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VILLAGE OF TRACY
RURAL PLAN
BY-LAW NO. 29

Prepared for the
VILLAGE OF TRACY
By



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PART C: ZONING PROVISIONS

12.0 ZONING MAP AND DEFINITIONS13

 12.1 Zoning Map.....13

 12.2 Definitions.....13

13.0 PURPOSE, ADMINISTRATION, CLASSIFICATION AND CONFORMITY22

 13.1 Purpose.....22

 13.2 Administration: General22

 13.3 Specific Powers of the Regional Service Commission.....22

 13.4 Powers of the Commission23

 13.5 Specific Powers of the Commission.....24

 13.6 Fees for Planning Services24

 13.7 Classification24

 13.8 Conforming Use and Non-Conforming Uses.....24

 13.9 Unauthorized Development25

 13.10 Existing Undersized Lot25

 13.11 Existing Building or Structure upon an Undersized Lot25

 13.12 Enforcement and Appeal.....25

 13.13 Interpretation25

 13.14 Amendments26

 13.15 Rural Plan Review26

14.0 GENERAL PROVISIONS.....27

 14.1 Home Occupations27

 14.2 Garden Suites27

 14.3 Agricultural Operations28

 14.4 Buildings and Structure Projections28

 14.5 Off-Street Vehicular Parking.....29

 14.6 Number of Main Buildings and Structures on a Lot30

 14.7 Signs...30

 14.8 Landfill31

 14.9 Lot Sizes.....31

 14.10 Lot Occupancy34

 14.11 Locations of Buildings or Structures on a Lot....34

 14.12 Height of Main Building or Structure.....34

 14.13 Size of Dwellings and Dwelling Units.....34

 14.14 Seasonal Roadside Vegetable Stand.....35

 14.15 Stripping of Top Soil.....35

 14.16 Heritage and Archaeological Value35

 14.17 Line of Vision at an Intersection35

 14.18 Lighting Facilities and Illuminating Devices35

 14.19 Wind Turbines36

 14.20 Solar Collector Systems36

 14.21 Gravel Pit Standards36

15.0 RESIDENTIAL ZONES: CENTRAL RESIDENTIAL (R1 Zone)38

 15.1 Permitted Uses38

16.0 RESIDENTIAL ZONES: RURAL RESIDENTIAL (R2 Zone)39

 16.1 Permitted Uses39

17.0 COMMERCIAL ZONE (C Zone).....40

| | | |
|----------------|---|----|
| 17.1 | Permitted Uses | 40 |
| 18.0 | INSTITUTIONAL ZONE (INST Zone) | 41 |
| 18.1 | Permitted Uses | 41 |
| 19.0 | INDUSTRIAL ZONE (I Zone) | 42 |
| 19.1 | Permitted Uses | 42 |
| 20.0 | PARK ZONE (P Zone)..... | 43 |
| 20.1 | Permitted Uses | 43 |
| 21.0 | RESOURCE USE ZONE (RU Zone) | 44 |
| 21.1 | Permitted Uses | 44 |
| 22.0 | ENVIRONMENTAL PROTECTION AND RESTRICTED DEVELOPMENT ZONE (RD Zone)..... | 45 |
| 22.1 | Permitted Uses | 45 |
| 23.0 | GRAVEL EXTRACTION ZONE (GE Zone)..... | 46 |
| 23.1 | Permitted Uses | 46 |
| ENACTMENT..... | | 47 |

SCHEDULE

Schedule A Village of Tracy Zoning Map

PART B: POLICY AND PROPOSALS

SECTION 2.0.0 – INTRODUCTION

2.1.0 Purpose of a Rural Plan

2.1.1 Land use planning helps a village decide in what way it should be kept and in what way it should be altered. The resulting rural plan contains a policy for each land use within the village and, under the umbrella of each policy, one or more proposals. Policies are statements of overall development intent. Proposals and zoning provisions are ways to realize this intent. In other words, policies are the right things to do, while proposals and zoning provisions are how to do these right things.

2.2.0 General Objectives

2.2.1 The development objectives of the Village of Tracy are to:

- (a) promote the efficient and effective use of land;
- (b) resolve competing interests in land;
- (c) encourage and facilitate environmentally sound economic development; and
- (d) protect lands, resources and features of special value.

BY- LAW NO. 29

Under section 27 of the *Community Planning Act*, the Council of the Village of Tracy enacts the following by-law:

PART A: GENERAL

SECTION 1.0.0 – TITLE AND AREA DESIGNATION

1.1.0 TITLE

1.1.1 This by-law may be cited as the “Village of Tracy Rural Plan”.

1.2.0 CONTENTS

1.2.1 The Village of Tracy Plan contains title and area designation, as well as, population projection, rural plan background and development objectives, as Part A; statements of policy and proposals as Part B; and zoning provisions as Part C.

1.3.0 AREA DESIGNATION

1.3.1 The area of land as shown on the map attached as Schedule A, titled "Village of Tracy Zoning Map", and lying within the municipal boundaries of the Village of Tracy is designated for the purpose of the adoption of a rural plan and is the area over which this by-law applies.

1.3.2 The **Central Area**, referred to within this by-law, as shown on Schedule A, comprises an approximate area of 176 hectares (435 acres). This area includes lots upon which a mix of residential, institutional, and commercial uses are present and are compatible for future development.

1.4.0 BY-LAWS REPEALED

1.4.1 This regulation replaces the *Village of Tracy Rural Plan - Community Planning Act*, also known as Bylaw No. 24, and any amendments made to it and the regulation and amendments are hereby repealed.

SECTION 4.0.0 – COMMERCIAL USES

4.1.0 Policy

4.1.1 It is a policy

- (a) to expand the local employment base;
- (b) to control the type and location of commercial development; and
- (c) to encourage commercial development that is compatible with the surrounding land uses and environment.

4.2.0 Proposal

4.2.1 It is proposed to encourage the improvement of visual and safety features of the following roadway locations situated within the Central Area:

- (a) the intersection of Heritage Drive and Rooth Road;
- (b) the intersection of Heritage Drive and Willow Avenue; and
- (c) the vertical alignment of Heritage Drive between the aforementioned intersections.

4.2.2 It is proposed to encourage the use of buffers, such as hedge rows, upon commercially used lands so as to minimize odour, smoke, dust, noise, water contamination or traffic nuisance impacts on surrounding uses.

4.2.3 It is proposed that industrial development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes, flood plains and wetlands.

SECTION 5.0.0 – INSTITUTIONAL USES

5.1.0 Policy

5.1.1 It is a policy

- (a) to encourage the development of public facilities and services; and
- (b) to control the type and location of institutional land uses.

5.2.0 Proposal

5.2.1 It is proposed that facilities and services for the elderly and for those with mobility disabilities be encouraged.

