred to the Committee for a decision.

3.6 COMPLETE APPLICATION

- B. The Development Officer shall have the authority to determine when an application as it relates to this by-law is complete, notwithstanding any request for additional information from the Council or Planning Advisory Committee.

- (2) By adding immediately after Section 5.(16) the following:

- (16-1) “cannabis” means cannabis as defined by the Government of Canada, pursuant to the federal Cannabis Act, and the Cannabis Control Act of New Brunswick .

- (3) By adding immediately after Section 5.(16-1) the following:

- (16-2) “cannabis production facility” means a facility and premises authorized by a license issued pursuant to the federal 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.

- (4) By adding immediately after Section 5.(16-2) the following:
- (16-3) “cannabis retail sales” means the sale of cannabis or cannabis related products to the general public.
- (5) By adding immediately after Section 5.(22), the following:
- (22-1) “Development Permit” means a document authorizing a development issued pursuant to this Bylaw.
- (6) By adding immediately after Section 5.(25) the following:
- (25-1) “Dwelling, Garden Suite (Coach Homes)” means a small accessory dwelling unit located in a small free-standing building detached from the principal dwelling and located at the rear of the same lot as the principal dwelling.
- (7) By adding immediately after Section 5.(69), the following:
- (69-1) “Planning Director” means a person who is entitled to use the designation MCIP or FCIP under the by-laws of the Canadian Institute of Planners and is appointed by Council as the Town of Quispamsis’ Planning Director.
- (8) By adding immediately after Section 5.(82), the following:
- (82-1) “Surveyed Property Pin” means a post, marker, monument, pit or trench or any other thing representing a boundary line, as established by a registered New Brunswick Land Surveyor.
- (9) By adding immediately after Section 5.(91) the following:
- (91-1) “Watercourse” means watercourse as defined in the Clean Water Act, S.N.B. 1989, c. C-6.1.
- (10) By adding immediately after Section 5.(91-1) the following:
- (91-2) “Wetland” means wetland as defined in the Clean Water Act, S.N.B. 1989, c. C-6.1.
- (11) By adding immediately after Section 6.(B) the following:

6. (B-1) Lot Boundary Verification

- (4) All surveyed property pins shall be made visible upon request of the Development Officer or their delegate to ensure accuracy of any setback for development and/or to ensure land use activities are within the confines of the lot on which they are occurring;

- (5) Development Permits will not be issued for any development on any lot where surveyed property pins are not visible, or where a property line(s) is not clearly delineated;
- (6) Pursuant to the *Survey Act of New Brunswick*, Section 14, it is an offence to remove a surveyed property pin.

6.(B-2) Surface Water Drainage

- (2) Surface water drainage or foundation drainage shall not discharge directly onto an adjacent property but be directed into an approved stormwater management system or in the case of eaves through downspouts discharge at grade onto a splash pan approximately one (1) metre from the building;
 - (a) A dry well, used in the management of surface water drainage must be designed by a professional engineer, Licensed in the Province of *New Brunswick* .

(12) By revising Section 6.(F) to read as follows:

6.(F) Elevations of New Structures

- (1) All new structures shall be placed or erected on a foundation such that the finished first storey elevation is at least one (1) metre above the final centerline grade of the street, as measured on the street at a location which approximates the middle of the structure, unless a variance is granted by the Development Officer, or their delegate, or the Planning Advisory Committee prior to the issuance of a Development Permit;

(13) By revising Section 6.(I) to read as follows:

6.(I) Development Adjacent to a Stream or Watercourse

- 3. Subject to the provisions of other relevant municipal by-laws and Provincial regulations and notwithstanding any provisions of this by-law, no person shall erect a building or structure or carry out any other development in any zone within thirty (30) metres of a watercourse as defined by the *Clean Water Act* without approval from the Development Officer, or their delegate. Written notice from the *Department of Environment and Local Government*, indicating if a Wetland and Watercourses Alteration Permit under the *Clean Water Act of New Brunswick* is required must be provided by the applicant, prior to the issuance of a Development Permit;
- 4. Where in the opinion of the Development Officer, a development occurs on a property that may contain an unmapped watercourse or wetland, the property owner shall undertake any necessary measures to delineate the

existence and location of said watercourse or wetland to the satisfaction of the Department of Environment prior to the issuance of a Development Permit.

