

BY-LAW NO. HAM-2025-24
A BY-LAW TO AMEND THE HAMPTON ZONING BY-LAW NO. HAM-2023-16

The Council of Hampton, under authority vested in it by the Community Planning Act, enacts as follows:

1. An amendment to Section 3, Definitions, which reads:

***“community care centre”** means a use for the purposes of providing special and individualized care to elderly persons, children, or disabled persons, provided the facility complies with applicable legislation and without limiting the foregoing, a community care facility may also include a day care centre, a nursing home or seniors residence.*

***“group home”** means a residence, licensed, or approved under Provincial statute, for the accommodation of a maximum of five (5) people, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being, but does not include a special care home, or nursing home, as defined in the Zoning By-law.*

***“special care home”** means a facility licensed by the Province of New Brunswick where nursing care or room and board is provided to individuals incapacitated in some manner for medical reasons but does not include a hospital as licensed by the Province of New Brunswick.*

***“special care facility”** means a building 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.*

***“supportive housing”** means an establishment licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff to a maximum of fifteen residents of any age pursuant to the Family Services Act or comparable legislative framework.*

Is hereby updated to read:

***“community care centre”** means a facility that provides special and individualized care to elderly persons, children, and or disabled persons, and provided the facility complies with applicable legislation, may include a day care centre, nursing home or seniors residence.*

***“group home”** means a residence for the accommodation of individuals living under supervision in a single dwelling unit, exclusive of staff, and who, by reason of their emotional, mental, social, behavioural, or physical condition or legal status, require a group living arrangement for their well-being, but does not include a Special Care Home or Nursing Home as defined in the Zoning By-law.*

“recovery centre” means a facility that provides both out-patient and in-patient services for individuals working toward rehabilitation from a range of physical, mental, or behavioral challenges and includes a range of services, including medical care, therapy, counseling, and peer support to help individuals achieve and sustain recovery.

“special care facility” - deleted.

“special care home” means a building or facility that provides special and individualized care, which may include nursing care or room and board, to individuals who are incapacitated, either physically or mentally, due to age, infirmity, or disability, and are therefore not fully able to care for themselves.

“supportive housing” means a home, establishment, or facility that provides accommodation and support services to those facing challenges with independent living, offering varying levels of care tailored to specific needs which are categorized into three tiers of settings, intensity, and use. All listed uses within their respective tier are subject to any relevant provincial regulations.

- **“supportive housing (tier 1), residential care”** means a building or part of a building used as a dwelling in which nursing, supervisory care, or personal care is provided or made available to a maximum of 5 residents who need support in a residential setting. Group Homes and Special Care Homes are Tier 1 uses allowing up to 5 residents and are subject to their respective definitions and any relevant provincial regulation.
- **“supportive housing (tier 2), specialized care”** means a building or establishment that provides care and supervision, potentially on a 24-hour basis, by professional staff to a maximum of 10 residents of any age who require more support than residential care but do not need the full medical services of a nursing home or hospital. Recovery Centres and Special Care Homes are Tier 2 uses allowing up to 10 residents and are subject to their respective definitions and any relevant provincial regulation.
- **“supportive housing (tier 3), community care”** means an establishment or facility used for the purposes of providing special and individualized care on a 24-hour basis by professional staff to persons, who by reason of age, infirmity, mental or physical disability are not fully able to care for themselves. Community Care Centres, Nursing Homes, Recovery Centres, and Special Care Homes are Tier 3 uses with no limit on the number of residents and are subject to their respective definitions and any relevant provincial regulation.

2. An amendment to Section 4.31, Supportive Housing, which reads:

Where permitted by this By-law, Supportive Housing shall comply with the following:

- a. Within the R1 and R2 zones, Supportive Housing uses shall be limited to a maximum 15 beds;*
- b. A Tourist Establishment - Bed and Breakfast, Home Occupation, Day Care, or Secondary Suite are not permitted on the same lot;*
- c. When abutting a lot containing a one or two unit dwelling, there shall be appropriate screening between the Supportive Housing use (including parking) and the adjacent use.*

Is hereby updated to read:

Except as otherwise provided by this By-law, all Supportive Housing uses are subject to the following:

- a. A Tourist Establishment - Bed and Breakfast, Home Occupation, Home Industry, Day Care, Secondary Suite or Garden Suite are not permitted on the same lot.
- b. Only one Supportive Housing use is permitted on a lot.

4.31.1 - Supportive Housing (Tier 1), Residential Care

Where permitted by this By-law, all uses listed within the Residential Care Supportive Housing definition shall comply with the following:

- a. Residential Care Supportive Housing uses shall be limited to a maximum 5 beds.
- b. When abutting a lot containing a one or two-unit dwelling, there shall be appropriate screening in the form of landscaping and or fencing between the Supportive Housing use and the adjacent residential use at the discretion of the Development Officer.