5.2.2 It is proposed to consider the location and space requirements of proposed institutional uses and developments relevant to the following:

- (a) on-site considerations include service volume and frequency estimates; and

SECTION 3.0.0 – RESIDENTIAL USES

3.1.0 Policy

- 3.1.1 It is a policy to promote orderly, compact and diverse residential development by
- (a) maintaining the integrity of existing residential areas and surrounding land uses through the prevention of incompatible activities and structures,
 - (b) encouraging infill development,
 - (c) minimizing the impact upon natural features, such as wetlands and flood plains, and resource areas, such as farmlands and potential ground water supplies, and
 - (d) facilitating, where appropriate, various types of housing

3.2.0 Proposal

- 3.2.1 It is proposed to encourage centralized and infill residential development within or near the Central Area.
- 3.2.2 It is proposed that sustainable community design be encouraged, where appropriate, as a method to reduce sprawl, protect riparian areas and other sensitive resources, provide common amenity space for residents, and improve water supply and on-site sewage disposal methods.
- 3.2.3 It is proposed that residential development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes, flood plains and wetlands.

(b) off-site considerations include neighbouring land use impacts, present road and sidewalk situations, potential water contamination and extent of the district to be served.

5.2.3 It is proposed that industrial development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes, flood plains and wetlands.

SECTION 6.0.0 – RECREATIONAL FACILITIES AND PUBLIC OPEN SPACES

6.1.0 Policy

6.1.1 It is a policy to provide recreational facilities and public open spaces so as to serve village residents and visitors and conserve the aesthetic value of the community and its waterways.

6.2.0 Proposal

6.2.1 It is proposed that the village purchase and develop land

(a) within the Central Area so as to provide open space and relaxing sitting capabilities for the public.

(b) lying northerly along North Branch Oromocto River, located within the Central Area, and zoned park so as to provide picnicking facilities, viewing enjoyment and natural feature preservation.

6.2.2 It is proposed that recreational facilities be permitted provided they are not in conflict with adjacent or nearby land uses.

6.2.3 It is proposed to discuss with Department of Natural Resources the possibility of preserving, for future recreational facilities and public open spaces use, a westerly section of the forested Crown Lands lying northerly of Whitetail Drive and containing Meransey Brook.

SECTION 7.0.0 – RESOURCE USES

7.1.0 Policy

7.1.1 It is a policy to conserve the present agricultural and forestry land uses within resource use zones.

7.1.2 It is a policy minimize the impact of location, development and operation of pits and quarries and related processing upon adjacent land uses and environments.

7.2.1 Proposal

7.2.1 It is proposed to consider noise, dust, vibration, odour, visual and environmental impacts, as well as, hours of operation and safety features, so as to minimize the conflicts of agricultural and forestry operations, extending beyond those normally and currently practiced, upon neighboring residential uses.

- 7.2.2 It is proposed that new quarry operations would be considered as an amendment to this regulation and that an evaluation of the merit of a proposal for the new quarry operation will include, but will not be limited to, consideration of the potential impact on: the natural environment; quality and quantity of surface and groundwater; adjacent land uses; any heritage resources; and transportation.

SECTION 8.0.0 – PROTECTION OF WATER SUPPLIES

As the community's water supply normally originates outside municipal boundaries, its concern should extend over the surrounding watershed area. Problems with underground water are generally caused by land use activities at the surface level. Underground water can be polluted by industrial or agricultural wastes, leaking septic tanks, waste disposal sites, as well as, chemical contamination from residential, commercial, and institutional operations. A critical issue within many villages is the reliance of concentrated residential development on private wells and septic systems.

No public water supply system nor sewage collection system currently exists within the Village.

8.1.0 Policy

- 8.1.1 It is the policy of the Village to protect surface and underground waters by appropriately managing land uses.

8.2.1 Proposal

- 8.2.1 It is proposed to recognize the applicable water protection measures developed by the Province under the *Water Well Protection Regulation* and *Potable Water Regulation* of the *Clean Water Act* and the *Water Quality Regulation* of the *Clean Environment Act*.
- 8.2.2 It is proposed to maintain water quality and flood protection by controlling development upon lands adjacent to watercourses subject to the *Clean Water Act* and upon lands zoned Environmental Protection and Restricted Development.
- 8.2.3 It is proposed to carry out the closing procedures for the Village's former waste disposal site.
- 8.2.4 It is proposed that the village use those methods of education available to it to encourage the cleanliness and maintenance of septic systems to provincial recommended standards.

SECTION 9.0.0 – HERITAGE BUILDINGS AND SITES OF HISTORICAL OR ARCHAEOLOGICAL INTEREST

9.1.0 Policy

9.1.1 It is the policy of the Village to encourage the conservation and enhancement of those buildings and sites having special historic or architectural merit so as to compatibly serve residents and visitors.

9.2.0 Proposal

9.2.1 It is proposed to identify the Village's historical highlights and maintain, if possible, those buildings and sites best depicting these features.

SECTION 10.0.0 – CONSERVATION OF THE PHYSICAL ENVIRONMENT

The Village's former waste disposal site, lying along the easterly side of Boone Road, was closed in 1995. The approximately 4.2 hectare (10.4 acres) site straddles the northeasterly boundary of the Village so that 2.0 hectares (4.9 acres) are within the Village and 2.2 hectares (5.5 acres) are outside. Local garbage is currently transported to the Fredericton Region Sanitary Landfill site located along the Wilsey Road of the City of Fredericton.

Two studies, the Village of Tracy Dump Closure Study, prepared by Craig HydroGeoLogic Ltd., of Fredericton, NB, September 28th, 1996 and as required by File 6920-1102, prepared by Department of Environment, June 2nd, 1997 recommended the closure of the Village's former waste disposal site. They recognize that the impact of contaminant effluent upon any future development in the vicinity of the closed waste disposal site will be minimized by the long term maintenance of a buffer zone. Currently, the site is surrounded by forested Crown Land administered by Department of Natural Resources and Energy. In addition, an unnamed tributary to North Branch Oromocto River passes through the former waste disposal site. A buffer or undeveloped green belt on both sides of this tributary would protect current and future development from surface water contamination.

10.1.0 Policy

10.1.1 It is the policy of the Village to protect the quality of life of the residents by controlling environmental pollution and maintaining the aesthetics of the natural surroundings.

10.2.0 Proposal

10.2.1 It is proposed to encourage a beautification program within the Central Area so as to enhance the aesthetics of the Village through such activities as

- (a) establishing curbing and sidewalks and improving ditching and landscaping along the edges of travelled portions of roads, streets and highways;
- (b) using improved containers, normally located near the intersection of the edges of driveways and roads, streets or highways, for the temporary holding of domestic wastes; and
- (c) enhance the existing signs, marking the major entrance-ways into the Village, by applicable techniques such as landscaping.

10.2.2 It is proposed to encourage land development subject to the *Watercourse Alteration Regulation* of the *Clean Water Act* and the *Environmental Impact Assessment Regulation* of the *Clean Environment Act*.

