Hanwell Rural Community

By-Law No. 31-2023

A By-Law to Amend the Rural Community of Hanwell Rural Plan (By-Law 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 11-2016)*.

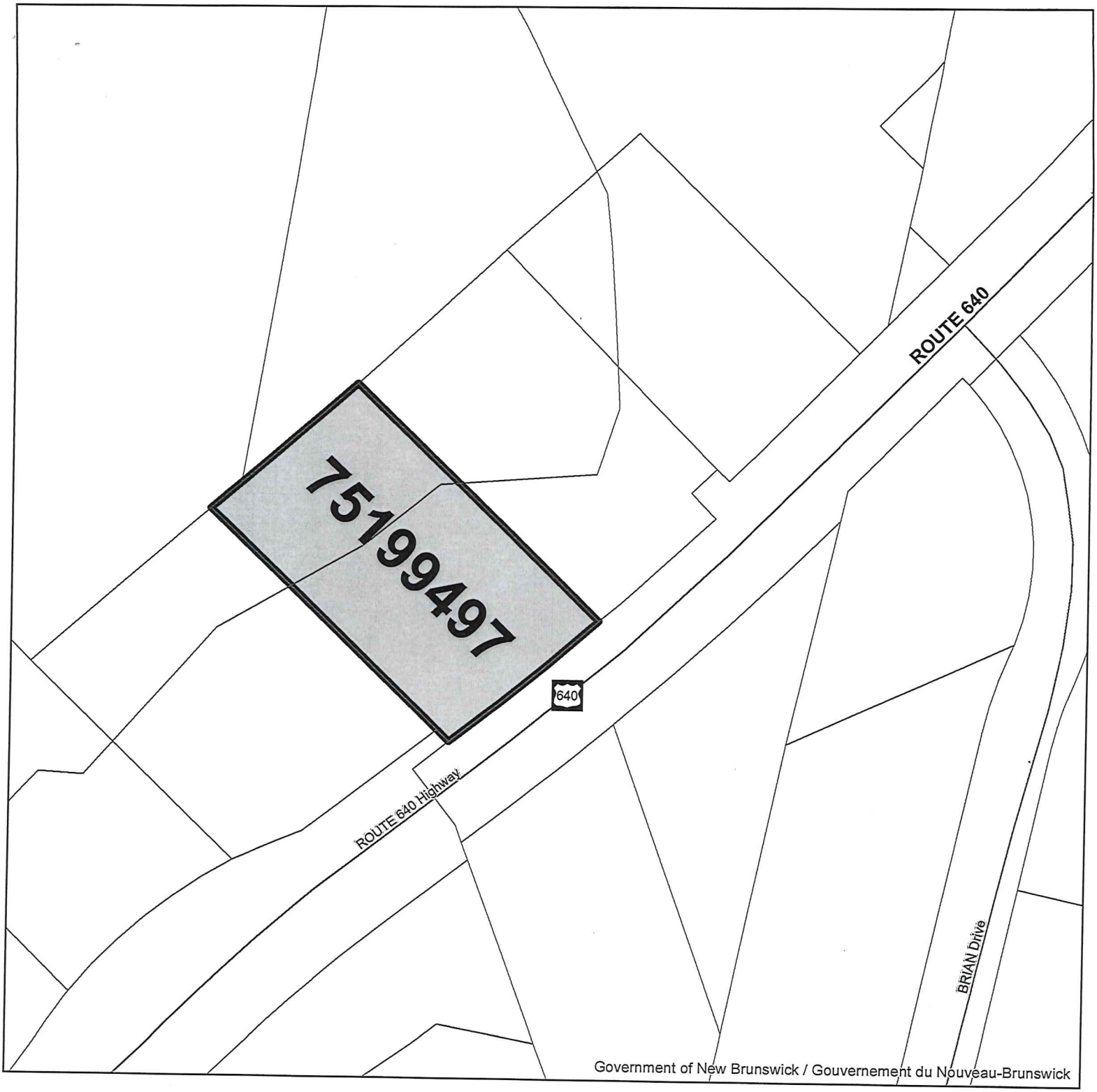
1. That the land having the PID 75199497 as shown on the map herein attached as Schedule I-1, is hereby rezoned, subject to terms and conditions contained in Schedule I, pursuant to section 59 of the *Community Planning Act*, from Residential – "R" Zone to Commercial and Light Industrial – "CLI" Zone, 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 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:	October 18, 2023
Second Reading:	October 18, 2023
Third Reading:	November 15, 2023

