

STUDHOLM PARISH PLANNING AREA RURAL PLAN REGULATION  
MINISTERIAL REGULATION FOR THE PARISH  
OF STUDHOLM PLANNING AREA  
under the  
COMMUNITY PLANNING ACT  
( 00-STH-027-00 )

Consolidated November, 2014

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For legal matters please contact the Royal District Planning Commission or the Registry Office at Service New Brunswick for the registered copy of the Rural Plan and subsequent amendments.

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**PART A:**  
RURAL PLAN TITLE AND AREA DESIGNATION

TITLE AND AREA DESIGNATION

1 Title

This Regulation may be cited as the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act.

2 Area

The area of land as shown on the attached Schedule "A", being the boundaries of the Studholm Parish Planning Area in Kings County and described as follows, is designated for the purposes of the adoption of this Rural Plan and is the area to which this Regulation applies:

The area of the Parish of Studholm which is bounded west by Springfield Parish and the line running north from the mouth of the Halfway Brook; northwest by the County line; east by the western side line of the grant of nine hundred and ninety-seven acres to Thomas Leonard, the northern prolongation thereof to the County line, and the southerly prolongation thereof to Windgap Brook; thence following the several courses of said brook down stream until it intersects a line running south forty-two degrees thirty minutes east by the magnet of the year one thousand eight hundred and thirty-nine from the southwest angle of lot number one south granted to James Caruth; thence following the said last- mentioned line prolonged to Cardwell Parish, and south by Sussex and Cardwell Parishes.

3 Ministerial Regulation 99-STH-021-00 being the Studholm Parish Planning Area Rural Plan Regulation is repealed.

4 This Regulation is enacted on July 13, 2000 and comes into effect upon the repealing of N. B. Regulation 93-173, Studholm Parish -Planning Area Basic Planning Statement Adoption Regulation and the repeal of the Ministerial Regulation 99-STH-021-00 being the Studholm Parish Planning Area Rural Plan Regulation.

**PART B: RURAL PLAN**

**Purpose**

The purpose of this Plan is to provide a framework for the orderly development and growth of the Planning Area, in accordance with sound land use planning policies and principles. It will guide development for a period of approximately 20 years. Reviews will be conducted in accordance with the requirements of the *Community Planning Act*. The Plan has a long term perspective but provides mechanisms for short and intermediate term decision making.

**General Objectives**

The following general objectives serve to balance development pressures, environmental integrity, and community identity within the Studholm Parish Planning Area. The general objectives of this Regulation are:

- (a) to promote orderly growth of the Planning Area in a manner most beneficial to present and future residents;
- (b) to separate incompatible land uses;
- (c) to preserve and enhance the aesthetics of the rural landscape;
- (d) to protect agricultural land for the continuation and expansion of agricultural operations in suitable locations;
- (e) to discourage polluting and nuisance uses;
- (f) to protect surface water and groundwater resources;

- (g) to protect water dependent habitats and natural corridors;
- (h) to direct development to areas where an appropriate level of services are available, or could be made available at a reasonable cost;
- (i) to encourage existing settled areas to develop in a compact and orderly fashion with an appropriate range of uses and facilities to serve residents;
- (j) to facilitate the development of recreational sites and facilities;
- (k) to preserve significant natural resource deposits for viable commercial extraction and mining;
- (l) to discourage development on land with environmental constraints; and
- (m) to direct development to locations that make the best use of the existing transportation network.

#### STATEMENTS OF POLICY AND PROPOSALS WITH RESPECT TO PLAN

A policy is a general statement of intent. A proposal is a statement outlining specific and tangible measures to satisfy or implement a policy. Several proposals may relate to a single policy. A statement of policy or proposal has the same meaning as in the *Community Planning Act*.

#### **(a) General Development**

The manner in which and location where development occurs influences the quality of life of residents. Managing future development is important to separate incompatible uses and provide necessary services to residents, such as parkland, safe transportation routes, and public and private utilities. Managing growth also should anticipate potential problems due to the cumulative impacts of development.

##### Policy

It is a policy to manage growth and settlement patterns to be orderly, efficient and sustainable.

##### Proposals

It is proposed that a cumulative total of no more than four residential lots, including the remnant, shall be created from an existing lot, or portion thereof, outside a Settlement Area. For the purposes of this subparagraph, an existing lot shall be a lot in existence at the time of the adoption of this Rural Plan.

It is proposed that the configuration of proposed lots shall be planned to prevent or limit impacts to the natural environment, and complement adjacent development.

It is proposed that the expansion of a Settlement Area shall not be permitted where development opportunities exist within the Settlement Area.

It is proposed that strip development along Undivided Arterial Highways, Main Rural Roads and Rural Roads be curtailed.

It is proposed that all future lots have sufficient area, excluding easements, environmentally sensitive areas and hazard lands, to accommodate the proposed uses and associated on-site services.

It is proposed that future development shall not aggravate existing, or create future, stormwater management problems, in terms of surface water quality and quantity.

It is proposed that zone provisions be established for the placement or construction of signs to ensure that they do not cause a traffic hazard, obstruct views, or compromise the aesthetic quality of settled areas or the rural environment.

#### **(b) Primary Settlement Areas**

Many planning objectives are satisfied by directing future development within and around existing built-up areas that are capable of supporting growth. This approach to managing growth results in a safer and more efficient transportation network, fewer conflicts with traditional rural land uses, and less strain on environmentally sensitive areas. There are two distinct types of built-up areas in the Planning Area, which have been defined as "Primary Settlement Areas" and "Secondary Settlement Areas".

Several criteria were considered to determine which areas are, for the purposes of this Rural Plan, Primary Settlement Areas. Primary Settlement Areas possess all or most of the following characteristics:

- 1) a recognized historic community with a known name;
- 2) local commercial activity;
- 3) a community hall, church, fire hall, and/or recreational facilities;
- 4) not directly adjacent to a municipality;
- 5) a cluster of dwelling units and other uses in a relatively compact area; and
- 6) serviced by an adequate road network and other infrastructure to accommodate existing uses and future growth.

It is not the intent of the Rural Plan to imply that all lands within the boundary of a Settlement Area are to be developed. Agricultural and environmental constraint areas were included for the purpose of establishing an easily identified geographic context for policies and zone provisions.

#### Policies

It is a policy to establish the Primary Settlement Areas of Smiths Creek, Berwick and Collina as growth centres.

It is a policy to recognize the dynamic nature of small settled areas in a largely rural environment. Primary Settlement Areas, today, may not be of a size or density warranting communal water and sewer services or the delineation of a neighbourhood centre. Such considerations, however, shall be part of a review of this Rural Plan, as required by the *Community Planning Act*.

It is a policy to encourage development serviced with a communal water and sewer system.

#### Proposals

It is proposed that several uses common to a rural settled area, and generally of a compatible nature, be permitted within a "Development Zone", subject to zone provisions specific to each use.

It is proposed that a supply of suitable undeveloped land be provided within Primary Settlement Areas to accommodate growth.

It is proposed that natural features be utilized, where possible, to define the boundary of a Primary Settlement Area and provide a buffer between the Primary Settlement Area and surrounding agricultural and resource uses.

It is proposed that ribbon or strip development be discouraged on the periphery of a Primary Settlement Area.

It is proposed that commercial and light industrial uses be permitted within Primary Settlement Areas, provided such uses do not require large amounts of water for manufacturing or processing purposes, and can be satisfactorily developed on the basis of private services. Further, such uses shall not contaminate surface water or groundwater, or create such off-site nuisances as noise or odour.

It is proposed that the Province be encouraged to construct sidewalks at appropriate locations along Main Rural Roads and Rural Roads in keeping with the type and density of development.

It is proposed that proponents of developments within Primary Settlement Areas be encouraged to service such developments with a communal water and sewer system, or design such developments to allow for the future installation of such systems.

It is proposed to provide public open space and recreational opportunities within Primary Settlement Areas.

#### **(c) Secondary Settlement Areas**

Secondary Settlement Areas have been identified as centres where infilling of development will be permitted. Secondary Settlement Areas possess all or most of the following characteristics:

- 1) a cluster of dwelling units and other uses;
- 2) smaller in size and scale than a Primary Settlement Area;
- 3) serviced by an adequate road system;

- 4) capable of supporting infilling without worsening existing land use problems or harming the environment;
- 5) composed of predominantly non- agricultural operations; and
- 6) not directly adjacent to a Primary Settlement Area of a municipality.

#### Policies

It is a policy to foster Secondary Settlement Areas as centres for limited residential development, rural services and commerce.

It is a policy to permit appropriate infilling of development within the Secondary Settlement Areas of Head of Millstream, Carsonville, Lower Millstream, Newtown, Plumweseep, Fox Hill, and Apohaqui.

#### Proposals

It is proposed that several uses, generally of a compatible nature, be permitted within an "Infill" Zone, subject to zone provisions specific to each use.

It is proposed that residential development in Secondary Settlement Areas be limited to infill development and minor residential subdivisions.

It is proposed that natural features be utilized, where possible, to define the boundary of a Secondary Settlement Area and provide a buffer between the Secondary Settlement Area and surrounding agricultural and resource uses. It is proposed that ribbon or strip development be discouraged on the periphery of a Secondary Settlement Area.

### **(d) Residential**

The Planning Area has experienced considerable residential growth in recent years, and development pressures are likely to continue due to the proximity of the Planning Area to the Town of Sussex.

#### Policies

It is a policy to promote orderly and compact residential development within Primary Settlement Areas.

It is a policy to permit residential infilling within Secondary Settlement Areas.

It is a policy to allow for minor residential development in appropriate locations outside of Settlement Areas.

#### Proposals

It is proposed that adequate land be appropriately zoned for residential uses within Settlement Areas to accommodate demands for future residential development.

It is proposed that an adequate supply of different housing types be permitted in appropriate zones to meet the needs and demands of present and future residents. Multi- unit dwellings shall be directed to Primary Settlement Areas.

It is proposed that residential development be discouraged within or adjacent to environmentally sensitive areas and hazard lands, such as steep slopes, sink holes, flood plains, and organic soils.

It is proposed that new non-farm residential development be located at a distance from agricultural operations.

### **(e) Rural Residential**

The cumulative effect of several residential lots within rural portions of the planning area may compromise objectives of this Regulation that aim to separate incompatible uses and curb rural sprawl and ribbon development. Certain areas of the Planning Area outside Settlement Areas, however, may be capable of supporting small residential subdivisions without creating the adverse effects this Regulation seeks to avoid.

#### Policy

It is a policy to permit rural residential subdivisions in locations where the subdivision will not negatively impact on an environmentally sensitive area, compromise the rural character of the area, or conflict with or inhibit

agricultural and resource uses.

#### Proposals

It is proposed that residential subdivisions with four or more lots on an internal local road, and located outside a Settlement Area, be zoned "Rural Residential".

It is proposed that Rural Residential subdivisions be located at a distance from the Town of Sussex and Settlement Areas.

It is proposed that, where a residential subdivision proposes to create a cumulative total of four or more lots, including the remnant, from an original lot in existence at the time of the adoption of this Rural Plan, and the subject lands lie outside a Settlement Area, such development shall:

- 1) follow a successful application to rezone the subject lands Rural Residential;
- 2) satisfy all Rural Residential Zone provisions;
- 3) not abut an Extractive Industrial, Land Fill, or Industrial Zone;
- 4) be located in areas providing natural screening from the surrounding countryside (i.e., not located in open agricultural fields);
- 5) have an internal road system that directly connects with an Undivided Arterial Highway, a Main Rural Road, a Rural Road, or a Local Road of a standard the same or better than the minimum standards prescribed by the Department of Transportation for the construction of new roads for residential subdivisions;
- 6) have an internal road system and lot configurations that respect the natural contours of the land;
- 7) have no lots with direct access to an Undivided Arterial highway or a Main Rural Road or Rural Road;
- 8) be approved by the Department of Health and Community Services for on-site water supply and sewage disposal, with particular attention given to cumulative effects; and
- 9) be small in scale, with no greater than a cumulative total of 30 lots from a lot registered prior to the adoption of this Regulation.

#### **(f) Rural**

The northern portion of the Planning Area is rolling farmland and resource lands. In contrast, the southern portion around the Town of Sussex is characterized by scattered residential development. Haphazard rural development patterns compromise traditional sectors of the rural economy, strain the natural and cultural environment, and result in the inefficient use of physical infrastructure. Maintaining and optimizing rural land use arrangements, however, serves to satisfy most of the stated objectives of this Plan.

#### Policies

It is a policy to maintain the natural and scenic qualities of the rural landscape.

It is a policy to recognize the importance of rural lands for food production and the provision of natural resources.

#### Proposals

It is proposed that zone provisions be established to adequately separate rural land uses from residential uses and incompatible commercial and industrial uses.

It is proposed that Settlement Areas be promoted as local service areas for the surrounding rural areas.

It is proposed that lot creation in rural lands outside Settlement Areas be managed to preserve rural character and reduce land use conflicts.

#### **(g) Social and Community Development**

As residential growth occurs there are increased opportunities and demands for community facilities, such as places of worship, emergency service facilities, community halls, clinics and special care facilities. However, in planning for such facilities and services it is important to recognize the demographic make-up of the population. Studholm's population is aging, similar to national and regional trends. The proportion of the population over sixty



will significantly increase over the life of this Plan. There are many planning implications associated with an aging population, including changing service and housing demands.

#### Policy

It is a policy to recognize the importance of social and community services and facilities to the well-being and quality of life of residents.

#### Proposals

It is proposed that community facilities be located in Settlement Areas, or as close to the intended user group as is feasible, to promote shared use, universal access and a sense of community.

It is proposed that various housing options be available to suit the needs of residents, including low income families and seniors.

It is proposed that heritage buildings be promoted for public uses such as recreation centres, libraries, community halls, museums, and galleries.

It is proposed that community facilities for senior and disabled residents be encouraged to locate in Settlement Areas, ideally in areas with easy access to commercial uses and other community facilities.

It is proposed that the Department of Transportation be encouraged to place highway place name signs along an Undivided Arterial Highway and Main Rural Roads to identify the limit of Settlement Areas and help foster a sense of community.

It is proposed that open space and recreational opportunities be made available to existing and future residents.

### **(h) Economy**

The quality of life of residents is directly tied to the strength of the local economy. A strong and sustainable economy that utilizes the human and natural resources of the community provides jobs and helps establish viable communities with amenities to be enjoyed by all residents. Similarly, the financial well-being of the government is important to the provision of adequate services to residents. Land use planning should serve to strengthen the economy by supporting growth and development that is efficient, socially and environmentally responsible, financially viable, and is not a burden to private enterprises or the government in the provision of services.

#### Policies

It is a policy to encourage the creation of employment opportunities and easy access to goods and services.

It is a policy to promote economic development activities that are environmentally sustainable and do not place an undue burden on public resources and infrastructure.

#### Proposals

It is proposed that the growth and long-term viability of existing resource sectors of the local economy be promoted. Such sectors include agriculture, agricultural related industries, forestry, mining, and aggregate extraction.

It is proposed that aggregate extraction, mining, forestry, and other resource related sectors of the economy be protected from insensitive or incompatible development. Untapped resources shall also be protected to sustain a viable future for these sectors.

It is proposed that the establishment of cottage industries and home based businesses, including bed and breakfast establishments, be fostered, provided they are small in scale and compatible with residential uses.

It is proposed that the existing physical public infrastructure in the Planning Area be utilized in an efficient manner to build a strong economy.

It is proposed that Settlement Areas be promoted as commercial and service centres.

It is proposed that agricultural operations, in recognition of their important contribution to the local economy, be protected to the greatest extent possible.

#### **(i) Agriculture**

The Planning Area lies in a major dairy producing area of the Province. Several thousand hectares of land are being farmed. The area farmed has been declining slightly in recent years, while the number of farms has increased. Many of the farms in the Planning Area receive tax relief for the agricultural portion of their land under the Province's Farm Land Identification Program (Regulation 84-75 of the *Real Property Tax Act*). To be eligible for tax relief a farm must be registered under the *Agricultural Land Protection and Development Act* (ALPDA). All lands registered under ALPDA must be placed within an appropriate agricultural zone. ALPDA also enables the adoption of regulations related to the separation of agricultural and non- agricultural uses. Such regulations will impact development patterns in the Planning Area, especially where agricultural operations are close to or within settled areas.

##### Policies

It is a policy to protect agricultural operations by separating them from uses that may hinder or conflict with agricultural operations.

It is a policy to recognize the dynamic nature of modern farming and allow for a mix of compatible uses on the same lot as the agricultural operation.

##### Proposals

It is proposed that adequate separation be maintained between agricultural and other uses, in accordance with the regulations under the *Agricultural Land Protection and Development Act*.

It is proposed that agricultural operations be permitted to sell from the site agricultural goods produced on site.

It is proposed that agricultural land registered under ALPDA be zoned "Agriculture".

It is proposed that the subdivision of agricultural land be allowed for agricultural purposes, or minor lot adjustments.

It is proposed that the creation of lots unrelated to an agricultural use on lands zoned "Agriculture" be discouraged. Such lots, if permitted, shall be directed to a portion of the current lot that is unsuitable for farming and at an adequate distance from livestock or manure storage facilities and positioned to minimize impacts to remnant agricultural land.

It is proposed that requests to rezone lands zoned "Agriculture" lying outside Settlement Areas be prohibited, unless:

- 1) the proposed land use change would not result in a net loss of viable agricultural land on the property subject to the rezoning application; or
- 2) the subject land could revert to an agricultural use once the proposed use ceases; and
- 3) the proposed land use change complies with Regulations under the *Agricultural Land Protection and Development Act* and the *Livestock Operations Act*.

It is proposed that requests to rezone lands zoned "Agriculture" lying within a Settlement Area be discouraged unless there is no suitable undeveloped non-agricultural land available for the proposed use within the Settlement Area, or the land is under "changing status", in accordance with Regulation 84-75 of the *Real Property Tax Act*.

#### **(j) Commercial**

Commercial uses, such as offices, retail establishments, or services, provide local employment and reduce the frequency of trips to nearby urban centres. They are an essential component of a coherent and viable community.

### Policies

It is a policy to direct commercial development to Settlement Areas and appropriate and convenient locations to serve the public, considering transportation and settlement patterns.

It is a policy to recognize the special location requirements of recreational commercial establishments.

### Proposals

It is proposed that private recreational commercial establishments, such as golf courses and campgrounds, be placed in a separate "Recreational Commercial" zone.

It is proposed that a request to rezone lands to "Recreational Commercial" may be subject to terms and conditions, in accordance with Section 39 of the *Community Planning Act*.

It is proposed that commercial uses within Settlement Areas shall abut a Rural Road, Main Rural Road or an Undivided Arterial Highway.

It is proposed that commercial properties provide adequate loading and parking areas, and allow for the maneuvering of vehicles on site.

It is proposed that Commercial uses outside Settlement Areas be encouraged to locate at the intersection of a Rural Road, Main Rural Road or an Undivided Arterial Highway, or where local public roads intersect a Rural Road, Main Rural Road or an Undivided Arterial Highway.

