

I certify that this instrument is registered or filed in the

York
County Registry Office,
New Brunswick

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

York
Nouveau-Brunswick



2025-01-13 11:41:15 45706257
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K. Meatt
Registrar-Conservateur

Hanwell Rural Community
By-Law No. 34-2024

A By-Law to Amend the Rural Community of Hanwell Rural Plan (By-Law No. 11-2016)

Pursuant to section 59 of the *Community Planning Act*, the Council of the Hanwell Rural Community enacts the following amendments to *The Rural Community of Hanwell Rural Plan (By-Law No. 11-2016)*:

1. The following amendment to subsection 2.4 (1):

2.4(1) For the purposes of the By-Law the area is divided into zones as delineated on the plan attached as Schedule "A", entitled "rural community of Hanwell Zoning Map" and dated February 2016 and is amended by Schedules 12-2016-B1, 12-2016-B2, 15-2019-D1, and 31-2023-I1.

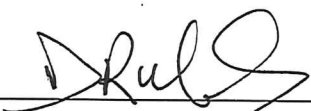
2. That the land having PID 75193813, as shown on the map herein attached as Schedule 34-2024-K1, is hereby rezoned, subject to the terms and conditions contained in Schedule 34-2024-K, pursuant to section 59 of the *Community Planning Act*, from Residential – "R" Zone to Commercial and Light Industrial – "CLI" Zone, within the Rural Community of Hanwell of the parish of Kingsclear and the county of York, being within the designated area of the Rural Community of Hanwell Rural Plan (By-Law No. 11-2016).

This By-Law shall come into effect and be binding on all persons as of and from the date filed at the Registry Office.

First Reading: December 5/24

Second Reading: December 16/24

Third Reading: December 18/24



Dave Morrison, Mayor



Sherri Johnston, Clerk



Hanwell Rural Community
By-Law No. 34-2024
Schedule 34-2024-K

THIS AGREEMENT MADE THIS 18th day of December 2024.

Between: THE HANWELL RURAL COMMUNITY, a Municipal Body Corporate, being situated in the County of York, in the Province of New Brunswick (hereinafter referred to as the "Municipality")

AND: Richa Kathpal (hereinafter referred to as the "applicant")

WHEREAS the Municipality has been asked to rezone property currently owned by Richa Kathpal and Amit Kumar located in the Hanwell Rural Community, NB, PID 75193813, from Residential - "R" Zone to Commercial and Light Industrial - "CLI" Zone, under section 59 of the Community Planning Act,

AND WHEREAS the Municipality is authorized by the provisions of Section 59 of the Community Planning Act to enter into an Agreement with the applicant imposing reasonable terms and conditions, as a Resolution of council,

NOW THEREFORE WITNESSETH that for and in consideration of mutual covenants and agreements contained herein, the Municipality and the applicant covenant and agree to as follows:

1. THAT the permitted use on PID 75193813, as outlined in Schedule 34-2024-K1, be limited to the following uses from the Commercial and Light Industrial "CLI" Zone, section 4.6 of the plan:
 - a. (i) an automotive sales or rental establishment;
 - b. (b) one or more of the following secondary uses:
 - i. an attached or single family dwelling, and
 - ii. a multiple family dwelling; and
- c. b) accessory buildings, structures, or uses;
2. THAT a maximum of nine (9) vehicles is permitted on the lot at any time, including both personal and business vehicles;
3. THAT all vehicles intended for business purposes, whether for purchase or sale, must be stored at the rear of the property, behind the garage;
4. THAT tire-changing services shall be limited exclusively to vehicles intended for purchase and resale as part of business operations.
5. THAT all signage must comply with the specifications outlined in the Hanwell Signage By-Law No. 10-2015;
6. THAT the business is permitted to operate seven (7) days a week, from 9:00 AM to 7:00 PM;
7. THAT the business adhere to any applicable Federal and Provincial government regulations;
8. THAT there be no on-site disposal of hazardous materials and that all hazardous materials be disposed of off-site by a waste management company;
9. THAT no derelict vehicles be stored on the property;
10. THAT prior to commencing operations, a new access permit be obtained from the Department of Transportation and Infrastructure.
11. THAT where possible, existing trees and shrubs be maintained around the perimeter of the property;
12. THAT where a treed buffer is not feasible, a full-height privacy fencing shall be installed.
13. THAT exterior lighting be located, arranged, or shielded as not to interfere with local traffic or with nearby landowners in the reasonable enjoyment of their properties;
14. THAT the rezoning of lands herein does not mean an approval on the issuing of

Hanwell Rural Community
By-Law No. 34-2024
Schedule 34-2024-K

subsequent permits or approvals, such as for building or subdivision.

