



Sunbury-York South Rural Community  
By-Law No. 15-2024

**A By-Law to Amend the New Maryland Parish Planning Area Rural Plan Regulation (05-NMR-034-00)**

Pursuant to section 59 of the *Community Planning Act*, the Council of the Sunbury-York South Rural Community enacts the following amendments to *The New Maryland Parish Planning Area Rural Plan Regulation (05-NMR-034-00)*.

- The following amendment to subsection 2.4(1):

2.4(1) For the purposes of the Regulation, the area is divided into zones as delineated on the plan attached as Schedule A, entitles "New Maryland Parish Planning Area" and is amended by Schedules B-1, C-1, D-1, E-1, F-1, G-1, I-1, J-1, and K-1.

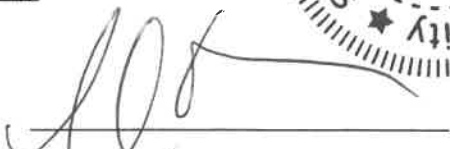
- That the land having PID 75419457, as shown on the map herein attached as Schedule K-1, is hereby rezoned, subject to the terms and conditions contained in Schedule K, pursuant to section 59 of the *Community Planning Act*, from Residential One – "R-1" Zone to Commercial One – "C-1" Zone, within the Sunbury-York South Rural Community of the parish of New Maryland and the county of York, being within the designated area of the New Maryland Parish Planning Area Rural Plan Regulation.

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

First Reading: March 19, 2024  
Second Reading: March 19, 2024  
Third Reading: APRIL 16, 2024




  
David Hayward, Mayor

  
Marjorie Turner, CAO

I certify that this instrument is registered or filed in the York County Registry Office, New Brunswick

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

2024-07-04 12:05:49 45105989  
date/date      time/heure      number/numéro  
  
Registrar/Conservateur

**Sunbury-York South Rural Community**  
**By-Law No. 15-2024**  
**Schedule K**

THIS AGREEMENT MADE THIS 16 day of April 2024.

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

AND: Stephen Holdem (hereinafter referred to as the "applicant")

WHEREAS the Municipality has been asked to rezone property currently owned by Stephen Holdem located in the Sunbury-York South Rural Community, NB, PID 75419457, from Residential One – "R-1" Zone to Commercial One - "C-1" Zone, under section 59 of the Community Planning Act,

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

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

1. THAT compliance with parking and signage regulations outlined in the New Maryland Parish Planning Area Rural Plan Regulation (05-NMR-034-00) is required.
2. THAT any alterations within 30 meters of a watercourse or wetland necessitate a Watercourse and Wetland Alteration Permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 12(2) of the New Brunswick Clean Water Act.

3. THAT a 3-meter wide treed buffer or 2.0m high fencing, or combination of both, must be constructed and maintained along the property perimeter, to provide visual screening and noise buffering to preserve the neighbourhood character of the surrounding areas.
4. THAT the avoidance of loud noises likely to cause public nuisance is required between 11pm and 7am.
5. THAT the glamping domes must be situated at least 30 meters away from the nearest residential lot line.
6. THAT the property may accommodate no more than six (6) glamping domes and one (1) single detached dwelling.
7. THAT septic approvals be received from the Department of Public Safety.
8. THAT an access approval be obtained from the Department of Transportation and Infrastructure.
9. THAT the rezoning of lands herein does not mean an approval on the issuing of subsequent permits or approvals, such as for building or subdivision.
10. THAT any additional services beyond those specified in the application require the applicant to contact the CRSC Planning and Development office to assess the necessity of obtaining any further land use approvals.

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

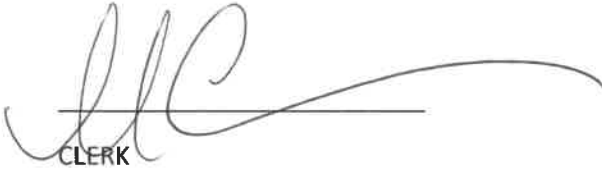
Sunbury-York South Rural Community  
By-Law No. 15-2024  
Schedule K

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 25 day of APRIL 2024.

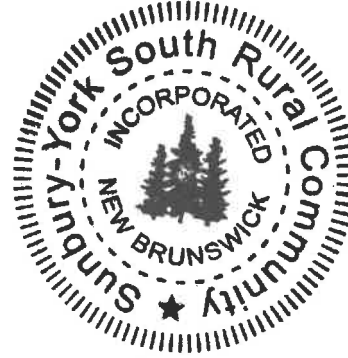
SUNBURY-YORK SOUTH RURAL COMMUNITY



MAYOR



CLERK



\_\_\_\_\_  
WITNESS



APPLICANT



WITNESS



**SUNBURY-YORK SOUTH**

New Maryland Parish Planning Area  
 Le secteur d'aménagement de la paroisse de New Maryland

Schedule K-1 / Annexe K-1  
 Date: December / Décembre 2023  
 By-law No. 13-2023