It is proposed that Commercial development be discouraged on the fringe of the Town of Sussex, to reduce sprawl and direct development to appropriately serviced areas within the Town.

It is proposed that all future commercial development shall not negatively impact an area zoned "Environmental Constraint" or nearby dwellings, with respect to noise or soil, air or water pollution.

## **(k) Industrial**

Industrial uses are important to the local economy by providing services and employment opportunities to area residents. The Planning Area's arterial highway network and close proximity to the Province's three largest urban centres creates opportunities for future industrial development. The few existing industries are related to, or service, the agricultural economy.

### Policy

It is a policy to permit Light Industrial uses, and Industrial uses related to a resource extraction and agriculture in appropriate locations, considering transportation requirements and proximity to incompatible land uses.

### Proposals

It is proposed that Light Industrial uses be encouraged to locate in Primary Settlement Areas on roads that are able to sustain traffic related to their operations.

It is proposed that industrial properties provide adequate loading and parking areas, and allow for the maneuvering of vehicles on site.

It is proposed that adequate buffering and separation be provided between Industrial uses and abutting incompatible land uses, to limit possible conflicts due to noise, odour, vibrations, and traffic.

It is proposed that, in consideration of a request to rezone lands to "Industrial", such lands shall:

- 1) satisfy all applicable Industrial zone provisions;
- 2) not adversely impact the quality or quantity of existing utilized drinking water;
- 3) abut an Undivided Arterial Highway, a Main Rural Road, or a Rural Road, and the proposed industrial use shall have direct access to the same Undivided Arterial Highway, Main Rural Road, or Rural Road;
- 4) not be located within a Settlement Area; and
- 5) not directly abut a Rural Residential, Infill, or Development Zone.

It is proposed that a request to rezone lands to "Industrial" may be subject to terms and conditions, in accordance

with Section 39 of the *Community Planning Act*.

## **(l) Natural Resources**

Pits, quarries, and forestry activities are important to meet present and future construction and resource demands. Extractive industrial uses include the extraction, storage and processing of aggregate and consolidated material. The Planning Area has considerable potential for extractive uses. Major aggregate deposits roughly follow the Millstream River and Smiths Creek. A large amount of these deposits lie beneath settled areas, flood plains and good farmland. Wise management of these resources must consider possible impacts to on- site and adjacent land uses, and environmentally sensitive areas, such as fishery resources.

### Policies

It is a policy to promote the wise management of natural resources to support both environmental quality and economic growth.

It is a policy to permit extractive industrial uses where there is sufficient separation from existing and zoned incompatible land uses.

### Proposals

It is proposed that pits and quarries, and uses compatible with extractive uses, be placed in an "Extractive Industrial" Zone.

It is proposed that gravel pits and quarries be separated from residential and other incompatible land uses.

It is proposed that land uses that would conflict with extractive industrial operations be discouraged in areas with deposits most suitable for commercial extraction.

It is proposed that extractive industrial uses shall not occur within environmentally sensitive areas, including flood plains, or in areas where impacts to watercourses cannot be avoided or mitigated.

It is proposed that future extractive industrial uses on agricultural lands be managed and maintained so they do not inhibit present agricultural operations or the ability of the land to be returned to an agricultural use.

It is proposed that buffering and separation between gravel pits and quarries, and incompatible uses be maintained to reduce off- site impacts such as dust, noise and vibrations.

It is proposed that extraction be limited to the sites with deposits most suitable in terms of quality and quantity for commercial extraction.

It is proposed that forestry uses be permitted in appropriate locations, provided set-back and other regulations established by the Department of Natural Resources and Energy and the Department of Environment and Local Government be followed.

It is proposed that future Extractive Industrial use shall not be permitted unless it complies with Extractive Industrial Zone provisions.

It is proposed that a future Extractive Industrial use shall require a zoning amendment. Further, the proponent shall provide the following information as part of a rezoning application:

- 1) a report demonstrating how the above requirements will be satisfied;
- 2) a key map of the site;
- 3) a general description of the site, including the shape, dimensions and area of the site;
- 4) the uses of land and location of buildings within 500 metres of the site;
- 5) the location and dimensions of any proposed buildings or structures;
- 6) the limit of extraction or stockpiling of materials and proposed perimeter buffering measures;
- 7) topography, including existing and post-extraction contours;
- 8) existing and proposed roads and the location of the entrance to the site from a public road; and
- 9) the proponent of a quarry may be required to produce reports on hydrogeology, blasting, noise, drainage and

road impacts.

It is proposed that wayside pits and quarries, and pits and quarries for the exclusive use of manipulating grades on the same lot, shall be permitted in all zones.

#### **(m) Mining**

Mining and related activities occur at or near the extracted resource and are subject to other legislation, including the Environmental Impact Assessment Regulation - Clean Environment Act (New Brunswick Regulation 87-83), *Mining Act* and the *Bituminous Shale Act*.

##### Policy

It is a policy to recognize the importance of mining activities as an economic resource of the Province through the wise management of mineral resources while considering impacts to Settlement Areas and other sensitive uses.

##### Proposals

It is proposed that mineral exploration, staking and claiming and subsurface mining operations be permitted throughout the planning area.

It is proposed that a separation distance be established between surface mining operations and incompatible uses.

It is proposed that Rural Residential subdivisions shall be discouraged in an "Area of Mining Potential" as described on the "Development Constraints" map. Where an application is submitted to rezone lands Rural Residential, the Department of Natural Resources and Energy shall be consulted to assess the probability of surface mining activities near the proposed residential subdivision.

#### **(n) Open Space and Recreation**

The Planning Area has few public parks relative to its population. Recreation lands provide a variety of leisure activities to local residents and surrounding communities. Some of the lands which have been zoned "Open Space Recreation" is under private ownership. It is not the intention of this Rural Plan to imply that all areas zoned "Open Space Recreation" currently under private ownership are free and open to the general public, nor that they will be purchased by a public authority.

##### Policies

It is a policy to promote open space recreation uses within or close to Settlement Areas, and permit such uses in other suitable locations.

It is a policy to make public open space and recreation opportunities available to, and suited for, all residents of the Planning Area, particularly seniors and children.

##### Proposals

It is proposed that public or private open space, or cash in lieu of parkland, be required from developers of subdivision plans, pursuant to the *Community Planning Act*. Land dedications for parkland purposes shall especially be sought to serve the needs of future residents of multiple lot residential subdivisions within Settlement Areas.

It is proposed that a public land dedication for parkland purposes, pursuant to the *Community Planning Act*, may be considered in order to serve the needs of future residents within multiple lot residential subdivisions.

It is proposed that a minimum of one hectare of parkland shall be provided in each Primary Settlement Area. When locating parkland special consideration will be given to land providing access to a major watercourse and areas within walking distance of most residents.

It is proposed that significant natural areas be considered for public open space when such areas form part of lands subject to a subdivision plan. Significant natural areas may also be considered for public purchase from funds accumulated from subdivision plans where money is paid in lieu of parkland.

It is proposed that significant natural areas be considered for public purchase only if the subsequent development and use of such lands would not jeopardize the integrity of environmental functions.

It is proposed that significant natural areas be held as public or private open space to offer passive recreational opportunities that are sensitive to the local environment.

#### **(o) Crown Land**

Crown Land represents a relatively small proportion of the total land area of the Planning Area. Crown Land is held as blocks of land in the northern section and as Crown Reserve Roads dispersed throughout the Planning Area. Land uses on Crown Land, such as forestry and aggregate extraction, are regulated by such legislation as the *Crown Lands and Forests Act* and the *Quarriable Substances Act*.

##### Policy

It is a policy to recognize the importance of Crown Lands as resource areas governed by specific legislation and regulations, while aiming to minimize conflicts between public land and near or abutting private land.

##### Proposals

It is proposed that Crown Lands administered by the Department of Natural Resources and Energy be placed in a separate "Crown Land" Zone.

It is proposed that private land adjacent to Crown Land administered by the Department of Natural Resources and Energy be zoned to be compatible with existing and proposed uses on the said Crown Lands.

It is proposed that when Crown Land ceases to be administered by the Department of Natural Resources and Energy, the affected lots or parcels shall be rezoned in accordance with the *Community Planning Act*.

#### **(p) Heritage Resources**

The Planning Area has many significant heritage resources. The Parish was named after the original grant holder Gilfred Studholme who received the land grant for the region in 1786. Gilfred Studholme was the commander of Fort Howe at Saint John during this era. Studholm was formally established as a Parish in 1840.

There are at least three sites with historic markers in the Planning Area. These sites are Jones Memorial Park, Oldfield Covered Bridge, and Fox Hill. Jones Memorial Park is located in Apohaqui east of the Millstream River and South of Highway 121. The cairn at this site recognizes the importance forestry has played in the development of the region. It is named after Senator George Jones and his family's mill. The mill was in operation from 1894 to the early 1950's.

The Oldfield Covered Bridge was featured in the Canada 125 Commemorative Coin Series. The bridge was constructed in 1910 and spans Smiths Creek. The site is also associated with the ruins of a grist mill. The Bridge is located immediately east of Newtown.

The marker at Fox Hill commemorates Canada's oldest Cavalry Unit, the Eighth Canadian Hussars (Princess Louise's). The Hussars, founded in 1848 as the New Brunswick Yeomanry Cavalry, had origins dating back to the American Revolution. This site commemorates the homestead of the Commanding Officer, Lieutenant Colonel John Saunders.

##### Policy

It is a policy to recognize significant heritage resources in the Planning Area.

##### Proposals

It is proposed that land dedications for public purposes associated with the development approval process target historic sites, such as land adjacent to covered bridges.

It is proposed that development preserve significant archaeological areas, aboriginal cultural heritage resources, and other historic sites that possess the following characteristics:

- 1) architectural, cultural, social, political, economic, or military patterns of the Province's history; and
- 2) associated with specific individuals, events, communities, or institutions which have shaped that history.

#### **(q) Environment**

Much of the Planning Area is characterized by stream valleys, wooded hills, and wetlands. These areas provide recreational opportunities, scenic views, and important wildlife habitat. Many areas are in a natural state because of inherent hazards that limit development and agricultural potential, such as steep slopes and organic soils. One notable local impediment to the construction of buildings is the unstable surface geology associated with gypsum deposits. These areas are prone to surface collapse and could produce high inorganic levels in drinking water.

There are two types of environmental areas, often overlapping, that are not compatible with human settlement. Areas with inherent natural hazards, such as flooding, put lives and property at risk. Other areas, such as the habitat of rare or endangered species may be negatively impacted by insensitive human settlement. Planning must recognize the needs of both and understand the linkages between them, in terms of environmental and community health. Land use planning decisions must respect all parts of the ecosystem, since changes to any one part will affect the whole system, as well as the quality of life of residents.

##### Policies

It is a policy to minimize impacts to the natural environment.

It is a policy to prohibit development in areas where there is a significant risk to public health or safety, or of property damage.

##### Proposals

It is proposed that lands adjacent to streams, creeks, lakes, wetlands, and associated flood plains shall be zoned "Environmental Constraint" to permit only those uses having minimal impacts to these sensitive areas.

It is proposed that zone provisions be established to address risks associated with the construction or placement of buildings on steep slopes.

It is proposed that buildings shall not be constructed or placed in areas with unstable underlying geology, identified on "Development Constraints" map, unless it is determined by a qualified professional that hazards can be addressed safely.

It is proposed that buildings shall not be constructed or placed within the flood plain of a watercourse.

It is proposed that development, including the placement or removal of fill, shall not worsen upstream or downstream flood or erosion hazards or decrease flood storage capacity.

It is proposed that, in reviewing an amendment to lands zoned "Environmental Constraint", the Minister shall consider the following:

- 1) the potential impacts of the proposed development on the environmental feature;
- 2) the potential impacts of the environment and natural hazards on the proposed development;
- 3) the proposed methods by which the constraint may be overcome in a manner consistent with accepted practices; and
- 4) the costs and benefits of any works or resource management practices needed to overcome the constraint.

#### **(r) Human-made Hazards**

Some land uses create dangerous or unhealthy conditions for future land uses and the natural environment. Such hazardous uses may include abandoned land fill sites and uses requiring large quantities of petroleum. These lands are potential areas of gas migration, and soil and groundwater contamination.

##### Policy

It is a policy to direct development away from areas with human-made hazards.

### Proposals

It is proposed that abandoned land fill sites shall be placed in a separate "Landfill" Zone that permits limited uses sensitive to the constraints of the site.

It is proposed that proponents of developments adjacent to abandoned land fill sites and present or abandoned petroleum storage facilities be required to assess the level of risk to the health and well-being of existing or future residents and carry out remedial works to address identified problems.

It is proposed that future sanitary landfill sites shall require an amendment to this Regulation.

### **(s) Transportation**

The Planning Area is served by a hierarchy of roads that provide efficient local and regional transportation linkages. It is not the intention of this Rural Plan to imply that the Department of Transportation will build or improve a public highway.

Recent traffic counts conducted by the Department of Transportation on Highway 2 and Main Rural Roads indicate the highest volumes of traffic were experienced along Highway 2, with volumes increasing dramatically as the highway approaches the Town of Sussex from the north-west. Similarly, the volume of traffic along Highway 121 increases considerably as the highway approaches Sussex. The counts also indicate that Highways 880 and 890 experience roughly the same moderate traffic volumes, while Highways 870 and 875 see less traffic. Much of the truck traffic along Main Rural Roads is related to agricultural operation and the hauling of aggregate. Highway 890 also experiences traffic associated with a lime plant in the Havelock area.

Accident records in the Planning Area highlight two areas of concern. Accidents along Highway 880 between Lower Millstream and Apohaqui closely correlate with the location of farm and residential driveways. There have been several accidents at the intersection of Highway 880 and Highway 2 at Berwick.

### Policies

It is a policy to recognize Undivided Arterial Highways as major routes for inter-regional and inter-provincial traffic and the transportation of goods.

It is a policy to design and manage Main Rural Roads to safely accommodate relatively high volumes of traffic, and Rural Roads to safely accommodate local traffic at moderate operating speeds.

It is a policy to manage development along Local and Seasonal/Resource Roads in a manner that respects maintenance and construction standards.

It is a policy to ensure that new development has suitable access to a public road.

### Proposals

It is proposed that growth and development along an Undivided Arterial Highway shall be managed in a manner that respects safety concerns and the need for the efficient movement of traffic.

It is proposed that development that would require direct access to an undivided Arterial Highway generally be discouraged. No new lots shall be permitted if such lot would only have direct access to a designated limited access section of an Undivided Arterial Highway.

It is proposed that seasonally maintained public roads and roads "not designated" by the Department of Transportation shall be identified as "Seasonal/Resource" Roads.

It is proposed that the Department of Transportation be encouraged to maintain or, where necessary, improve the construction and design standards of Main Rural Roads to accommodate truck traffic and heavier volumes of traffic.

It is proposed that zoning provisions in this Rural Plan shall establish a sufficient setback for buildings from Undivided Arterial Highways, Main Rural Roads, and Rural Roads to facilitate future widenings and other roadway improvements.



It is proposed that, where a development would significantly increase traffic volumes along a Seasonal/Resource Road, the road shall be upgraded to an appropriate standard at the expense of the developer

It is proposed that future subdivisions shall provide appropriate access to adjacent lands for the extension of the road network for future transportation demands.

It is proposed that future internal subdivision roads should be designed to follow natural topography and manage traffic at low operating speeds, appropriate for a residential subdivision.

It is proposed that proposed uses and development proposals in close proximity to a rail line be compatible with the noise, vibrations, and other safety concerns associated with the rail line.

It is proposed that new developments that jeopardize safety or cause undue upgrading and maintenance costs shall be discouraged. The Department of Transportation shall be consulted with regard to entrances and sight lines.

#### **(t) Servicing and Infrastructure**

Growth and development should be complemented by appropriate services. There are direct and indirect costs associated with servicing depending on the scale and location of development. There are significant costs for school bussing where homes are located a long distance from schools. Remedying domestic water supply problems after an area has developed can be extremely expensive. Upgrading and maintaining the public road network to accommodate increasing commuter traffic to urban centres can also strain public financial resources.

Less tangible, yet real private costs, may also include insurance rates for homes several kilometres from emergency response facilities.

Public infrastructure and services must be viewed as investments in the local economy and well-being of residents, but be provided in a responsible and efficient manner.

#### **Policy**

It is a policy to encourage developments that make efficient use of existing infrastructure and public services and anticipate servicing needs associated with new developments.

#### **Proposals**

It is proposed that future residential subdivisions shall have an adequate quality and quantity of water to ensure that future owners of homes have a high probability of obtaining water suitable for domestic consumption. A water supply assessment report may be required for future residential subdivisions where lots are serviced with individual private wells.

It is proposed that lots that do not abut a public road, or only abut a Seasonal/Resource Road, shall be zoned "Limited Service Resource" to permit only those uses requiring minimal transportation related services.

It is proposed that an emergency water source and access for fire protection be identified and protected, where possible, in all Settlement Areas.

It is proposed that proponents of developments within Primary Settlement Areas be encouraged to lay out streets in a manner conducive to the installation of communal water and sanitary sewer services and the movement of pedestrians. Roads should generally follow a grid pattern, but respect local topography.

#### **(u) Legal Non-complying Lots**

Several lots created prior to the adoption of this Regulation, particularly in the areas zoned "Rural Residential", do not meet the applicable zone provisions of this Regulation.

#### **Policy**

It is a policy that lots registered prior to the adoption of this Regulation that do not comply with minimum zone

provisions may be developed, subject to physical limitations.

#### Proposals

It is proposed that a building permit may not be issued for a legal non-complying lot if such lot does not have sufficient area, excluding lands zoned "Environmental Constraint" and areas with physical limitations, to support the proposed building and a sewage disposal system approved by the Department of Health and Community Services.

It is proposed that accessory uses, including a second dwelling unit, may not be permitted on lots that do not comply with applicable zone provisions.

## **PART C: ZONING PROVISIONS**

### **SECTION 1 – ZONING MAP AND INTERPRETATION**

1.1 The zoning map included in Schedule "A" and titled "Studholm Parish Planning Area Zoning Map" is the zoning map designated for the Studholm Parish Planning Area Rural Plan Regulation and which form part hereof.