15. THAT any additional services beyond those specified in the application require the applicant to contact the CRSC Planning and Development office to assess the necessity of obtaining any further land use approvals.

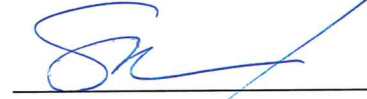
Any violations of terms and conditions as set out by Council resolutions and contained within these agreements may result in the termination and cancellation of this rezoning within 30 days of written notice.

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 18th day of Dec 2024.

HANWELL RURAL COMMUNITY



MAYOR



CLERK



WITNESS



APPLICANT



WITNESS



I, Sherri Johnston, of the Hanwell Rural Community in the County of York and Province of New Brunswick, do hereby certify:

That I am the Clerk of the said Hanwell Rural Community, and as such have the custody of the minutes and records of the Council of the said Hanwell Rural Community and the Common Seal of the said Municipality.

That hereto attached is a true copy of a by-law entitled By-Law No. 34-2024, enacted by the Hanwell Rural Community Council on the 18th day of December 2024 by Resolution #12-12-2024.

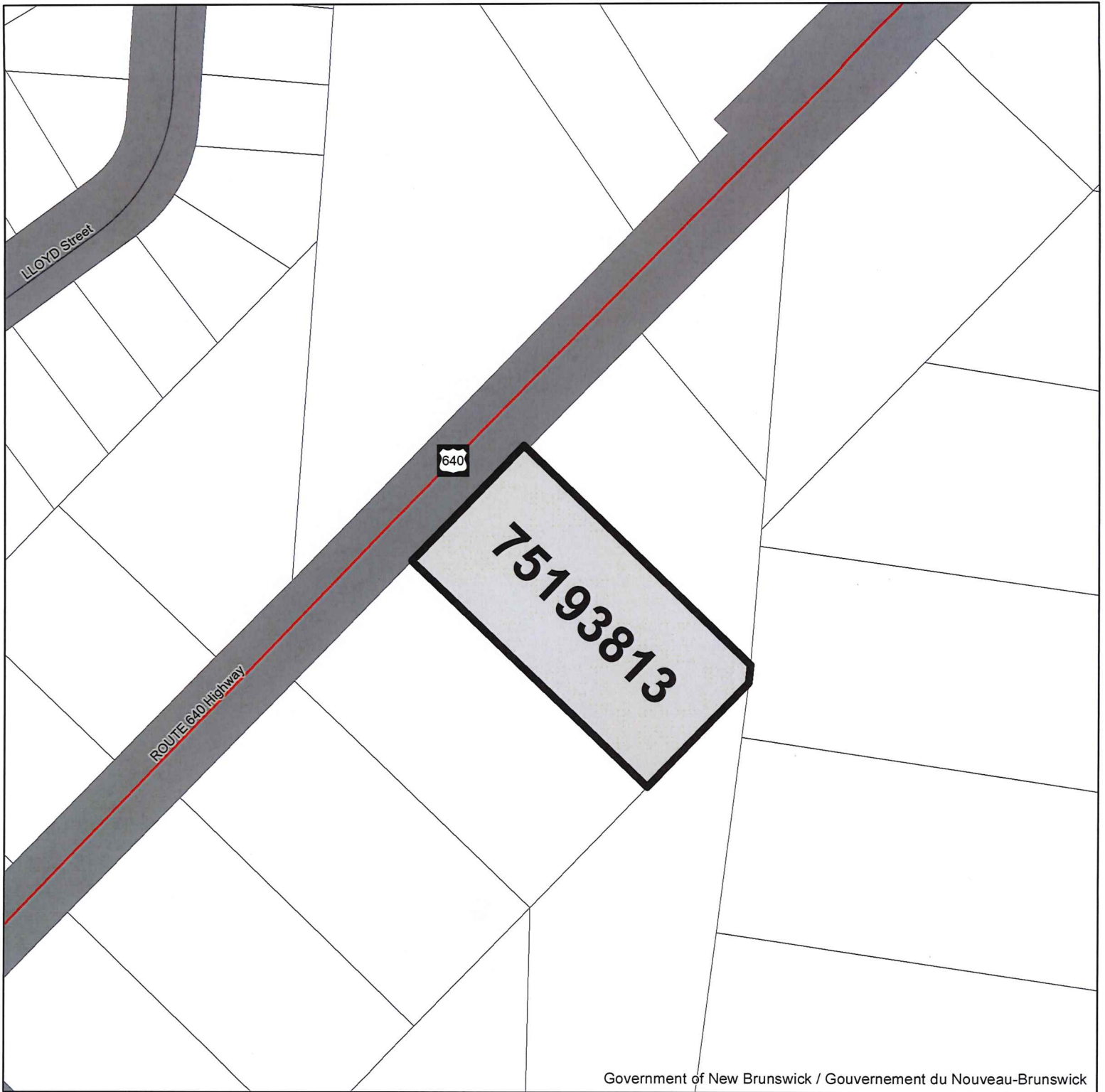
That I have carefully compared the said by-law with the original and the same is a true copy thereof.

