

BY-LAW 87-1

VILLAGE OF HARVEY

BASIC PLANNING STATEMENT BY-LAW

The Council of the Village of Harvey, Under Authority vested in it by section 30 of the **Community Planning Act** enacts as follows:

1. The document entitled "Village of Harvey – Basic Planning Statement" dated November 1986 attached hereto as Schedule "A" is hereby adopted as the basic planning statement for the physical development and improvement of the Village of Harvey.
2. By-Law No. 78-1 of the Village of Harvey, being the previous Basic Planning Statement By-Law is hereby repealed

READ FIRST TIME: January 14, 1987

READ SECOND TIME: January 14, 1987

READ THIRD TIME AND ENACTED:

February 17, 1987

Dorothy Bird

Clerk

Charles Arthur Smith

Mayor

Schedule "A"

VILLAGE OF HARVEY

BASIC PLANNING STATEMENT

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Department of Municipal Affairs and Environment

Province of New Brunswick

November 1986

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1. PURPOSE OF THE BASIC PLANNING STATEMENT

This Basic Planning Statement has been prepared in accordance with the provisions of the New Brunswick Community Planning Act. Its purpose is to establish a rational framework for the orderly physical and socio-economic development of the Village of Harvey. Therefore, this document is a statement of the general objectives and specific policies that will guide the designation and distribution of existing and future land uses, as well as provide for the economic delivery of public services.

In essence, this Basic Planning Statement is a declaration of Harvey's prevailing community values in terms of the way it wishes to manage its resources. The statement will become a legal document when: (1) it is adopted by the Council as a by-law; (2) the by-law is approved by the Minister of Municipal Affairs and Environment; and (3) is registered in the Registry Office. However, this Statement should not be considered a static document in order to best reflect changing community needs and to ensure that it remains an accurate statement of planning objectives.

2. GENERAL OBJECTIVES OF THIS BASIC BY-LAW PLANNING STATEMENT

- A. To maintain Harvey's physical character, integrity, and charm;
- B. To promote a healthy socio-economic climate within the community;
- C. To ensure that future physical development within the Village takes place in a rational manner; and

D. To reduce conflicts between all types of land-use in Harvey.

3. PHYSICAL AND LAND-USE CHARACTERISTICS

The Village of Harvey is situated in York County, approximately 55 km southwest of Fredericton. Most commercial and institutional development in the community is located adjacent to Route #3, a provincial highway which bisects the municipality. A commercial focus is found at the intersection of Route #3 and Route #636. Intense residential development is found adjacent to Route #3, Route #636, the Hanselbacher Road, as well as in the Cherry Hill Subdivision. The only industrial activity within municipal boundaries is a sawmill located in the centre of the Village adjacent to the Canadian Pacific Railway tracks. A small park operated by the Harvey Improvement Association is situated adjacent to Harvey Lake and Route #636. Remaining land-use activity in Harvey is resource-based. Agricultural land-use activity predominates near the northern and southern boundaries of the Village, while substantial tree cover is found in the western sector and east of Route #3 adjacent to the C.P.R. tracks.

4. POPULATION AND ECONOMIC CHARACTERISTICS

According to the 1981 census compiled by Statistics Canada, Harvey had 356 residents that year. By comparison, the population of the Village was 376 in 1976, and 383 in 1971. This decline in population is relatively insignificant over a ten-year time horizon, and is in line with the experience of many other

New Brunswick municipalities during this period. Moreover, these characteristics suggest that there were no major fluctuations in the local economy between 1971-1981.

In fact, recent developments in the area suggest that Harvey's economic base may be improving. While agriculture and service-related industries have traditionally been the backbone of the local economy, some residents have been able to obtain employment in area mines and at a small garment mill which has recently opened just outside of the Village boundaries. These sources of employment should provide some stimulus to the local economy as well as inhibit the likelihood of further population declines.