Dave Morrison, Mayor

Sherri Johnston, Clerk



Schedule 31-2023-I1
Dated: August 2023
By-Law Number 31-2023

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

Subject Property

0 25 50 75 100 metres

Scale 1:1,500

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Hanwell Rural Community
By-Law No. 31-2023
Schedule I

THIS AGREEMENT MADE THIS 23rd day of November 2023

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

AND: Travis Wallace and Marissa Lane, 48 Burnett Drive, Hanwell, New Brunswick (hereinafter referred to as the "Applicant")

WHEREAS the Municipality has been asked to rezone the property currently owned by Alex White, located at 1787 Route 640, PID 75199497, from Residential to Commercial and Light Industrial, under section 59 of the *Community Planning Act*, for the purpose of operating a health and wellness clinic,

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 WITHNESSETH 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 off-street parking be provided in accordance with the applicable provisions of subsection 3.3 of the Hanwell Rural Community Rural Plan, and
    a. include at least one Barrier-free parking space in accordance with the *Barrier-Free Design Building Code Regulation – Building Code Administration Act (2021-3),*
    b. provision shall be made for turning and maneuvering of vehicles to allow egress from the site in a forward direction;
    c. the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring properties or into a watercourse or wetland;
    d. parking lot and driveway shall be surfaced with a durable and dust proof material such as crushed rock or pavement;
2. THAT all signs are in accordance with applicable provisions in the Hanwell Rural Community signage By-law No. 10-2015 and in accordance with any applicable Department of Transportation and Infrastructure policies;
3. THAT prior to any ground alterations, the applicants contact the Source and Surface Water Management Branch to verify a potentially unmarked watercourse or wetland on the proposed area of development;
4. THAT alterations in or within 30 metres of a watercourse or wetland require a Watercourse and Wetland Alteration Permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 12(2) of the New Brunswick Clean Water Act;
5. THAT outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along Rte 640 or with nearby landowners in the reasonable enjoyment of their properties;
6. THAT the rezoning of lands herein does not, in itself, mean an approval on the issuing of subsequent permits or approvals, such as for building construction or subdivision design.

Any violation 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 written notices.

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Schedule I

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 28 day of November 2023.

HANWELL RURAL COMMUNITY

MAYOR

CLERK

Jerri L. Parker

WITNESS

TRAVIS WALLACE

MARISSA LANE

Jerri L. Parker

WITNESS

Inc. 2014 Hanwell
Inspired by Nature

I, Sherri Johnston, Clerk of Hanwell, a municipality incorporated as a rural community under Regulation 2014-03 of the *Municipalities Act* of the Province of New Brunswick, do hereby certify that the following is a true and correct copy of Resolution #04-10-2023 and #05-10-2023 and #12-11-2023 duly adopted at a meeting of the rural community Council duly held and convened on November 15, 2023 at which meeting a duly constituted quorum of the Council was present and acting throughout, and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect:

Moved by Councillor Holly Hyslop and **seconded by** Councillor Tim Fox that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its first reading by title.
Unanimously Carried #04-10-2023

By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"

Moved by Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its second reading by title.
Unanimously Carried #05-10-2023

By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Lee Crouse that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its third reading by title, and in its entirety and enacted.
Unanimously Carried #12-11-2023

By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"

IN WITNESS WHEREOF, the undersigned has affixed her signature this 1st day of December, 2023.

Sherri Johnston- Clerk

(Stamp seal here)

HANWELL Rural Community Incorp. 2014 NEW BRUNSWICK

5 Nature Park Drive, Hanwell, NB E3E 0G7
506-460-1177
www.Hanwell.nb.ca

PROVINCE OF NEW BRUNSWICK
HANWELL RURAL COMMUNITY

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 Rural Community.

That hereto attached is a true copy of a by-law entitled By-Law #31-2023, enacted by the Hanwell Rural Community Council on the 15 of November, 2023.

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 28th of November, 2023.

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

Sherri Johnston
Clerk

(Stamp seal here)