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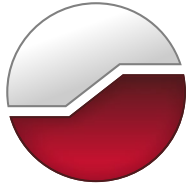
**Sunbury-York South Rural Plan
By-law No. ____
A Rural Plan for the Sunbury-York
South Rural Community.**

GEMTEC Project: 100014.032

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Submitted to:

Capital Region Service Commission
P.O. Box 21, Station A
Fredericton, NB
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**Sunbury-York South Rural Plan
By-law No. ____
A Rural Plan for the Sunbury-York
South Rural Community**

April 6, 2026
GEMTEC Project: 100014.032

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LIST OF SCHEDULES

Schedule A Sunbury-York South Rural Community Zoning Map

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PART A: BACKGROUND

1.0 INTRODUCTION

- 1) On January 1, 2023, Sunbury-York South was incorporated as a Rural Community. The establishment of Sunbury-York South amalgamates portions of the former Local Service Districts of New Maryland and Rusagonis-Waasis, as well as small portions of the Tracyville-Three Tree Creek Planning Area, and includes the communities of Rusagonis, Waasis, Nasonworth, Beaver Dam, and Charters Settlement.

By-law No. ____ applies to the entirety of Sunbury-York South Rural Community and provides land use planning policy and development permissions for all areas within the Rural Community's boundaries. The adoption of this Rural Plan coincides with the repeal of the former Rural Plans, which will no longer be in effect.

This Rural Plan has been prepared by GEMTEC Consulting Engineers and Scientists Limited in consultation with the staff of the Capital Region Service Commission Planning and Development Division. The contents of the Rural Plan, including its policies, proposals, and provisions, were shaped by the input provided by the volunteer members the Rural Plan's Working Group and by those community members who provided comments and attended public open house sessions.

1.1 Adoption of Plan

- 1) The Sunbury-York South Rural Plan contained in this by-law is hereby adopted for the Sunbury-York South Rural Community, under section 44 of the *Community Planning Act*.

1.2 Title

- 1) This document may be cited as the Sunbury-York South Rural Plan – By-law No. ____, henceforth referred to as the "Rural Plan."

1.3 Planning Area Designation

- 1) The area of land identified within the boundaries of the Sunbury-York South Rural Community, as described in Section 77 of Regulation 2022-50 under the *Local Governance Act* and as shown on the Sunbury-York South Rural Community Zoning Map attached as Schedule A, is designated as the area of adoption for this Rural Plan.

1.4 Repeal of Existing Regulations

- 1) The following by-laws and regulations or portions of by-laws and regulations that regulate land within Sunbury-York South Rural Community are hereby repealed:
 - i. The Rusagonis-Waasis Planning Area Rural Plan Regulation – *Community Planning Act* (14-RUW-033-00) and any amendments thereto;

- ii. The New Maryland Parish Planning Area Rural Plan Regulation – *Community Planning Act* (5-NMR-034-00) and any amendments thereto;
- iii. The Rural Community of Hanwell Rural Plan By-Law 11-2016 and any amendments thereto;
- iv. The Tracyville - Three Tree Creek Planning Area Basic Planning Statement Adoption Regulation – *Community Planning Act* (95-TRC-006-00) and any amendments thereto; and
- v. The Tracyville - Three Tree Creek Planning Area Basic Zoning Regulation – *Community Planning Act* (95-TRC-007-00) and any amendments thereto.

1.5 Past Amendments

- 1) Notwithstanding paragraph 1.4, any terms and conditions contained in agreements attached to the following amending Regulations remain in effect:
 - a) 06-NMR-034-01
 - b) 10-NMR-034-02
 - c) 12-NMR-034-03
 - d) 14-NMR-034-04
 - e) 16-NMR-034-07
 - f) 19-NMR-034-09
 - g) 19-NMR-034-10
 - h) By-law No. 12-2024
 - i) 18-RUW-033-02
 - j) 20-RUW-033-04
 - k) 21-RUW-033-05
 - l) By-law No. 10-2023
 - m) By-law No. 16-2024
 - n) By-law No. 15-2024

o) By-law No. 2026-01

PART B: OBJECTIVES, POLICIES, AND PROPOSALS

2.0 VISION AND OBJECTIVES

2.1 Purpose

- 1) This Rural Plan provides a guiding framework for future land use and development within Sunbury-York South Rural Community. It is intended to support informed decision-making and to ensure that growth is managed in a way that reflects local values, priorities, and the historic rural character of the community. This Plan is a living document and should be reviewed at least once every ten years, with amendments made as needed in accordance with the *Community Planning Act*.

2.2 Community Vision

- 1) It is envisioned that the Planning Area of Sunbury-York South Rural Community will remain closely tied to its historic rural character: a landscape where open spaces, fields, and wooded areas continue to predominate over the built environment. The community will maintain a predominantly small-scale, low-density pattern of development, with homes, community facilities, farms, and locally oriented businesses and land use activities that support both the evolving needs of residents, the area's long-term economic resilience, and local food security. This vision emphasizes stewardship of the natural environment, with a strong commitment to protecting ecosystems, wildlife habitats, and the integrity of surrounding forests and agricultural lands. Residents value a pleasant environment where people enjoy a rural lifestyle, are close to nature, and remain free from pollution. Central to this vision is the continued protection of surface and groundwater resources; it is the enduring desire of the community to safeguard unpolluted streams and ensure a safe, reliable supply of drinking water for generations to come.

2.3 Objectives

- 1) The objectives of the Rural Plan are:
 - to preserve and enhance the historic rural character of Sunbury-York South Rural Community;
 - to manage growth and development in a manner that sustains and enhances the quality of life of residents and enhances and protects the area's natural heritage;
 - to protect the quality of the natural environment and the integrity of the drinking water supply for generations to come;

- to be responsive to community and individual needs and preserve those elements which are integral components to the social, economic and environmental well-being of the community;
- to enable commercial and industrial developments of appropriate scale and location, including opportunities for agricultural diversification and home-based industry, to support the growth of a diverse and robust local economy; and
- to enhance community well-being and minimize risks to safety and public health, while adapting to and mitigating the effects of climate change and natural hazards.

The objectives listed above reflect the community's vision and land use planning priorities. To move towards these objectives, this plan establishes policies and proposals which lay the foundation and direction for the zoning provisions contained in Part C of the Rural Plan. The Plan is written to be flexible and to adapt to changing circumstances over the course of time. This Rural Plan should not be perceived as the end of the planning process, rather it should be viewed as a beginning. Reference to the objectives may supplement a more detailed consideration of applicable policies and proposals when amending, administering, and enforcing the Rural Plan.

3.0 POLICIES AND PROPOSALS

3.1 Residential Uses and Housing

3.1.1 Policies

- 1) It is a policy to provide for a range of compatible uses such as home-based businesses within residential areas, while preventing the intrusion of incompatible uses.
- 2) It is a policy to encourage a broad mix of housing types to ensure adequate, appropriate, inclusive, and affordable housing options that support the evolving demographic and social needs of the community.
- 3) It is a policy to protect the historic rural character of the community by directing multi-lot residential growth to existing areas of concentrated residential development.
- 4) It is a policy to ensure that a sufficient supply of land is zoned for residential use to support a growing population.
- 5) It is a policy that subdivisions along main routes provide adequate access for future public streets to allow for potential future residential infilling.
- 6) It is a policy to encourage innovative and sustainable development practices, including but not limited to, conservation design, low-impact development, and tree preservation.

3.1.2 Proposals

- 1) It is proposed that residential zones be established within which the predominant land use will be dwellings.
- 2) It is proposed that the type and number of residential units permitted within residential zones reflect the historic character of the surrounding area and servicing capacity.
- 3) It is proposed that residential zones permit compatible non-residential activities that are complementary to residential uses and consistent with the historic rural character of the area, subject to appropriate controls to avoid land use conflict.
- 4) It is proposed that the zone entitled Rural "R" shall be established to permit both residential uses and a mix of non-residential uses which are compatible and reflect the historic rural character of the area.
- 5) It is proposed that the zone entitled Residential One "R1" shall be established to accommodate residential neighbourhoods in which the predominant use shall be dwellings.
- 6) It is proposed that the zone entitled Serviced Residential "SR" shall be established to accommodate the existing residential neighbourhood known as Howorth Acres, which is subject to communal septic services, and shall not be applied to any other lands.
- 7) It is proposed that the zone entitled Mini Home Park "MP" shall be established for portions of the community where the sole or predominant form of housing is mini home dwellings and which may be land leased.
- 8) It is proposed that residential development in the form of a mini home park shall be considered in proximity to existing areas of concentrated residential development, through a Plan amendment to provide for community input into the decision-making process.
- 9) It is proposed that residential subdivisions shall be directed away from incompatible industrial, resource, and agricultural uses, and environmentally sensitive areas.
- 10) It is proposed that new residential development should be discouraged in areas prone to flooding or erosion, or with unstable soils or other natural hazards.
- 11) It is proposed that residential development should be directed to areas where adequate servicing can be provided to ensure safe and sustainable water supply and wastewater management.

- 12) It is proposed that, where applicable, subdivisions be designed in a manner which facilitates future development of adjoining lands.
- 13) It is proposed that type 2 subdivisions that involve the creation of lots of 6,000 square metres or smaller only be permitted on lands zoned Residential One "R1."
- 14) It is proposed that, except in the Serviced Residential "SR" zone and the Mini Home Park "MP" zone, all new residential development shall be serviced by an individual well and individual septic system.
- 15) It is proposed that provisions for home-based businesses and other secondary uses be established to promote land use flexibility within residential zones while ensuring compatibility with neighbouring properties and preservation of the historic rural character of the area.
- 16) It is proposed that secondary dwelling units be permitted throughout the Plan area where appropriate, subject to the provisions of section 6.3.