- 10.2.3 It is proposed that the Village of Tracy Dump Closure Study, prepared by Craig HydroGeoLogic Ltd., be considered if any applications are made to rezone a property abutting the Village's former waste disposal site.

SECTION 11.0.0 – INDUSTRIAL USES

11.1.0 Policy

11.1.1 It is a policy

- (a) to encourage appropriate industrial operations so as to create local employment;
and
- (b) to minimize negative impacts, due to location, size, spacing and operation, on adjacent land uses and the environment.

11.2.0 Proposal

- 11.2.1 It is proposed to minimize conflict between industrial uses on surrounding land uses by considering noise, dust, vibration, traffic, visual and land value impacts.
- 11.2.2 It is proposed that industrial development be discouraged within environmentally hazardous or sensitive areas, such as steep slopes, flood plains and wetlands.
- 11.2.3 It is proposed that industrial developments be consolidated upon a single tract of land lying outside the Central Area.

PART C: ZONING PROVISIONS

SECTION 12.0.0 - DEFINITIONS

"accessory building" means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure.

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

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

"act" means the *Community Planning Act*, Chapter C-12, R.S.N.B.;

"agricultural research activity" means any land, lot, or buildings used for systematic research, data collection and manipulation, or technical or scientific development concerning agricultural activities, and may include a research laboratory, but excludes industrial and manufacturing operations other than those required as part of the research;

"agricultural use" means an agricultural operation that is carried on for gain or reward, or in the hope or expectation of gain or reward, and includes

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops, including, but not limited to, berry plantations and cranberry bogs,
- (f) the production of fruit and vegetables and other specialty horticultural crops, including a greenhouse or nursery,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the preparation of a farm product distributed from the farm gate, including cleaning, grading, and packaging,
- (j) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,

- (k) the storage, use or disposal of organic wastes for farm purposes,
- (l) the operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,
- (m) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes, or
- (n) but does not include a medical marihuana production facility;

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

“animal unit” means the number of livestock or poultry that produce one animal unit as follows:

- (a) one horse, cow, steer, bull or mule, including offspring until weaning,
- (b) two llamas, alpacas, donkeys or ponies, including offspring until weaning,
- (c) three sheep, goats, emus, or pigs, including offspring until weaning, or
- (d) twenty-five chickens, turkeys, geese, or furbearing animals;

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

“automotive sales or rental establishment” means establishment having as its main use the storage of vehicles for sale, rent, or lease and accessory uses which may include facilities for the repair and maintenance of such vehicles;

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

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

“building supply store” means an establishment where tools and materials customarily used in the construction industry are offered for retail sale;

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

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

“camping facility” means an area of land, managed as a unit, used or maintained for people to provide their own sleeping facilities, such as, tents, tent trailers, travel trailers, recreational vehicles and campers for a short-term stay;

“cemetery” means land that is set apart or used for the interment of the dead;

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

“commercial recreational facility” means a recreational facility operated for gain or reward, but does not include a campground or camping facility;

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

“community centre” means a building intended for public assembly or social and cultural activities.

“community recreational facility” means a facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities;

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

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

“conservation design” means a development with the aim to facilitate the provision of more open space to protect sensitive resources and habitat by using shared open space and septic services, along with any other shared spaces and services;

“contractor’s yard” means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work;

“convenience store” means an establishment where food, tobacco, periodicals, or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood, including video rental and catalogue sales outlets;

“conventional industrial use” means the use of lands, buildings or structures for the assembling, fabricating, manufacturing, processing, repairing, or storing of raw goods and materials;

“day care centre” means a day care centre defined by and operated in accordance with the Family Services Act;

“day care center” means a facility in which day care services are provided as defined by and operated in accordance with the *Day Care Regulation - Family Services Act*;

“day care home” means an owner-occupied single-family dwelling in which day care services are provided and includes a community day care home or a family day care home as defined by and operated in accordance with the *Day Care Regulation - Family Services Act*;

“depth” means, in relation to a lot,

- (a) where the front and rear lot lines are parallel, the horizontal distance between the front and rear lot lines at right angles to such lines, or

(b) where these lines are not parallel, it shall be the length of a line joining the midpoints of the front and rear lot lines;

“development” means development as defined by the *Community Planning Act*;

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

“dwelling” means a main building or structure, or portion thereof, containing one or more dwelling units;

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

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

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

“erect” means to construct, build, assemble or relocate a building or structure, as well as, any physical operation preparatory thereto;

“excavation site” means a disturbance of the ground for the purposes of mining or extracting quarriable substances for sale or off-site use;

“fraternal lodge” means a building or part of a building intended for the assembly of fraternal members.

“funeral home” means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

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

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

“garden suite” means a portable or demountable one storey, one or two bedroom, self-contained dwelling, intended to be occupied by an individual or a couple who, by reason of age, infirmity, or mental or physical disability, are not fully able to care for themselves, and where the main dwelling on the same lands is occupied by family members or relatives of the occupant of the garden suite;

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

“general service shop” means a building or structure, or part of a building or structure, used for the servicing or repairing of articles, goods or materials, in which no product is manufactured, and may include radio, television, computer, small engine and appliance repair shops, furniture repair and upholstery, or locksmiths, but does not include any automobile repair or servicing;

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

“greenhouse” means a building or structure used for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, with or without gardening tools and implements which are sold at retail to the general public;

“group residence” means a residence for the accommodation of up to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioral, physical condition or legal status, require a group living arrangement for their well-being, subject to the *Community Placement Residential Facilities Regulation – Family Services Act* but does not include a “special care home,” as defined elsewhere within this regulation;

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

“home-based business” means the use of land, buildings or structures by a resident of the dwelling unit to conduct an activity for financial gain or reward or in the hope or expectation of financial gain or reward, and which is secondary to a residential use;

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

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

“inn” means an owner-occupied single-family dwelling in which there are rooms for rent as overnight sleeping accommodation, and includes the provision of served breakfast and evening meals to those persons residing temporarily at the establishment. A minimum of fifty percent of the rooms for rent must have access from inside the dwelling;

“kennel” means an establishment used to house, board, breed, handle, or otherwise keep or care for five or more dogs or cats over the age of six months;

“light manufacturing, sales, or service operation” means a building or structure in which component parts are manufactured, assembled, processed or repaired to produce a finished product that can be sold on-site but does not include an industry that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property;

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

“livestock” means alpacas, buffalo, cattle, horses, llamas, mules, donkeys, pigs, sheep, goats, emu, or poultry;

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area;

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

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

“lumber yard” means the use of land building or structures where lumber is offered for sale, but does not include a sawmill;

“machine and welding shop” means a building designed and equipped for carrying on the trades of welding, metal working and machine work and includes contracting in these trades;

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

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

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

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

“mobile home” means a factory built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system to a lot and which is suitable for year round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures;

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

“multiple-family dwelling” means a dwelling containing three or more dwelling units;

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

“office” means an establishment to accommodate professional, managerial, clerical services, consulting services, the administrative needs of businesses and other organizations, government and non-profit offices, or the sale of services such as travel agents and insurance brokers.