(14) By striking Section 6.(L)(2)(g) which reads:

- (1) The Day Care Facility shall be located a minimum distance of four hundred (400) metres from another Day Care Facility;

(15) By revising Section 6.(L)(2)(l) to read as follows:

- (1) The Day Care Facility complies with all Provincial regulations under the *Early Childhood Services Act of New Brunswick* .

(16) By adding immediately after Section 6.(W) the following:

6.(W-1) Garden Suite

- (2) A Garden Suite (Coach Home) is permitted as an accessory dwelling unit located in a small free-standing building, separate from the principal dwelling. The use may be permanent or temporary in nature. Garden Suites are permitted in R1 and RU Zones subject to approval by the Planning Advisory Committee and the following conditions:

- (n) It shall be on a lot no less than one thousand three hundred and thirty (1330) square metres in area within an R1 Zone;
- (o) It shall be on a lot no less than five thousand three hundred fifty (5350) square metres in area within an RU Zone subject to approval of the Department of Justice and Public Safety;
- (p) It shall have a gross floor area ratio of thirty-five (35) percent or less of the main building gross floor area, to a maximum of one hundred (100) square metres;
- (q) It shall not exceed one (1) storey or five (5.0) meters in height above the mean grade level;
- (r) They are not permitted on a lot containing two family dwellings or on a lot containing a dwelling which already incorporates an accessory dwelling unit;
- (s) They are considered secondary uses and must meet all the zoning requirements for the zoning which they are located;

- (t) It must be located in the rear yard;
- (u) It shall observe the following setbacks:
 - (iii) a minimum of three (3) metres from the main dwelling unit;
 - (iv) a minimum of three (3) metres from any side or rear lot line;
- (v) It shall have electrical service provided to the garden suite underground when located in a R1 zoning;
- (w) It shall have potable water services provided direct from the main dwelling unit. The connection must be completed by a plumbing professional licensed with the Province of New Brunswick ;
- (x) It must be connected to either a Municipal Sewer System or to an onsite sewage disposal system approved by the Department of Justice and Public Safety and all costs associated with the connection are the responsibility of the property owner;
- (y) The property shall not be subdivided to create a flag lot for the secondary unit;
- (z) The property owner must reside on the property either in the principal dwelling or the garden suite.

(17) By revising Section 6.(BB) to read as follows:

6.(BB) Restrictions for Waterfront Properties

- 2. In addition to the provisions of this, and other by-laws of the Town, the following provisions apply to all development along waterfront properties and/or within thirty (30) metres of a watercourse;
 - (d) No alteration of existing building, structure, or land shall occur on any property bordering a watercourse without first requesting and being granted approval by the Development Officer or his designate, or the Planning Advisory Committee, who shall have the authority to impose such terms and conditions as they consider necessary and appropriate;
 - (e) The Development Officer or his designate, or the Planning Advisory Committee may request that a Watercourse and Wetland Alteration Permit be obtained from the province, and may also request that an environmental impact assessment screening be completed on the possible effect of any alterations to a building, structure, or land before granting or denying the variance request;

- (f) Any structure which is destroyed by fire may be rebuilt upon issuance of a Development Permit, and a Building Permit, which is conditional that it is rebuilt on the existing foundation, providing that the existing foundation has at least three (3) remaining exterior walls constructed of rock, concrete, or concrete block and subject to the approval of the Development Officer or his designate, or the Planning Advisory Committee who shall have the authority to impose such terms and conditions as they consider necessary and appropriate, and which may be subject to Section 6.(BB)(1)(b).