3.2 Commercial Uses

3.2.1 Policies

- 1) It is a policy to support compatible commercial development of appropriate scale in appropriate and accessible locations.
- 2) It is a policy to preserve the historic rural character of the community and to protect existing land uses from adverse impacts by managing the type and location of commercial development.
- 3) It is a policy to promote the establishment of commercial development in proximity to existing commercial land uses where appropriate to foster centres of commercial activity and improve access to local services.
- 4) It is a policy to provide for a range of small-scale commercial uses throughout the community in appropriate locations, to promote employment and land use flexibility while ensuring compatibility with neighbouring properties and preserving the historic rural character of the area.

3.2.2 Proposals

- 1) It is proposed that the zone entitled Commercial "C" shall be established to permit existing and new small and medium scale commercial uses that generally serve local community needs.

- 2) It is proposed that the zone entitled Highway Commercial “HC” shall be established to permit existing and new highway-oriented and other commercial uses.
- 3) It is proposed that, prior to amending the Rural Plan to permit commercial land uses where they are not already permitted, consideration be given but not limited to matters such as limits on the type of activity, hours of operation, site layout, setbacks, measures to limit possible nuisances, and other land uses that would be permitted as a result of the amendment. Terms and conditions may be imposed by the Commission to promote land use compatibility and prevent adverse impact.
- 4) It is proposed that large-scale commercial uses that are incompatible with the community’s historic rural character be directed to areas where their scale or intensity will not cause adverse impact.
- 5) It is proposed that commercial uses with high water demand or substantial wastewater generation be discouraged to safeguard water resources and the surrounding environment.
- 6) It is proposed small-scale commercial uses shall be promoted throughout the community where they are compatible with other permitted land uses.
- 7) It is proposed that required lot sizes for commercial uses be sufficient to accommodate parking and to allow for adequate separation and buffering between uses.

3.3 Industrial Uses

3.3.1 Policies

- 1) It is a policy to recognize industrial land use activities as essential components that support the economic vitality and diversity of the rural landscape.
- 2) It is a policy to preserve the historic rural character of the community and to protect existing land uses and the natural environment from adverse impacts by managing the type and location of industrial development.
- 3) It is a policy to promote small-scale light industrial uses that are compatible with adjacent land uses and the historic rural character of the community, to support employment opportunities and local economic resilience.

3.3.2 Proposals

- 1) It is proposed that the zone entitled Light Industrial “LI” shall be established to permit existing and new small and medium scale industrial uses.

- 2) It is proposed that the zone entitled Heavy Industrial “HI” shall be established to permit existing and new heavy industrial uses.
- 3) It is proposed that small-scale light industrial uses shall be permitted in appropriate locations within the community where they are compatible with other permitted land uses.
- 4) It is proposed that prior to amending the Rural Plan to permit industrial land uses where they are not already permitted, consideration be given but not limited to matters such as limits on the type of activity, hours of operation, site layout, setbacks, measures to limit possible nuisances, and other land uses that would be permitted as a result of the amendment. Terms and conditions may be imposed by the Commission to promote land use compatibility and prevent adverse impact.
- 5) It is proposed that heavy industrial uses be directed to areas where their scale or intensity will not cause adverse impact.
- 6) It is proposed that industrial uses with high water demand or substantial wastewater generation be discouraged to safeguard water resources and the surrounding environment.
- 7) It is proposed that, where they are not identified as permitted, industrial uses will be considered through a Plan amendment to provide for community input into the decision-making process.
- 8) It is proposed that lots for industrial uses be of sufficient size to allow for adequate separation and buffering between uses.

3.4 Institutional Uses

3.4.1 Policies

- 1) It is a policy to encourage the provision of a mix of institutional uses and community facilities which serve the cultural, religious, social, and educational needs of the local community.
- 2) It is a policy to control the type and location of institutional uses and community facilities to minimize potential incompatibility with surrounding land uses.
- 3) It is a policy to support the location of institutional uses and community facilities in areas where they are accessible and convenient for community residents.

3.4.2 Proposals

- 1) It is proposed that the zone entitled Community and Institutional “CI” shall be established to permit existing and new institutional uses and community facilities.

- 2) It is proposed that institutional uses and community facilities shall be permitted in locations where the scale and intensity of the use is compatible with surrounding land uses.

3.5 Recreation and Tourism

3.5.1 Policies

- 1) It is a policy to permit a range of recreational uses to promote the health and well-being of the population, including youth and seniors, encourage the interaction of residents, and foster a strong sense of community identity.
- 2) It is a policy to recognize public trails as a valued community recreational resource.
- 3) It is a policy to encourage initiatives that contribute to the development and promotion of the local tourism sector.

3.5.2 Proposals

- 1) It is proposed that existing and proposed recreational uses and open spaces, such as parks, playgrounds, and sports fields, shall be permitted throughout the community where appropriately located and scaled, and where compatible with surrounding land uses.
- 2) It is proposed that existing trail amenities within the community, including ATV trails and the trail along the abandoned railway corridor, be recognized as community assets and shall be considered as part of any development application.
- 3) It is proposed that proposals for wedding facilities and seasonal accommodations, including a tourist resort and camping facility, be considered through a Plan amendment.

3.6 Agriculture

3.6.1 Policies

- 1) It is a policy to recognize agricultural resources as valued community assets and to protect their long-term viability by promoting agricultural uses throughout the community, avoiding the fragmentation of agricultural land, and by minimizing land use conflict with non-agricultural uses.
- 2) It is a policy to recognize that growth and development can threaten agricultural resources, and to protect and promote agricultural and related uses, including ancillary uses and small-scale self-sustaining practices such as homesteading.

3.6.2 Proposals

- 1) It is proposed that Resource and Conservation “RC” and Rural “R” zones shall be established in part to permit agricultural uses and agriculture-related activities such as agri-tourism, value-added processing, and diverse methods of farm sales.
- 2) It is proposed that agricultural uses, agricultural-related uses, and backyard agriculture be permitted throughout the community where appropriate.
- 3) It is proposed that provisions be established to promote land use compatibility between agricultural and non-agricultural uses, including spatial separation between sensitive land uses and agricultural and livestock activities.

3.7 Natural Resources

3.7.1 Policies

- 1) It is a policy to protect the natural environment, the historic rural character of the community, and the quality of life of residents by managing the location of resource extraction activities.
- 2) It is a policy to support the continued use and protection of aggregate resources, while minimizing land use conflicts associated with related excavation operations.
- 3) It is a policy to encourage renewable energy initiatives, such as wind and solar energy projects, that are appropriately scaled and located within the community.

3.7.2 Proposals

- 1) It is proposed that a zone entitled Resource and Conservation “RC” shall be established in part to permit resource extraction and related uses, such as forestry, aggregate operations, and ancillary uses.
- 2) It is proposed that new extraction and related uses shall adhere to the provincial Sand and Gravel Pit Guideline, where applicable.
- 3) It is proposed that new excavation uses will be considered through a Plan amendment.
- 4) It is proposed that prior to amending the Rural Plan to permit aggregate extraction uses, consideration be given to the following:
 - (a) the siting of buildings, structures and equipment;
 - (b) the hours and days of operation;
 - (c) measures to minimize the creation of noise, smoke, dust, odours, vibrations, and other nuisances;

- (d) the incorporation of setbacks, buffer areas, screening, fencing, security, safety and landscaping provisions;
- (e) the location of entrances, exits and limitations on access to existing streets, and the protection of public roadways from heavy machinery;
- (f) surface and groundwater protection;
- (g) effluent, erosion, and sediment control; and
- (h) the reclamation of the site;

and terms and conditions may be imposed by the Commission to promote land use compatibility and prevent adverse impact.

- 5) It is proposed that the making of land by cutting or filling to a depth in excess of one metre, shall only be permitted subject to terms and conditions imposed by the Commission, unless required as part of an approved development application.

3.8 Protection of Water Supplies

3.8.1 Policies

- 1) It is a policy to safeguard the quantity and quality of groundwater supplies by discouraging development and land use activities which may degrade or deplete this important resource.
- 2) It is a policy that future development be considered within the context of the entire watershed to protect water quality and quantity.
- 3) It is a policy to prohibit development where either groundwater quality or quantity are determined not to be suitable for the intended use.

3.8.2 Proposals

- 1) It is proposed that future development shall not result in groundwater withdrawal or reduce recharge in an area to an extent which would adversely impact the required supply for existing groundwater users.
- 2) It is proposed that commercial and industrial uses with high water demand or substantial wastewater generation be discouraged to safeguard water resources and the surrounding environment.
- 3) It is proposed that Plan amendments for uses which may pose a significant groundwater or surface water contamination risk, such as activities involving the bulk storage or disposal of waste materials, pesticides and preservatives, road salt, chlorinated solvents and petroleum products, shall consider drainage conditions and proximity to private wells, watercourses, and wetlands.

- 4) It is proposed that new development or activities which may pose a risk to future water supplies be prohibited within the preliminary Village of New Maryland's Sunrise Wellfield, pursuant to the Wellfield Protected Area Designation Order - *Clean Water Act*.
- 5) It is proposed that development shall be prohibited where groundwater quality and quantity is determined to not be suitable for the intended use.
- 6) It is proposed that development adjacent to watercourses and wetlands demonstrate compliance with provincial requirements under the *Clean Water Act*.