Dated at the Hanwell Rural Community Office on the 19th day of December 2024.

I certify that the attached document has been compared with the original and is a true copy thereof.

Sherri Johnston
Clerk





Government of New Brunswick / Gouvernement du Nouveau-Brunswick

HANWELL RURAL COMMUNITY

The rural community of Hanwell Rural Plan
 Schedule 34-2024-K1
 Dated: September 2024
 By-Law Number 34-2024

This By-Law Rezones property as shown
 from Residential - "R" Zone to
 Commercial Light Industrial - "CLI" Zone,
 under Section 59 of the Community Planning Act.



Scale 1:1,500



Analysis Demonstrating Compliance to the Statement of Public Interest Regulation

SETTLEMENT PATTERNS	
<input checked="" type="checkbox"/>	SP.1 Promote efficient development and land use patterns that are in the best interests of the Province, local governments and residents of the Province in the long-term.
<i>The document meets this SPI because:</i> This will create a commercial opportunity in a rural area.	
<input checked="" type="checkbox"/>	SP.2 Promote a range of housing options such as size, type, density and design throughout communities.
<i>The document meets this SPI because:</i> There are no terms and conditions limiting the housing options aside from what is already established in the rural plan.	
<input type="checkbox"/>	SP.3 Support the provision of a range of affordable housing options throughout communities.
<i>The document meets this SPI because:</i> N/A	
<input checked="" type="checkbox"/>	SP.4 Avoid development and land use patterns that may cause environmental or health and safety issues.
<i>The document meets this SPI because:</i> This is a mixed land-use opportunity in an existing neighbourhood.	
<input type="checkbox"/>	SP.5 With respect to development that occurs in a community with existing or planned public infrastructure and services, promote development in locations where the public infrastructure and services are or are planned to be available.
<i>The document meets this SPI because:</i> N/A	
<input checked="" type="checkbox"/>	SP.6 With respect to development that occurs in a community with no existing or planned public infrastructure or services, promote development in locations with previously constructed and actively maintained roads.
<i>The document meets this SPI because:</i> The development will create a commercial opportunity in a residential area.	
<input type="checkbox"/>	SP.7 Promote a range of transportation options, including public, regional and active transportation.
<i>The document meets this SPI because:</i> N/A	

<input type="checkbox"/>	SP.8 Promote the use of green infrastructure, including climate resilient lands.
<i>The document meets this SPI because: N/A</i>	
<input type="checkbox"/>	SP.9 Promote development in downtown areas and urban cores through increased density, infill and brownfield development.
<i>The document meets this SPI because: N/A</i>	

AGRICULTURE	
<input checked="" type="checkbox"/>	AA.1 Identify prime agricultural areas and prioritize them for agricultural uses and other compatible uses.
<i>The document meets this SPI because: This property is not in a prime agricultural area.</i>	
<input checked="" type="checkbox"/>	AA.2 Identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses.
<i>The document meets this SPI because: N/A – This property is not in a fishery or aquaculture area.</i>	
<input checked="" type="checkbox"/>	AA.3 Consider set-backs, including reciprocal setbacks if appropriate, between areas with an agricultural use, fishery use or aquaculture use and areas used for incompatible purposes.
<i>The document meets this SPI because: N/A – This property is not in a prime agricultural or aquacultural area.</i>	