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

“park” means land so designated, available for public use, requiring only a minimum of equipment and includes a conservation park or nature trail, a rest spot or any other development that disturbs the natural environment as little as possible.

“passive recreational use” means a recreational activity that generally does not require a developed site and may include, but is not limited to: trails used for hiking, snowmobiling or the use of all terrain vehicles, cross-country skiing, bicycling, or horseback riding; nature interpretation or observation activities; gardening; canoeing; and hunting and fishing, in accordance with all applicable regulations;

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

“place of learning” means an establishment providing academic or technical instruction;

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

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

“quarriable substance” means sand, gravel, clay, soil, ordinary stone, building or construction stone, and rock other than metallic ores, but does not include topsoil;

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

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

“retail store” means a store or shop used for the selling of commodities or goods to individual consumers for personal use rather than for resale, and without limiting the generality of the foregoing, may include: stores engaged in the sale of antique and second-hand articles, appliances and tools, art and crafts, books, clothing, garden supplies, recreation or sporting goods; bakeries; drug stores; florists; and video rental stores;

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

“salvage yard” means a building, warehouse, yard or other premises in which salvage is stored or kept pending resale or delivery to another person;

“sawmill” means a building or structure used to process wood from sawlogs to another use and may include land used for open storage of raw or finished lumber or products but does not include a portable milling machine used on a temporary basis;

“seasonal roadside vegetable stand” means a pick-your-own fruit, vegetable, or flower operation or farm produce stand set up as an accessory use on a farm, used for the sale of produce from that same agricultural operation.

“secondary use” means a use, other than a main or accessory use;

“self-service storage facility” means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies;

“single-family dwelling” means a dwelling containing only one dwelling unit and may include a mini-home;

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

“small engine service or repair shop” means a use involving the maintenance and repair of low-power internal combustion or electric engines. Equipment repaired included, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, outboard motor, and snowmobiles;

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

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

“stable” means a building or enclosure within which animals other than household pets are kept for utilitarian or therapeutic purposes;

“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 fences which do not exceed two metres in height;

“tourism use” means the use of land, building or structures for the purposes of leisure, recreation, or hospitality services for and accommodation of the travelling public and, without limiting the generality of the forgoing may include an inn, bed and breakfast, recreational vehicle park, mini-golf, and artisan shops, but does not include a hotel, motel, or camping facility;

“two-family dwelling” means a dwelling containing no more than two dwelling units;

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

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

“warehouse” means any use concerned with storage, distribution or transportation of goods and services or related activities including a warehouse or wholesaling establishment which is operated within an enclosed building or structure.

“watercourse” means a waterbody recognized under the *Clean Water Act* and may include the full width and length, including the bed, banks, sides and shoreline, or any part, of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not;

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

“wetland” means land that

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

“width” means, in relation to a lot

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

“wind turbine” means a structure specifically designed to convert the kinetic energy in winds into energy in the form of electricity and includes the wind turbine tower, rotor blades, and nacelle; and may be connected to an electrical utility grid.

SECTION 13.0.0 – PURPOSE, ADMINISTRATION, CLASSIFICATION, AND CONFORMITY

13.1.0 Purpose

13.1.1 The purpose of Part C

- (a) is to divide the Village into zones;
- (b) to prescribe
 - (i) the use of land, buildings and structures in any zone , and
 - (ii) standards to which land use and the placement, erection, alteration and use of buildings and structures must conform; and
- (c) to prohibit
 - (i) land use, and
 - (ii) use, placement, erection or alteration of buildings or structures,

other than in conformity with the uses and standards mentioned in paragraph (b)

13.2.0 Administration: General

13.2.1 “Regional Service Commission” herein applies to the term “commission” as used within the *Community Planning Act*.

13.2.2 Council may, by by-law, amend this rural plan under subsection 74(1) of the *Community Planning Act* or re-zone a lot, subject to terms and conditions, in accordance with section 39 of the said Act.

13.3.0 Specific Powers of the Regional Service Commission

13.3.1 The Regional Service Commission may prohibit the erection of any building or structure on any site where it would otherwise be permitted under this by-law when the site is marshy, subject to flooding, excessively steep or otherwise unsuitable for a proposed purpose by virtue of its soil or topography, in accordance with paragraph 34(3) (g) of the *Community Planning Act*.

13.3.2 As provided for in Section 35 of the *Community Planning Act*, the Regional Service Commission may permit, subject to such terms and conditions as it considers fit,

- (a) a proposed use of land or a building that is otherwise not permitted under the zoning provisions if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the provisions for the zone in which the land or building is situated; or
- (b) such reasonable variance from the requirements of this by-law’s zoning provisions falling within paragraph 34(3)(a) of the said Act 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 this by-law and any statement hereunder affecting such development.

13.4.0 Powers of the Commission

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

13.4.2 The Regional Service Commission is hereby empowered, subject to such terms and conditions as it considers fit,

(a) to authorize, for a temporary period not exceeding 12 months, a development otherwise prohibited by this by-law; and

(b) to require the termination or removal of a development authorized under paragraph Section 13.4.1 (a) at the end of the authorized period.

13.4.3 The Commission may authorize, subject to terms and conditions, the extension of a temporary use for an additional period not exceeding one year, if:

(a) the applicant holds an authorization under Section 13.4.1 (a) that is to expire or has expired,

(b) an application with respect to the land has been made to amend the Rural Plan; and,

(c) the Commission has received a resolution from the Village Council confirming that the Council will consider the application referred to in subsection (b).

13.4.4 The Commission may:

(a) delegate its authority under Section 13.4.1 (a) to the development officer, and,

(b) authorize a delegate under Section 13.4.3 (a) to further delegate his or her authority under Section 13.4.3 (a) to any person

13.4.5 In all zones created by this Regulation, the use of land for the purposes of the supply of

(a) electric power;

(b) natural gas;

(c) water supply and storage;

(d) sanitary sewage disposal and treatment of sewage generated within the planning area;

(e) drainage, including storm sewers;

(f) streets; and

(g) all other public or private utilities,

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose in respect of which the Commission may impose

terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.

13.5.0 Specific Powers of Council

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

13.6.0 Fees for Planning Services

13.6.1 The following planning services are associated with the applicable fees:

- (a) zoning confirmation letter, \$100
- (b) zoning compliance letter, \$200
- (c) processing and considering applications under section 34(3)(h) of the *Community Planning Act* (temporary uses), \$250
- (d) processing and considering requests under section 35 of the *Community Planning Act* (dimensional variances, similar uses, non-conforming uses, conditional uses), \$250
- (e) processing and considering requests for rezoning, \$1500

13.7.0 Classification

13.7.1 For the purposes of this by-law, the Village is divided into zones as delineated on Schedule A, entitled " Village of Tracy Zoning Map ".