3.9 Environment and Climate Change

3.9.1 Policies

- 1) It is a policy to conserve and enhance the environmental integrity of the planning area for the benefit of present and future generations by ensuring that development occurs in a manner that minimizes adverse impacts to the quality of air, land, and water resources.
- 2) It is a policy to recognize the local watershed for its important ecological, recreational, aesthetic, and historical qualities and to strive to enhance and maintain watercourses and waterbodies in a clean and natural state.
- 3) It is a policy to protect areas which serve as significant wildlife habitat, with emphasis on preserving biodiversity and features which are integral components to the natural systems.
- 4) It is a policy to direct development away from conservation areas and areas where development poses a significant risk to public health and safety or may result in property damage, including in areas subject to flooding and wildfires.
- 5) It is a policy to recognize the impacts of climate change, prioritize climate resilience, and mitigate and adapt to threats from climate change where possible.

3.9.2 Proposals

- 1) It is proposed that large tracts of undeveloped or regenerating lands be placed in a Resource and Conservation "RC" zone in order to protect ecological functions of the planning area.
- 2) It is proposed that watercourses within the Plan area be recognized for their important ecological, recreational, aesthetic, and historical qualities and to strive to enhance, preserve, and maintain them to meet water quality standards for recreation and freshwater aquatic life.

- 3) It is proposed that Sunpoke Lake and the surrounding wetland complex associated with the Oromocto River floodplain be recognized as an environmentally significant area and protected from development impacts which would diminish its ecological value.
- 4) It is proposed that development adjacent to watercourses and wetlands demonstrate compliance with provincial requirements under the *Clean Water Act*.
- 5) It is proposed that development will be directed away from areas that are unstable or otherwise hazardous by virtue of soil conditions, topography, or flooding.
- 6) It is proposed that wildfire risks, including those relating to access and egress, be considered when undertaking development decisions, and when establishing standards within any future Subdivision By-law.
- 7) It is proposed that federal and provincial initiatives to address wildfire risk be considered through an amendment to the Rural Plan where appropriate, to help reduce wildfire risk within the community.
- 8) It is proposed that the role of the Province be recognized in regulating activities related to the protection of watercourses and wetlands, air quality, biodiversity, and species at risk, and that development be required to adhere to all relevant provincial requirements, including but not limited to setbacks, buffer zones, and permitting.
- 9) It is proposed that climate change impacts be considered when undertaking development decisions, including encouraging best practices for climate change mitigation and adaptation, such as protecting existing vegetation and topography, maintaining natural drainage pathways, and minimizing soil disturbance.
- 10) It is proposed that development, including subdivisions, involving the erecting or placing of a building or structure be directed away from areas prone to flooding, to promote public health and safety.
- 11) It is proposed that only limited development involving the relocation, alteration, repair, or replacing of existing buildings or structures within areas prone to flooding be permitted and that such development shall employ flood-proofing measures to promote public health and safety.

3.10 Heritage and Culture

3.10.1 Policies

- 1) It is a policy to encourage the preservation, rehabilitation, and maintenance of cultural and historic resources that are important to the heritage of the community.

3.10.2 Proposals

- 1) It is proposed that all applications to rezone lands within 30 metres of the ordinary mean high-water marks of the Oromocto River and Rusagonis Stream shall be circulated to the Archaeology and Heritage Branch of the Department of Tourism, Heritage, and Culture as a measure to help identify and protect important archaeological resources.
- 2) It is proposed that the historic rural character of the community, which is rooted in small settlements supported by small-scale agriculture, forestry, and aggregate industries, be prioritized wherever possible.
- 3) It is proposed that the preservation, rehabilitation and maintenance of historic buildings, structures, and monuments shall be encouraged.
- 4) It is proposed that the Patrick Owens Covered Bridge be recognized as an important historic landmark and that nearby development shall have regard for its significance.

PART C: ZONING PROVISIONS

4.0 DEFINITIONS

“accessory” means a use, other than human habitation, of land, a building or structure which is naturally or customarily incidental or complementary to the main use of the land, building or structure, which is located on the same lot as the main use and which is not a secondary use;

“active recreation use” means land, buildings or structures used for active recreation purposes and may include, without limiting the generality of the foregoing, playgrounds, sports fields, golf courses, indoor or outdoor public swimming pools, motocross tracks, and skating rinks, but does not include campgrounds;

“agricultural use” means an agricultural operation that is carried out for gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the clearing, draining, irrigation, or cultivation of land,
- (b) the keeping and raising of livestock, including poultry,
- (c) the keeping and raising of fur-bearing animals,
- (d) the keeping and raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,

- (i) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides for agricultural purposes but not including sewage sludge generated from outside the planning area,
 - (j) the preparation of farm products distributed from the farm gate, including cleaning, grading, and packaging,
 - (k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
 - (l) the storage, use or disposal of organic wastes for farm purposes,
 - (m) the operation of pick-your-own farms, roadside stands, farm produce stands and agri-tourism operations as part of a farm operation,
 - (n) a riding school or boarding stable, and
 - (o) greenhouse operations used to grow crops, flowers, or seedlings as part of a farm operation for wholesale or on-farm sale,
- but does not include a cannabis production facility;

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

“ancillary sales operation” means the use of land, buildings, or structures for the sale or distribution of goods produced, manufactured, processed, grown, or stored in association with a permitted main use;

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

- (a) one horse, cow, steer, bull, mule, bison, or donkey, including offspring until weaning,
- (b) four llamas, sheep, goats, pigs, emus, or ostrich, including offspring until weaning,
- (c) seven alpaca or deer, including offspring until weaning,
- (d) twenty fox, mink, geese, or rabbits, including offspring until weaning,
- (e) thirty chickens, ducks, or turkeys, including offspring until sexual maturity;

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

“automotive repair and maintenance facility” means the general servicing, repair, rebuilding, or reconditioning of automotive engines, motor vehicles, or trailers, and includes collision service, body repair and frame straightening, painting and upholstery, vehicle steam cleaning, motor

vehicle inspection (MVI) stations, and undercoating, small engine repair and repair of recreational vehicles, and may include the storage or sale of gasoline, oil, lubricants, antifreeze, tires, and/or automotive accessories, but does not include a salvage yard;

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

“backyard agriculture operation” means the keeping of livestock on a residential lot where permitted, provided that the operation is secondary to a permitted main use;

“bed and breakfast” means an owner-occupied single, two, or three-unit residential dwelling in which rooms are rented to overnight guests for short-term accommodation purposes;

“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 or seasonal stay;

“cannabis production facility” means a building, structure, or use of land that, pursuant to a valid licence issued under the *Cannabis Act* and its associated regulations, is used for the cultivation, harvesting, processing, packaging, storage, or testing of cannabis;

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

“class 1 home-based business” means the use of a 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 the main residential use and is conducted entirely within the dwelling unit, but does not include a community care facility, a special care home, or an early learning and childcare home;

“class 2 home-based business” means the use of an accessory building or structure on a residential lot 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 the main use on a lot but does not include a community care facility, a special care home, or a day care home;

“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 office treatment 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;

“Commission” means the Regional Service Commission having jurisdiction;

“community care facility” means a residential building, or part of a building, which provides supportive care or nursing services to adults who require assistance with daily living or health supervision, and may include a nursing home or adult residential facility;

“community hall” means a building intended for community gatherings or similar special events;

“confined livestock area” means an outdoor nongrazing 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 use that serves to protect or maintain an environmentally sensitive area;

“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;

“Council” means the council of the Sunbury-York South Rural Community;

“coverage” means the percentage of the lot area covered by the area of the main building or buildings;

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

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

“dwelling unit” means a room or a suite of two or more rooms designed or intended for residential occupancy by one household, in which independent cooking facilities, sanitary facilities, and sleeping accommodations are provided for the exclusive use of that household;

“early learning and childcare home” means an owner-occupied single-family dwelling in which licensed day care services are provided, which is operated in accordance with the *Early Childhood Services Act* (formerly referred to as day care home);

“early learning and childcare facility” means a licensed facility at which childcare services are provided, which is operated in accordance with the *Early Childhood Services Act* (formerly referred to as a day care centre);

“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, or snack bar, or refreshment room;

“environmentally sensitive area” means the habitat required for the maintenance and conservation of rare, threatened, or endangered species and sensitive natural features that provide critical habitat to various plant and animal communities;

“erect” means to construct, build, assemble, or relocate a building or structure, including any physical operations preparatory to the construction, building, assembly, or relocation of the building or structure;

“extractive industrial use” means the use of land for the refinement and/or processing of minerals, ores, sand, gravel, stone, or other aggregate resources, and includes tailing ponds, rock crushing plants, asphalt plants, or concrete plants;

“flood hazard area” means an area of land subject to current provincial flood hazard mapping and the 1 in 20-year return period flood event (5% annual exceedance probability), adjusted for climate change;

“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” means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include: the raising and cutting of wood, pulp, lumber and other primary forest products as well as the portable milling and sawing of wood; and the production of Christmas trees and specialty forest products such as maple syrup, fiddle heads, wreaths, bark mulch, and fine furniture wood, but does not include a permanent sawmill;

“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, one or more electric vehicle charging stations, as well as involve the sale of other liquids and small accessories required for the operation of motor vehicles;

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

“home display and sales outlet” means the use of land, buildings or structures for the display and sale of residential housing units, including mini homes, modular homes, or similar transportable dwelling, but does not include residential occupancy or display units as dwellings unless otherwise permitted within the applicable zone;

“hospital” means a facility that provides long and short term medical and health care, overnight stays, surgery, laboratory and diagnostic services for treating human illness, disease, and injury;

“hotel” means a building or group of buildings designed to provide temporary accommodation to the travelling public, and may include common amenities (includes a motel);

“hunting camp or recreation camp” means a building or structure for seasonal use for the purpose of hunting, fishing, snowmobiling, or similar outdoor recreational activities, and which is not operated for financial gain, rental, or commercial purposes;