#### **1.2 In this Regulation**

"abattoir" means a building or structure specifically designed to accommodate the penning and slaughtering of animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises;

"accessory use" means a use that is normally incidental, subordinate or exclusively devoted to a main use located on the same lot therewith;

"Act" means the *Community Planning Act* chapter C-12, R.S.N.B.;

"active recreation" means leisure activities usually of an organized nature, often performed with others and requiring equipment, taking place at prescribed places, sites, or fields;

"agricultural composting operation" means a composting operation, intended for farm use only and not intended for retail sale, requiring the approval of the Department of Environment for the treatment of organic by-products using bacterial aerobic decomposition where the majority of the nitrogenous material is organic and originates from the agricultural operation;

"agricultural land" means

- (a) land being used in an agricultural operation; or
- (b) land that is not being used in an agricultural operation but that may be suitable for use in an agricultural operation;

"agricultural operation" means

- (a) the cultivation of land;
- (b) the raising of livestock, including poultry;
- (c) the raising of fur-bearing animals;
- (d) the production of agricultural field crops;
- (e) the production of fruit and vegetables and other specialty horticultural crops;
- (f) the production of eggs and milk;
- (g) the operation of agricultural machinery and equipment, including irrigation pumps; and
- (h) the application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes;

"agricultural produce sales outlet" means a fruit, vegetable, flower or farm produce stand set up as an accessory use on a farm, used for the sale of produce from that same agricultural operation;

"alter" means to make any change, structurally or otherwise, in a building or structure which is not for the purpose

of maintenance only;

"aquaculture" means any land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use;

"artisan shop" means a shop in which arts and/or crafts are produced and may be offered for sale, but does not include a manufacturing or light manufacturing use;

"automotive body shop" means a building or structure used for the painting or repairing of vehicle bodies, but shall not include a salvage yard;

"automotive car wash" means a building or structure containing facilities for washing vehicles, either by production line methods, mechanical services or by a self-service operation;

"automotive commercial garage" means a building where all functions of an automotive service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the salvage of motor vehicles awaiting scrapping;

"automotive gasoline bar" means one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing;

"automotive service station" means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries changed, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;

"automotive store" means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include facilities for the repair or maintenance of such vehicles;

"automotive vehicle sales or rental establishment" means an establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles;

"bed and breakfast establishment" means an owner-occupied single-detached dwelling in which there are rooms for rent as short-term accommodation, and may include the provision of breakfast to those persons residing temporarily at the establishment;

"beverage room" means a beverage room licensed under the *Liquor Control Act* of New Brunswick and includes a tavern;

"boarding stable" means a building, structure or premises used for the feeding, housing and exercising of horses for gain or profit;

"buffer strip" means an area to be used only for the purpose of screening land, buildings or other structures by the planting and maintenance of trees or shrubs or the construction and maintenance of a berm, provided such berm is located outside an area susceptible to flooding;

"building" means any structure used or intended for supporting or sheltering any use or occupancy;

"building envelope" means the buildable area on the lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements, and maximum height requirements, within which a building can be erected and it shall exclude areas of physical constraint to the siting of buildings and structures (e.g., steep slopes, flood plain);

"building inspector" means the inspector(s) appointed by the Minister under Regulation 81- 126, Provincial

Building Regulation - Community Planning Act for the area;

"campground" means an area of land, managed as a unit, used or maintained for people who provide their own sleeping facilities such as tents and recreational vehicles for a short term stay, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washrooms, showers and recreational facilities, and may not provide direct connections to individual on-site or communal sewer systems;

"changing status" means lands registered under the *Agricultural Land Protection and Development Act* for which a request has been made by the owner to gradually de-register the land, in accordance with the provisions of Regulation 84-75 of the *Real Property Tax Act*;

"clinic" means a building or part thereof, used exclusively by physicians, dentists, or other health professionals, their staff, and their patients for the purpose of consultation, diagnosis and office treatment of humans, and without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms;

"conservation use" means a wildlife refuge or other such uses that serve to protect or maintain an environmentally sensitive area;

"convenience store" means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area;

"cottage" means a building to accommodate one or more guests for temporary occupancy, containing at least two rooms and is at least partially furnished;

"cottage establishment" means a tourist establishment composed of two or more cottages owned or leased by the same person;

"deadstock removal operation" means the use of land, building or structure for a factory to receive and process dead livestock;

"development" means a development as defined by the *Community Planning Act*;

"director" means the Provincial Planning Director appointed under section 4 of the *Community Planning Act*;

"district planning commission" means the District Planning Commission having jurisdiction;

"dormitory" means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used for living and sleeping, but not for cooking or eating purposes;

"duplex dwelling" means a building that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule;

"dwelling" means a main residential building or portion thereof which contains one or more dwelling units;

"dwelling unit" means a room, or a suite of two or more rooms, designated or intended for use by an individual or family in which facilities and sanitary conveniences are provided for the exclusive use of such individual or family;

"eating establishment" includes an establishment where for compensation, either directly or indirectly, food is cooked, prepared or served for consumption on the premises or elsewhere, but does not include a mobile canteen, institutional food-service establishment, catering kitchen, bakery, vending machine, seasonal food-service establishment or a private house occupied by a family in which boarders are kept under a private arrangement;

"eating establishment, drive-in" means premises consisting of a building or structure, together with a parking lot,

from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere on the premises, but not necessarily within such building or structure, and does not include any other use defined in this Regulation;

"eating establishment, full service" means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises;

"eating establishment, take-out" means a building or structure used for the sale of food to the general public and from which food is made available to the customer from within the building, with no provision made for consumption of the food within the customer's car, within the building or elsewhere on the site;

"environmentally sensitive areas" 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 re-locate a building or structure, as well as any physical operations preparatory thereto;

"factory outlet" means a building or part of a building, accessory to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale;

"family" means one or more persons, not necessarily related, occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a hotel, boarding house, or rooming house;

"forestry" means the general growing and harvesting of trees and, without limiting the generality of the foregoing, may include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products as well as the portable milling and sawing of wood;

"garden centre" means the use of land, buildings or structures or part thereof for the purpose of buying or selling plants, lawn and garden equipment, furnishings and supplies;

"garden suite" means a temporary accessory residential dwelling on an otherwise occupied lot used for residential purposes, and is intended for the sole occupancy of persons related to the family of the primary dwelling;

"general service shop" means a building or part of a building used for the servicing or repairing of articles, goods or materials, and includes radio, television, computers and appliance repair shops, a laundromat, but does not include any manufacturing or motor vehicle repair shop;

"group home" means a residence licensed or approved under Provincial statute for the accommodation of three or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, behavioral, or physical condition or legal status, require a group living arrangement for their well-being, but does not include a special care home, or special care facility, as defined in this Regulation;

"hazard lands" means lands that pose a constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, sinkholes and other unstable surfaces, exposed bedrock and areas unsuitable for septic systems;

"home occupation" means an accessory use conducted in a dwelling unit, or an accessory building, for gain or support which is compatible with a domestic household, and which is carried on by at least one member of the family residing in that dwelling unit;

"home or farm industry" means a gainful occupation, trade or service for which purpose an accessory building or structure may be used, and, without limiting the generality of the foregoing, would include a day nursery, the production of arts and crafts, a shop for carpentry, electric equipment repair, woodworking, window framing, welding, plumbing, machine or auto repair, riding stables, a service shop, a blacksmith, and a storage building for vehicles, equipment and commodities;

"infill development" means development or redevelopment occurring on a vacant site following completion of the initial development of the area;

"kennel" means any premises on which animals are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale, and does not include a veterinary clinic;

"landscaping" means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) "soft landscaping" consisting of vegetation such as trees, shrubs, hedges, and grass;
- (b) "hard landscaping" consisting of non- vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- (c) "architectural elements" consisting of wing walls, sculpture and the like;

"light manufacturing plant" means a building or structure in which component parts are manufactured, assembled or processed to produce finished products suitable for the retail trade but does not include an industry involving stamping presses, furnaces or other machinery that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property;

"limited service dwelling" means a single- detached dwelling that:

- (a) has no frontage on a public roadway; or
- (b) does not receive public road services, such as regular road maintenance and snow clearing;

"local road" means a road (other than a rural road or a main rural road) such as a subdivision road or local farm road;

"logging hauler" means an area of land and/or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment belonging to the logging contractor;

"lot" means a parcel of land, or two or more adjoining parcels held by the same owner, and used or intended to be used as the site for a building or structure, or an accessory thereto;

"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 and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under this Regulation;

"main rural road" means any numbered highway, as designated by the New Brunswick Department of Transportation;

"manufacturing plant" means a building or structure in which a product is fabricated and from which such product is shipped to a wholesale or retail outlet;

"manure storage" means a lagoon, tank, or other feature constructed or used to hold or contain manure provided such activities are approved in accordance with applicable legislation, and shall not include temporary or seasonal manure storage on the ground nor the seasonal application of manure on agricultural lands;

"Minister" means the Minister of Environment and Local Government;

"mini storage establishment" means one or more than one building containing separate spaces of varying sizes that are offered by lease or rent to persons for the storage of chattels;

"mining operation" means "mining" as defined by the *Mining Act* and includes stockpiles, office or administrative buildings, parking areas or any other use incidental or accessory to extraction and processing activities, and is approved in accordance with applicable legislation;

"motel" means a tourist establishment that

- (a) consists of one or more than one building containing four or more attached accommodation units accessible

from the exterior only;

- (b) may or may not have facilities for serving meals; and
- (c) is designed to accommodate the travelling public for whom the automobile is the principal means of transportation;

"motor hotel" means a tourist establishment

- (a) consists of one or more than one building containing four or more attached accommodation units grouped under one roof and accessible from the interior or partially from the exterior;
- (b) may or may not have facilities for serving meals; and
- (c) is designed to accommodate the travelling public for whom the automobile is the principal means of transportation;

"multiple unit dwelling" means the whole of a residential building not otherwise defined herein, which contains four or more dwelling units served by a common entrance or by an independent entrance directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and appurtenant thereto;

"nursing home" means a building in which the proprietor or charitable organization supplies lodging with or without meals and, in addition provides nursing, medical, or similar care and treatment, if required, and includes a rest home, or convalescent home, and any other establishment required to operate under the appropriate statute;

"passive recreation" means recreational activities that generally do not require a developed site, and includes such activities as hiking, horseback riding, and picnicing;

"personal service shop" means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes among others barber shops, hairdressing establishments, workrooms for shoe repair and shoe shining shops, bakery shops and photographic studios;

"pit and quarry" means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, limestone, or other deposit;

"place of entertainment" means an athletic, recreational or social club operated for gain or profit, as well as an auditorium, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, or dance hall, but does not include any other place of entertainment or recreation facility otherwise defined or classified in this Regulation;

"place of worship" means a building commonly used for public worship by any religious organization and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with, or accessory thereto;

"planning commission" means the Royal District Planning Commission District Planning Commission;

"public or private utilities" means utilities provided by any agency which, under franchise or ownership or certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage, collection or other similar service;

"recreational vehicle park" means a parcel or area of land under single ownership which is used and maintained to provide destination accommodation in or for recreational vehicles, often on a seasonal basis and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washrooms, showers, and recreational facilities, and may not provide direct connections to individual on-site or communal sewer systems;

"redemption waste disposal site" means a lot and premises approved by the Department of Environment for that purpose where scrap or used materials are handled, dismantled, refurbished or temporarily stored for the purposes of resale or further disposal. Scrap or used materials shall include waste paper, rags, wood, bottles, glass, and metal;

"resort" means a tourist establishment catering to the vacationing public, designed as a destination-oriented operation and/or being within an area recognized as a destination for vacations, and providing meals and sleeping accommodations that may consist of lodge houses, guest rooms or cottages;

"rural road" means a road that is not numbered by the New Brunswick Department of Transportation that is not a path;

"salvage yard" means a building, warehouse, yard or other premises where salvage is stored or kept pending resale or delivery to another person including second-hand, used, discarded or surplus metals, bottles or goods, unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts of a motor vehicle, and articles of every description;

"secondary use" means a use other than the main use permitted in a building;

"seasonal or resource road" means any road that is not designated by the New Brunswick Department of Transportation and is not maintained;

"semi-detached dwelling" means a building that is divided vertically into two separate dwelling units each of which has an independent entrance either directly from the outside or from a common vestibule;

"settlement area" means a Primary Settlement Area and/or a Secondary Settlement Area, unless specific reference is made to either a Primary Settlement Area or a Secondary Settlement Area;

"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, and which directs attention to an object, product, place, activity, person, institute, organization or business;

"single detached dwelling" means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated or manufactured single dwelling unit, including a mobile home;

"special care home" means a dwelling used for the purposes of providing special and individualized care to elderly persons, children or disabled persons, provided the number within the intended user group does not exceed twenty and the facility complies with applicable legislation, but it shall not include a dwelling providing special and individualized care to individuals with chronic medical conditions or serious behavioral problems;

"special care facility" means a use for the purposes of providing special and individualized care to elderly, children or disabled, provided the facility complies with applicable legislation, but without limiting the generality of the foregoing, it may include a day care centre, nursing home or seniors residence;

"street line" means the limit of the highway, road or street right-of-way and is the dividing line between a lot and the highway, road or street;

"structure" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items;

"three unit dwelling" means a dwelling containing three dwelling units;

"topsoil removal" means the removal of topsoil for the purposes of the sale or commercial use of the material excavated;

"undivided arterial highway" means the Trans Canada Highway, as designated by the New Brunswick Department of Transportation;

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



"veterinary clinic "means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and less than twenty animals are lodged or kept over night, and where limited laboratory and other diagnostic services may be offered on an outpatient basis;

"waste composting operation" means a composting operation requiring the approval of the Department of Environment for the treatment of organic wastes using bacterial aerobic decomposition;

"wayside pit or quarry" means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way;

"width" means, in relation to a lot:

- (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 street line, such parallel line being drawn through the point at which the line of minimum set- back intersects a line from the midpoint of and perpendicular to the line to which it is parallel.

## **SECTION 2 - PURPOSE, ADMINISTRATION, CLASSIFICATION AND CONFORMITY**

### **2.1 The purpose of Part C is**

- (a) to divide the area referred to in Part A, section 2, into zones;
- (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 and structures must conform; and
- (c) to prohibit
  - (i) land use, and
  - (ii) the use, placement, erection, or alteration of buildings or structures other than in conformity with the purposes and standards mentioned in clause (b).

### **Powers of the Planning Commission**

2.2(1) No building or structure may be erected on any site where it would otherwise be permitted under this Regulation when, in the opinion of the District Planning Commission, the site is marshy, subject to flooding, excessively steep, or otherwise unsuitable by virtue of its soil or topography.

2.2(2) 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 Regulation; and
- (b) require the termination or removal of a development authorized under paragraph (a) at the end of the authorized period.

2.2(3) In all zones created by this Regulation, the use of land for the purposes of

- (a) the supply of
  - (i) electric power,
  - (ii) water supply and storage,
  - (iii) wastewater treatment and disposal,
  - (iv) drainage, including storm sewers,
  - (v) private streets, and
  - (vi) all other private or public utilities; and
- (b) the exploration and staking of
  - (i) mineral and carboniferous deposits,
  - (ii) subsurface mining,
  - (iii) wayside pits and quarries, and
  - (iv) pits and quarries for the exclusive use of manipulating grades on the same lot,

including the location or erection of any structure or installation for the supply of any of the above-mentioned services, shall be a particular purpose which exempts them from the zone provisions of the lot upon which they are located.

#### Amendments

- 2.3(1) A person who seeks to have this
- (a) address a written and signed application to the Director;
  - (b) where the application involves rezoning, include with the application
    - (i) a statement as to the ownership of the land to be rezoned, and
    - (ii) the signature of at least one owner for each parcel of land in the area to be rezoned; and
  - (c) pay a fee of \$1000.00, payable to the Commission to be paid into a Consolidated Fund, and to be credited to the cost of the delivery of the land use planning service under subsection 27.2(2) of the *Municipalities Act*.
- 2.3(2) On the advice of the Minister, the Commission may return to the applicant all or any part of a fee mentioned in paragraph (1) (b).
- 2.3(3) An application shall include such information as may be required by the Minister and/or the Commission.

#### Classification

- 2.4(1) For the purposes of this Regulation, the area is divided into zones as delineated on the map attached as Schedule "A" entitled "Studholm Parish Planning Area Zoning Map" and dated April 28, 1999.
- (a) Schedule B, entitled "amendment to the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act on a portion of lands having Property Identifier 3009139".
  - (b) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (06-STH-027-02), wherein a portion of the lands having Property Identifier 00117226 is re-zoned from Agriculture "AG" to Infill - "INF" and the Secondary Settlement Area in the vicinity of Apohaqui is enlarged so as to include said re-zoning, as shown on attached Schedule "C".
  - (c) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (08-STH-027-03), wherein the southern portion of the lands having parcel identifier 00117226 is re-zoned from Agriculture "AG" to Condominium Property 1 - "CP-1", subject to terms and conditions as contained within attached Schedule "D";
  - (d) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (08- STH-027-03), wherein the lands having parcel identifiers 30242721 and 30239370 and the northern portion of lands having parcel identifier 30242713, otherwise known as Holly Crescent, all as shown on attached Schedule "D-1 ", are re-zoned from Agriculture - "AG" to Infill - "INF".
  - (e) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (08- STH-027-06), wherein the lands having parcel identifier 30214332 are re-zoned from Agriculture - "AG" to Light Industrial - "LI", as shown on attached Schedule "G-1" and subject to terms and conditions as contained within attached Schedule "G";
  - (f) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11-STH-027-06), wherein the lands having parcel identifier 30171631 are re-zoned from Light Industrial - "LI" to Rural - "RU", as shown on attached Schedule "G-1".
  - (g) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11- STH-027-04), wherein the lands having parcel identifier 00 I 02939 are re-zoned from Rural "RU" to Light Industrial I - "LI-1", as shown on attached Schedule "E-1";
  - (h) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11- STH-027-04), wherein the western portion of those lands having parcel identifier 30121974 is re-zoned from Rural "RU" to Light Industrial 1 - "LI -1 ", as shown on attached Schedule "E-1 ".

- (i) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11-STH-027-05), wherein the southwesterly portion of lands having parcel identifier 30267686 are re-zoned from Community Facility - "CF" to Commercial 1 - "C-1" and the northeasterly portion of the said lands, being un-zoned, are zoned to Commercial 1 - "C-1", as shown on attached Schedule "F";
- (j) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11-STH-027-05), wherein a portion of those lands having parcel identifier 30206759, lying southeasterly of lands having parcel identifier 30267686, owned by New Brunswick Highway Corporation, is de-zoned from Community Facility - "CF" for use as a public right of way, as shown on attached Schedule "F".
- (k) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (11-STH-027-07), wherein the lands having parcel identifier 30262992 and a portion of those lands having parcel identifier 30263008 are re-zoned from Agriculture – "AG" and Environmental Constraint – "EC" to Recreational Commercial – "RC", as shown on attached Schedule "H".
- (l) Ministerial Regulation Amending the Studholm Parish Planning Area Rural Plan Regulation under the *Community Planning Act* (14-STH-027-08), wherein a portion of those lands having parcel identifier 00127191 is re-zoned from Rural – "RU" and Environmental Constraint – "EC" to Rural Residential – "RR", as shown on attached Schedule "I".

2.4(2) The zones mentioned in subsection (1) are classified and referred to as follows:

- (a) Agriculture - "AG";
- (b) Rural - "RU";
- (c) Rural Residential - "RR";
- (d) Limited Service Resource - "LSR";
- (e) Development - "D";
- (f) Infill - "INF";
- (g) Commercial - "C";
- (h) Recreational Commercial - "RC";
- (i) Light Industrial - "LI";
- (j) Industrial - "I";
- (k) Extractive Industrial "EI";
- (l) Community Facility - "CF";
- (m) Open Space Recreation - "OSR";
- (n) Crown Land - "CL";
- (o) Landfill - "LF";
- (p) Environmental Constraint - "EC";
- (q) Condominium Property – "CP-1";
- (r) Light Industrial – "LI-1"; and
- (s) Commercial 1 - "C-1";

#### Conformity

2.5 In any zone all land shall be used and all buildings or 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 Regulation pertaining to such zone.