The zones mentioned in section 13.7.1 are classified and referred to as follows:

| <u>Zone</u> | <u>Symbol</u> |
|---|---------------|
| Central Residential | R1 zone |
| Rural Residential | R2 zone |
| Commercial | C zone |
| Institutional | INST zone |
| Industrial | I zone |
| Park | P zone |
| Resource Use | RU zone |
| Environmental Protection and Restricted Development | RD zone |
| Gravel Extraction | GE zone |

13.8.0 Conforming and Non-Conforming Uses

13.8.1 In any zone, all land on a lot shall be used, and all buildings and structures, or parts of the buildings or structures, shall be placed, erected, altered or used, only in conformity with the requirements of, except as otherwise approved by Regional Service Commission, the part of this by-law pertaining to such zone.

13.8.2 A non-conforming use is as addressed within sections 40 and 41 of the *Community Planning Act*.

13.9.0 Unauthorized Development

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

13.10.0 Existing Undersized Lot

13.10.1 A lot, vacant on the effective date of this by-law, having less than the minimum frontage, depth or area herein required, may be used for any purpose permitted by the zone in which the lot is located and a building or structure may be erected on the said lot, provided that all other applicable provisions of this by-law, and other Acts and Regulations, are satisfied.

13.11.0 Existing Building or Structure upon an Undersized Lot

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

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

13.12.0 Enforcement and Appeal

13.12.1 The processing of suspected violations to the provisions of this by-law are as specified under sections 91 to 98 of the *Community Planning Act*.

13.12.2 Appeals on the decisions related to a development proposal may be directed to the Assessment and Planning Appeal Board under section 86 of the *Community Planning Act*.

13.13.0 Interpretation

13.13.1 Zoning Map

The policies and proposals contained within this by-law affect future land use and development and are carried out through the zoning provisions.

All zones referred to in this by-law are shown for the Village of Tracy upon Schedule A, entitled "Village of Tracy Zoning Map"

Most zone boundaries follow the lot lines as shown on Schedule A. Some boundaries, however, divide a lot into two or more zones.

13.13.2 The ground location of a lot line shall prevail should

- (a) any discrepancy exist between the location according to Schedule A and as determined on-site; or
- (b) a Service New Brunswick property map, more recent than those used to prepare Schedule A, indicate that a lot line has been repositioned due to the discovery of a

cartographic error or the settlement of a boundary dispute or uncertainty.

13.13.3 However, the ground location of a lot line shall not prevail should, for any reason, a lot as shown on Schedule A become

- (a) subdivided and a subdivided portion becomes part of the adjacent lot or becomes the property of the owner of the adjacent lot; or
- (b) amalgamated with an adjacent lot.

13.14.0 Amendments

13.14.1 A person who seeks to have this Rural Plan amended shall:

- (a) address a written and signed application in duplicate therefore to the Council; and,
- (b) pay a fee of \$1500 as outlined in 13.6.1(e) to the Regional Service Commission

13.14.2 The Regional Service Commission may, if it deems fit, return all or any part of the fee mentioned in subsection 13.14.1 (b).

13.14.3 An application under this section shall include such information as may be required by the Council or the Commission for the purpose of adequately assessing the desirability of the proposal. Before giving its views to the Council with respect to an application under this section, the Commission shall carry out an investigation, as it deems necessary.

13.14.4 Unless, upon the advice of the Commission, 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 the Council, no further application may be considered by the Council for one year if such application is:

- (a) in the case of a zoning amendment application, is in respect of the same area of land with which the original application was concerned; or
- (b) not being in relation to zoning, similar to the original application.

13.15.0 Rural Plan Review

13.15.1 Council shall undertake a review of the Rural Plan in accordance with the *Community Planning Act* no later than 10 years from its commencement or the last review.

SECTION 14.0.0 – GENERAL PROVISIONS

14.1.0 Home Occupations

14.1.1 Where permitted, a home-based business may be conducted as a secondary use within a single-family dwelling or accessory building or structure or upon associated lands, subject to the following conditions:

- (a) that the home-based business shall not consist of a convenience store, eating establishment, automotive sales or rental establishment, salvage yard, machine and weld shop, or any industrial use;
- (b) not more than two persons are engaged in the home occupation in addition to members of the family resident in the dwelling unit;
- (c) the use occupies 25% or less of the total floor area when it is contained within the main building;
- (d) no change that will modify the residential characteristics of the dwelling unit, except for a sign permitted under section 14.7.0, is to be made;
- (e) no goods or services other than those directly pertaining to the home occupation are supplied or sold in or from the dwelling unit;
- (f) that the service not produce inordinate amounts of water or create excessive noise, fumes, dust, vibration, glare, electronic interference, or odour detrimental to the health, safety and general welfare of persons residing in the neighborhood
- (g) that the service not generate sewage in excess of what can be accommodated by an existing sewage disposal system;
- (h) no equipment or material used in the home occupation is stored in any other place than in the dwelling unit or an accessory building; and
- (i) two off-street parking spaces are provided in excess of those required under section 14.5.0.

14.2.0 Garden Suite

14.2.1 Where permitted, a garden suite shall:

- (a) be subject to terms and conditions;
- (b) be constructed, erected or placed in such a manner as to be removable from the lot;
- (c) be removed when no longer in use for the purpose intended;
- (d) be located on a lot which contains at least 4000 sq. metres (1 acre), and
- (e) be provided with an adequate sewage disposal system acceptable to the Department of Health.

14.3.0 Agricultural Operations

14.3.1

The following lot and development standards apply to livestock facilities within the Rural Residential zone:

Livestock Facilities – Development Standards

| Animal Units (AU) | Minimum Lot Size Minimum | Setback from all Lot Lines |
|-------------------------------------|--------------------------|----------------------------|
| Up to 1 AU of rabbits or chickens | 0.4 hectare (1 acre) | 20m |
| Up to 2 AU's of rabbits or chickens | 1 hectare (2.47 acres) | 20m |
| Up to 2 AU of all species | 2 Hectares (5 acres) | 20m |
| >2 to 4 AU of all species | 3 hectares (7.4 acres) | 20m |
| >4 to 6 AU of all species | 4 Hectares (9.9 acres) | 20m |

Note: See definition of Animal Unit

(a) additional animal units will be permitted on lots larger than 4 hectares subject to the approval under the Livestock Operations Act and conformity with the minimum distance separation requirements of this Rural Plan.

(b) no livestock facility established after the adoption of this Rural Plan shall be located within 30 metres of any watercourse, and 75 metres from any well, or inhabited dwelling, other than those on the subject property.

(c) where livestock pasture on a property abuts a road, a fence shall be erected on that property to separate the livestock from the road right-of-way.