“industrial occupancy” means the occupancy or use of a building or part thereof for the assembling, fabricating, manufacturing, or processing of goods and materials, repairing of equipment and/or machinery, or storing of goods and materials associated with any of the above;

“kennel” means any premises or establishment where five (5) or more dogs or cats over the age of six (6) months are housed, boarded, bred, handled, or otherwise kept or cared for, whether or not for commercial purposes;

“light manufacturing operation” means a building or structure in which component parts are manufactured, assembled or processed to produce finished product, provided that the operation does not generate significant noise, vibration, dust, smoke, or other emissions beyond the property boundary;

“livestock” means cattle, horses, mules, donkeys, llamas, alpacas, pigs, sheep, goats, bison, deer, ostriches, emus, chickens, turkeys, and other domesticated fowl, fox, and mink, but does not include wild boar;

“livestock facility” means a building used or intended to be used to confine or house livestock or a confined livestock area, and includes a structure or area used or intended to be used to store manure;

“lot” means a parcel of land or two or more adjoining parcels held by the same owner, including parcels lying opposite to each other or on either side of a road, street, or highway, used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed;

“lot depth” means

- (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 mid-points of the front and rear lot lines;

“lot line” means a common line between a lot and an abutting lot, access or street;

“lot width” means

- (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 limits of the abutting street, such parallel line being drawn through the point at which the line of minimum setback, required by by-law or regulation, intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

“refreshment room” means a licensed premises designated under the *Liquor Control Act*;

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

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

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

“manufacturing operation” means a building or structure where component parts are manufactured, fabricated, assembled, or processed to produce finished product on a scale that may generate noise, vibration, dust, smoke, or other emissions beyond the property boundary;

“mini home dwelling” means a building unit that is designed for residential occupancy, with or without a permanent foundation, that is capable of being transported from its place of construction to the site without material alteration, does not have towing facilities attached or fitted, has a width generally less than six metres, exclusive of steps or porches, and does not include a mobile home or recreational vehicle;

“mini home park” means a parcel of land, not in a provincial park, intended as the location for residential purposes, of three or more mini homes, or upon which three or more mini homes are located for residential purposes;

“Minister” means the Minister of Local Government;

“mobile home” means a factory-built, detached dwelling unit designed and constructed to be transported on its own chassis and wheel system to a site, where it may be placed on defined supporting structures, and which is suitable for year-round occupancy with only minor and incidental unpacking and assembly operations required;

“multi-unit dwelling” means a dwelling containing four or more dwelling units, and may include housing for seniors;

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property;

“office” means a building or part thereof where professional, business, consulting, clerical, or administrative services are conducted or provided;

“passive recreation and open space” means land set aside for passive or low-impact recreation or conservation, such as, trails, rest areas, picnic sites, and conservation areas;

“personal service establishment” means an establishment providing personal, financial, technical, or repair services, or 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, locksmiths, pawnshops, printing and photocopy services, shoe repair shops, furniture upholstery shops, and professional photographers’ studios;

“pit” means an open area of land where quarriable substances are excavated for a development or for commercial use without the use of explosives, but does not include processing or refinement of materials;

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

“protective services” means a building or area of land used for the purpose of protecting or restoring the health, safety, or welfare of the community, and without limiting the generality of the foregoing may include fire stations, police stations, and ambulance services;

“quarry” means an open area of land where quarriable substances are excavated for a development or for commercial use including the use of explosives, but does not include processing or refinement of materials;

“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;

“retail store” means a store or shop engaged in the sale 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 items of household convenience, groceries, antique and second-hand articles, appliances and tools, art and crafts, books, clothing, garden supplies, recreation or sporting goods, bakeries, drug stores, and florists, but does not include any use separately listed in a zone;

“riding school or boarding stable” means an area of land which is used as an educational centre for rider training or horse training, handling, care, or the lodging of horses;

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

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

“sawmill” means an enclosed building or structure containing a stationary milling machine designed to produce lumber and other sawn products, 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;

“secondary dwelling unit” means a one- or two bedroom, self-contained dwelling located on the same lot, but clearly secondary to an existing main residential use;

“secondary use” means a use, other than a main 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 or household goods or contractors’ supplies;

“special care home” means an owner-occupied 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 all applicable legislation;

“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;

“single-unit dwelling” means a dwelling containing only one dwelling unit, and includes a mini home dwelling;

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

“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;

“swimming pool” means an artificial body of water, the container of which is constructed of cement, plastic, fibreglass or similar material, having a depth greater than 1.0 metres and intended primarily for bathing, swimming and diving, but shall not include a natural, dug, or dammed pond primarily intended for aesthetic or agricultural purposes;

“three-unit dwelling” means a dwelling containing three dwelling units;

“topsoil” means topsoil as defined within the *Topsoil Preservation Act*;

“topsoil removal operation” means the removal of topsoil for the purposes of the sale or commercial use of the material excavated, which complies with all applicable legislation;

“tourist resort” means a commercial establishment where overnight accommodation is provided to the travelling public, which may provide accessory leisure or hospitality services, and, without limiting the generality of the foregoing, may include lodge houses, cottages, a recreational vehicle park, mini golf, and artisan shops, but does not include a hotel or camping facility;

“transportation terminal” means the use of land, buildings, or structures for the purposes of storing, servicing, repairing, or loading trucks, transport trailers, or buses;

“two-unit dwelling” means a dwelling containing two dwelling units;

“type 1 subdivision” means a subdivision of land that is not a type 2 subdivision;

“type 2 subdivision” means a subdivision of land that requires the development of

- (a) one or more streets, or
- (b) a form of access other than a street and approved by an advisory committee or regional service commission as being advisable for the development of the land;

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

“vehicle storage depot” means one or more buildings, or land, offering space to clients to store items such as motor vehicles, boats, or recreational vehicles, but is not a facility where clients have private access to their own individual units, and does not involve any salvage yard operations, retail sales, or storage of any hazardous chemicals or materials;

“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;

“waste composting operation” means a composting operation requiring the approval of the Department of Environment and Local Government for the treatment of organic wastes that are biologically decomposed under controlled conditions;

“watercourse” means a watercourse as defined under the *Clean Water Act*;

“watershed” means watershed as defined under the *Clean Water Act*;

“wayside pit or quarry” means a temporary pit or quarry developed for use by the New Brunswick Department of Transportation, directly or under contract, solely for the purpose of Provincial road or highway construction and not located in the road right-of-way;

“wetland” means a wetland as defined under the *Clean Water Act*;

“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;

“woodworking shop” means the manufacturing of secondary wood-products, such as furniture, kitchen cabinets and vanities, doors, frames, ornaments, signs, and pallets, conducted in a building or enclosed structure.

5.0 PURPOSE, ADMINISTRATION, CLASSIFICATION, AND CONFORMITY

5.1 Purpose

- 1) The purpose of Part C is:
 - a) to divide the Planning Area into zones which are represented in Schedule A: Sunbury-York South Rural Community Zoning Map;
 - b) to prescribe, subject to powers reserved to the Commission:
 - i) the purpose for which land, buildings, and structures in any zone may be used, and,
 - ii) standards to which land use and the placement, erection, alteration, and use of buildings must conform; and
 - c) to prohibit, other than in conformity with the purposes and standards mentioned in subparagraph (b),
 - i) land use, and
 - ii) use, placement, erection, or alteration of buildings or structures.

5.2 Administration

5.2.1 Powers of the Regional Service Commission

- 1) No building or structure may be erected on any site where it would otherwise be permitted under this by-law 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.
- 2) Pursuant to Section 55(1) of the *Community Planning Act*, the Commission may authorize:
 - a) subject to the terms and conditions it considers fit, a proposed use of land or a building that is otherwise not permitted under the zoning provisions if, in the opinion of the Commission, 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;
 - b) a reasonable variance from the requirements referred to in paragraph 53(2)(a) of the *Community Planning Act*; or
 - c) a reasonable variance from the requirements of the zoning provisions if, in the opinion of the Commission, the variance is desirable for the development of a parcel of land or a building or structure and is in keeping with the general intent of the zoning provisions and any plan under the *Community Planning Act* affecting the development.
- 3) In all zones created by this by-law, 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, where the use generating the waste has been approved for communal type services;
 - e) drainage, including storm sewers;
 - f) streets; or
 - g) all other public or private utilities;

including the location or erection of any structure or installation for the supply of any of the abovementioned services, shall be permitted as a particular purpose for which the Commission may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be expected.

5.2.2 Temporary Uses

- 1) The Commission may, subject to such terms and conditions as it considers fit,
 - a) authorize, for a temporary period not exceeding one year, a development otherwise prohibited by this by-law; and
 - b) require the termination or removal of a development authorized under paragraph (1)(a) at the end of the authorized period.
- 2) The Commission may authorize, subject to such terms and conditions as it considers fit, the extension of a temporary use for an additional period not exceeding one year, if:
 - a) the applicant holds an authorization under paragraph (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 Council confirming that the Council will consider the application referred to in paragraph (2)(b).
- 3) The Commission may
 - a) delegate its authority under paragraph (1)(a) to the development officer; and
 - b) authorize a delegate under paragraph (1) to further delegate his or her authority under paragraph (1)(a) to any person.

5.2.3 Specific Powers of Council

- 1) No building may be erected 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.

5.2.4 Amendments

- 1) A person who seeks to have this by-law amended shall:
 - a) address a written and signed application to the Commission; and;
 - b) submit a fee of \$1,500.00, payable to the Commission.