#### Delineation and Access to Highway

2.6(1) Where uncertainty exists with respect to the boundaries of the various zones as shown on Schedule "A", the following shall apply

- (a) where the boundary is shown as following a street, lane, railway right-of-way or other right-of-way, such zone boundary shall be the centreline of the street, lane, railway right-of-way or other right-of-way;
- (b) where the boundary is not shown to be a street, or other feature described in subparagraph (a), but is shown to substantially follow a lot line, such lot line shall be the zone boundary unless specifically indicated otherwise on Schedule "A";
- (c) in the event that a public road, Crown Reserved Road, public lane or railway right-of-way is closed and conveyed into private ownership, the property formerly in such road, lane or railway shall assume the same zone as abutting properties on either side of such closed feature, but where such closed feature forms a zone

boundary and the new owner owns the abutting property, the feature shall assume the same zone as the abutting property;

- (d) where an Environmental Constraint Zone delineates the location of a flood plain and there is a discrepancy between the zone boundary and engineered flood plain mapping, the engineered flood plain mapping shall be deemed to be the zone boundary;
- (e) where the boundary follows the shoreline of any water body, the ordinary mean high water mark shall be the zone boundary;
- (f) the Environmental Constraint Zone boundary shall follow the flood line of the watercourse or 15 metres from the ordinary mean high water mark of a watercourse or the edge of a wetland, whichever is the greater;
- (g) where none of the above interpretations can be applied, the location of the zone boundary shall be determined by scaling from the original Schedule "A" registered at the Kings County Registry Office.

2.6(2) Where linear distances, other than those referring to vertical measurements are specified, such linear distances are measured on a horizontal plane.

2.6(3) Where a lot contains two or more zones and one of them is Environmental Constraint the minimum lot area of the applicable zone shall be calculated excluding that portion of the lot lying within the Environmental Constraint Zone, and where two or more zones exist on the same lot, minimum lot area calculations shall consider each zoned portion separately, as if each zone were on a separate lot.

2.6(4) Where reference is made to width or access requirements from an Undivided Arterial Highway, this Regulation does not imply that access is permitted.

### **SECTION 3 – GENERAL PROVISIONS**

#### **Accessory Buildings**

3.1(1) No accessory building shall

- (a) be placed, erected, or altered so that it is in the front yard of a main building or structure;
- (b) exceed 100 square metres in area or have a width or height greater than 10 metres, except for agricultural buildings permitted under this Regulation; and
- (c) be used for agricultural purposes or the keeping of animals, other than household pets, except for agricultural operations permitted under this Regulation.

3.1(2) Notwithstanding subsection 1(a),

- (a) a partially enclosed shelter for use by children waiting for a school bus; or
- (b) any agricultural produce sales outlet having less than 15 square metres gross floor area;

may be placed, erected or altered so that it is in the front yard of the main building or structure.

#### **Accessory Dwelling Unit**

3.2 Where permitted, an accessory dwelling unit shall

- (a) have a separate washroom or bathroom and kitchen facilities from those of the non- residential use;
- (b) have off-street parking as provided by subsection 3.13(1);
- (c) have an entrance separate from that provided for the non-residential use; and
- (d) be located within a main building, except where the main building is used as an automotive body shop, an automotive service station, or an automotive commercial garage.

#### **Uses related to Automotive Establishments**

3.3 Where service stations, gasoline bars, and commercial garages are permitted, the following provisions shall apply in addition to zone provisions

- (a) no portion of any pump island shall be any closer than 6 metres from the street line of any public road or street;
- (b) the minimum distance from the intersection of two street lines or from straight line projections of such, to the nearest entrance or exit ramp shall be not less than 10 metres;
- (c) the maximum width of a ramp at the street line shall be not more than 10 metres and the minimum distance between ramps shall be not less than 9 metres;

- (d) the minimum interior angle of a ramp to a street line shall be 45° and the maximum interior angle of a ramp to the street shall be 90°; and
- (e) the minimum distance between any side lot line of the property at the street line and the nearest ramp shall be 3 metres.

#### Dwellings per Lot

- 3.4 No more than one building containing one or more dwelling units shall be erected on any lot, except
- (a) one garden suite, where permitted;
  - (b) in an "RC" Zone, where cottage establishments and tourist establishments may be erected in accordance with that zone; and
  - (c) in a 'CP-1' Zone, where dwellings may be erected in accordance with that zone.

#### Garden Suites

- 3.5 Garden suites shall
- (a) have a gross floor area less than 110 square metres;
  - (b) be accessory to the principle dwelling on the same lot;
  - (c) be no closer to the street line than the principle dwelling, if located within a Settlement Area or "RR" Zone;
  - (d) comply with all setback and yard requirements of this Regulation;
  - (e) have adequate and available water and sewer services on the property, in accordance with Department of Health Regulations;
  - (f) be constructed, erected or placed in such a manner as to be easily removed from the lot;
  - (g) share a common access with the principle dwelling; and
  - (h) be removed from the property within six months of being vacated.

#### Group Homes

- 3.6 Where permitted, a group home shall be licensed or approved by provincial statute, and be located in a single detached dwelling.

#### Home or Farm Industry

- 3.7 A Home or Farm Industry shall be a permitted accessory use in the "AG" and "RU" Zones provided that
- (a) the scale of the Home or Farm Industry shall not exceed the capabilities of the family residing on the premises plus 5 additional people to operate it;
  - (b) there shall be no external display or advertising other than a sign not more than 1 square metre in area, notwithstanding the provisions of subsection 3.15(1);
  - (c) the Home or Farm Industry shall not be a hazardous or noxious trade, business or manufacturing plant, and shall not create or become a public nuisance;
  - (d) the Home or Farm Industry shall be clearly accessory to the main use and does not change the residential character of any dwelling, or the agricultural character of an agricultural operation;
  - (e) no goods, wares or merchandise shall be offered or exposed to sale or rent on the premises unless such goods, wares and merchandise are either,
    - (i) incidental to the Home or Farm Industry,
    - (ii) arts and crafts produced on the premises,
    - (iii) field crops, vegetables, fruits or horticultural crops produced on the lot, or
    - (iv) sample articles not for direct purchase, but this shall not be construed to mean a model home or other building.

#### Home Occupation

- 3.8 A Home Occupation may be conducted in a detached or semi-detached dwelling in zones that permit home occupations, subject to the requirements that
- (a) the scale of the Home Occupation shall not exceed the capabilities of the family residing on the premises plus 2 other people to operate it;
  - (b) there shall be no external display or advertising other than a sign to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential; and where signs shall not exceed 0.5 square metres in a Settlement Area and Rural Residential Zone, or 1 square metre in all other zones;
  - (c) the use shall be conducted entirely within the dwelling unit;
  - (d) not more than 25% of the dwelling area shall be used for the purpose of home occupation uses plus an accessory building with a maximum floor area of 15 square metres;
  - (e) the Home Occupation shall be clearly accessory 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 the conduct of a Home Occupation;

- (f) there shall be no external storage of goods, materials, equipment, or supplies associated with the Home Occupation other than a sign under paragraph (b);
- (g) sufficient off-street parking spaces shall be available for clients or customers visiting the premises;
- (h) the use shall not generate significant additional vehicular traffic beyond that normal to the neighbourhood in which it is located;
- (i) no equipment or process shall be used in a Home Occupation which creates excessive noise, vibration, glare, fumes, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood; and
- (j) no goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are either,
  - (i) incidental to the Home Occupation,
  - (ii) arts and crafts produced on the premises, or
  - (iii) sample articles not for direct purchase.

#### Bed and Breakfast

3.9 A Bed and Breakfast may be conducted in a single detached dwelling, subject to the requirements that

- (a) not more than ten rooms are available for rent to overnight guests;
- (b) it is not conducted in a dwelling unit that also includes a group home or special care home;
- (c) meals for commercial gain are only to be served to overnight guests who have stayed in the same bed and breakfast establishment; and
- (d) there shall be no external display or advertising other than a sign, not exceeding 0.5 square metres in a Settlement Area and Rural Residential - "RR" Zone, or 1 square metre in all other zones, to indicate to persons outside that any part of the dwelling unit is being used for a bed and breakfast establishment.

#### Steep Slopes

3.10(1) Buildings are permitted

- (a) only on slopes less than 30%;
- (b) on slopes greater than or equal to 20% and less than 30%, only if demonstrated by a qualified professional engineer or architect that the land can safely accommodate the proposed buildings, and approval is obtained from the Department of Health and Community Service for sewage disposal, where applicable, and subject to studies as described under subsection 3.10(2).

3.10(2) Studies undertaken pursuant to paragraph 3.10(1) (b) shall address the following matters, where applicable

- (a) sewage disposal facilities and soil depth;
- (b) landscaping;
- (c) water supply;
- (d) building envelopes;
- (e) erosion control;
- (f) effects on fish and/or wildlife habitat; and
- (g) surface drainage (quality and quantity of water); and

detail the manner in which the development may be accommodated, if feasible, including construction methods, and include a detailed lot grading plan consisting of a survey of the property identifying elevation contour, slope and depth of overburden, drainage course characteristics, forested areas, and the proposed buildable area and on-site services.

3.10(3) Buildings near the upper edge of slopes greater than 30% shall be set back a minimum distance of 5 metres from the top of the slope bank.

#### Heritage and Archeological Sites

3.12 The Heritage Branch of the Culture and Sport Secretariat must approve any proposed development or project where construction or demolition will foreseeably impact a building or site designated under the *Historic Sites Protection Act*.

#### Off-street Vehicular Parking

- 3.13(1) Off-street vehicular parking spaces, not less than 3 metres by 6 metres and with accesses as described under this Regulation shall be provided as follows
- (a) Bank or Trust Company - 6 parking spaces per 100 square metres gross floor area;
  - (b) Bed and Breakfast - 1 parking space per dwelling unit and 1 parking space per rented room;
  - (c) Beverage Room - 1 parking space per 4 persons design capacity;
  - (d) Campground - 1.25 parking spaces per campsite;
  - (e) Church, Assembly Hall - the greater of 1 parking space per 6 fixed seats or per every 2.5 metres of bench space;
  - (f) Clinic and Veterinary Clinic - 6 parking spaces per practitioner for the first 5 practitioners, and 4 spaces per additional practitioner;
  - (g) Dwelling, Multiple Units - 1.5 parking spaces per dwelling unit;
  - (h) Dwelling, Single Detached, Semi Detached and Duplex - 1 parking space per dwelling;
  - (i) Eating Establishment, Drive-In - the greater of 3 spaces or 29 spaces per 100 square metres of gross floor area;
  - (j) Eating Establishment, Full Service – the greater of 3 spaces or 22 spaces per 100 square metres of gross floor area;
  - (k) Eating Establishment, Take Out - the greater of 3 spaces or 7 spaces per 100 square metres of gross floor area;
  - (l) Group Home- 1 parking space per each 3 persons, other than staff;
  - (m) Hotel, Motor Hotel, Motel - 1 parking spaces per bedroom plus 1 space per 10 square metres of public use area;
  - (n) Industrial Establishment - 1 parking space per each 100 square metres of gross floor area;
  - (o) Office (business/professional) - 3.5 spaces per 100 square metres of gross floor area;
  - (p) Place of Entertainment (e.g., arena, auditorium, recreation centre, theatre) - 1 parking space per 4 seating capacity;
  - (q) Recreational Vehicle Park - 2 parking spaces per recreational vehicle site;
  - (r) Retail, including Convenience Store and Personal Service Shop - 5.4 parking spaces per 100 square metres of gross floor area;
  - (s) School - the greater of: 1.5 parking spaces per classroom, or 1 parking space per 3 square metres of floor area in the gymnasium, or 1 parking space per 3 square metres of floor area in the auditorium;
  - (t) Special Care Facility, Group Home, and Special Care Home - 1 parking space per each 2 beds;
  - (u) Other Non-Residential Uses - 1 parking space per 30 square metres of gross floor area.
- 3.13(2) All uses under subsection 3.13(1) requiring 10 or more parking spaces shall provide a minimum of 1 handicapped parking space, and 1 additional parking space for each additional 10 parking spaces that are required.
- 3.13(3) Handicapped parking spaces shall
- (a) be designated as such, by sign or other marking; and
  - (b) be located to provide the most convenient access to the use.
- 3.13(4) If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
- 3.13(5) Notwithstanding the yard and setback provisions of this Regulation to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback, provided no part of the parking area is located closer than 1 metre to any street line.
- 3.13(6) The parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface.
- 3.13(7) Every parking space shall be provided with unobstructed access to a street by a driveway aisle or lane, except where such spaces are provided for the use of occupants of a single detached or semi-detached dwelling.
- 3.13(8) Access to parking areas for "RC", "C", "I", "LI", and "EI" uses shall not pass through lands zoned "RR", "D" or "INF".
- 3.13(9) Other than for subsections 3.13(3) and 3.13(6), the provisions of this section do not apply to uses permitted within

subsection 4.17(1) for a Condominium Property 1 - "CP-1" zone.

#### Loading Space Requirements

- 3.14(1) No person shall, in any zone, erect or use any permitted building or structure for manufacturing, storage, warehouse, convenience store, retail store, building supply store, furniture showroom, hotel, or other permitted uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same lot off-street space for standing, loading and unloading.
- 3.14(2) Every building having a total floor area of more than 300 square metres shall require
- (a) a loading space of a minimum rectangular dimension of 3.5 metres by 9 metres with a minimum height clearance of
  - (b) one loading space for each 1,500 square metres of floor area or part thereof; and
  - (c) the loading space and approaches shall be surfaced with concrete, asphalt, crushed stone, or gravel or a combination thereof with a stable base.

#### Signs

- 3.15(1) Signs shall
- (a) be placed in such a manner so as not to inhibit the safe movement of traffic;
  - (b) be maintained;
  - (c) if placed in a window, not exceed 25% of the area of the window it is placed in or 1 square metre, whichever is less;
  - (d) comply with the Regulation 97-143, Highway Advertisements Regulation - Highway Act; and
  - (e) be constructed or placed on buildings in such a way as not to make doors or windows inaccessible or inoperable.
- 3.15(2) Illuminated signs shall
- (a) be shielded and focussed to illuminate only the sign; and
  - (b) not be of a colour, intensity, or location so as to be confused with traffic or other warning devices.
- 3.15(3) A sign shall be exempt from this Regulation, if the sign
- (a) warns against trespass or danger;
  - (b) is permitted in accordance with Regulation 89-106, Posting of Signs on Land Regulation - Fish and Wildlife Act;
  - (c) is temporary in nature, including but not limited to signs that advertise the sale or rent of a property, advertise a dated event, provide public notice of an event, or give legal notice; and
  - (d) is a traffic control device as defined in the Motor Vehicle Act.

#### Height Restrictions

- 3.16(1) No building or structure shall exceed a height of 12 metres or four storeys.
- 3.16(2) The height provisions of this regulation pursuant to subsection (1) shall not apply to a,
- (a) barn or silo;
  - (b) chimney;
  - (c) church spire;
  - (d) drying elevator;
  - (e) farm implement shed;
  - (f) feed or bedding storage use;
  - (g) flag pole;
  - (h) mining elevator shaft;
  - (i) television antenna, satellite dish or radio antenna;
  - (j) utility tower; or
  - (k) windmill

#### Separation Distances

- 3.17(1) No dwelling shall be erected within the minimum distance separation requirements established by regulations under the Agricultural Land Protection and Development Act or the Livestock Operations Act, unless such residential building is located on the same lot as the agricultural operation.



- 3.17(2) No dwelling, other than a permitted accessory dwelling in the same zone, shall be erected within 50 metres of any "I" or "EI" Zone.
- 3.17(3) No dwelling shall be erected within 100 metres of an "LF" Zone, unless a study approved by the Department of Environment has been undertaken to identify the attenuation zone, subject to subsections (4) and (5).
- 3.17(4) Where a study referred to in subsection (3) has been completed, the separation may be reduced with remedial measures or increased, as the case may be, to comply with the recommendations of the study.
- 3.17(5) In the absence of a study referred to in subsection (3), a variance to the required separation distance may be considered, provided an independent study is undertaken by a qualified professional justifying a reduced separation distance.
- 3.17(6) No livestock buildings, structures, or manure storage area shall be located within the minimum distance separation requirements established by regulations under the Agricultural Land Protection and Development Act or the Livestock Operations Act.
- 3.17(7) No surface mining operation shall be located within 500 metres of a Settlement Area boundary, recognized place of worship, nursing home, hospital, recognized elementary school, middle school, secondary school, university, or college.

#### Setbacks

- 3.18(1) Except where the provisions of section 3.17 apply, no building or structure may be so installed or erected as to be less than
  - (a) for a property along an Undivided Arterial Highway, 30 metres from the street line, or the greater of the front yard depth required for such use in the zone where it is located;
  - (b) or a property along a Main Rural Road,
    - (i) outside a Settlement Area, 15 metres from the street line, or
    - (ii) within Settlement Areas, the set- back shall be the front yard depth required for such use in the zone where it is located;
  - (c) for a property along a Rural Road,
    - (i) outside a Settlement Area, 10 metres from the street line, or the greater of the front yard depth required for such use in the zone where it is located, or
    - (ii) within Settlement Areas, the set- back shall be the front yard depth required for such use in the zone where it is located;
  - (d) for a property along a Local, and Seasonal/Resource Road, the front yard depth required for such use in the zone where it is located; and
  - (e) for a property within the boundaries of Registered Agricultural Land, the setback as established in regulation under the Agricultural Land Protection and Development Act.
- 3.18(2) The provisions of this section do not apply to uses permitted within subsection 4.17(1) for a Condominium Property 1 - "CP-1" zone.

#### Water Setback

- 3.19(1) A minimum setback of 30 metres from the ordinary mean high water mark of watercourse or waterbody shall be provided.
- 3.19(2) Notwithstanding subsection (2), the following exceptions may be permitted
  - (a) accessory boat dock and boat launching facilities, dams and other structures, and erosion control structures shall not be required to meet the water setback;
  - (b) in the case of an existing lot of record considered as infilling between two existing dwellings, the water setback will be reduced to the established building line extending on both sides of the lot, provided the water setback is not less than 15 metres and the building does not lie within a known flood plain; and
  - (c) where the flood plain of a watercourse or waterbody extends further than 30 metres from the ordinary mean high water mark, the water setback shall be the flood line.

#### Settlement Area Yard and Setback Requirements

- 3.20(1) Notwithstanding any other provision of this Regulation, where a building is to be erected in a Settlement Area where there is an established building line, such building may be erected closer to the street line than required by the applicable zone, provided
- (a) the proposed building is not erected closer to the street line than the established building line on the date of the adoption of this Regulation;
  - (b) the existing buildings are on each side of and immediately adjacent to the proposed building; and
  - (c) the nearest side of the each existing building immediately adjacent thereto will be within 30 metres of the nearest side of the proposed building.
- 3.20(2) For the purposes of this Section, the established building line means the average setback of the existing buildings, and is established when at least three buildings have been erected on any one side of a continuous 200 metres of land abutting a street.
- 3.20(3) The provisions of this section do not apply to uses permitted within subsection 4.17(1) for a Condominium Property 1 - "CP-1" zone.