(d) no livestock facility established after the adoption of this Rural Plan, planned to accommodate more than six animal units, shall be located within 150 metres of:

- (i) a dwelling, other than a residence located on the same lot as the agricultural operation,
- (ii) an institutional building, and
- (iii) a commercial building

(e) the perimeter of the developed portion of a golf course, campground, or accommodations related to an outfitter operation shall be located no closer than 300 metres of an existing livestock facility with the capacity of greater than six (6) animal units.

(f) in addition to the above requirements, livestock facilities are subject to the Livestock Operations Act.

14.4.0

Building and Structure Projections

14.4.1

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) 15 centimetres (0'6") for sills, leaders, belt courses or similar ornamental features;
- (b) 60 centimetres (2'0") for chimney, smoke stacks or flues;
- (c) 60 centimetres (2'0") for cornices or eaves;
- (d) 1 metre (3'3") for window or door awnings , or open or lattice enclosed fire balconies or fire escapes; or
- (e) subject to section 14.4.2,
 - (i) 1.25 metres (4'1") for steps or unenclosed porches, or
 - (ii) 2 metres (6'7") for balconies of upper storeys of multiple dwellings which are not enclosed above a normal height

14.4.2

Projections mentioned in section 14.4.1(e) may not protrude into a yard to a greater extent than one-half the applicable distance as specified within section 14.11.0.

14.5.0 Off-Street Vehicular Parking

14.5.1 No building or structure shall be placed, erected, altered or used unless off-street vehicular parking spaces are provided in accordance with the remaining requirements of section 14.5.2.

14.5.2 Off-street vehicular parking spaces shall be provided as follows

| <u>TYPE OF USE</u> | <u>MINIMUM PARKING REQUIREMENTS</u> |
|---|---|
| Bank or Trust Company | 6 spaces per 100 square metres (1076 square feet) of total floor area |
| Bed and Breakfast | 1 space per dwelling unit and 1 space per rented room |
| Business, Professional office, Medical or dental clinic | 1 space / 36 square metres (1 space / 388 square feet) of gross floor area |
| Clinic or Veterinary Clinic | 6 spaces per practitioner for the first 5 practitioners, 4 spaces per additional practitioner |
| Church, lodge, club or place, of public assembly | 1 space/8 persons normal attendance |
| Dwelling | 1 space / dwelling unit, plus 1 additional space / 4 dwelling units |
| Place of Learning | 1 space / classroom |
| Eating Establishment | 1 space / 18 square metres (1 space/ 194 square feet) of public floor area |

Retail Store

1 space / 18 square metres (1 space / 194 square feet) of floor area used for selling

Service shop or repair shop

1 space / 27 square metres (1 space/291 square feet) of floor area used for providing services

- 14.5.3 A parking space shall be an area of not less than 6 metres (19'8") in length and not less than 3 metres (9'10") in width.
- 14.6.0 Number of Main Buildings or Structures on a Lot**
- 14.6.1 No more than one main building or structure may be placed or erected on a lot, and no building or structure may be altered to become a second main building or structure on a lot except in accordance with the applicable provisions of section 14.2.0.
- 14.7.0 Signs**
- 14.7.1 A non-illuminated sign may be placed, erected or displayed on any land, building or structure if such sign
- (a) advertises the sale, rental or lease of the land, building or structure;
 - (b) identifies a residential property or the residents of that property;
 - (c) denotes a home occupation or retail sales; or
 - (d) prohibits trespassing, shooting, hunting, or trapping
- 14.7.2 A sign referred to in section 14.7.1 shall not
- (a) exceed in number, one for each purpose mentioned;
 - (b) exceed in size,
 - (i) 1.2 square metres (13 square feet), for a sign mentioned in paragraph (a) thereof, or
 - (ii) 0.37 square metres (4 square feet), for & sign mentioned in Paragraph (b), (c) or (d) thereof; nor
 - (c) on a corner lot, be Positioned within the triangular space included between street lines of a distance of 6 metres (19'8") from their point of intersection so as to obstruct the view of a driver of a vehicle approaching the intersection.
- 14.7.3 In a "Commercial" or "Industrial" zone
- (a) a sign placed flat against the front of the main building if the area of the sign does not exceed the product of the front lot line on which the building is located multiplied by 0.25 metres (0'10");
 - (b) a fixed and permanent free-standing sign situated at least 2 metres (6'7") from the street

line and which does not exceed 3 square metres (32 square feet) in area, 1.5 metres (4'11") width or 2.5 metres (8'2") in length; or

(c) a mobile sign subject to the condition of paragraph (b).

14.7.4 A sign referred to in section 14.7.3

(a) may be illuminated, but such illumination shall not be intermittent;

(b) shall only be erected on the lot on which the business is conducted;

(c) shall not project more than 1.5 metres (4'11") above the top of any main all or parapet to which it is affixed; and

(d) shall not protrude out from the face of the building a distance exceeding 1.5 metres (4'11")

14.7.5 In a RU zone, one sign may be placed, erected or displayed indicating the name of the farm or the sale or rental of the property on which it is placed and may not exceed 2 square metres (22 square feet) surface area.

14.7.6 No sign may

(a) be an imitation of traffic control device or contain the words "stop", "go", "go slow", "caution", "danger", "warning", or similar words;

(b) have a size, location, movement, content, colouring or manner of illumination which may be confused with, construed as, or tend to hide from view any traffic control device; or

(c) advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

14.8.0 Landfill

14.8.1 No person shall use any of the following materials as landfill:

(a) toxic or radioactive materials;

(b) waste;

(c) scrap iron;

(d) construction leaving; or

(e) material likely to harm a watercourse or the water table.

14.8.2 No landfill shall be placed within 30 metres (approximately 100 feet) of the banks or shores of any watercourse, lake or marsh of more than 1 hectare (approximately 2.5 acre) in area.

14.9.0 Lot Sizes

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

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

- (a) for a single-family dwelling or a building or structure not used for residential purposes,
 - (i) a width of at least 18 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 545 square metres;
- (b) for a two-family dwelling,
 - (i) a width of at least 23 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 818 square metres;
- (c) for a three-family dwelling,
 - (i) a width of at least 27 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 1,090 square metres; and
- (d) for a multiple-family dwelling,
 - (i) a width of at least 36 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 1,272 square metres.

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

- (a) for a single-family dwelling or a building or structure not used for residential purposes,
 - (i) a width of at least 23 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 672 square metres;
- (b) for a two-family dwelling,
 - (i) a width of at least 27 metres,
 - (ii) a depth of at least 30 metres, and

- (iii) an area of at least 1,022 square metres;
- (c) for a three-family dwelling,
 - (i) a width of at least 32 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 1,363 square metres; and
- (d) for a multiple-family dwelling,
 - (i) a width of at least 36 metres,
 - (ii) a depth of at least 30 metres, and
 - (iii) an area of at least 1,545 square metres.