Lot being rezoned from  
 Residential-One Zone - "R-1" Zone  
 to Commercial 1 Zone - "C-1 Zone"

Lottissement de rezonage de  
 Zone résidentielle 1 - Zone R-1  
 à Zone commerciale 1 - Zone C-1



PROVINCE OF NEW BRUNSWICK  
SUNBURY-YORK SOUTH RURAL COMMUNITY

I, Marjorie Turner, of the Sunbury-York South Rural community in the Counties of Sunbury and York and Province of New Brunswick, do hereby certify:

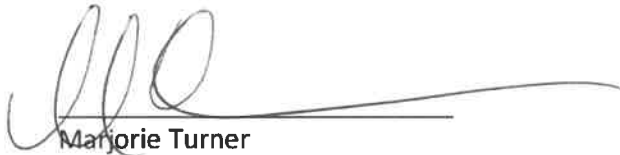
That I am the clerk of the said Sunbury-York South Rural Community, and as such have the custody of the minutes and records of the Council of the said Sunbury-York South Rural Community and the Common Seal of the said Rural Community.

That hereto attached is a true copy of a by-law entitled By-Law No. 15-2024, enacted by the Sunbury-York South Rural Community Council on the 16 of April 2024.

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

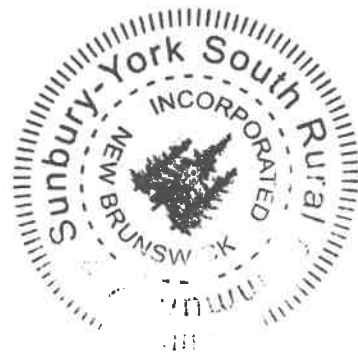
Dated at the Sunbury-York South Rural community Office on the 25 of April, 2024.

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



Marjorie Turner  
Clerk

(Stamp seal here)



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

1. That I am a Registered Professional Planner in good standing, in accordance with the meaning set out in the *Registered Professional Planners Act* of New Brunswick
2. That this document is entitled *By-Law No.15-2024 – A By-Law to Amend the New Maryland Parish Planning Area Rural Plan Regulation (05-NMR-034-00)* and is an amendment to a rural plan for a local government as defined in the *Community Planning Act* of New Brunswick.
3. That this document was prepared under my direction.
4. That this document complies with the provisions of the *Community Planning Act* of New Brunswick and the Regulations under that *Act*, including that this document is aligned with the *Statement of Public Interest Regulation*, as detailed within the attached analysis.
5. This document is *By-Law No. 15-2024 – A By-Law to Amend the New Maryland Parish Planning Area Rural Plan Regulation (05-NMR-034-00)* adopted by the local government council of the Sunbury-York South on the 16<sup>th</sup> of April 2024.

Dated at the Capital Region Service Commission on the 10<sup>th</sup> of June 2024.



Malinda Parks

Print Name

*Malinda Parks*

Signature

## Analysis Demonstrating Compliance to the Statement of Public Interest Regulation

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

*The document meets this SPI because: N/A*

**SP.8** Promote the use of green infrastructure, including climate resilient lands.

*The document meets this SPI because: N/A*

**SP.9** Promote development in downtown areas and urban cores through increased density, infill and brownfield development.

*The document meets this SPI because: The infill commercial development utilizes a flag lot in a residential subdivision.*

## **AGRICULTURE**

**AA.1** Identify prime agricultural areas and prioritize them for agricultural uses and other compatible uses.

*The document meets this SPI because: This property is not in a prime agricultural area.*

**AA.2** Identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses.

*The document meets this SPI because: N/A – this property is not in a fishery or aquaculture area.*

**AA.3** Consider set-backs, including reciprocal setbacks if appropriate, between areas with an agricultural use, fishery use or aquaculture use and areas used for incompatible purposes.

*The document meets this SPI because: N/A – this property is not in a prime agricultural or aquacultural area.*

## **CLIMATE CHANGE**

**CC.1** Promote energy conservation and efficiency, improved air quality, climate change mitigation and climate change adaptation through development and land use patterns.

*The document meets this SPI because: As an infill opportunity, outside hazard areas, this proposal does not contribute to additional climate change vulnerabilities.*

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

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

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

<input type="checkbox"/>	<b>NR.2</b> Prioritize natural resource development areas for natural resource extraction and development.
<i>The document meets this SPI because: N/A - this property is not in a natural resource development area.</i>	
<input type="checkbox"/>	<b>NR.3</b> Prioritize environmentally sensitive areas for conservation and protection.
<i>The document meets this SPI because: N/A - this property is not in a natural resource development area.</i>	
<input type="checkbox"/>	<b>NR.4</b> Consider set-backs, including reciprocal setbacks if appropriate, between natural resource development areas or environmentally sensitive areas and areas used for incompatible purposes.
<i>The document meets this SPI because: N/A - this property is not in a natural resource development area nor an environmentally sensitive area.</i>	