(18) By adding immediately after Section 6.(DD) the following:

6.(EE) Cannabis Production Facility

- (2) Where permitted by this by-law, a cannabis production facility is subject to the following requirements:
- (a) Are only permitted as a Discretionary Use in Light Industrial Zone;
 - (b) All functions associated with a cannabis production facility shall be conducted within a completely enclosed building;
 - (c) No lot containing a cannabis production facility shall be permitted within one hundred fifty (150) metres of any residential zone or a lot containing an existing public or private school measured to the property line; and
 - (d) No outdoor storage associated with a cannabis production facility is permitted.

6.(FF) Cannabis Retail Sales

- (2) Where permitted by this by-law, cannabis retail is subject to the following requirements:
- (a) Are only permitted as a Discretionary Use and are subject to such terms and conditions as may be imposed by the Planning Advisory Committee, as outlined in Section 53(3)(c) of the *Community Planning Act of New Brunswick* ;
 - (b) A lot being used for cannabis retail shall be at least three hundred (300) metres away from any lot containing any Daycare, Early Learning Centre as defined under the Education Act, or any Educational Facility (K-12).

- (19) By adding immediately after Section 8.(B)(1)(d) the following:
- (c) a garden suite, subject to Section 6.(W-1);
- (20) By adding immediately after Section 12.(B)(1)(k) the following:
- (l) a cannabis retail store, subject to Section 6.(FF);
- (21) By adding immediately after Section 14.(B)(1)(g) the following:
- (h) a cannabis retail store, subject to Section 6.(FF);
- (22) By adding immediately after Section 18.(B)(1)(b) the following:
- (c) a cannabis production facility, subject to Section 6.(EE)
- (23) By adding immediately after Section 25.(B)(1)(b) the following:
- (c) a garden suite, subject to Section 6.(W-1);
- (24) By replacing Section 4.(H) with the following with language that aligns with the Community Planning Act of New Brunswick :
- 4.(H) In the event Council has not given third (3rd) reading to a proposed amendment to rezone lands within six (6) months of the date of the original public notice, the rezoning application shall be deemed withdrawn by the Applicant and the rezoning process shall automatically be discontinued.
- (25) By replacing Section 27.(A) with the following to be reflective of who enforces the Zoning By-law:
- 27.(A) This by-law may be enforced by the Town of Quispamsis Planning Director and/or Development Officer and/or By-law Enforcement Officer, or designates, where indicated.
- (26) By replacing the following to reflect the correct references to the Community Planning Act of New Brunswick and Town By-laws:
- 3.(D)(2) Replace 34(3)(a) with Section 53(2)(a);
 - 3.(G) Replace Section 13 with Section 4;
 - 4.(I) Replace Section 68 with Section 111;
 - 4.(J) Replace Section 39 with Section 59;
 - 5.(22) Replace Section 16(1) with Section 10(1);
 - 5.(69) Replace Section 12 with Sections 3, 5, and 6; Replace By-law No. 003 with By-law No. 053;
 - 5.(86) Replace Section 82 with Section 83;

- 5.(88) Replace Section 34(4)(c) with Section 53(3)(c);
- 5.(91) Replace Section 34(3)(a) with Section 53(2)(a);
- 6.(K)(1) Replace Section 34(4)(c) with Section 53(3)(c);
- 6.(P)(3)(b) Replace 34(4)(c) with Section 53(3)(c);
- 6.(P)(3)(c) Replace Section 34(4)(c) with Section 53(3)(c);
- 6.(P)(5)(a) Replace Section 34(4)(c) with Section 53(3)(c);
- 6.(V)(2)(a) Replace Section 39 with Section 59;
- 6.X(1) Replace Section 39 with Section 59;
- 8.(B)(1) Replace Section 34(4)(c) with Section 53(3)(c);
- 11.(B)(1) Replace Section 34(4)(c) with Section 53(3)(c);
- 12.B(1) Replace Section 34(4)(c) with Section 53(3)(c);
- 14.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 15.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 17.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 18.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 19.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 21.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 23.(B)(1) Replace Section 34(4)(c) with 53(3)(c);
- 25.(A)(2) Replace Section 34(4)(c) with 53(3)(c).