#### Lot Width and Depth Requirements

- 3.21(1) Subject to subsection (6), in all zones outside Settlement Areas the minimum lot width requirements for lots shall be:
- (a) 54 metres for single detached dwelling or limited service dwelling;
  - (b) 59 metres width abutting a street line for a semi-detached dwelling or duplex dwelling;
  - (c) 68 metres width abutting a street line for a multiple unit dwelling;
  - (d) 150 metres for agricultural use, forestry use, aquaculture use, home or farm industry, kennel, logging hauler, boarding stable, composting operation, campground, cottage establishment, golf course, mini golf course, recreation vehicle park; and
  - (e) 54 metres for all other permitted uses, unless otherwise stated in the zone.
- 3.21(2) Subject to subsection (6), in all zones within Settlement Areas where lots have on-site water and sewer systems the minimum lot width requirements for lots shall be:
- (a) 54 metres for single detached dwelling or limited service dwelling;
  - (b) 59 metres width abutting a street line for a semi-detached dwelling or duplex dwelling;
  - (c) 68 metres width abutting a street line for a multiple unit dwelling; and
  - (d) 54 metres for all other permitted uses, unless otherwise stated in the zone.
- 3.21(3) Subject to subsection (6), in all zones within Settlement Areas where lots are serviced by a sewer system for public use and a water system for public use the minimum lot width requirements for lots shall be:
- (a) 18 metres for single detached dwelling or limited service dwelling;
  - (b) 23 metres width abutting a street line for a semi-detached dwelling or duplex dwelling;
  - (c) 36 metres width abutting a street line for a multiple unit dwelling; and
  - (d) 18 metres for all other permitted uses, unless otherwise stated in the zone.
- 3.21(4) Subject to subsection (6), in all zones within Settlement Areas where lots are serviced by a sewer system for public use and a private on-site water system the minimum lot width requirements for lots shall be:
- (a) 23 metres for single detached dwelling or limited service dwelling;
  - (b) 27 metres width abutting a street line for a semi-detached dwelling or duplex dwelling;
  - (c) 36 metres width abutting a street line for a multiple unit dwelling; and
  - (d) 23 metres for all other permitted uses, unless otherwise stated in the zone.
- 3.21(5) Subject to subsection (6), the minimum lot depth for all lots shall be 38 metres.
- 3.21(6) Larger lot widths and depths may be required by the Department of Health and Community Services.
- 3.21(7) The provisions of this section do not apply to uses permitted within subsection 4.17(1) for a Condominium Property 1 - "CP-1" zone.

#### Visibility on Corner Lots and Intersections

- 3.22(1) On any corner lot, no obstruction to motor vehicle driver views shall be placed within the triangular area bounded by the street lines and a line joining points on the street lines a distance of 7 metres from the point of intersection.
- 3.22(2) Any opaque structure, object or vegetation between 0.75 metre and 3 metres above the grade of the centre lines of the streets that abut the lot shall be considered an obstruction to motor vehicle driver views.
- 3.22(3) At the intersection of a street and a railway right-of-way, the vision of the operator of a motor vehicle shall be unimpeded.

#### Fences and Walls

- 3.23 No fence or wall, other than those related to an agricultural operation, shall exceed 2 metres in height within a Settlement Area or a "RR" Zone, except as required under section 3.24 of this regulation.

#### Swimming Pools

- 3.24(1) No land shall be used for purposes 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 1.6 metres in height and meeting the requirements of this section.
- 3.24(2) Where a portion of a wall of a building forms part of an enclosure mentioned in subsection (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.
- 3.24(3) An enclosure mentioned in subsection (1) shall not have rails, racing or other attachments on the outside thereof that would facilitate climbing.
- 3.24(4) A fence mentioned in subsection (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 subsection (5);
  - (b) shall not be electrified or incorporate barbed wire or other dangerous material; and
  - (c) shall be located at least
    - (i) 1.25 metres from the edge of the swimming pool, and
    - (ii) 1.25 metres from any condition that would facilitate its being climbed from the outside.
- 3.24(5) The design and construction of a fence under this section shall
- (a) in the case of a fence made of chain links be designed and constructed with
    - (i) no greater than 4 centimetre 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 centimetres 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 centimetres diameter steel;
  - (b) in the case of a fence made of wood be designed and constructed with
    - (i) vertical boarding, no 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 as not to facilitate climbing on the outside, and
    - (ii) supporting cedar posts at least 20 centimetres square or round with 10 centimetres diameters, set below frost and spaced not more than 2.5 metres 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, be designed and constructed in a manner which will ensure rigidity equal to the design and construction prescribed by this subsection.
- 3.24(6) Gates forming part of an enclosure mentioned in subsection (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.

#### Buffers, Planting Strips and Fencing Requirements

- 3.25(1) Where the interior side or rear lot line in a "C," "LI" or "I" Zone abuts an "RR," "D," or "INF" Zone or a lot less than 1 hectare containing one or more dwelling units, a planting strip adjoining such abutting lot line, or portion thereof, shall
- (a) be provided on the lot within the "C," "LI" or "I" Zone; and
  - (b) have a minimum width of 3 metres.

#### Design

- 3.25(2) A planting strip required under subsection (1) shall
- (a) not be used for any use otherwise permitted by this Regulation;
  - (b) consist of a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high, immediately adjacent to the lot line of an abutting "RR," "D," or "INF" Zone or lot less than 1 hectare containing one or more dwelling units; and
  - (c) be a fence, erected in place of a hedgerow or shrubs, provided the fence is opaque and not less than 1.5 metres high and the remainder of the strip is landscaped.
- 3.25(3) Where an "I" Zone contains a salvage yard or sawmill a buffer strip adjoining abutting lot lines and street lines shall
- (a) be provided on the lot within the "I" Zone; and
  - (b) have a minimum width of 10 metres.
- 3.25(4) A buffer strip required under subsection (3) shall
- (a) consist of a row of trees or a continuous unpierced hedgerow of evergreen trees or shrubs, not less than 1.5 metres high; and
  - (b) be a fence, erected in place of a hedgerow, provided the fence is opaque and not less than 1.5 metres high and follows the contours of the surface of the ground along the perimeter of the lot or area of the lot to be used for the salvage yard or sawmill use.
- 3.25(5) In all cases where ingress and egress driveways, or walkways extend through a planting strip, it shall be permissible to interrupt the strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.
- 3.25(6) Where driveways and walkways pass through a buffer strip, such driveway and walkways shall not exceed 7 metres and 2 metres in width respectively.
- 3.25(7) Notwithstanding any other provisions of this Regulation to the contrary, where a portion of an "EI" Zone abuts a street line or an existing "RR," "D," or "INF" Zone or a lot less than 1 hectare containing one or more dwelling units, a buffer strip shall
- (a) be provided and maintained within the required front, side and rear yards;
  - (b) be located a minimum of 15 metres from any property line abutting a street line and a minimum of 15 metres of any land in an "RR," "D," or "INF" Zone or a lot less than 1 hectare containing one or more dwelling units;
  - (c) be unbroken except for entrances and exits; and
  - (d) consist of coniferous trees that visually screen, or will visually screen, the "EI" use from abutting properties or the street line.
- 3.25(8) A buffer strip required under subsection (7) may be supplemented by an earth embankment, provided
- (a) such embankment is located in the same location as the required buffer strip;
  - (b) the top of such embankment is at least 2 metres in height above the undisturbed surface of the adjoining street line or the adjoining property boundary;
  - (c) the maximum gradient of the side slopes of such embankment shall not be in excess of a ratio of three to one (3:1);
  - (d) such embankment has a vegetated cover; and
  - (e) such embankment does not contribute to drainage problems on abutting properties.

- 3.25(9) Every owner or operator of an "EI" use shall erect and maintain a fence of heavy duty farm fencing at least 1.2 metres in height which shall follow the contours of the surface of the ground along the perimeter of the lot or area of the lot to be used for the "EI" use.
- 3.25(10) Where required, a planting strip, buffer strip or fence shall be replanted, nurtured and maintained by the owner of the lot on which they are located.

## **SECTION 4 – ZONES**

### **AG Zones - Agriculture Zones**

#### **Permitted Uses**

- 4.1(1) In an "AG" zone, the land, building, or structure may be used for the purposes of, and for no other purpose than
- (a) the following residential uses
    - (i) duplex dwelling,
    - (ii) garden suite, in accordance with section 3.5,
    - (iii) single detached dwelling,
    - (iv) semi-detached dwelling; and
  - (b) the following non-residential uses
    - (i) agricultural composting operation,
    - (ii) agricultural operation,
    - (iii) bed and breakfast, in accordance with section 3.9,
    - (iv) conservation use,
    - (v) farm produce sales outlet,
    - (vi) forestry use,
    - (vii) home occupation, in accordance with section 3.8,
    - (viii) home or farm industry,
    - (ix) kennel,
    - (x) logging hauler,
    - (xi) mining operation,
    - (xii) park,
    - (xiii) aquaculture,
    - (xiv) public buildings and structures, and
    - (xv) accessory buildings or structures.
- 4.1(2) The minimum lot area for the following use, building, or structure is for
- (a) single detached dwelling - 0.4 hectare;
  - (b) semi-detached dwelling- 0.535 hectare;
  - (c) duplex dwelling - 0.535 hectare;
  - (d) agricultural operation - 2 hectares;
  - (e) forestry use - 2 hectares;
  - (f) kennel - 2 hectares;
  - (g) aquaculture - 2 hectares;
  - (h) logging hauler - 2 hectares; and
  - (i) other permitted uses, unless accessory to or coincidental with uses listed in paragraph (a), (b) or (c) - 0.4 hectare.
- 4.1(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.1(4) The minimum front yard depth and exterior side yard width of a lot for the following use, building or structure is for
- (a) agricultural buildings and structures- 15 metres;
  - (b) forestry use - 15 metres;
  - (c) kennel - 15 metres;
  - (d) logging hauler - 15 metres; and

- (e) other permitted uses - 7.5 metres.
- 4.1(5) The minimum interior side yard width of a lot for the following use, building or structure is for
- (a) agricultural buildings and structures - 10 metres;
  - (b) forestry use 10 metres;
  - (c) kennel - 10 metres;
  - (d) logging hauler - 10 metres; and
  - (e) other permitted uses - 3 metres.
- 4.1(6) The minimum rear yard depth of a lot for the following use, building or structure is for
- (a) agricultural buildings and structures 10 metres;
  - (b) forestry use - 10 metres;
  - (c) kennel- 10 metres;
  - (d) logging hauler - 10 metres; and
  - (e) other permitted uses - 7.5 metres.
- 4.1(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.1(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.1(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

## **RU Zones – Rural**

### **Permitted Uses**

- 4.2(1) In an "RU" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
- (a) the following residential uses
    - (i) duplex dwelling,
    - (ii) garden suite, in accordance with section 3.5,
    - (iii) group home, in accordance with section 3.6 of this regulation,
    - (iv) semi-detached dwelling
    - (v) single detached dwelling,
    - (vi) special care home; and
  - (b) the following non-residential uses
    - (i) agricultural composting operation,
    - (ii) agricultural operation,
    - (iii) bed and breakfast, in accordance with section 3.9,
    - (iv) boarding stable,
    - (v) conservation use,
    - (vi) forestry use,
    - (vii) home occupation, in accordance with section 3.8,
    - (viii) home or farm industry, in accordance with section 3.7,
    - (ix) kennel,
    - (x) logging hauler,
    - (xi) mining operation,
    - (xii) park,
    - (xiii) aquaculture,
    - (xiv) public buildings and structures, and
    - (xv) accessory buildings or structures.
- 4.2(2) The minimum lot area for the following use, building or structure is for
- (a) single detached dwelling – 0.4 hectare;
  - (b) semi-detached dwelling, or duplex dwelling – 0.535 hectare;
  - (c) agricultural operation - 2 hectares;

- (d) boarding stable - 2 hectares;
- (e) forestry use - 2 hectares;
- (f) kennel - 2 hectares;
- (g) aquaculture - 2 hectares;
- (h) logging hauler - 2 hectares; and
- (i) other permitted uses, unless accessory to or coincidental with uses listed in paragraph (a), (b) or (c) - 0.4 hectare.

4.2(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.

4.2(4) The minimum front yard depth and exterior side yard width of a lot for the following use, building or structure is for

- (a) agricultural buildings and structures - 15 metres;
- (b) boarding stable - 15 metres;
- (c) forestry use - 15 metres;
- (d) kennel - 15 metres;
- (e) logging hauler - 15 metres; and
- (f) other permitted uses - 7.5 metres

4.2(5) The minimum interior side yard width of a lot for the following use, building or structure is for

- (a) agricultural buildings and structures - 10 metres;
- (b) boarding stable - 10 metres;
- (c) forestry use - 10 metres;
- (d) logging hauler - 10 metres; and
- (e) other permitted uses - 3 metres.

4.2(6) The minimum rear yard depth of a lot for the following use, building or structure is for

- (a) agricultural buildings and structures - 10 metres;
- (b) boarding stable - 10 metres;
- (c) forestry use - 10 metres;
- (d) kennel - 10 metres;
- (e) logging hauler - 10 metres; and
- (f) other permitted uses - 7.5 metres.

4.2(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.

4.2(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.

4.2(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

## **RR Zones - Rural Residential**

### **Permitted Uses**

4.3(1) In an "RR" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than

- (a) the following residential uses
  - (i) duplex dwelling,
  - (ii) garden suite, in accordance with section 3.5,
  - (iii) group home, in accordance with section 3.6,
  - (iv) semi-detached dwelling,
  - (v) single detached dwelling,
  - (vi) special care home; and
- (b) the following non-residential uses
  - (i) bed and breakfast, in accordance with section 3.9,
  - (ii) conservation use,
  - (iii) home occupation, in accordance with section 3.8,

- (iv) park, and
- (v) accessory buildings or structures.

- 4.3(2) The minimum lot area for a use in an "RR" zone is 0.8 hectare.
- 4.3(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.3(4) The minimum front yard depth and the minimum exterior side yard width for a use in an "RR" zone is 7.5 metres.
- 4.3(5) The minimum interior side yard width for a use in an "RR" zone is 5 metres.
- 4.3(6) The minimum rear yard depth for a use in an "RR" zone is 7.5 metres.
- 4.3(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.3(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.3(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

### **LSR - Limited Service Resource**

#### **Permitted Uses**

- 4.4(1) In an "LSR" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
  - (a) for a residential use, a limited service dwelling; and
  - (b) the following non-residential uses
    - (i) agricultural operation,
    - (ii) conservation use,
    - (iii) forestry use,
    - (iv) home occupation, in accordance with section 3.8,
    - (v) hunting or fishing camp,
    - (vi) logging hauler,
    - (vii) mining operation,
    - (viii) park, and
    - (ix) accessory buildings or structures.
- 4.4(2) The minimum lot area for a use in a "LSR" zone is 0.4 hectare.
- 4.4(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.4(4) The minimum front yard depth and exterior side yard width of a lot for the following use, building or structure is for
  - (a) agricultural buildings and structures - 15 metres; and
  - (b) other permitted uses - 7.5 metres.
- 4.4(5) The minimum interior side yard width of a lot for the following use, building or structure is for
  - (a) agricultural buildings and structures - 10 metres; and
  - (b) other permitted uses - 3 metres;
- 4.4(6) The minimum rear yard depth of a lot for the following use, building or structure is for
  - (a) agricultural buildings and structures - 10 metres; and
  - (b) other permitted uses - 7.5 metres.
- 4.4(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.



- 4.4(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.4(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

### **D Zone - Development**

#### **Permitted Uses**

- 4.5(1) In a "D" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
- (a) the following residential uses
    - (i) accessory dwelling unit, in accordance with section 3.2,
    - (ii) duplex dwelling,
    - (iii) garden suite, in accordance with section 3.5,
    - (iv) group home, in accordance with section 3.6,
    - (v) multiple unit dwelling,
    - (vi) semi-detached dwelling,
    - (vii) single detached dwelling,
    - (viii) special care facility,
    - (ix) special care home; and
  - (b) the following non-residential uses
    - (i) bed and breakfast, in accordance with section 3.9,
    - (ii) cemetery,
    - (iii) home occupation, in accordance with section 3.8,
    - (iv) library,
    - (v) park,
    - (vi) public building, and
    - (viii) accessory buildings or structures; and
  - (c) the following non-residential uses, provided such uses have direct frontage on an Undivided Arterial Highway, a Main Rural Road, or Rural Roads
    - (i) artisan shop,
    - (ii) assembly hall,
    - (iii) business or professional office,
    - (iv) clinic,
    - (v) convenience store,
    - (vi) eating establishment full service,
    - (vii) eating establishment, take-out,
    - (viii) furniture showroom and workshop,
    - (ix) garden centre,
    - (x) place of entertainment,
    - (xi) place of worship,
    - (xii) school or religious education facility,
    - (xiii) service shop, personal, and
    - (xiv) veterinary clinic.
- 4.5(2) The minimum lot area for the following use, building or structure, in an area with on-site sewer and water services, is
- (a) single detached dwelling – 0.4 hectare;
  - (b) semi-detached dwelling, or duplex dwelling – 0.535 hectare;
  - (c) multiple unit dwelling – 0.805 hectare; and
  - (d) other permitted uses – 0.4 hectare.
- 4.5(3) The minimum lot width and depth for a use in a "D" zone is in accordance with section 3.21 of this regulation.
- 4.5(4) The minimum front yard depth and exterior side yard width of a lot for a use in a "D" zone is 7.5 metres.
- 4.5(5) The minimum interior side yard width of a lot for the following use, building or structure is for
- (a) artisan shop - 6 metres;

- (b) assembly hall - 6 metres;
- (c) business or professional office - 6 metres;
- (d) clinic - 6 metres;
- (e) convenience store - 6 metres;
- (f) eating establishment, full service - 6 metres;
- (g) eating establishment, take-out - 6 metres;
- (h) furniture showroom and workshop - 6 metres;
- (i) garden centre - 6 metres;
- (j) place of worship - 6 metres;
- (k) place of entertainment - 6 metres;
- (l) school or religious education facility - 6 metres;
- (m) service shop, personal - 6 metres;
- (n) veterinary clinic - 6 metres; and
- (o) all other permitted uses - 3 metres.

4.5(6) The minimum rear yard depth of a lot for the following use, building or structure is for

- (a) artisan shop - 15 metres;
- (b) assembly hall - 15 metres;
- (c) business or professional office - 15 metres;
- (d) clinic - 15 metres;
- (e) convenience store - 15 metres;
- (f) eating establishment, full service - 15 metres;
- (g) eating establishment, take-out - 15 metres;
- (h) furniture showroom and workshop - 15 metres;
- (i) garden centre - 15 metres;
- (j) place of worship - 15 metres;
- (k) place of entertainment - 15 metres;
- (l) school or religious education facility - 15 metres;
- (m) service shop, personal - 15 metres;
- (n) veterinary clinic - 15 metres; and
- (o) all other permitted uses - 7.5 metres.