- 2) On the advice of Council, the Commission may return to the applicant all or any part of a fee mentioned in paragraph (1)(b).
- 3) An application shall include such information as may be required by Council or the Commission.
- 4) Unless Council is of the opinion that there is valid new evidence or change in conditions, where an application under this section has been previously refused by Council, no further application may be considered for one year if such application:
 - a) in the case of rezoning, is in respect of the same area of land with which the original application was concerned; or
 - b) not being in relation to rezoning, is similar to the original application.

5.2.5 Rural Plan Review

- 1) Council shall undertake a review of the Rural Plan every ten years.

5.3 Classification

- 1) For the purposes of the by-law, the area is divided into zones as delineated on the plan attached as Schedule A, entitled "Sunbury-York South Rural Community Zoning Map."
- 2) The zones referenced in subsection (1) are classified and referred to as follows:
 - a) Rural (R)
 - b) Residential One (R1)
 - c) Serviced Residential (SR)
 - d) Mini Home Park (MP)
 - e) Highway Commercial (HC)
 - f) Commercial (C)
 - g) Light Industrial (LI)
 - h) Heavy Industrial (HI)
 - i) Resource and Conservation (RC)
- 4) Where the boundary of any zone, as shown on the zoning map relating to this Rural Plan is uncertain:

- a) where zone boundaries are indicated by following an existing street, lane, public utility right-of-way, watercourse or an easement line, the centre in of such feature is the zone boundary; or
- b) a zone boundary shown approximately at a lot line, shown on a registered plan of subdivision or registered document, is deemed to be at the boundary of the lot line; or
- c) a zone boundary shown following approximately the top of bank of a shoreline, creek, stream or channel is deemed to be the top of the bank and moves with any change in the bank; or
- d) where a zone boundary runs parallel to a street line or property line and the distance is not indicated from the street line or property line, the boundary shall be deemed to be parallel to such street line or lot line and the distance from the street line and lot line shall be determined according to the scale shown on the zoning map.

5.4 Conformity

- 1) In any zone, all land 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 provided, the part of this by-law pertaining to such zone.

5.5 Unauthorized Development

- 1) Nothing in 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.

6.0 GENERAL PROVISIONS

6.1 Class 1 Home-Based Business

- 1) Where permitted, a class 1 home-based business may be conducted in a residential dwelling subject to the following requirements:
 - a) the home-based business shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling or premises or any visible evidence of conduct of a home-based business, except for a sign permitted under subsection 6.13;
 - b) no more than thirty percent (30%) of the floor area of a dwelling unit, shall be devoted to the home-based business;

- c) the home-based business shall not consist of a restaurant or retail operation, except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service; and
- d) no smoke, fumes, obnoxious odors, noise, vibration, heat, humidity, glare, or electronic interference be produced as a result of the home-based business which would exceed that normally produced by a residential dwelling.

6.2 Class 2 Home-Based Business

- 1) Where permitted, a class 2 home-based business may be conducted within another building or structure on the same lot as a residential dwelling subject to the following requirements:
 - a) the home-based business shall be clearly secondary to the main residential use;
 - b) no industrial occupancy, secondary or accessory building or structure used for the home-based business shall have a floor area which exceeds the lesser of 10% of the area of the lot or 240 square metres;
 - c) the home-based business shall not consist of a salvage yard or automotive sales lot and there shall be only incidental and minimal use or storage of toxic or flammable materials;
 - d) the home-based business shall not consist of a restaurant or retail operation, except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service;
 - e) any outdoor storage of supplies or products shall be screened from view from the street and neighboring properties and the area of the lot used for outdoor storage shall not exceed 250 square metres;
 - f) accessory buildings or structures shall be located in the side or rear portion of the lot, and shall be compatible in character, design and scale with neighbouring developments; and
 - g) no smoke, fumes, obnoxious odors, noise, vibration, heat, humidity, glare, or electronic interference be produced as a result of the home-based business which would exceed that normally produced by a residential dwelling.

6.3 Secondary Dwelling Units

- 1) Where secondary dwelling units are permitted, no more than one may be placed or erected on a lot, and the secondary dwelling unit

- a) shall be located on a lot which contains at least 4,000 square metres;
- b) shall be secondary to a principal dwelling, and shall only be located in a rear or side yard;
- c) shall have a floor area less than 110 square metres;
- d) in combination with the principal dwelling, shall not exceed a lot coverage of 35%;
and
- e) shall be provided with an adequate sewage disposal system which meets applicable on-site sewage disposal and plumbing requirements.

6.4 Bed and Breakfast

- 1) Where permitted, a bed and breakfast may be conducted in a residential dwelling subject to the following requirements:
 - a) the use shall be conducted entirely within the dwelling unit;
 - b) at least 50% of the rooms for rent shall have access from inside the dwelling;
 - c) no cooking equipment shall be provided in a room that is used for sleeping accommodation;
 - d) one sign shall be permitted for the purpose of identifying the bed and breakfast in accordance with section 6.13; and
 - e) sufficient parking shall be provided on-site in accordance with section 6.10.

6.5 Undersized Lots

- 1) The Rural Plan does not prevent the use of a lot in existence prior to the adoption of the Rural Plan that does not conform to the minimum size requirements provided that
 - a) the proposed use is permitted in the zone,
 - b) the lot is serviced by an approved sewage disposal system; and
 - c) setbacks, lot occupancy, and all other relevant requirements are maintained.
- 2) 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.

6.6 Keeping of Livestock

- 1) The keeping of livestock is subject to the *Livestock Operations Act* and Regulation. If the use is determined to be exempt from the *Act* and Regulation, in respect to the livestock units that are less than the threshold established by the *Livestock Operations Act*, the keeping of livestock other than backyard agriculture operations in accordance with section 6.22 is subject to terms and conditions as may be imposed by the Commission except on those lots where the following requirements are met:
 - a) fences and walls shall be well maintained and kept in proper repair to keep all livestock on the property where the livestock facility or grazing field is located; and
 - b) the following setback requirements for livestock facilities are met:
 - i) three or fewer animal units, minimum setback from any lot line: 25 metres
 - ii) four to six animal units inclusive, minimum setback from any lot line: 50 metres;
 - iii) seven to ten animal units inclusive, minimum setback from any lot line: 60 metres; or
 - iv) eleven to nineteen animal units inclusive, minimum setback from any lot line: 70 metres.

6.7 Number of Dwellings on a Lot

- 1) No more than one dwelling shall be erected on any lot except for the following:
 - a) a secondary dwelling unit, where permitted;
 - b) a mini home park, where permitted; and
 - c) a lot wherein dwellings are so located that they would be in conformity with the provisions of this by-law if the lot was divided into separate lots, each abutting a street and containing one dwelling, as per subsection 11(2) of the Provincial Building Regulation.

6.8 Location of Buildings and Structures on a Lot

- 1) No building or structure may be placed, erected or altered so that any part of it

- a) is less than
 - i) 15 metres from the boundary of an arterial or collector highway, or
 - ii) 7.5 metres from the boundary of a road, street, or highway other than an arterial or collector highway; or
 - b) is within 3 metres of a side lot line; or
 - c) is within 3 metres of a rear lot line.
- 2) Notwithstanding subparagraphs (1)(b) and (c), no building or structure may be placed, erected or altered within the Serviced Residential “SR” Zone so that any part of it
- a) is within 1.5 metres of a side lot line; or
 - b) is within 1.5 metres of a rear lot line.
- 3) Notwithstanding subparagraph (1)(a), a building or structure other than an accessory building or structure may be placed, erected or altered so that it is as near a boundary of a street or highway as existing buildings or structures provided that:
- a) the existing buildings or structures are on each side of and immediately adjacent to such building or structure; and
 - b) the nearest side of each existing building or structure immediately adjacent thereto will be within 30 metres of the nearest side of the building or structure to be placed, erected or altered.
- 4) No development shall be undertaken within 30 metres of the right-of-way of a provincial highway unless a valid setback permit or written approval has been obtained from the New Brunswick Department of Transportation and Infrastructure, where required.

6.9 Lot Occupancy

- 1) Buildings and structures on a lot shall not occupy more than 35% of the area of the lot where they are located.

6.10 Parking Standards

- 1) Off-street vehicular parking shall conform with any applicable provincial design requirements, including the Barrier-Free Design Building Code Regulation.

- 2) Pursuant to the Provincial Building Regulation , a minimum number of off-street vehicular parking spaces, not less than 18 square metres in area and with adequate access, shall be provided as follows:
 - a) for a residential use – one space per dwelling unit, plus one additional space for every four dwelling units;
 - b) for a retail store – one space for every 18 square metres of floor area used for selling;
 - c) for an eating establishment – one space for every 18 square metres of public floor area;
 - d) for a service, maintenance, or repair shop or facility – one space for every 27 square metres of floor area used for providing services;
 - e) for an office or clinic – one space for every 18 metres of gross floor area;
 - f) for an industrial occupancy – one space for every 36 square metres of floor area or storage space;
 - g) for a bed and breakfast – one space for every unit plus one for the occupant;
 - h) for a place of learning – one- and one-half spaces for every classroom;
 - i) for an active recreation use, or an institutional use such as a place of worship or community hall – one space for every 10 square metres of floor area or one space for every eight persons in normal attendance, whichever is lesser.

6.11 Loading Standards

- 1) Off-street spaces not less than 9 metres long, 3.5 metres wide and 4 metres high, with access thereto, shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the following requirements:
 - a) one space for a building or structure with a total floor area up to and including 1727 square metres;
 - b) two spaces for a building or structure with a total floor area over 1727 square metres and up to and including 4545 square metres;
 - c) an additional space for each 4545 square metres, or fraction thereof, of total floor area thereof in excess of the first 4545 square metres.

- 2) The loading space and approaches shall be surfaced with concrete, asphalt, paving stone, crushed stone, gravel or a combination thereof.