Read First Time: December 20, 2022

Read Second Time: December 20, 2022

Read Third Time & Enacted: January 17, 2023

S E A L

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

**AMENDMENT NO. 038-42
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE
QUISPAMISIS ZONING BY-LAW**

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-law No. 038; A By-law of the Municipality of Quispamsis respecting Zoning, pursuant to the *Community Planning Act of New Brunswick* is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Central Commercial” (CC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, consisting of approximately 1605 square meters, identified with PID No. 0091827 with Civic No. 247 Hampton Road, and situated on the corner of Hampton Road and Lake Road.

READ FIRST TIME: January 17, 2023

READ SECOND TIME: January 17, 2023

READ THIRD TIME AND ENACTED: February 7, 2023

SEAL

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

Schedule "A"



Sources:
SNB Property Fabric October 2022
Quispamsis Orthophotography 2022

247 Hampton Road (PID 00091827)
Ortho

0 5 10
Meters
Date: 2022-11-29

**AMENDMENT NO. 038-43
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE
QUISPAMISIS ZONING BY-LAW**

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-law No. 038; A By-law of the Municipality of Quispamsis respecting Zoning, pursuant to the *Community Planning Act of New Brunswick* is hereby amended as follows:

By rezoning the following property from “Single & Two Family Residential” (R1) to “Central Commercial” (CC), subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, consisting of approximately 3,131 square meters, identified with PID No. 54619 with Civic No. 8 Lyden Drive and situated to the rear of the Central Commercial property at 170 Hampton Road.