4.5(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.

4.5(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.

4.5(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

4.5(10) The zone provisions for areas with communal sewer and water services are for

- (a) single detached dwelling – 0.545 hectare;
- (b) semi-detached dwelling, or duplex dwelling – 0.88 hectare;
- (c) multiple unit dwelling 0.1272 hectare; and
- (d) other permitted uses – 0.545 hectare.

4.5(11) The minimum lot width and depth is in accordance with section 3.21 of this regulation.

4.5(12) The minimum front yard depth and the minimum exterior side yard width for a use in a "D" zone is 7.5 metres.

4.5(13) The minimum interior side yard width of a lot for the following use, building or structure is for

- (a) artisan shop - 6 metres;
- (b) assembly hall - 6 metres;
- (c) business or professional office - 6 metres;
- (d) clinic - 6 metres;
- (e) convenience store - 6 metres;
- (f) eating establishment, full service - 6 metres;
- (g) eating establishment, take-out - 6 metres;
- (h) furniture showroom and workshop - 6 metres;

- (i) garden centre - 6 metres;
- (j) place of worship - 6 metres;
- (k) place of entertainment - 6 metres;
- (l) school or religious education facility - 6 metres;
- (m) service shop, personal - 6 metres;
- (n) veterinary clinic - 6 metres; and
- (o) all other permitted uses - 3 metres.

4.5(14) The minimum rear yard depth of a lot for the following use, building or structure is for

- (a) artisan shop - 15 metres;
- (b) assembly hall - 15 metres;
- (c) business or professional office – 15 metres;
- (d) clinic- 15 metres;
- (e) convenience store - 15 metres;
- (f) eating establishment, full service – 15 metres;
- (g) eating establishment, take-out – 15 metres;
- (h) furniture showroom and workshop – 15 metres;
- (i) garden centre - 15 metres;
- (j) place of entertainment - 15 metres;
- (k) place of worship - 15 metres;
- (l) school or religious education facility 15 metres;
- (m) service shop, personal - 15 metres;
- (n) veterinary clinic - 15 metres; and
- (o) all other permitted uses - 7.5 metres.

4.5(15) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.

4.5(16) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.

4.5(17) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

### **INF Zones - Infill**

#### **Permitted Uses**

4.6(1) In an "INF" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than

- (a) the following residential uses
  - (i) accessory dwelling unit, in accordance with section 3.2,
  - (ii) duplex dwelling,
  - (iii) garden suite, in accordance with section 3.5,
  - (iv) group home, in accordance with section 3.6,
  - (v) semi-detached dwelling,
  - (vi) single detached dwelling, and
  - (vii) special care home; and
- (b) the following non-residential uses
  - (i) bed and breakfast, in accordance with section 3.9,
  - (ii) cemetery,
  - (iii) garden centre,
  - (iv) home occupation, in accordance with section 3.8,
  - (v) museum,
  - (vi) park,
  - (vii) public building, and
  - (viii) accessory buildings or structures; and
- (c) The following non-residential uses, provided such uses have direct frontage on an Undivided Arterial Highway, a Main Rural Road or Rural Roads
  - (i) artisan shop,

- (ii) assembly hall,
- (iii) business or professional office,
- (iv) clinic,
- (v) convenience store,
- (vi) eating establishment, take-out,
- (vii) place of worship,
- (viii) service shop, personal, and
- (ix) veterinary clinic.

4.6(2) The minimum lot area for the following use, building, or structure is for

- (a) single detached dwelling – 0.4 hectare;
- (b) semi-detached dwelling – 0.535 hectare;
- (c) duplex dwelling – 0.535 hectare; and
- (d) other permitted uses – 0.4 hectare.

4.6(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.

4.6(4) The minimum front yard depth exterior side yard width of a lot in an "INF" zone is 7.5 metres.

4.6(5) The minimum interior side yard width of a lot for the following use, building or structure is for

- (a) artisan shop - 6 metres;
- (b) assembly hall - 6 metres;
- (c) place of worship - 6 metres;
- (d) business or professional office - 6 metres;
- (e) clinic - 6 metres;
- (f) convenience store - 6 metres;
- (g) eating establishment, take-out - 6 metres;
- (h) garden centre - 6 metres;
- (i) service shop, personal - 6 metres;
- (j) veterinary clinic - 6 metres; and
- (k) all other permitted uses - 3 metres.

4.6(6) The minimum rear yard depth of a lot for the following use, building or structure is for

- (a) artisan shop - 15 metres;
- (b) assembly hall - 15 metres;
- (c) place of worship - 15 metres;
- (d) business or professional office, or clinic - 15 metres;
- (e) convenience store - 15 metres;
- (f) eating establishment, take-out - 15 metres;
- (g) garden centre - 15 metres;
- (h) service shop, personal - 15 metres;
- (i) veterinary clinic - 15 metres; and
- (j) all other permitted uses - 7.5 metres.

4.6(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.

4.6(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.

4.6(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

### **C Zone – Commercial**

#### **Permitted Uses**

4.7(1) In a "C" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than

- (a) the following residential uses

- (i) an accessory single detached dwelling, and
- (ii) an accessory dwelling unit, in accordance with section 3.2; and
- (b) the following non-residential uses
  - (i) animal hospital,
  - (ii) artisan shop,
  - (iii) assembly hall,
  - (iv) automotive car wash,
  - (v) automotive commercial,
  - (vi) garage,
  - (vii) automotive gasoline bar, in accordance with section 3.3,
  - (viii) automotive service station, in accordance with section 3.3,
  - (ix) automotive store,
  - (x) automotive vehicle sales or rental establishment,
  - (xi) beverage room,
  - (xii) building supply store,
  - (xiii) business or professional office,
  - (xiv) clinic,
  - (xv) convenience store,
  - (xvi) eating establishment, drive in,
  - (xvii) eating establishment, full service,
  - (xviii) eating establishment, take-out,
  - (xix) funeral home,
  - (xx) furniture showroom and workshop,
  - (xxi) garden centre,
  - (xxii) general service shop,
  - (xxiii) home display and sales outlet,
  - (xxiv) hotel,
  - (xxv) kennel,
  - (xxvi) mining operation,
  - (xxvii) mini-storage establishment,
  - (xxviii) motel,
  - (xxix) motor hotel,
  - (xxx) museum,
  - (xxxi) park,
  - (xxxii) place of worship,
  - (xxxiii) public building,
  - (xxxiv) retail store, including one in which the products are manufactured on the premises, provided the space devoted to such manufacturing does not exceed 50% of the gross floor area,
  - (xxxv) service shop, personal,
  - (xxxvi) veterinary clinic, and
  - (xxxvii) accessory buildings or structures.

4.7(2) The minimum lot area for a use, building, or structure in a "C" zone is 0.4 hectare.

4.7(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.

4.7(4) The minimum front yard depth and exterior side yard width of a lot in a "C" zone is 7.5 metres.

4.7(5) The minimum interior side yard width of a lot in a "C" zone is as follows

- (a) where the interior side lot line abuts another "C", "RC", "LI", "I", or "CF" Zone - 3 metres;
- (b) where the interior side lot line abuts any other zone - 9 metres.

4.7(6) The minimum rear yard depth of a lot in a "C" zone is as follows

- (a) where the rear side lot line abuts another "C", "RC", "LI", "I", or "CF" Zone - 7.5 metres;
- (b) where the interior side lot line abuts any other zone - 12 metres.

4.7(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this

regulation.

- 4.7(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.7(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.
- 4.7(10) Buffer strips, planting strips, and fencing requirements in this zone are in accordance with section 3.25 of this regulation.

### **RC Zone - Recreational Commercial**

#### **Permitted Uses**

- 4.8(1) In an "RC" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
  - (a) the following residential uses
    - (i) an accessory single detached dwelling,
    - (ii) an accessory dwelling unit, in accordance with subsection 3.2; and
  - (b) the following non-residential uses
    - (i) active recreation,
    - (ii) assembly hall,
    - (iii) campground,
    - (iv) convenience store,
    - (v) cottage establishment,
    - (vi) dormitory,
    - (vii) eating establishment, drive in,
    - (viii) eating establishment, full service,
    - (ix) eating establishment, take-out,
    - (x) golf course,
    - (xi) miniature golf centre,
    - (xii) mining operation,
    - (xiii) park,
    - (xiv) passive recreation,
    - (xv) place of entertainment,
    - (xvi) recreational vehicle park,
    - (xvii) resort,
    - (xviii) riding stables,
    - (xix) aquaculture,
    - (xx) accessory buildings or structures, and
    - (xxi) agricultural operation
- 4.8(2) The minimum lot area for the following use, building, or structure is
  - (a) campground - 2 hectares;
  - (b) cottage establishment – 2 hectares;
  - (c) golf course - 2 hectares;
  - (d) mini golf - 2 hectares;
  - (e) recreational vehicle park - 2 hectares;
  - (f) riding stables – 2 hectares; and
  - (g) all other permitted uses – 0.4 hectare.
- 4.8(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.8(4) The minimum front yard depth and exterior side yard width of a lot in an "RC" zone is 12 metres.
- 4.8(5) The minimum interior side yard width of a lot in an "RC" zone is as follows
  - (a) where the interior side lot line abuts another "RC", "C", "LI", "I", or "CF" Zone - 3 metres;
  - (b) where the interior side lot line abuts any other zone - 9 metres.

- 4.8(6) The minimum rear yard depth of a lot in an "RC" zone is as follows
  - (a) where the rear side lot line abuts another "RC", "C", "LI", "I", or "CF" Zone - 7.5 metres;
  - (b) where the interior side lot line abuts any other zone - 12 metres
- 4.8(7) The maximum number of camp sites allowed is 30 per hectare, based on the area of the entire campground.
- 4.8(8) The maximum number of recreational vehicle sites allowed on a park site connected to individual on-site sewer systems is 5 per hectare, based on the area of the entire park.
- 4.8(9) The maximum number of recreational vehicle sites allowed on a park site connected to a communal sewer systems is 20 per hectare, based on the area of the entire park.
- 4.8(10) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.8(11) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.8(12) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

### **LI Zone - Light Industrial**

#### **Permitted Uses**

- 4.9(1) In an "LI" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
  - (a) the following residential uses
    - (i) an accessory single detached dwelling,
    - (ii) an accessory dwelling unit, in accordance with section 3.2; and
  - (b) the following non-residential uses
    - (i) artisan shop,
    - (ii) automotive body shop,
    - (iii) automotive car wash,
    - (iv) automotive commercial garage, in accordance with section 3.3 of this regulation,
    - (v) business or professional office,
    - (vi) excavation contractor's yard or shop,
    - (vii) general contractor's yard or shop,
    - (viii) laboratory and research facilities,
    - (ix) light manufacturing plant,
    - (x) logging hauler,
    - (xi) mining operation,
    - (xii) mini-storage establishment,
    - (xiii) public building,
    - (xiv) public garage,
    - (xv) warehouse,
    - (xvi) welding shop, and
    - (xvii) accessory buildings or structures.
- 4.9(2) The minimum lot area for a use in an "LI" zone is 1 hectare.
- 4.9(3) The minimum lot width and depth in an "LI" zone is in accordance with section 3.21 of this regulation.
- 4.9(4) The minimum front yard depth and exterior side yard width for a lot in an "LI" zone is 7.5 metres.
- 4.9(5) The minimum interior side yard width for a lot in an "LI" zone is as follows
  - (a) where the interior side lot line abuts another "LI", "C", "RC", "I", or "CF" Zone - 6 metres;
  - (b) where the interior side lot line abuts any other zone - 12 metres.
- 4.9(6) The minimum rear yard depth of a lot in an "LI" zone is as follows

- (a) where the rear side lot line abuts another "LI", "C", "RC", "I", or "CF" Zone- 7.5 metres;
  - (b) where the interior side lot line abuts any other zone - 12 metres.
- 4.9(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.9(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.9(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

## **I Zone – Industrial**

### **Permitted Uses**

- 4.10(1) In an "I" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
- (a) for a residential use, an accessory single detached dwelling; and
  - (b) the following non-residential uses
    - (i) abattoir,
    - (ii) concrete manufacturing plant,
    - (iii) deadstock removal operation,
    - (iv) factory outlet,
    - (v) manufacturing plant,
    - (vi) mining operation,
    - (vii) process waste disposal site,
    - (viii) redemption waste disposal site,
    - (ix) salvage yard
    - (x) sawmill,
    - (xi) waste composting operation,
    - (xii) aquaculture,
    - (xiii) any use permitted in the "C" Zone, and
    - (xiv) any use permitted in the "LI" Zone.
- 4.10(2) The minimum lot area for the following use, building, or structure is for
- (a) factory outlet - 1 hectare;
  - (b) manufacturing plant - 1 hectare;
  - (c) process waste disposal site - 1 hectare;
  - (d) any use permitted in the "C" Zone 1 hectare;
  - (e) any use permitted in the "LI" Zone - 1 hectare;
  - (f) abattoir - 2 hectares;
  - (g) concrete manufacturing plant - 2 hectares;
  - (h) deadstock removal operation - 2 hectares;
  - (i) sawmill - 2 hectares;
  - (j) aquaculture - 2 hectares;
  - (k) salvage yard, or waste composting operation - 2 hectares; and
  - (l) other permitted uses, unless accessory to or coincidental with uses listed in clause (a) or (b) - 1 hectare.
- 4.10(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.10(4) The minimum front yard depth and exterior side yard width of a lot in an "I" zone is 12 metres.
- 4.10(5) The minimum interior side yard width of a lot in an "I" zone is as follows
- (a) where the interior side lot line abuts another "I" or "LI" Zone – 6 metres; and
  - (b) where the interior side lot line abuts any other zone - 12 metres.
- 4.10(6) The minimum rear yard depth of a lot in an "I" zone is as follows
- (a) where the rear side lot line abuts another "I" or "LI" Zone – 7.5 metres; and
  - (b) where the interior side lot line abuts any other zone - 15 metres.



- 4.10(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.10(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.10(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.
- 4.10(10) Buffer strips, planting strips, and fencing requirements in this zone are in accordance with section 3.25 of this regulation.

### **EI Zones - Extractive Industrial**

#### **Permitted Uses**

- 4.11(1) In an "EI" Zone the land, building, or structure may be used for the purposes of, and for no other purpose than
- (a) the following non-residential uses
    - (i) agricultural composting operation,
    - (ii) agricultural operation, excluding any dwelling unit,
    - (iii) gravel pit,
    - (iv) mining operation,
    - (v) quarry,
    - (vi) topsoil removal, in accordance with Regulation 95-66 under the Topsoil Preservation Act, and
    - (vii) accessory buildings and structures.
- 4.11(2) The minimum lot area for a use in an "EI" zone is 4 hectares.
- 4.11(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.11(4) No extraction related to a pit or quarry or topsoil removal shall occur within
- (a) 30 metres of the boundary of the property being used, where such boundary abuts any of the following: a public road, a lot less than 1 hectare containing one or more dwelling units, a Settlement Area boundary, an "RR" Zone;
  - (b) 15 metres of the boundary of the property where the foregoing does not apply; and
  - (c) 30 metres of the ordinary mean high water mark of a waterbody or an "EC" Zone boundary, whichever is the greater.
- 4.11(5) Buffers strips, planting strips, and fencing requirements in this zone are in accordance with section 3.25 of this regulation.
- 4.11(6) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.11(7) No extractive industrial use shall be located within 300 metres of a Settlement Area boundary, or an "RR" Zone.
- 4.11(8) All other separation distances shall be in accordance with section 3.17 of this regulation.
- 4.11(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.
- 4.11(10) Future Extractive Industrial use shall not be permitted unless;
- (a) it will not negatively impact lands zoned Environmental Constraint by worsening a hazard or adversely affecting a sensitive natural area or feature;
  - (b) it has a haul route that follows public roads of a construction standard adequate to accomodate associated truck traffic, and avoids using designated Local Roads within Settlement Areas or lands zoned Rural Residential;
  - (c) extraction occurs above the mean annual ground water table, or adequate measures are in place for de-watering; and
  - (d) a site plan and progressive rehabilitation plan is approved by the District Planning Commission, and registered against the lands affected.

## **CF Zones – Community Facility**

### **Permitted Uses**

- 4.12(1) In a "CF" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than
- (a) the following residential uses
    - (i) group home, in accordance with section 3.6 of this regulation,
    - (ii) an accessory single detached dwelling,
    - (iii) an accessory dwelling unit, in accordance with subsection section 3.2,
    - (iv) special care facility, and
    - (v) special care home; and
  - (b) the following non-residential uses
    - (i) assembly hall,
    - (ii) cemetery,
    - (iii) clinic,
    - (iv) community centre
    - (v) conservation use,
    - (vi) library,
    - (vii) museum,
    - (viii) mining operation,
    - (ix) park,
    - (x) place of worship,
    - (xi) public building,
    - (xii) public garage,
    - (xiii) public recreation facility,
    - (xiv) school or religious education facility,
    - (xv) utility tower,
    - (xvi) veterinary clinic, and
    - (xvii) accessory buildings and structures.
- 4.12(2) The minimum lot area for a use in the "CF" zone is 0.4 hectare.
- 4.12(3) The minimum lot width and depth is in accordance with section 3.21 of this regulation.
- 4.12(4) The minimum front yard depth and exterior side yard width of a lot in a "CF" zone is 10 metres.
- 4.12(5) The minimum interior side yard of a lot in a "CF" zone is 5 metres.
- 4.12(6) The minimum rear yard depth of a lot in a "CF" zone is 15 metres.
- 4.12(7) Off-street parking and loading requirements in this zone are in accordance with sections 3.13 and 3.14 of this regulation.
- 4.12(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.
- 4.12(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

## **OSR Zone - Open Space Recreation**

### **Permitted Uses**

- 4.13 In an "OSR" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than the following non-residential uses
- (a) buffer strip;
  - (b) conservation use;
  - (c) landscaped open space
  - (d) mining operation

- (e) natural area;
- (f) passive recreation;
- (g) picnic shelter;
- (h) private park
- (i) public park; and
- (j) washroom facility provided it is located outside a known flood plain.

#### **CL Zone - Crown Land**

- 4.14 The provisions of this Regulation do not apply to lands within the "CL" Zone.

#### **LF Zone - Landfill**

##### **Permitted Uses**

- 4.15 In an "LF" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than the following non- residential uses:
- (a) buffer strip;
  - (b) conservation use;
  - (c) landscaped open space; and
  - (d) mining operation.

#### **EC Zone - Environmental Constraint**

##### **Permitted Uses**

- 4.16 In an "EC" Zone any land, building, or structure may be used for the purposes of, and for no other purposes than the following non- residential uses
- (a) a public use, excluding buildings;
  - (b) agricultural operations, excluding buildings and manure storage;
  - (c) buffer strip;
  - (d) conservation use;
  - (e) dam or other water control structure;
  - (f) forestry;
  - (g) landscaped open space;
  - (h) mining operation; and
  - (i) passive recreation.