14.9.4 Where a lot is not serviced by a sewer system for public use, the lot

- (a) shall have and contain
 - (i) a width of at least 54 metres,
 - (ii) a depth of at least 38 metres, and
 - (iii) an area of at least 4,000 square metres;
- (b) shall not be used as the location for a two-family dwelling, three-family dwelling or multiple-family dwelling.

14.9.5 Notwithstanding subsection (4), where a lot is to be serviced by a private sewage disposal system and has been approved by the district medical health officer, the lot may be used as the location for

- (a) a two-family dwelling where the lot has and contains
 - (i) a width of at least 59 metres abutting a public street, and
 - (ii) an area of at least 5,350 square metres;
- (b) a three-family dwelling where the lot has and contains
 - (i) a width of at least 63 metres abutting a public street, and
 - (ii) an area of at least 6,700 square metres;
- (c) a multiple-family dwelling, where the lot has and contains
 - (i) a width of at least 68 metres abutting a public street, and
 - (ii) an area of at least 8,050 square metres; or
- (d) a senior citizen's home, where the lot abuts a public street.

- 14.9.6 Notwithstanding the provisions of this section, a lot created prior to the adoption of this Regulation, not meeting the requirements of section 14.9.0, may be used for a single-family dwelling if approved by the Department of Health for the installation of a septic tank and disposal field.
- 14.9.7 Where a multiple-family dwelling is located on a lot meeting the requirements of section 14.9.0, those requirements do not apply to a lot resulting from the subdividing of the original lot along a party wall of the dwelling and the requirements of the subdivision by-law do apply.
- 14.10.0 Lot Occupancy**
- 14.10.1 Buildings and structures on a lot shall not occupy more than 50 percent of the area of the lot.
- 14.11.0 Locations of Buildings or Structures on a Lot**
- 14.11.1 No main building or structure may be placed, erected or altered so that it is
- (a) within 7.5 metres (24'7") of a street or highway other than arterial or collector highway;
 - (b) within 15 metres of an arterial or collector highway;
 - (c) within 3.0 metres (9'10") of a side lot line; or
 - (d) within 7.5 metres (24'7") of a rear lot line.
- 14.11.2 No accessory building or structure shall be placed, erected or altered so that it is
- (a) be placed, erected or altered so that it is
 - (i) in the front yard of the main building or structure, or
 - (ii) closer than 3.0 metres (9 '10") to a side lot or rear lot line ;
- 14.12.0 Height of a Main Building or Structure**
- 14.12.1 No main building or structure may exceed 15 metres (49' 3") in height .
- 14.13.0 Size of Dwellings and Dwelling Units**
- 14.13.1 No single-family or two-family dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than
- (a) 32 square metres (344 square feet), in the case of a dwelling containing a bachelor apartment occupying the basement of the dwelling, or
 - (b) 45 square metres (484 square feet), in the case of a dwelling unit other than the one mentioned in Paragraph (a).
- 14.13.2 No multiple-family dwelling may be placed, erected or altered so that it contains a dwelling unit with a floor area less than
- (a) 32 square metres (344 square feet), in the case of a bachelor apartment;

- (b) 45 square metres (484 square feet), in the case of a one-bedroom dwelling unit;
- (c) 55 square metres (592 square feet), in the case of a two-bedroom dwelling unit; or
- (d) 64 square metres (689 square feet) , in the case of a dwelling unit containing three or more bedrooms.

14.14.0 Seasonal Roadside Vegetable and Fruit Stand

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

- (a) the building has a floor area no greater than 22 square metres (237 square feet);
- (b) the building is set back sufficiently so as to be off the public right-of-way (approximately 20 metres or 66' from the centreline) and to provide for at least 4 off-street customer parking spaces;
- (c) the building will be used for no longer than 5 months of any year for the seasonal sale of farm produce; and
- (d) the property is maintained in a neat and orderly fashion.

14.15.0 Stripping of Top Soil

14.15.1 Subject to sections 14.15.2 and 14.15.3, no person may strip, excavate or otherwise remove top soil for sale or for use from a lot or other parcel of land.

14.15.2 Where, in connection with the construction of a building or structure, there is an excess of top soil other than that required for grading and landscaping on the lot, such excess may be removed for sale or for use.

14.15.3 Notwithstanding section 14.15.1, the farming of sod may be carried on where the owner of the land has entered into an agreement with Council subject to section 12.2.0, regarding the satisfactory rehabilitation of land.

14.16.0 Heritage and Archaeological Value

14.16.1 Any application to rezone lands that will foreseeably impact a building or site designated under the Historic Sites Protection Act shall be circulated to the Archaeological Services Section of the Department of Tourism, Heritage, and Culture as a measure to help identify and protect important archaeological resources.

14.17.0 Line of Vision at an Intersection

14.17.1 On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall be erected or permitted to grow to a height more than 0.6 metres above the grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 5 metres from their point of intersection.

14.18.0 Lighting Facilities and Illuminating Devices

14.18.1 No lighting facilities or illuminating device for any purpose may be arranged in such a manner as to

cause a nuisance.

14.19.0 Wind Turbines

14.19.1 Wind turbines shall be permitted in all zones as an accessory use outside the Central Area, if such wind turbine is:

- (a) setback, at minimum, 1.5 times the total height of the wind turbine from the rear, front, and side lot lines, dwellings, transmission lines, and public right-of-ways;
- (b) located on the same property as the main use; and
- (c) removed if electricity is not in use for period of two years.

14.20.0 Solar Collector Systems

14.20.1 Solar collector systems are permitted as an accessory use in all zones subject to the following:

- (a) be located on the same property as the main use;
- (b) not to exceed a total height of 1.5 metres from the highest peak of the structure upon which it is located;
- (c) freestanding solar collectors are setback, at minimum, 1.5 times the total height of the solar collectors from the rear, front, and side lot lines, dwellings, transmission lines, and public right of ways;
- (d) freestanding solar collectors will must be removed if the system does not produce electricity for a period of greater than one year;
- (e) attached solar collectors must be removed if electricity is not generated for a period of two years.

14.21.0 Standards for Gravel Pits

14.21.1 The final perimeter of all gravel pits shall not be located within:

- (a) 30 metres of a road, street, highway, easement or right-of-way;
- (b) 100 metres of the foundation of any building;
- (c) 100 metres of a private water supply well;
- (d) 75 metres of the ordinary high water mark or bank of a watercourse;
- (e) 50 metres of a residential property boundary; and
- (f) 15 metres of any lot line of an abutting property.

14.21.2 All gravel pit operations shall have adequate signage posted around the perimeter and visible from any access, warning people of any dangerous situations associated with the operation.

- 14.21.3 An undisturbed buffer strip that is not less than 3 metres high shall be maintained at least 15 metres wide between the final perimeter of all gravel pits and a street, road or highway, or any abutting lot line.
- 14.21.4 The gravel pit shall not serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues or any other material likely to be harmful to the environment.
- 14.21.5 No excavation may take place to a depth below the groundwater table.