READ FIRST TIME: April 18, 2023

READ SECOND TIME: April 18, 2023

READ THIRD TIME AND ENACTED: June 20, 2023

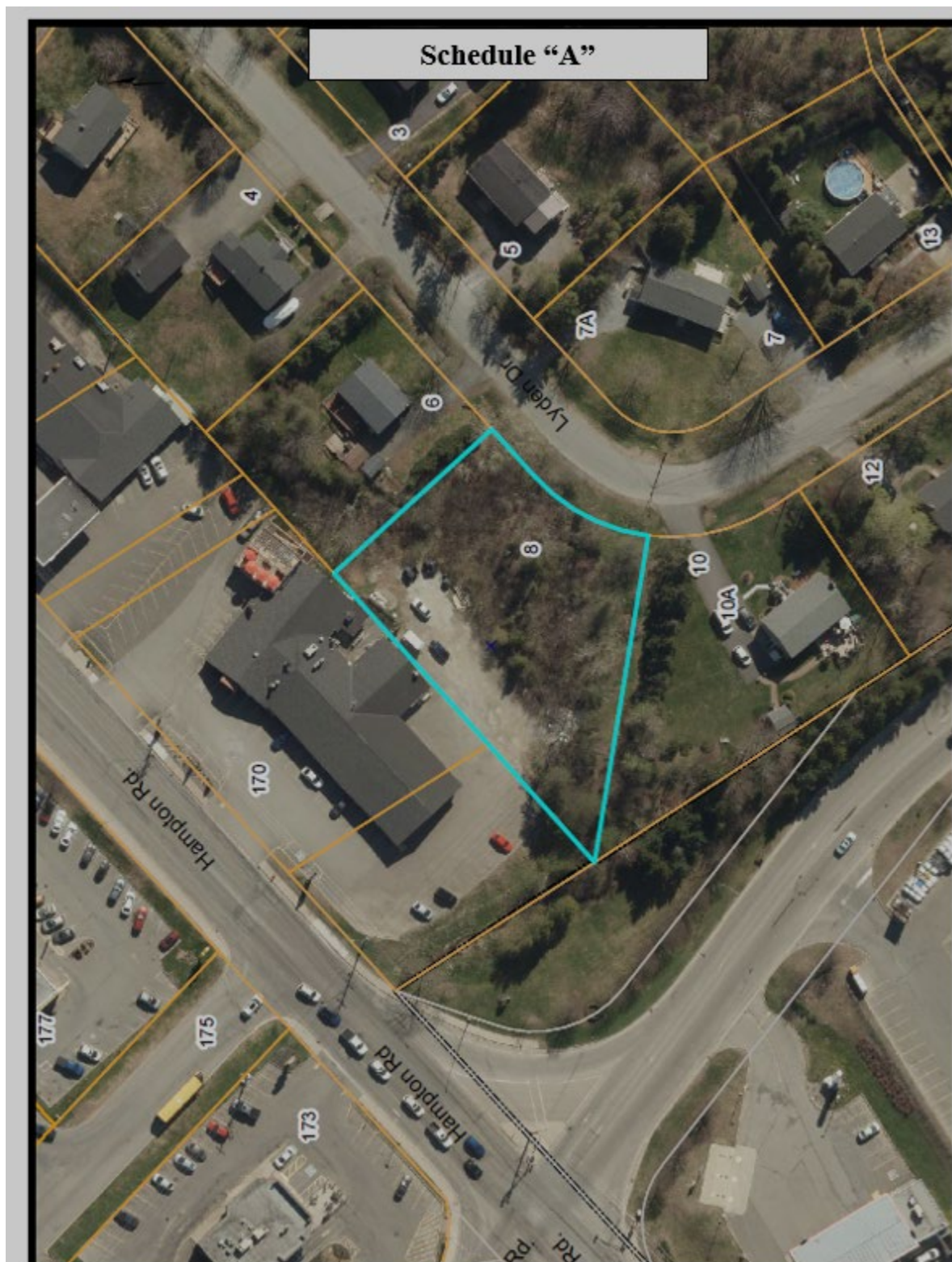
SEAL

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



**AMENDMENT NO. 038-44
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING THE
QUISPAMSIS ZONING BY-LAW**

**SAVE AS Placeholder (Not Enacted Yet as at January 23, 2024
45 Old Coach Road – R1 to R2)**

**AMENDMENT NO. 038-45
TO ZONING BY-LAW NO. 038
A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING THE
QUISPAMSIS ZONING BY-LAW**

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-law No. 038; A By-law of the Municipality of Quispamsis respecting Zoning, is hereby amended as follows:

The Zoning of the property located at 33 Pettingill Road, PID No. 30211387 (Zoning By-law No. 014-17 – Enacted 2005_06_21) is amended by removing the existing Section 39 Community Planning Act Agreement use restriction which limits the usage of the said property to only a Physiotherapy Clinic use.

Further, that such parcel of land be delineated on the town of Quispamsis Zoning Map attached to Zoning By-law No. 038 as a Neighbourhood Commercial (NC) Zone which zoning status is hereby confirmed.

And further, that the discharge of the said Section 39 Agreement is hereby authorized.

READ FIRST TIME: September 19, 2023

READ SECOND TIME: September 19, 2023

READ THIRD TIME AND ENACTED: October 3, 2023

SEAL

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

Schedule “A”



Sources:
SNB Property Fabric March 2023
Quispamsis Orthophotography 2022

33 Pettingill Road
Ortho

0 10 20
Meters
Date: 2023-07-17

AMENDMENT NO. 038-46

TO ZONING BY-LAW NO. 038

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMSIS RESPECTING THE
QUISPAMSIS ZONING BY-LAW**

BE IT ENACTED by the Council of the Town of Quispamsis that Zoning By-law No. 038; A By-law of the Municipality of Quispamsis respecting Zoning pursuant to the *Community Planning Act of New Brunswick*, is hereby amended as follows:

By rezoning the following property from Neighbourhood Commercial (NC) to Central Commercial (CC) -

A parcel of land identified as 29 Pettingill Road, with PID No. 30207096 and as shown on the attached Schedule "A".

And said parcel of land to be shown on the Zoning By-law No. 038 Map as Central Commercial.

READ FIRST TIME: December 5, 2023

READ SECOND TIME: December 5, 2023

READ THIRD TIME AND ENACTED: January 16, 2024

SEAL

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk

Schedule "A"



Sources:
SNB Property Fabric September 2023
Quispamsis Orthophotography 2022

29 Pettingill Road
Ortho

0 10 20 Meters
Date: 2023-10-26