6.12 Enclosures for Swimming Pools

- 1) No land shall be used for the purpose of a swimming pool unless the pool is enclosed by a fence or by a wall of a building or structure, or by a combination of walls and fences, at least one and six-tenths metres in height and meeting the requirements of this section.
- 2) Where a portion of a wall of a building forms part of an enclosure mentioned in paragraph (1),
 - a) no main or service entrance to the building shall be located therein; and
 - b) any door therein, other than a door to a dwelling or dwelling unit, shall be self closing and equipped with a self-latching device at least 1.6 metres above the bottom of the door.
- 3) An enclosure mentioned in paragraph (1) shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
- 4) A fence mentioned in paragraph (1)
 - a) shall be made of chain link construction, with galvanized, vinyl or other CSA-approved coating, or of wood or of other materials, in the manner prescribed by paragraph (5);
 - b) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - c) shall be located at least
 - i) at least 1.25 metres from the edge of the swimming pool; and
 - ii) at least 1.25 meters from any condition that would facilitate its being climbed from the outside.
- 5) A fence under this section shall be designed and constructed,
 - a) in the case of a fence made of chain links, with
 - i) no greater than 4 centimetres diamond mesh,
 - ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge CSA-approved coating forming a total thickness equivalent to No. 12 gauge wire; and

- iii) at least 4 centimetre diameter steel posts, set below frost in an envelope of cement and spaced not more than 3 metres apart, with a top horizontal rail of at least 4 centimetre diameter steel;
 - b) in the case of a fence made of wood, with
 - i) vertical boarding, not less than 2.5 centimetres by 10 centimetres nominal dimensions spaced not more than 4 centimetres apart, attached to supporting members and arranged in such manner so as not to facilitate climbing on the outside, and
 - ii) supporting cedar or pressure-treated posts at least 20 centimetres square or round with 10 centimetres diameters, set below frost and spaced not more than 2.5 meters apart, with the portion below grade treated with a wood preservative, and with a top horizontal rail with dimensions of at least a width of 5 centimetres and a height of 15 centimetres; and
 - c) in the case of a fence constructed with materials and in a manner other than described in this subsection, in a manner that will ensure rigidity equal to the design and construction prescribed in this section.
- 6) Gates forming part of an enclosure mentioned in paragraph (1)
- a) shall be equivalent to the fence in content, manner of construction and height;
 - b) shall be supported on substantial hinges; and
 - c) shall be self-closing and equipped with a self-latching device at least 1.6 metres above the bottom of the gate.

6.13 Signs

- 1) A sign shall be exempt from this by-law, if the sign
 - a) warns against danger;
 - b) is permitted in accordance with the Posting of Signs on Land Regulation under the *Fish and Wildlife Act*;
 - c) is temporary in nature, including but not limited to signs that are regulated under the *Elections Act*, advertise a dated event, provide public notice of an event, or give legal notice; or
 - d) is a traffic control device as defined in the *Motor Vehicle Act*.

- 2) A sign may be placed, erected or displayed on any land, building or structure if such sign
 - a) advertises the sale, rental or lease of such land, building or structure;
 - b) identifies a residential property or residents thereof;
 - c) denotes a permitted home-based business or bed and breakfast; or
 - d) warns against trespass.
- 3) A sign referred to in paragraph (2) shall not exceed
 - a) in number, one for each purpose mentioned in paragraph (2); and
 - b) in size, 1.5 square metres.
- 4) A sign referred to in paragraph (2) shall not be backlit or encircled with flashing or neon lights, and shall comply with the Highway Advertisements Regulation.
- 5) In a commercial, industrial, or resource and conservation zone, or in association with a land-leased community or an agricultural use other than a backyard agricultural operation, a free-standing sign situated at least 2 metres from the street line or a single-faced sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, may be permitted provided:
 - a) the area of the sign face does not exceed 3 square metres;
 - b) illumination for signs shall not be intermittent;
 - c) the sign shall not be of a colour, intensity, or location so as to be confused with traffic or other warning devices; and
 - d) the total number of free-standing and single-faced signs does not exceed three (3) per lot.
- 6) In a highway commercial zone, a freestanding sign situated at least 2 metres from the street line or a single-faced sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein, may be permitted provided:
 - a) the area of the sign face does not exceed 10 square metres;
 - b) illumination for signs shall not be intermittent;
 - c) the sign shall not be of a colour, intensity, or location so as to be confused with traffic or other warning devices.

6.14 Height of a Building or Structure

- 1) No building or structure may exceed 15 metres in height.
- 2) The height restriction in subsection 6.14 (1) shall not apply to a silo, chimney, church tower, communication antenna, or water storage facility.

6.15 Buffering

- 1) Any new commercial or industrial use located adjacent to an existing residential use shall have, within and near the boundary of the lot on which it is situated, a minimum 10 metre wide spatial and visual buffer that includes a fence or continuous landscaped row consisting of a hedge or shelterbelt of trees.

6.16 Separation Distances

- 1) The following minimum separation distances shall be maintained for residential, recreational, and institutional uses, unless such uses are permitted on the same lot:
 - a) asphalt plant – 750 metres;
 - b) salvage yard – 200 metres;
 - c) wind turbine – two and a half times the turbine height;
 - d) waste composting operation – 500 metres;
 - e) abandoned landfill site – 200 metres; and
 - f) a pit, quarry, or extractive industrial use – 150 metres.
- 2) Notwithstanding paragraph (1), minimum separation distances shall not be required from any use that is not permitted in its respective zone.

6.17 Sawmill

- 1) Where permitted, a sawmill shall be located
 - a) at least 200 metres away from any institutional, recreational, or residential use; and
 - b) at least 30 metres away from the street line and 45 metres away from any other property line.

6.18 Kennels

- 1) Where permitted, a kennel shall be

- a) located on a lot which contains at least 20,000 square metres; and
- b) setback at least 60 metres from all property lines.

6.19 Gasoline Bars

- 1) Where permitted, a gasoline bar shall be subject to the following requirements:
 - a) no portion of any pump island or canopy shall be located closer than 15 metres from any street line;
 - b) no portion of any driveway shall be located closer to a street intersection than 15 metres;
 - c) the maximum width of a driveway at the street line shall be not more than 10 metres and the minimum distance between driveways shall be not less than 9 metres; and
 - d) the angle of intersection between a driveway and a street line shall not be less than 45 degrees or greater than 135 degrees.

6.20 Contractor's Yards

- a) Where permitted, the storage of materials other than heavy equipment associated with a contractor's yard shall be located in a building or enclosed structure or shall be screened from view from the street and neighboring properties.

6.21 Pits

- 1) Where permitted, a pit shall be subject to the following requirements:
 - a) The final perimeter of all excavation areas relating to a pit shall not be located within:
 - i) 30 metres of a road, street, highway, easement, or right-of-way;
 - ii) 100 metres of the foundation of any building;
 - iii) 100 metres of a private water supply well;
 - iv) 50 metres of a residential property boundary; and
 - v) 15 metres of any lot line of an abutting property, unless:
 - 1) a pit is permitted on the abutting property, in which case the minimum required distance shall be reduced to 7.5 metres, or

- 2) the abutting property is under the same ownership, in which case no minimum required distance shall apply.
 - b) All gravel pit operations shall have adequate signage posted around the perimeter and visible from any access, warning of any dangerous situations associated with the operation.
 - c) Except as provided in paragraphs (1)(a)(v)(1) and (2), an undisturbed buffer strip shall be maintained at least 15 metres wide and shall incorporate an opaque visual barrier not less than 3 metres high between the final perimeter of all gravel pits and a street, road or highway, or any abutting lot line.
 - d) 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.
 - e) No excavation may take place to a depth below the groundwater table.
 - f) Pit operations shall adhere to the provincial Sand and Gravel Pit Guideline administered by the Department of Environment and Local Government.
- 2) Applications for a new pit shall be required to provide:
- a) a key map of the site drawn to scale;
 - b) a general description of the site, including the shape, dimensions and area of the site;
 - c) the uses of land and locations of buildings within 500 metres of the site;
 - d) the locations and dimensions of any proposed buildings or structures;
 - e) the limit of extraction or stockpiling of materials and proposed perimeter buffering measures;
 - f) topography, including existing and post-extraction contours;
 - g) existing and proposed roads and the location of the entrance to the site from a public road;
 - h) a copy of any Watercourse and Wetland Alteration Permit that is required with respect to the operation under the Watercourse and Wetland Alteration Regulation;

- i) demonstration of conformity with the provincial Sand and Gravel Pit Guideline administered by the Department of Environment and Local Government; and
- j) other reports on, for example, hydrogeology, blasting, noise, drainage, and road impacts as may be required to complete the evaluation of the application.

6.22 Backyard Agriculture Operation

- 1) Where permitted, a backyard agriculture operation shall permit the keeping of hens, ducks, rabbits, turkeys, geese, sheep, and goats, subject to the following limits:
 - a) no more than ten (10) animals in total shall be kept;
 - b) no more than ten (10) hens, ducks, or rabbits, or any combination thereof shall be kept;
 - c) no more than five (5) turkeys or geese, or any combination thereof shall be kept; and
 - d) no more than two (2) sheep or goats, or any combination thereof shall be kept.
- 2) Where permitted, a backyard agriculture operation shall not involve the keeping of roosters.
- 3) Where permitted, a backyard agriculture operation shall be subject to the following:
 - a) the backyard agriculture operation shall be located on a lot with an area of at least 4,000 square metres;
 - b) the backyard agriculture operation shall be confined to a secure enclosure located in a side or rear yard, and no part of the enclosure or its contents shall be situated closer than 5 metres to any neighbouring lot line;
 - c) a roofed enclosure consisting of a chicken coop connected to a chicken run is required for hens, ducks, and rabbits, which shall be fully enclosed by wired fencing and impermeable to predators, and shall be visually screened from a public street and neighbouring properties; and
 - d) any manure or waste material shall be removed from the site (or composted) on a regular basis.