SECTION 15.0.0 – RESIDENTIAL ZONES: CENTRAL RESIDENTIAL (R1 ZONE)

15.1.0 Permitted Uses

15.1.1 In a R1 zone, 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 single-family dwelling,

(ii) a two-family dwelling,

(iii) a multiple-family dwelling, subject to terms and condition as imposed by the Commission,

(iv) a day care home,

(v) a special care home,

(vi) a personal service establishment,

(vii) a day care center, and

(b) the following secondary uses:

(i) a home occupation, subject to 14.1.0,

(ii) a bed and breakfast,

(iii) a garden suite, subject to 14.2.0; and

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

SECTION 16.0.0 – RURAL RESIDENTIAL (R2 ZONE)

16.1.0 Permitted Uses

16.1.1 In a R2 zone, 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 single-family dwelling,

(ii) a two-family dwelling,

(iii) a multiple-family dwelling, subject to terms and condition as imposed by the Commission,

(iv) a day care home,

(v) a special care home,

(vi) a personal service establishment,

(vii) a day care facility, and

(b) the following secondary uses:

(i) a home occupation, subject to section 14.1.0,

(ii) a bed and breakfast,

(iii) a garden suite, subject to 14.2.0,

(iv) an agricultural operation, subject to 14.3.0; and

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

SECTION 17.0.0 – COMMERCIAL ZONE (C ZONE)

17.1.0 Permitted Uses

17.1.1 In a C zone, 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) an automotive repair shop,
- (ii) an automotive sales or rental establishment,
- (iii) an office,
- (iv) a retail store,
- (v) a general service shop,
- (vi) a community recreational facility, outdoor recreation facility, or commercial recreational facility,
- (vii) a personal service establishment,
- (viii) an eating establishment,
- (ix) a convenience store,
- (x) a gasoline bar,
- (xi) a self-service storage facility, and

(b) one of the following secondary uses:

- (i) a single-family dwelling; and

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

SECTION 18.0.0 – INSTITUTIONAL ZONE (INST ZONE)

18.1.0 Permitted Uses

18.1.1 In an INST zone, any land, building or structure may be used for purposes of, and for no other purpose,

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

- (i) a community centre,
- (ii) a cemetery,
- (iii) a community recreational facility, outdoor recreation facility, or commercial recreational facility,
- (iv) a place of learning,
- (v) a fraternal lodge,
- (vi) a funeral home,
- (vii) an office,
- (viii) a clinic,
- (ix) a place of worship,
- (x) a single family dwelling; and

(b) any accessory building, structure or use to an authorized main or secondary use.

SECTION 19.0.0 – INDUSTRIAL ZONE (I ZONE)

19.1.0 Permitted Uses

19.1.1 In an I zone, 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, subject to terms and conditions as may be imposed by the commission:

- (i) a manufacturing operation,
- (ii) a warehouse,
- (iii) a heavy equipment manufacturing, sales or service operation,
- (iv) a sawmill,
- (v) a scrap yard or auto salvage yard,
- (vi) any use permitted in an "C" zone; and

(b) the following secondary use:

- (i) a single-family dwelling; and

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

SECTION 20.0.0 – PARK ZONE (P ZONE)

20.1.0 Permitted Uses

20.1.1 In a P zone, 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 park,

(ii) a community recreational facility, outdoor recreation facility, or commercial recreational facility,

(iii) a passive recreation use; and

(b) any accessory building, structure or use to an authorized main use.

SECTION 21.0.0 – RESOURCE USE ZONE (RU ZONE)

21.0.0 Permitted Uses

21.1.0 In a RU zone, 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) an agricultural operation,
- (ii) a single-family dwelling,
- (iii) a two-family dwelling,
- (iv) a personal service establishment,
- (v) a multiple-family dwelling, subject to terms and condition as imposed by the Commission,
- (vi) a seasonal roadside vegetable stand, subject to section 14.14.0,
- (vii) any use permitted in an "INST" zone; and

(b) the following secondary uses:

- (i) a home occupation, subject to section 14.1.0,
- (ii) a bed and breakfast,
- (iii) a garden suite, subject to 14.2.0; and

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

SECTION 22.0.0 – ENVIRONMENTAL PROTECTION AND RESTRICTED DEVELOPMENT ZONE (RD ZONE)

22.1.0 Permitted Uses

22.1.1 In a RD zone, 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 park; and

(ii) a passive recreation use; and

(b) any accessory building, structure or use to an authorized main or secondary use.

SECTION 23.0.0 – GRAVEL EXTRACTION ZONE (GE ZONE)

23.1.0 Permitted Uses

23.1.1 In a GE zone, 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 gravel pit, subject to sections 14.21,
- (ii) any use permitted in an "RU" zone; and

(b) the following secondary uses:

- (i) a home occupation, subject to section 14.1.0,
- (ii) a bed and breakfast,
- (iii) a garden suite, subject to 14.2.0; and

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

**VILLAGE OF TRACY
BY-LAW No. 29**

**VILLAGE OF TRACY
RURAL PLAN**

The Council of the Village of Tracy, under authority vested in it by Section 27.2 of the *Community Planning Act*, enacts as follows:

1. (a) A Rural Plan for the physical development and improvement of the Municipality is hereby adopted.
- (b) The document entitled "Village of Tracy Rural Plan"(By-law No. 29), including that part referred to as " Village of Tracy Zoning Map ", attached as Schedule "A", constitutes the Rural Plan mentioned in subsection (a) above.
2. (a) Upon enactment of this by-law, the following by-laws and any amendments thereto shall be repealed:

By-law No. 24 Village of Tracy Rural Plan

READ A FIRST TIME

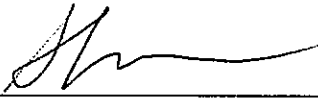
Jun 9 / 14

READ A SECOND TIME

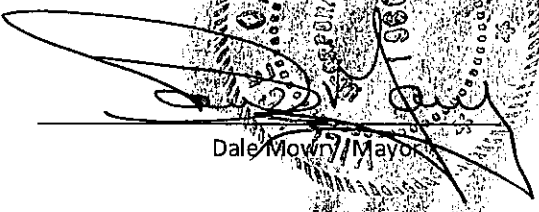
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READ A THIRD TIME AND ENACTED

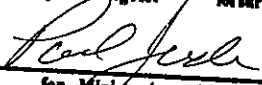
Jul 14 / 14



Susan Phillips, Clerk
APPROUVE
En application de l'article 69
de la Loi sur l'urbanisme


Dale Mowry / Mayor

APPROVED
pursuant to S. 69
Community Planning Act



for - Minister / pour le/la Ministre
Environnement and Local Government
Environnement et Gouvernements locaux

August 11, 2014
Date