4.31.2 - Supportive Housing (Tier 2), Specialized Care

Where permitted by this By-law, all uses listed within the Specialized Care Supportive Housing definition shall comply with the following:

- a. Specialized Care Supportive Housing uses shall be limited to a maximum 10 beds.
- b. When abutting a lot containing a Residential use, there shall be appropriate screening in the form of landscaping and or fencing between the Supportive Housing use and the adjacent residential use at the discretion of the Development Officer.

4.31.3 - Supportive Housing (Tier 3), Community Care

Where permitted by this By-law, all uses listed within the Community Care Supportive Housing definition shall comply with the following:

- a. Notwithstanding Subsection 4.31(a), a Day Care Centre is permitted on the same lot as a Community Care Centre as permitted within the Community Care Supportive Housing (Tier 3) use; and
 - b. When abutting a lot containing a Residential use, there shall be appropriate screening in the form of landscaping and or fencing between the Supportive Housing use and the adjacent residential use at the discretion of the Development Officer.
3. An amendment to Section 6.1.2, Secondary Uses in the One and Two-Unit "R1" Zone, to remove (d) Supportive Housing.
4. An amendment to Section 6.1.3, Conditional Uses in the One and Two-Unit "R1" Zone, to add (e) Supportive Housing (Tier 1), Residential Care, Subject to Section 4.31.1, and subsequently renumber Tourist Establishment - Bed and Breakfast to (f).
5. An amendment to Section 6.2.1, Permitted Uses in the Medium Density Residential "R2" Zone, to remove (g) Supportive Housing.
6. An amendment to Section 6.4.1, Permitted Uses in the Rural Residential "RR" Zone, to remove (e) Supportive Housing.
7. An amendment to Section 6.4.3, Conditional Uses in the Rural Residential "RR" Zone, to read as:
 - a. Accommodations
 - b. Cultural Establishment
 - c. Day Care Centre, Subject to Section 4.6
 - d. Dwelling, Shared, Subject to Section 4.28
 - e. Retail Use - Convenience Store
 - f. Supportive Housing (Tier 1), Residential Care, Subject to Section 4.31.1
 - g. Tourist Establishment, Subject to Section 4.33
8. An amendment to Section 7.1.3, Conditional Uses in the Town Centre "TC" Zone, to remove (k) Supportive Housing.
9. An amendment to Section 7.1.3, Conditional Uses in the Town Centre "TC" Zone, to add (k) Supportive Housing (Tier 2), Specialized Care, Subject to Section 4.31.2 and (l) Supportive Housing (Tier 3), Community Care, Subject to Section 4.31.3, subsequently renumbering Taxi Stand to (m) and Warehouse, Subject to Section 7.1.5 to (n).
10. An amendment to Section 7.2.1, Permitted Uses in the Mixed Use "MU" Zone, to remove (y) Supportive Housing.

- 11.** An amendment to Section 7.2.3, Conditional Uses in the Mixed Use “MU” Zone, to add (g) Supportive Housing (Tier 1), Residential Care, Subject to Section 4.31.1 and (h) Supportive Housing (Tier 2), Specialized Care, Subject to Section 4.31.2.
- 12.** An amendment to Section 8.1.1, Permitted Uses in the Rural “RU” Zone, to remove (aa) Special Care Facility and (bb) Supportive Housing.
- 13.** An amendment to Section 8.1.3, Conditional Uses in the Rural “RU” Zone, to add (j) Supportive Housing (Tier 1), Residential Care, Subject to Section 4.31.1, (k) Supportive Housing (Tier 2), Specialized Care, Subject to Section 4.31.2, and (l) Supportive Housing (Tier 3), Community Care, Subject to Section 4.31.3, subsequently renumbering Trucking Operation to (m) and Warehouse to (n).
- 14.** An amendment to Section 10.1.1, Permitted Uses in the Institutional “INST” Zone, to remove (n) Supportive Care Facility and (o) Supportive Housing.
- 15.** An amendment to Section 10.1.1, Permitted Uses in the Institutional “INST” Zone, to add (n) Supportive Housing (Tier 3), Community Care, Subject to Section 4.31.
- 16.** An amendment to Section 10.1.3, Conditional Uses in the Institutional “INST” Zone, to add (a) Supportive Housing (Tier 2), Specialized Care, Subject to Section 4.31.2, subsequently renumbering “A SWT may be permitted as a secondary conditional use subject to the provisions of section 5.10 and to terms and conditions applied by the Planning Advisory Committee” to (b).

First Reading:

Second Reading:

Third Reading and Enactment:

Robert Doucet
Mayor

Lisa Richard
Clerk