#### **CP-1 Zone - Condominium Property 1**

##### **Permitted Uses**

- 4.17(1) In a "CP-1" Zone any land, building, or structure may be used for the purpose of, and for no other purpose than
- (a) the following residential uses
    - (i) duplex dwelling,
    - (ii) three unit dwelling, and
    - (iii) multiple unit dwelling, subject to subsection (9); and
  - (b) the following non-residential uses
    - (i) assembly hall, and
    - (ii) accessory buildings or structures.

4.17(2) The minimum lot area is 5.0 hectares.

4.17(3) The minimum lot width and lot depth is 100 metres and 275 metres respectively.

4.17(4) The minimum separation distance from a main building to a street line or lot boundary is 7.5 metres.

4.17(5) The minimum separation distance between main buildings is 5.0 metres.

4.17(6) The minimum number of off-street parking spaces is 1 per dwelling unit whereby each parking space

- (a) has an area of not less than 3 metres by 6 metres;
- (b) has direct access to a service lane or driveway leading to a highway, road or street; and
- (c) satisfies the requirements of subsection 3.13(6);

plus 1 per dwelling, whereby each space may be located singularly or collectively elsewhere upon the lot.

4.17(7) The minimum number of handicapped parking spaces for an accessory building or structure, used by residents for assembly or a similar use, is 5, whereby each space satisfies the requirements of subsections 3.13(3) and 3.13(6).

4.17(8) The maximum number of dwellings on a lot is 20, being a maximum number of dwelling units of 60.

4.17(9) The maximum number of dwelling units permitted within a multiple unit dwelling on a lot within this zone is 4.

### **LI-1 Zone – Light Industrial 1**

#### **Permitted Uses**

4.18(1) In a “LI-1” Zone any land, building, or structure may be used for the purpose of, and for no other purpose than

- (a) the following non-residential uses
  - (i) business or professional office,
  - (ii) general contractor’s yard or shop,
  - (iii) light manufacturing plant,
  - (iv) warehouse, and
  - (v) accessory buildings or structures.

4.18(2) The minimum lot area is 0.6 hectare.

4.18(3) The minimum lot width and lot depth is 54 metres and 38 metres respectively.

4.18(4) The minimum separation distance from a main building to a street line or lot boundary is 7.5 metres.

4.18(5) The minimum separation distance between main buildings is 5.0 metres.

4.18(6) Off-street parking and loading requirements are in accordance with sections 3.13 and 3.14 respectively.

### **C-1 Zone - Commercial 1**

#### **Permitted Uses**

4.19(1) In a “C-1” Zone any land, building, or structure may be used for the purpose of, and for no other purpose than

- (a) the following non-residential uses
  - (i) animal hospital,
  - (ii) artisan shop,
  - (iii) assembly hall,
  - (iv) automotive vehicle sales or rental establishment,
  - (v) business or professional office,
  - (vi) convenience store,
  - (vii) eating establishment, drive in,
  - (viii) eating establishment, full service,
  - (ix) eating establishment, take out,
  - (x) furniture showroom and workshop,
  - (xi) home display and sales outlet,
  - (xii) mini-storage establishment,
  - (xiii) museum,

- (xiv) public building,
- (xv) retail store, including one in which the products are manufactured on the premises, provided the space devoted to such manufacturing does not exceed 50% of the gross floor area,
- (xvi) service shop, general, and
- (xvii) accessory buildings or structures.

4.19(2) The minimum lot area is 0.4 hectare.

4.19(3) The minimum lot width and lot depth is in accordance with section 3.21.

4.19(4) The minimum front yard depth and exterior side yard of a lot is 7.5 metres.

4.19(5) The minimum interior side yard width of a lot is as follows:

- (a) where the interior side lot line abuts another "C-1", or a "C", "RC", "LI", "I" or "CF" zone – 3 metres; and
- (b) where the interior side lot line abuts any other zone – 9 metres.

4.19(6) The minimum rear yard depth of a lot is as follows:

- (a) where the rear side lot line abuts another "C-1", or a "C", "RC", "LI", "I" or "CF" zone – 7.5 metres; and
- (b) where the interior side lot line abuts any other zone – 12 metres.

4.19(7) Off-street parking and loading requirements are in accordance with sections 3.13 and 3.14 respectively.

4.19(8) Separation distance for uses in this zone are in accordance with section 3.17 of this regulation.

4.19(9) Setback requirements in this zone are in accordance with section 3.18 of this regulation.

4.19(10) Buffer strips, planting strips, and fencing requirements in this zone are in accordance with section 3.25 of this regulation.

## **Schedule B**

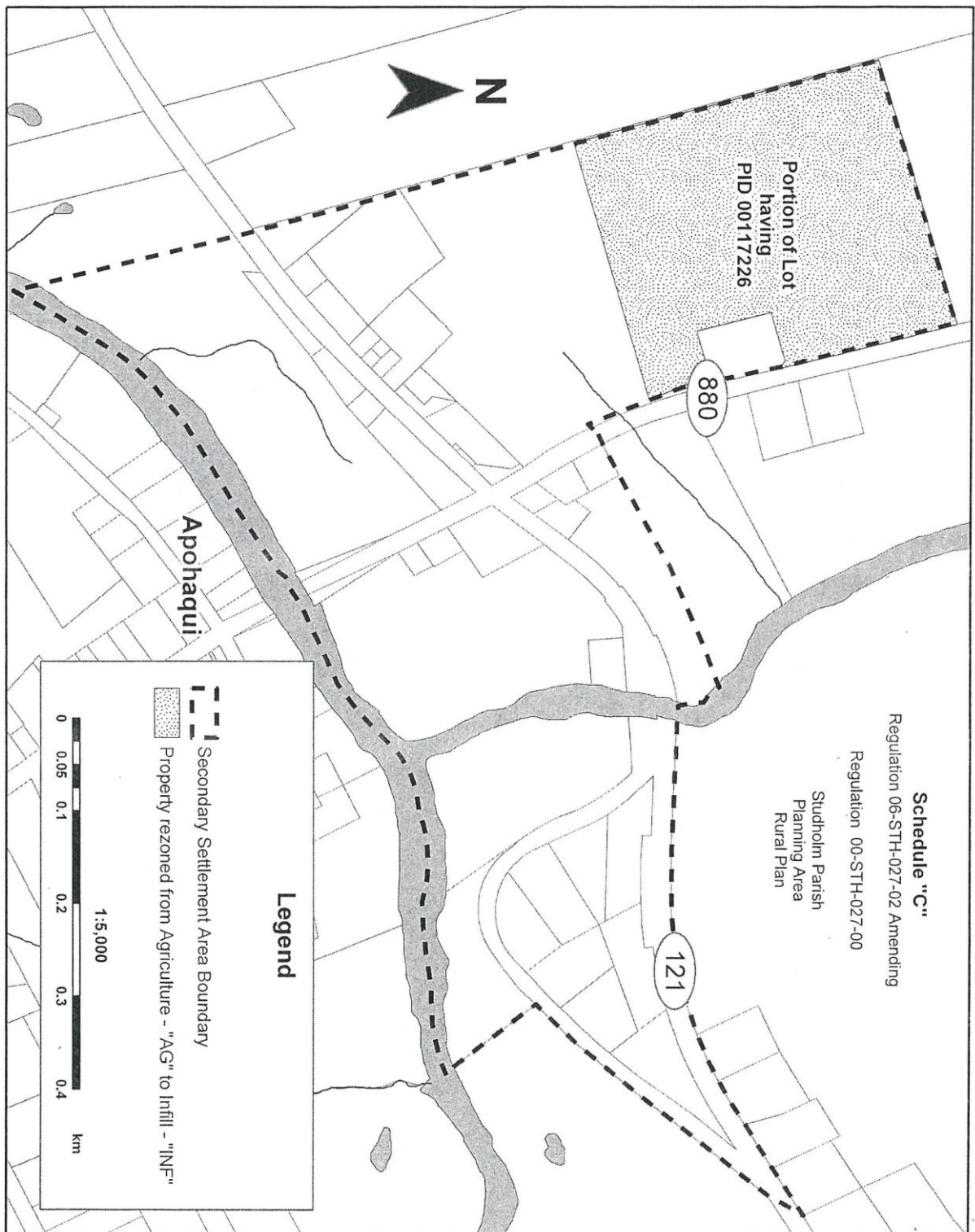
Amendment to the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act on a portion of lands having Property Identifier 30099139

That portion of lands having Property Identifier 30099139 lying south of Bunnell Road within the Parish of Studholm, County of Kings and Province of New Brunswick, as shown on attached Schedule being leased by T.A. Raymond Landscaping a Company duly incorporated under and by virtue of the laws of the Province of New Brunswick, having its registered office at 1113 Route 875, Searsville, in the County of Kings and Province of New Brunswick, hereinafter termed the "Operator", from Lawrence A. Bunnell of the Town of Sussex, in the County of Kings and Province of New Brunswick, be designated Extractive Industrial "EI" Zone, subject to the following terms and conditions:

1. that use be limited to that of a rock quarry and aggregate processing plant; and
2. that operations take place only upon the issuance by the Department of Environment and Local Government of the certificate of approval to operate a rock quarry and aggregate processing plant and in conformance with the terms and conditions therein contained.

In the event of any breach of this Agreement (or breach of any regulation replacing the same) or of the provisions of the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act by the Operator, or their heirs, assigns or successors, this Agreement shall be declared void, whereupon the Operator, or their heirs, assigns or successors, shall lose the rights to use the lands herein described for any other purpose except as authorized by the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act for a Rural - "RU" Zone.





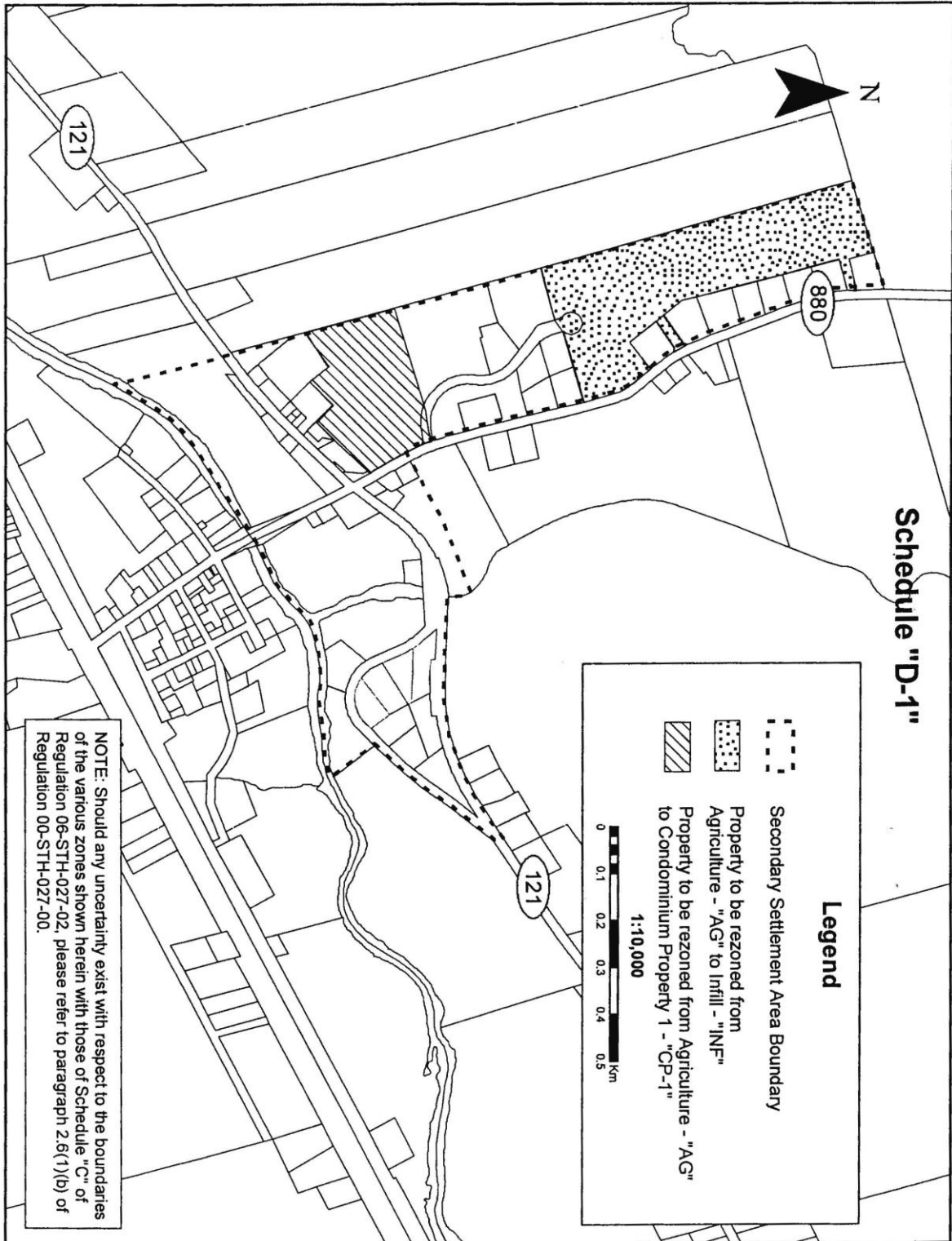
## **Schedule "D"**

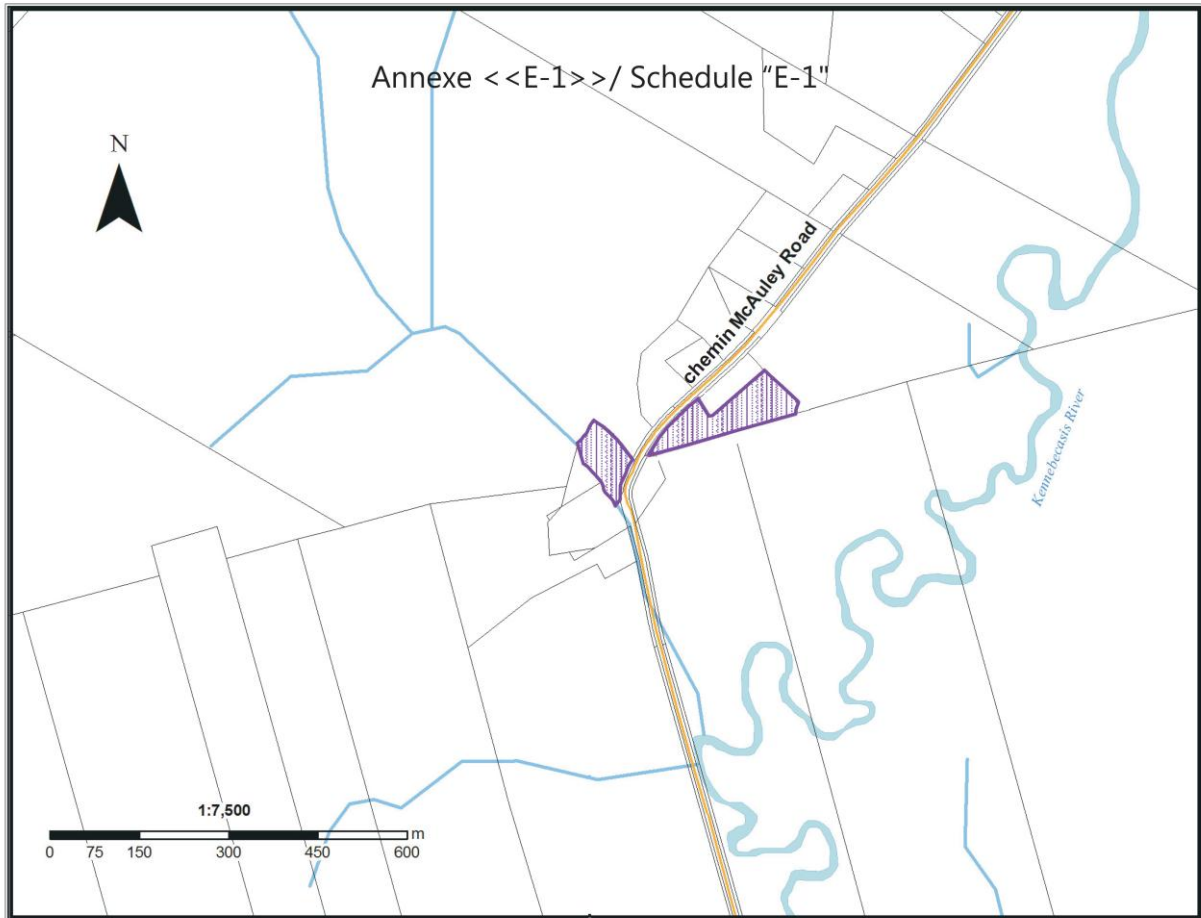
### **Terms and Conditions Regarding the Rezoning of Lands by Ministerial Regulation 08- STH-027-03**

Whereas the current owner, namely, Bruce Carhart, wishes to re-zone lands to accommodate a condominium property development of 18 dwellings, each dwelling to be of 3 dwelling units, the said lands being the southern portion of lands having parcel identifier 00 117226, located immediately westerly of Route 880 and northerly of Route 121 and being within the area designation of the Studholm Parish Planning Area Rural Plan Regulation Community Planning Act, further described on attached Schedule "D-1 ", has in conjunction therewith applied to the Minister of Environment to have the said lands re-zoned from Agriculture "AG" to Condominium Property I- "CP-I" under the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act the said rezoning being herein carried out by Ministerial Regulation 08-STH-027-03, subject to the following terms and conditions:

1. that, prior to obtaining development approval, a water assessment, prepared by an appropriate professional, be submitted to the Royal District Planning Commission certifying as to whether or not the water obtained from the aforesaid lands, or any nearby lands, will be of adequate quality and quantity to meet the anticipated demand of the full extent of the proposed development and as to whether or not the proposed development will negatively impact the current water supply to current surrounding uses;
2. that, prior to obtaining development approval, a document prepared by a professional engineer or architect be submitted to the Royal District Planning Commission certifying that the foundation design for any accessory building or structure to be used by residents as an assembly hall or similar use is appropriate relative to the area's potentially unstable underlying geology;
3. that, prior to obtaining development approval, any permits or otherwise, issued by the Department of Environment for environmental impact assessment, be submitted to the Royal District Planning Commission for any proposed communal water supply or sewage system;
4. that, prior to obtaining development approval, any approval, issued by the Department of Health, be submitted to the Royal District Planning Commission for any proposed communal sewage system; and
5. that the appropriate variances be obtained with respect to subsection 11 (2) of the *Provincial Building Regulation - Community Planning Act* for any development lying within 150 metres of the northerly limit of Route 121, a collector highway. In the event of any breach of these terms and conditions, of any amendments made to them, or of the applicable provisions of the Studholm Parish Planning Area Rural Plan Regulation -Community Planning Act by Bruce Carhart, his heirs, assigns or successors, or any other owner or operator of the lands herein identified, the said Bruce Carhart, his heirs, assigns or successors, or any other owner or operator of the lands herein identified may lose the right to use the said lands as herein specified by Ministerial Regulation 08-STH-027-03 and the use of said lands may revert to those of the previous zone, namely, Agriculture- "AG" of the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act.