5. COMMUNITY SERVICES AND FACILITIES

Given its population and tax base, the scope of community services provided for the residents of Harvey is exceptional. Police service within the Village is supplied by the Royal Canadian Mounted Police and the New Brunswick Highway Patrol. The Harvey Fire Department, although situated outside municipal boundaries, provides good service to the Village and its surrounding areas. Almost 90% of homes and businesses in Harvey are attached to the municipal sewage system. At present, this system has substantial surplus capacity at its treatment plant. Harvey is also fortunate to have a good supply of potable water. A small portion of the Village is serviced by a municipal water system maintained by the Provincial Government, while the rest of the community uses individual wells. While garbage collection is a further service provided by the municipality, all waste matter is deposited outside of the Village in a regional dump.

In addition to those services supported directly by the municipal government, residents of Harvey also enjoy an array of services and facilities supported by the Provincial Government and the private sector. An Elementary School is located within the Village, while Junior High School and High School facilities are located just outside the municipal boundary. Health service for area residents is provided in a local community hospital. Ambulance service to the community is also based out of this facility. The Swanhaven Nursing Home, a privately operated facility, serves the needs of local residents who require extended care.

The recreational needs of Harvey's residents are addressed by several facilities. In addition to the gyms and fields available at local schools, residents are able to use the ball park and beach which is owned by the Harvey Improvement Association. The Harvey Community Memorial Recreation Centre is also well used as is the Harvey Curling Club. To complement existing facilities, local residents are now in the process of raising funds to build an Arena complex adjacent to the Recreation Centre.

6. DEVELOPMENT POLICIES

The development policies which follow recognize the Village's historical development patterns, and seek to use them as a rational basis for future development. An accompanying Future Land-Use Map shows the areas where different forms of new development will be permitted. These forms of development are described in the remainder of this section of the Basic Planning Statement.

6.1 Residential

All future residential development shall conform to the standards set out in this Basic Planning Statement and corresponding implementation By-Laws.

Every lot, block, and other parcel of land in a subdivision shall abut a street owned by the Crown or the Municipality, or such access other than a street as may be approved by the Planning Advisory Committee as being advisable for the development of land. Furthermore, a person proposing to subdivide land shall provide within the subdivision, or contribute to the cost thereof to the extent required by the Subdivision By-Law, such facilities as streets, curbing, culverts, drainage ditches, and other as may be required by the by-law for that class of subdivision.

Provincial set-back regulations (New Brunswick Regulation 84-292 under the Community Planning Act) shall apply to all development. It shall be the responsibility of the Development Officer to issue Certificates of Set-Back, where required under this Regulation. The Development Officer may seek the assistance of the District Highway Engineer (or designate) in issuing Certificates of Set-Back,

Only single-family detached residential dwellings shall be permitted within the residential land-use area. For those dwellings serviced by municipal sewage the minimum lot size shall include a frontage of at least 30 m, a depth of at least 30 m, and an area of at least 900 sq. m. For those dwellings not serviced by the municipal sewage the minimum lot size shall include a frontage of 54 m, a depth of at least 38 m, and an area of at least .41 ha. In addition, no building or structure may exceed 8.5 m in height.

Mobile homes and mini-homes shall not be permitted in Residential Land-use areas, but may be permitted in Rural areas provided a development agreement can be reached between Council and the developer under the provisions of Section 39 of the N.B. Community Planning Act.

However, other forms of residential development may be permitted in Residential Land-use areas subject to the negotiation of an agreement between Council and the developer under the provisions of Section 39 of the N.B. Community Planning Act.

Non-residential uses which are complimentary to and serve the needs of residential districts may also be permitted in a Residential Land-use area. These non-residential uses may include schools, parks, day-care centers, and public utilities. They should be cited so as to minimize their effect on adjacent residential areas.

Home businesses, i.e., any occupation conducted for gain or support as an accessory use within a dwelling unit by one or more members of the family residing in such unit, may be permitted in a Residential Land-use area provided that no more than 25% of the unit's total floor area is used for business purposes. Such activity shall only be permitted if: (a) the residential character of the unit is maintained; (b) there is no outside storage of material or equipment; (c) the use does not generate excessive truck movements for pick-up and delivery; (d) there is no display of goods or advertising other than a small non-illuminated sign; and (e) no excessive on-street parking or noise is generated.