6.23 Cannabis Production Facility

- 1) Where permitted, any building or structure or portion thereof used for a cannabis production facility shall not be located within 150 metres of a residential or institutional property boundary.

6.24 Lighting

- 1) Exterior lighting shall be located and oriented to prevent direct illumination of adjacent properties or public roadways and shall be directed downward or shall be shielded such that light is prevented from being emitted upwards into the sky.

6.25 Sight Triangles

- 1) On a corner lot, no fence, sign, hedge, shrub, tree, or other building, structure, or vegetation shall be erected, placed, or permitted to grow such that it exceeds 1 metre in height within the triangular area formed by measuring 4.6 metres along each street right-of-way from the point of intersection of the street lot lines and connecting those points with a straight line.

6.26 Development in Proximity to Agricultural Uses

- 1) No new private water supply well, single, two-, or three-unit residential dwelling, or secondary dwelling unit shall be established within 25 metres of a lot line shared with an agricultural use that involves the keeping of livestock, other than a backyard agriculture operation in accordance with section 6.22.
- 2) No new early learning and childcare facility, place of learning, or multi-unit residential dwelling shall be established within 50 metres of a lot line shared with an agricultural use that involves the keeping of livestock, other than a backyard agriculture operation in accordance with section 6.22.

6.27 Development in Proximity to Landfills

- 1) Development shall not be permitted within 200 metres of an existing or abandoned sanitary landfill, garbage dump, or other massive source of contaminant without:
 - a) a water supply assessment approved by the Department of Environment and Local Government,
 - b) demonstration of compliance with any other applicable provincial requirements.

6.28 Development in Proximity to Watercourses and Wetlands

- 1) Notwithstanding the provisions of this by-law, New Brunswick Regulation 90-80 Watercourse and Wetland Alteration Regulation – *Clean Water Act* applies throughout the Planning Area, including to any development, site alteration, and construction within 30 metres of a watercourse or wetland.

6.29 Development in Flood Hazard Areas

- 1) Development within a flood hazard area that involves the erecting or placing of new main buildings shall be prohibited.
- 2) Development within a flood hazard area involving the relocation, replacing, alteration or repair of existing main buildings shall:
 - a) be subject to terms and conditions as may be set by the Commission, or prohibited where compliance with terms and conditions imposed cannot reasonably be expected,
 - b) in the case of an expansion of habitable space, be limited to a 40 percent expansion of the area of the building footprint that existed at the time of this Rural Plan coming into effect; and
 - c) demonstrate the employment of flood-proofing measures necessary to ensure the health and safety of occupants.
- 3) Notwithstanding paragraphs 6.29 (1) and (2), where it can be demonstrated to the satisfaction of the Province that lands identified as being within a flood hazard area are not subject to a flood hazard, development shall be considered where appropriate through a Plan amendment.

6.30 Development in Proximity to an Airport

- 1) New development in the vicinity of the Fredericton Airport shall comply with federal airport zoning requirements under the *Aeronautics Act*.

6.31 Development in Proximity to Pipelines

- 1) Development applications within 200 metres of easement lands of a natural gas transmission pipeline shall be circulated to that pipeline company for their review to assist in ensuring compliance under the *National Energy Board Act*.

6.32 Location of Subdivisions

- 1) Subject to all other applicable requirements within this Plan or otherwise, including but not limited any applicable Subdivision By-law, subdivisions shall occur in accordance with the following:
 - a) type 1 and type 2 subdivisions shall be permitted in all zones; and
 - b) notwithstanding subparagraph (1)(a), type 2 subdivisions involving the creation of residential lots of 6,000 square metres or smaller shall only be permitted on lands subject to the Residential One "R1" Zone.

6.33 Crown Lands

- 1) Notwithstanding any other provision of this by-law, where lands are owned by the Province of New Brunswick and administered as Crown Lands, the use and management of such lands shall be governed in accordance with the *Crown Lands and Forests Act*, including Section 8 thereof.
- 2) In the event of a conflict between this by-law and the *Crown Lands and Forests Act*, or any regulation or authorization issued thereunder, the provincial legislation shall prevail.
- 3) Notwithstanding any other provision of this by-law, where a trail is owned or managed by the Province of New Brunswick, any development that intersects or may impact such trail shall require prior consultation with the Department of Natural Resources and Energy Development before any development is undertaken on the parcel.

6.34 Conforming and Non-Conforming Uses

- 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, except as otherwise provided, the parts of this by-law pertaining to such zone.
- 2) A non-conforming use is as addressed within sections 60 and 61 of the *Community Planning Act*.
- 3) An agricultural use shall be permitted a minimum vacancy period of 24 months before losing its non-conforming status.
- 4) Development on Crown Land by the Crown or by an agent of the Crown may be exempt from zoning regulations contained herein as per section 129 of the *Community Planning Act*.

7.0 ZONES

7.1 Rural “R” Zone

Permitted Uses

- 1) In an “R” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - c) one or more of the following uses:
 - i) a single-unit dwelling,
 - ii) a two-unit dwelling,

- iii) a three-unit dwelling,
 - iv) a multi-unit dwelling,
 - v) an agricultural use, subject to section 6.6,
 - vi) a forestry use,
 - vii) passive recreation and open space,
 - viii) a community hall,
 - ix) a community care facility,
 - x) veterinary services,
 - xi) a cemetery,
 - xii) a personal services establishment,
 - xiii) a topsoil removal operation; and
- b) one or more of the following uses, subject to terms and conditions as may be set by the Commission:
- i) a sawmill, subject to section 6.17,
 - ii) a kennel, subject to section 6.18,
 - iii) a contractor's yard, subject to section 6.20,
 - iv) an active recreation use,
 - v) a place of worship,
 - vi) a clinic,
 - vii) a place of learning,
 - viii) protective services,
 - ix) a hospital,
 - x) an office,
 - xi) an automotive repair and maintenance facility,

- xii) a vehicle storage depot
- xiii) an eating establishment; and
- c) the following secondary uses to a single, two, or three-unit dwelling:
 - i) a secondary dwelling unit, subject to section 6.3,
 - ii) a class 1 home-based business, subject to section 6.1,
 - iii) a class 2 home-based business, subject to section 6.2 and 7.1(2),
 - iv) a backyard agriculture operation, subject to section 6.22,
 - v) a bed and breakfast, subject to section 6.4,
 - vi) an early learning and childcare home,
 - vii) a special care home,
 - viii) one hunting camp or recreation camp; and
- d) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Other Provisions

- 2) A class 2 home-based business involving an industrial occupancy and located on a lot with an area less than 6,000 square metres, shall be subject to terms and conditions as may be set by the Commission or prohibited where compliance with terms and conditions cannot reasonably be expected.

Lot Sizes

- 3) In an “R” zone, no lot may be created for the purpose of:
 - a) a single-unit dwelling unless it has and contains:
 - 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) a two-unit dwelling unless it has and contains:

- i) a width of at least 59 metres; and
- ii) an area of at least 5,350 square metres.
- c) a three-unit dwelling unless it has and contains:
 - i) a width of at least 63 metres; and
 - ii) an area of at least 6,700 square metres.
- d) a multi-unit dwelling unless it has and contains:
 - i) a width of at least 68 metres; and
 - ii) an area of at least 8,050 square metres.
- e) other uses permitted within the “R” zone, unless it has and contains:
 - 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.

7.2 Residential One “R1” Zone

Permitted Uses

- 1) In an “R1” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - a) one of the following uses:
 - i) a single-unit dwelling,
 - ii) a two-unit dwelling,
 - iii) a three-unit dwelling,
 - b) the following use, subject to terms and conditions as may be set by the Commission:
 - i) a multi-unit dwelling,
 - c) the following secondary uses to a single, two, or three-unit dwelling:
 - i) a class 1 home-based business, subject to section 6.1,

- ii) a class 2 home-based business, subject to section 6.2 and 7.2(2),
 - iii) a secondary dwelling unit subject to section 6.3,
 - iv) a bed and breakfast, subject to section 6.4,
 - v) a backyard agriculture operation, subject to section 6.22,
 - vi) an early learning and childcare home,
 - vii) passive recreation or open space;
 - viii) a special care home,
 - ix) a forestry use, subject to section 7.2(3); and
- d) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Other Provisions

- 2) A class 2 home-based business shall be subject to terms and conditions as may be set by the Commission or prohibited where compliance with terms and conditions cannot reasonably be expected.
- 3) A forestry use shall be subject to terms and conditions as may be set by the Commission or prohibited where compliance with terms and conditions cannot reasonably be expected.

Lot Sizes

- 4) In an “R1” zone, no lot may be created for the purpose of:
 - a) a single-unit dwelling unless it has and contains:
 - 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) a two-unit dwelling unless it has and contains:
 - i) a width of at least 59 metres; and
 - ii) an area of at least 5,350 square metres,

- c) a three-unit dwelling unless it has and contains:
 - i) a width of at least 63 metres; and
 - ii) an area of at least 6,700 square metres.
- d) a multi-unit dwelling unless it has and contains:
 - i) a width of at least 68 metres; and
 - ii) an area of at least 8,050 square metres.
- e) other uses permitted within the “R1” zone, unless it has and contains:
 - 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.