CLIMATE CHANGE	
<input checked="" type="checkbox"/>	CC.1 Promote energy conservation and efficiency, improved air quality, climate change mitigation and climate change adaptation through development and land use patterns.
<i>The document meets this SPI because: As a mixed-use opportunity, outside hazard areas, this proposal does not contribute to additional climate change vulnerabilities.</i>	

<input checked="" type="checkbox"/>	CC.2 Consider how the siting and design of infrastructure can improve air quality and energy conservation and efficiency, minimize the health and public safety impacts of climate change and increase climate resiliency.
<i>The document meets this SPI because: As a mixed-use opportunity, outside hazard areas, this proposal does not contribute to additional climate change vulnerabilities.</i>	

FLOOD AND NATURAL HAZARD AREAS	
<input checked="" type="checkbox"/>	FH.1 Identify flood and natural hazard areas using provincial flood hazard mapping, provincial erosion mapping and other resources.
<i>The document meets this SPI because: Verified through the GeoNB open data catalogue, this property is not in a flood or natural hazard area.</i>	
<input checked="" type="checkbox"/>	FH.2 Promote land use and development in areas other than flood and natural hazard areas.
<i>The document meets this SPI because: This property is not in a flood or natural hazard area.</i>	
<input checked="" type="checkbox"/>	FH.3 Promote land use and development that are not expected to increase the impacts on safety and costs associated with flooding and natural hazards.
<i>The document meets this SPI because: N/A - This property is not in a flood or natural hazard area.</i>	
<input checked="" type="checkbox"/>	FH.4 Promote land use and development that incorporate mitigation measures with respect to flooding and natural hazards or that are appropriate for areas subject to natural hazards.
<i>The document meets this SPI because: N/A - This property is not in a flood or natural hazard area.</i>	

NATURAL RESOURCE DEVELOPMENT	
<input checked="" type="checkbox"/>	NR.1 Identify natural resource development areas and environmentally sensitive areas.
<i>The document meets this SPI because: Verified through GeoNB open data catalogue - this property is not in a natural resource development area nor an environmentally sensitive area.</i>	
<input checked="" type="checkbox"/>	NR.2 Prioritize natural resource development areas for natural resource extraction and development.

	<i>The document meets this SPI because: N/A - this property is not in a natural resource development area.</i>
<input checked="" type="checkbox"/>	NR.3 Prioritize environmentally sensitive areas for conservation and protection.
	<i>The document meets this SPI because: N/A - this property is not in a natural resource development area.</i>
<input checked="" type="checkbox"/>	NR.4 Consider set-backs, including reciprocal setbacks if appropriate, between natural resource development areas or environmentally sensitive areas and areas used for incompatible purposes.
	<i>The document meets this SPI because: N/A - this property is not in a natural resource development area nor an environmentally sensitive area.</i>

I, Malinda Parks, residing in the City of Fredericton in the Province of New Brunswick, do hereby certify:

1. That I am a Registered Professional Planner in good standing, in accordance with the meaning set out in the *Registered Professional Planners Act* of New Brunswick
2. That this document is entitled *By-Law No. 34-2024 – A By-Law to Amend the Rural Community of Hanwell Rural Plan (By-Law No. 11-2016)* and is an amendment to a rural plan for a local government as defined in the *Community Planning Act* of New Brunswick.
3. That this document was prepared under my direction.
4. That this document complies with the provisions of the *Community Planning Act* of New Brunswick and the Regulations under that Act, including that this document is aligned with the *Statement of Public Interest Regulation*, as detailed within the attached analysis.
5. This document is *By-Law No. 34-2024 – A By-Law to Amend the Rural Community of Hanwell Rural Plan (By-Law No. 11-2016)* adopted by the local government council of the Hanwell Rural Community on the 18th of December 2024.

Dated at the Capital Region Service Commission on the 3rd of January 2025.



Malinda Parks
Print Name

Malinda Parks
Signature