6.2 Commercial

A small commercial core area centered at the intersection of Route #3 and Route #636 has been designated to encourage the creation of a commercial focus in the Village. New development within a “commercial designation shall be limited to professional and administrative offices, hotels and motels, and complementary institutional uses. Mixed commercial-residential buildings may also be developed provided that the commercial use is located on the ground floor of the structure. However, residential units will be permitted over commercial uses only where amenities normally associated with residential areas are provided.

While existing commercial uses outside of the core area have also been designated “Commercial”, it shall be the policy of the Council to encourage new commercial development to locate within the core area. It shall also be the policy of the Council to encourage the creation of a safe and pleasant pedestrian environment in all commercial areas, and to ensure that sufficient off-street parking is provided as part of all new commercial development projects.

6.3 Institutional

Institutional areas have been designated in recognition of existing public buildings and grounds, churches, cemeteries, and schools. Provisions have been made in this Statement for the location of new Institutional uses within Residential, Commercial, and Rural areas if required.

No institutional building or structure may be placed or erected on a lot whose areas, width, and depth does not conform to requirements established under the N.B. Health Act.

6.4 Rural

The predominant use of land in “Rural” areas shall be for forestry, agricultural, conservation, and/or recreational purposes. Other permitted uses shall include single-family detached residential dwellings, institutional development, and public utilities. Mobile homes and mini-homes may be permitted subject to the negotiation of a development agreement between Council and the developer under the provisions of Section 39 of the N.B. Community Planning Act. Sand and gravel excavation activities may also be permitted provided that they are licensed by the municipality.

All development within rural areas shall conform to any applicable Provincial regulations. In addition, no building or structure (with the exception of churches, barns, and silos) may exceed 10 m in height.

6.5 Agricultural

Existing agricultural lands have been designated as such on the Future Land-Use Map. The use of these lands shall be limited to farm-related activities, including the construction of a single-family detached residential dwelling for those actively engaged in farming the property. Any residential construction in an “Agricultural” area shall conform to the site standards established in section 6.1 of this Statement.

6.6 Recreation

“Recreation” designations have been applied to existing community recreation facilities. The only development permitted in these areas shall be that which is directly related to recreational or community use.

6.7 Industrial

The sawmill has been designated as an “Industrial” use on the Future Land-Use Map. Any new development on this site shall be of light-industrial, non-polluting nature.

6.8 Disposal

The sewage lagoon and its environs have been designated as a “Disposal” area. Only those activities directly related to the sanitary treatment of waste shall be permitted in this area.

7. NON-CONFORMING USES

The Community Planning Act permits existing uses that do not comply with the land-use designations established by this Basic Planning Statement to continue as legal non-conforming uses. However, a legal non-conforming use shall cease when: (a) it is discontinued for a period of ten months, or such further period as the Planning Advisory Committee considers fit; (b) the building or structure has been damaged to the extent of at least half of the whole (excluding the foundation), unless the Planning Advisory Committee agrees that it should be rebuilt.

8. IMPLEMENTATION AND AMENDMENT

Upon its registration as a by-law, this Basic Planning Statement constitutes a legal document which shall be implemented through the adoption of (or revision to) various implementation by-laws. These by-laws may include a Zoning by-law, a Subdivision by-law, a Building by-law, a Dangerous or Unsightly Premises by-law, and such other by-laws as Council deems appropriate. All

implementation by-laws shall conform to this Statement. Moreover, all public works programs undertaken by the municipality shall also conform to this statement.

The Community Planning Act requires that this Basic Planning Statement be reviewed every five years. However, it may be amended at any time within the five year period, provided that the residents of Harvey are given notice that the Statement is going to be amended, and that Council hear and consider objections to any proposed amendment. An amendment to the Basic Planning Statement is required: (1) where any major policy intent is to be changed; (2) where a land-use development will violate the Future Land-Use Map; and (3) where detailed secondary or functional plans are to be incorporated into the Statement.

Amendments may also become necessary when a proposal, policy, or development standard no longer suit the best interest of the community as a whole. However, those amendments which accommodate only individual preference, and not the best interest of the whole community, undermine the effectiveness of the Basic Planning Statement and should therefore be avoided.