7.3 Serviced Residential “SR” Zone

Permitted Uses

- 1) In an “SR” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - a) one of the following uses:
 - i) a single-unit dwelling,
 - ii) a two-unit dwelling,
 - b) the following secondary uses to a single- or two-unit dwelling:
 - x) a class 1 home-based business, subject to section 6.1,
 - xi) a class 2 home-based business, subject to section 6.2 and 7.3(2),
 - xii) a secondary dwelling unit subject to section 6.3,
 - xiii) a bed and breakfast, subject to section 6.4,
 - xiv) an early learning and childcare home,
 - xv) passive recreation or open space;

- xvi) a special care home,
- c) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Other Provisions

- 2) A class 2 home-based business shall be subject to terms and conditions as may be set by the Commission or prohibited where compliance with terms and conditions cannot reasonably be expected.

Lot Sizes

- 3) In an “SR” zone, no lot may be created for a single-unit dwelling unless it has and contains:
 - 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.
- 4) In an “SR” zone, no lot may be created for a two-unit dwelling unless it has and contains:
 - iv) a width of at least 27 metres;
 - v) a depth of at least 30 metres; and
 - vi) an area of at least 1,022 square metres.

7.4 Mini Home Park “MP” Zone

Permitted Uses

- 1) In an “MP” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - a) one or more of the following uses:
 - i) a mini home park,
 - ii) a single-unit dwelling; and
 - b) the following secondary uses:
 - i) passive recreation and open space,

- ii) a storage building, active recreation use, or early learning and childcare facility with a maximum floor area of 300 square metres,
- iii) a class 1 home-based business, subject to section 6.1; and
- c) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Other Provisions

- 2) All single-unit dwellings or other main buildings in a “MP” zone shall have direct access to a public street or an internal roadway system.
- 3) An internal roadway system mentioned in paragraph (2) shall:
 - a) have a width of at least 20 metres;
 - b) have a travel portion at least 8 metres wide, with a paved or other all-weather dust-free surface sufficient to carry imposed loads; and
 - c) where possible have intersecting roads which meet one another at an angle of 90 degrees and in no case shall the angle of intersection be less than 70 degrees or greater than 110 degrees.
- 4) In an “MP” zone, all single-unit dwellings or other main buildings shall be located on the lot so that they would be in conformity with the provisions of this by-law if the lot was divided into separate lots, each abutting a street and containing:
 - a) one single-unit dwelling or other main building;
 - b) a width of at least 54 metres;
 - c) a depth of at least 38 metres; and
 - d) an area of at least 4,000 square metres.
- 5) Subparagraphs (4)(b), (c), and (d) shall not apply if approvals have been received to establish servicing other than by an individual well and individual septic system.

Lot Sizes

- 6) In an “MP” zone, no lot may be created for the purpose of:
 - a) a single-unit dwelling unless it has and contains:

- 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.

7.5 Commercial “C” Zone

Permitted Uses

- 1) In a “C” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - a) one or more of the following uses:
 - i) a retail store,
 - ii) a personal service establishment,
 - iii) a clinic,
 - iv) an eating establishment,
 - v) an office,
 - vi) a kennel, subject to section 6.18,
 - vii) veterinary services,
 - viii) a contractor’s yard, subject to section 6.20,
 - ix) an active recreation use,
 - x) a fruit and vegetable stand,
 - xi) a greenhouse and garden centre,
 - xii) a laboratory and research facility,
 - xiii) a self-service storage facility,
 - xiv) a lumber yard,
 - xv) an automotive repair and maintenance facility,
 - xvi) an automotive sales or rental establishment,

- xvii) a gasoline bar subject to section 6.19,
 - xviii) a single or two-unit dwelling; and
- b) the following secondary use:
- i) a retail liquor store, attached or combined with a retail store or a gasoline bar;
and
 - c) accessory buildings, structures, or uses incidental to the main use of the land,
building or structure if such main use is permitted by this section.

Other Provisions

- 2) No main building or structure containing a use mentioned in subparagraph 7.6(1)(a) shall have a combined floor area exceeding 320 square metres.

Lot Sizes

- 3) In a “C” zone, no lot may be created unless it has and contains:
 - a) a width of at least 59 metres;
 - b) a depth of at least 38 metres; and
 - c) an area of at least 8,000 square metres.

7.6 Highway Commercial “HC” Zone

Permitted Uses

- 1) In an “HC” zone, any land, building, or structure may be used for the purpose of, and for no other purpose than,
 - a) one or more of the uses listed within subparagraph 7.6(1)(a); and
 - b) one or more of the following uses:
 - i) a hotel,
 - ii) a home display and sales outlet;
 - iii) a tourism information centre,
 - iv) a government building or depot,

- v) a place of worship,
- vi) a warehouse; and
- c) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Lot Sizes

- 2) In an “HC” zone, no lot may be created unless it has and contains
 - a) a width of at least 59 metres;
 - b) a depth of at least 38 metres; and
 - c) an area of at least 8,000 square metres.

7.7 Light Industrial “LI” Zone

Permitted Uses

- 1) In an “LI” zone, any land, building, or structure may be used for the purposes of, and for no other purpose than,
 - a) one or more of the following uses:
 - i) a light manufacturing operation,
 - ii) a lumber yard,
 - iii) a self-service storage establishment,
 - iv) a heavy equipment sales or service operation,
 - v) a contractor’s yard, subject to section 6.20,
 - vi) a warehouse,
 - vii) an automotive repair and maintenance facility,
 - viii) an automotive sales or rental establishment,
 - ix) a government building or depot,
 - x) an agricultural use, subject to section 6.6;

- xi) a single-unit dwelling;
- xii) a two-unit dwelling; and
- b) the following uses, subject to terms and conditions as may be set by the Commission:
 - i) a sawmill, subject to section 6.17,
 - ii) a waste composting operation;
 - iii) a salvage yard; and
- c) the following secondary use:
 - i) an ancillary sales operation; and
- d) accessory buildings, structures, or use incidental to the main use of the land, building, or structure, if such main use is permitted by this section.

Other Provisions

- 2) No main building or structure containing a use mentioned in subparagraph 7.9(1)(a) shall have a combined floor area exceeding 1,200 square metres.

Lot Sizes

- 3) In an “LI” zone, no lot may be created unless it has and contains:
 - a) a width of at least 68 metres;
 - b) a depth of at least 38 metres; and
 - c) an area of at least 8,500 square metres.

7.8 Heavy Industrial “HI” Zone

Permitted Uses

- 1) In an “HI” zone, any land, building, or structure may be used for the purposes of, and for no other purpose than,
 - a) one or more of the uses listed within paragraphs 7.9(1)(a) and 7.9(1)(b),
 - b) one or more of the following uses:

- i) a manufacturing operation,
 - ii) a salvage yard, subject to section 6.16,
 - iii) a transportation terminal,
 - iv) a sawmill; and
- c) the following use, subject to terms and conditions as may be set by the Commission:
- i) a cannabis production facility, subject to section 6.23; and
- d) the following secondary uses:
- i) an ancillary sales operation; and
- e) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Lot Sizes

- 2) In an “HI” zone, no lot may be created unless it has and contains:
- a) a width of at least 68 metres;
 - b) a depth of at least 38 metres; and
 - c) an area of at least 8,500 square metres.

7.9 Resource and Conservation “RC” Zone

Permitted Uses

- 1) In an “RC” zone, any land may be used for the purpose of, and for no other purpose than:
- (a) one or more of the following uses:
- i) a forestry use,
 - ii) a conservation use,
 - iii) an agricultural use, subject to section 6.6,
 - iv) passive recreation and open space,

- v) a topsoil removal operation; and
- (b) one of the following uses, subject to terms and conditions as may be set by the Commission,
 - i) a sawmill, subject to section 6.17,
 - ii) a pit, subject to section 6.21,
 - iii) an extractive industrial use; and
- (b) the following secondary uses:
 - i) one hunting or recreation camp,
- (c) the following use, secondary to an agricultural use:
 - i) veterinary services; and
- (d) accessory buildings, structures, or uses incidental to the main use of the land, building or structure if such main use is permitted by this section.

Lot Sizes

- 2) In an “RC” zone, no lot may be created unless it has and contains 20,000 square metres.

Sunbury-York South Rural Community

By-law No. _____

Sunbury-York South Rural Plan

The council of the Sunbury-York South Rural Community, under authority vested in it by Section 44 of the *Community Planning Act*, enacts as follows:

- 1. A Rural Plan for the physical development and improvement of the Rural Community is hereby adopted.

2. The document entitled “Sunbury-York South Rural Plan” (By-law No. ____), including that part referred to as “Sunbury-York South Rural Community Zoning Map” attached as Schedule A, constitutes the Rural Plan mentioned in section 1.

READ A FIRST TIME:

READ A SECOND TIME:

READ A THIRD TIME AND ENACTED:

XXXXXX, Clerk

XXXXXX, Mayor

I, XXXXX, Clerk of the Sunbury-York South Rural Community, in the Province of New Brunswick, do solemnly declare:

1. THAT I am the clerk of the Sunbury-York South Rural Community, a rural community, and that I am personally acquainted with the facts herein declared;
2. THAT the provisions of Sections 110 and 111 of the *Community Planning Act* have been complied with in respect of By-law No. XX entitled the Sunbury-York South Rural Community Rural Plan, enacted by the Council of the Sunbury-York South Rural Community on _____.

Signed: _____

Dated: _____

XXXXX, Clerk

DRAFT



SCHEDULE A

Sunbury-York South Rural Community Zoning Map

experience • knowledge • integrity



civil	civil
geotechnical	géotechnique
environmental	environnement
structural	structures
field services	surveillance de chantier
materials testing	service de laboratoire des matériaux

expérience • connaissance • intégrité