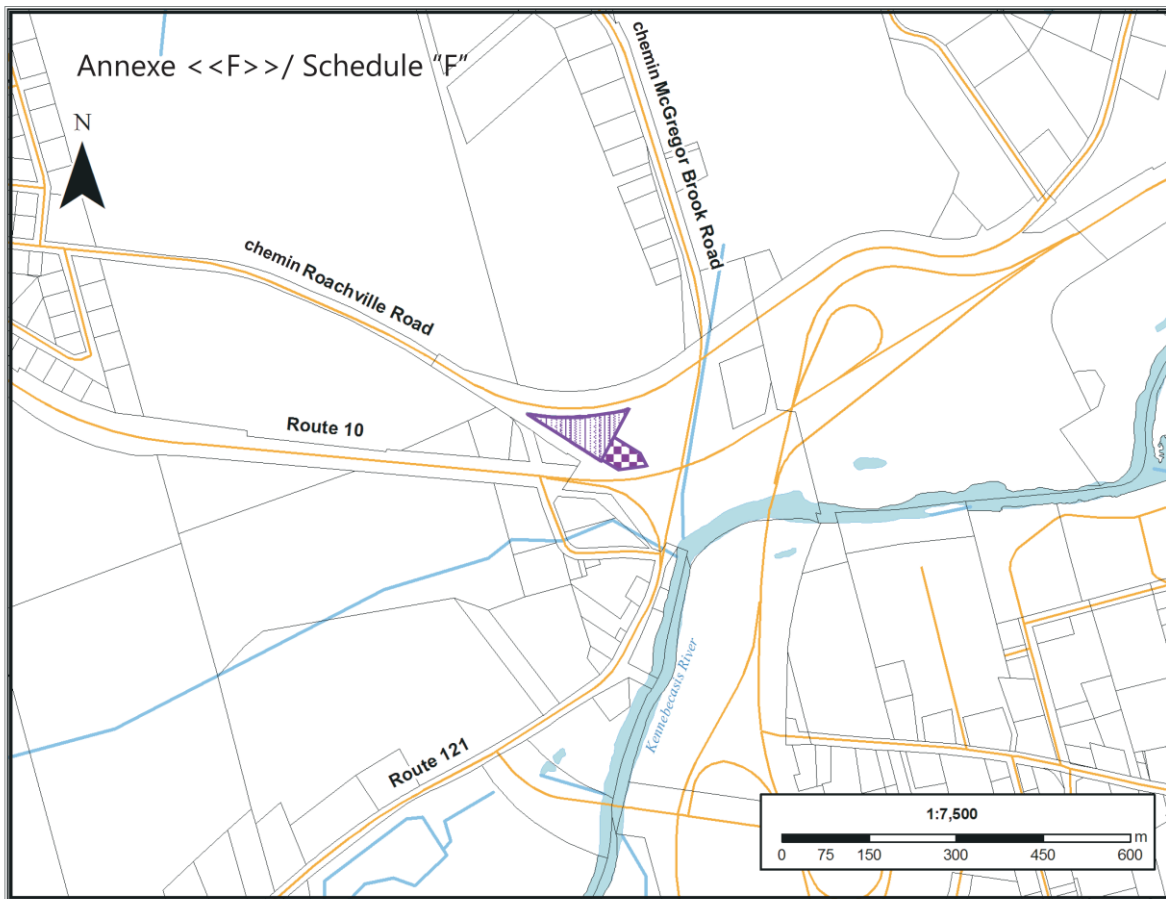


Légende/Legend

Bien-fonds rezoné de rurales - <<RU>> à industrielles  
légères 1 - <<LI-1>>



Property rezoned from Rural - "RU" to Light Industrial 1  
- "LI-1"



#### Légende/Legend

Terrains dont une portion est rezonée et zonée à la zone commerciales 1 - <<C-1>>



Lands, portions of which, being re-zoned and zoned to Commercial 1 – “C-1”

Terrains étant dézonée de la zone d'installation communautaire - <<IC>> en vue de son utilisation comme emprise publique



Lands being de-zoned from Community Facility - “CF” for use as a public right-of-way

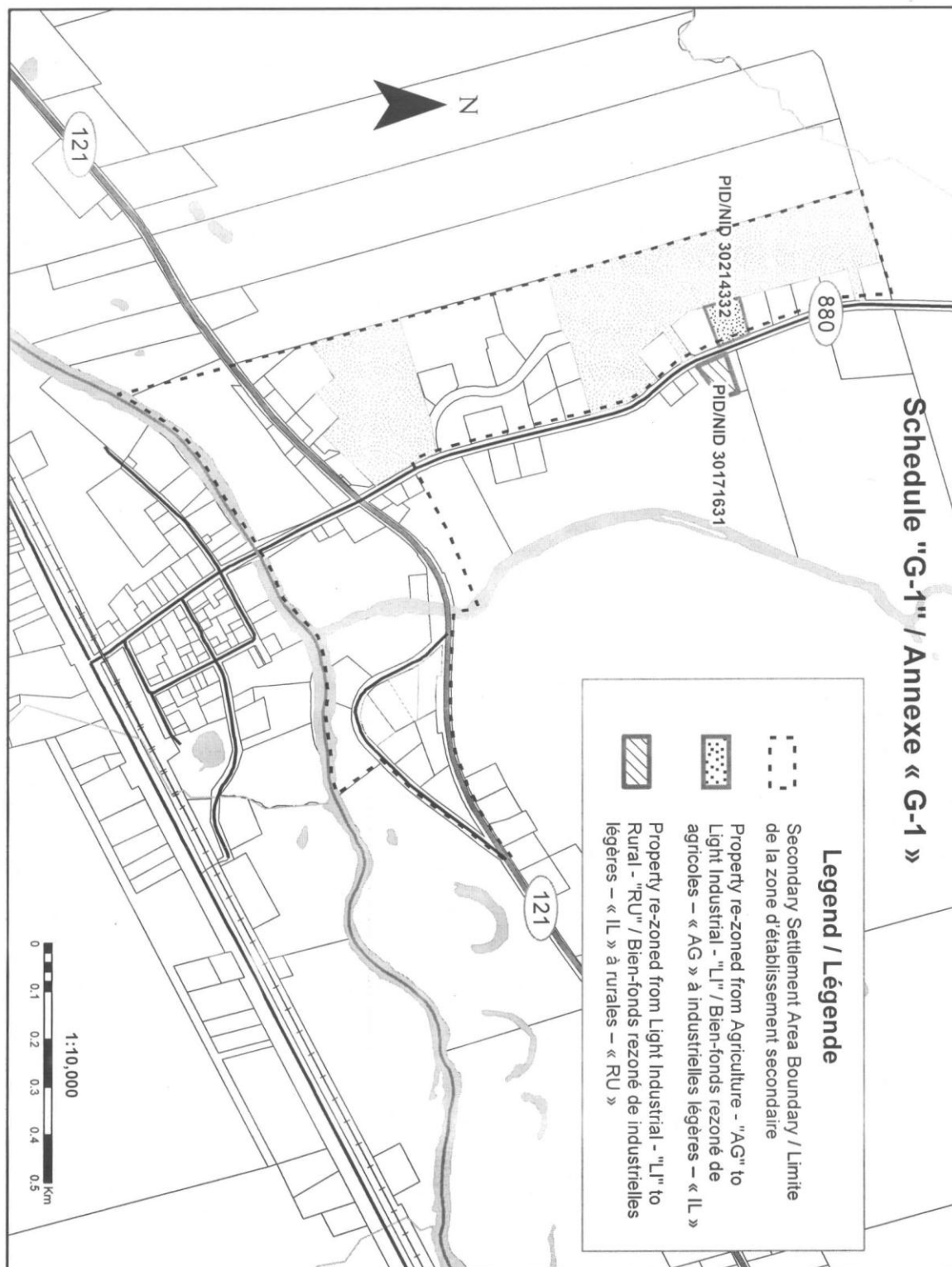
**Schedule “G”**  
**Terms and Conditions Regarding the Re-zoning of Lands by Ministerial Regulation 11-STH-027-06**

Whereas the authorized agent, namely, Kevin Douthwright, on behalf of Ralph’s Auto Repair Ltd., wishes to re-zone lands to accommodate an automotive body shop and automotive commercial garage to accommodate an automotive body and mechanical repair, towing and re-sales outlet upon lands having parcel identifier 30214332, located along the west side of Route 880 within Apohaqui of the parish of Studholm and county of Kings, and being within the area designation of the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act, further described on attached Schedule “G-1”, has in conjunction therewith applied to the Minister of Environment to have the said lands re-zoned from Agriculture - “AG” to Light Industrial - “LI” under the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act, the said re-zoning being herein carried out by Ministerial Regulation 11-STH-027-06, subject to the following terms and conditions:

- 1 that the storage of any materials related to automotive body and mechanical repair be surrounded by fencing of at least 1.5 metres in height, not exceeding 2.0 metres in height, and so constructed as to block visibility of the material contained within;
- 2 that the storage of liquids, such as, petroleum products, oils and solvents be confined to an accessory structure, said structure being no closer than 30 metres of a private water supply system, and said storage being in conformance, where applicable, with the requirements for storage, handling and use as per the *Petroleum Product Storage and Handling Regulation – Clean Environment Act*, administrated by the Department of Environment;
- 3 that the emissions from paint, stain or primer spray operations be minimized by the installation of the appropriate air ventilators, filters and exhaust stacks based upon the recommendations of a professional engineer, a copy of such recommendations to be submitted to the Royal District Planning Commission;
- 4 that the disposal of liquid wastes, such as, paints, stains, primers, oils and solvents, and solid wastes, such as, metals, tires and filters, be done through an operator approved by the Department of Environment;
- 5 that the refuelling or maintenance of automobiles be no closer than 30 metres of a private water supply;
- 6 that only an on-site water supply system or an on-site sewage disposal system water, subject to the Clean Water Act and the Public Health Act, respectively, be installed;
- 7 in accordance with section 3.25 of the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act, that a planting strip, having a minimum width of 3 metres, be provided along the relevant interior and rear lot lines;
- 8 that the applicable provisions within section 3.3 of the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act, entitled “Uses related to Automotive Establishments”, would herein apply;
- 9 that any outside parking or display spaces for the re-sale of automobiles not exceed four in number;
- 10 that other applicable provisions within the Studholm Parish Planning Area Rural Plan Regulation - Community Planning Act, on such topics as parking, loading spaces, signs, building height restrictions and building separation distances and setbacks, would herein apply; and
- 11 that any proposed expansion to the main building, or the addition of a main building, be subject to possible terms and conditions as may be imposed by the Royal District Planning Commission or prohibited by the Commission where compliance with the terms and conditions cannot reasonably be expected, by way of paragraph 34(4)(c) of the Community Planning Act.

In the event of any breach of these terms and conditions, of any amendments made to them, or of the applicable provisions of the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act by Kevin Douthwright or Ralph’s Auto Repair Ltd., their heirs, assigns or successors, or any other owner or operator of the lands herein identified, the said Kevin Douthwright and Ralph’s Auto Repair Ltd., their heirs, assigns or successors, or any other owner or operator of the lands herein identified may lose the right to use the said lands as

herein specified by Ministerial Regulation 11-STH-027-06 and the use of said lands may revert to those of the previous zone, namely, Agriculture – “AG” of the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act.

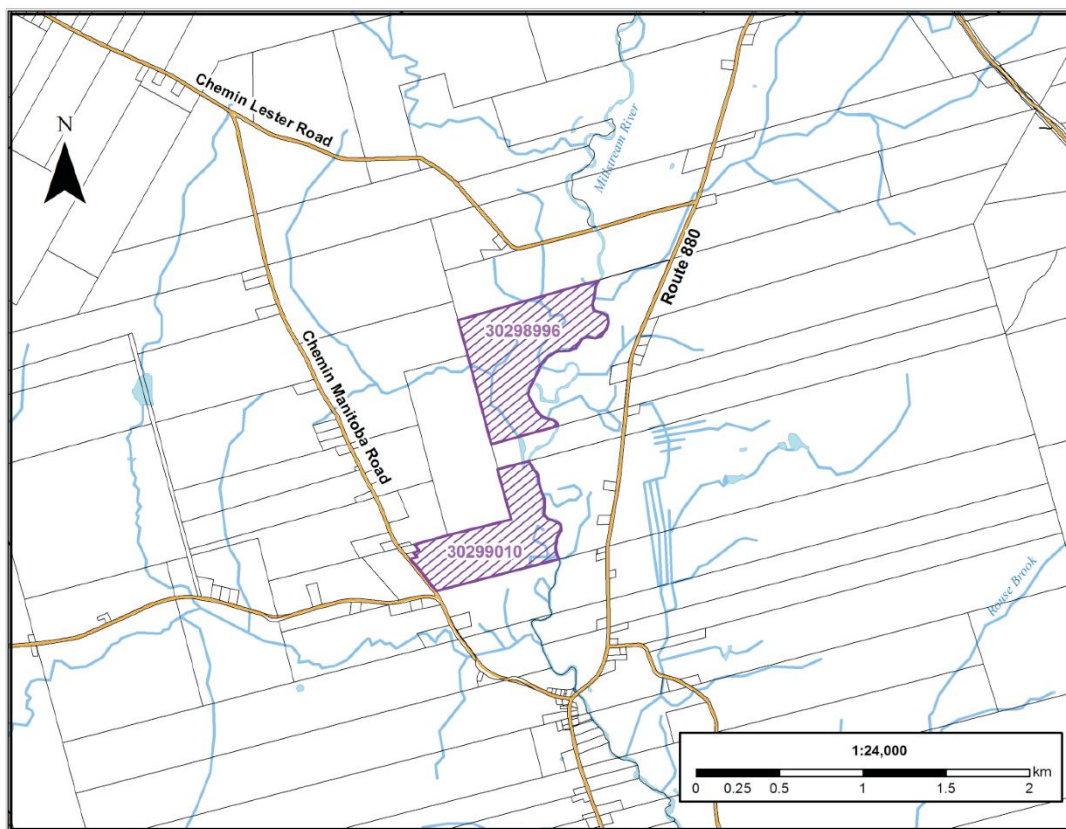


**Schedule H**

Those lands having parcel identifier 30299010 and those lands having parcel identifier 30298996, located within Lower Millstream of the parish of Studholm and the county of Kings and being within the area designation of the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act, are hereby re-zoned from Agriculture – “AG” and Environmental Constraint – “EC” to Recreational Commercial – “RC”, as shown on attached Schedule “H”, such that any proposed development upon the said lands is subject to the applicable requirements of such Acts as the following:

- (i) the Community Planning Act, and any of its regulations, as administered by the Minister of Environment and Local Government,
- (ii) the *Clean Environment Act*, and any of its regulations, in particular, the *Environmental Impact Assessment Regulation*, as administered by the Minister of Environment and Local Government,
- (iii) the *Clean Water Act*, and any of its regulations, in particular, the *Wellfield Protected Area Designation Order*, as administered by the Minister of Environment and Local Government,
- (iv) the Health Services Act, and any of its regulations, as administered by the Minister of Health, and
- (v) and the *Highway Act*, as administered by the Minister of Transportation and Infrastructure.

#### Annexe <<H>>/ Schedule “H”



#### Légende/Legend

Bien-fonds rezoné de agricoles – << AG >> et de contraintes environnementales – << CE >> à commerciales récréatives – << CD >>



Lands re-zoned from Agriculture – “AG” and Environmental Constraint – “EC” to Recreational Commercial – “RC”

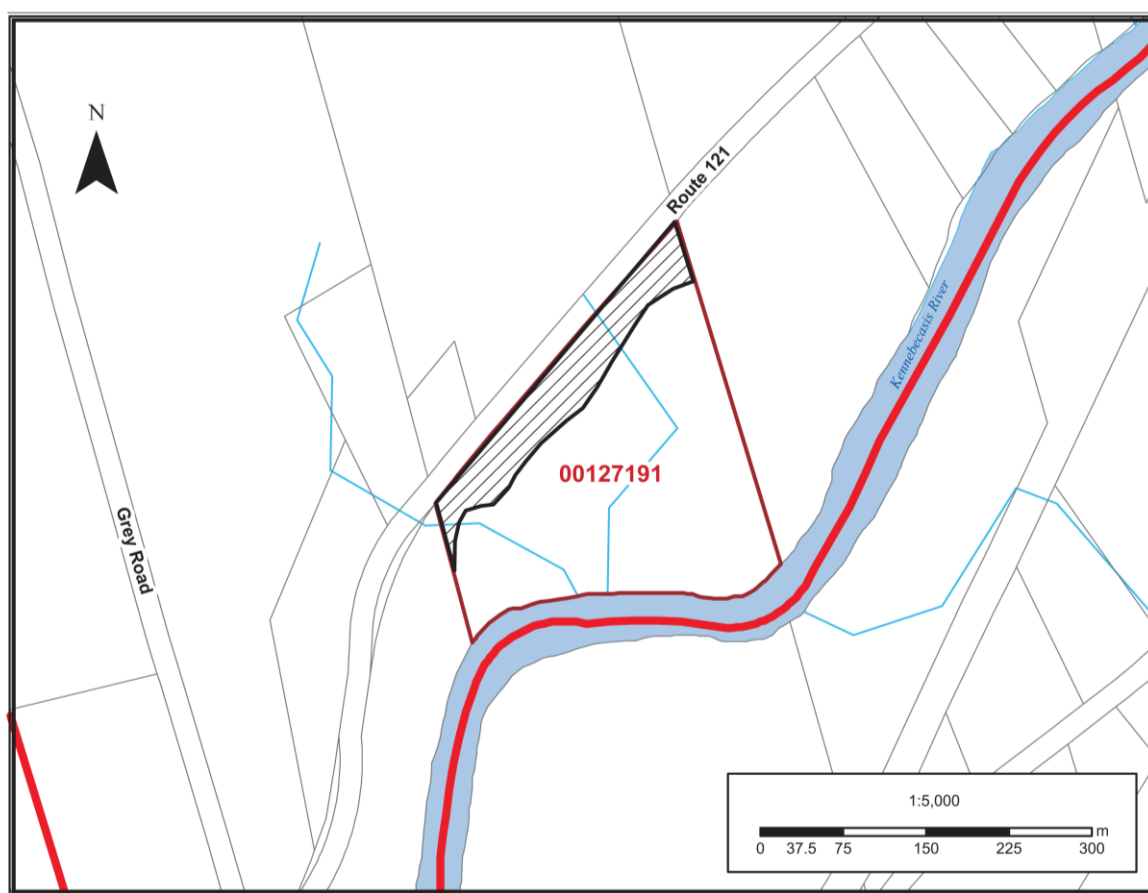
#### Schedule I



A portion of those lands having parcel identifier 00127191, located within Riverbank of the parish of Studholm and the county of Kings, bounded northwesterly by Route 121, northeasterly by lands having parcel identifier 30278477, southeasterly by the 1 in 100 year flood plain limit and southwesterly by lands having parcel identifier 00126664, and being within the area designation of the Studholm Parish Planning Area Rural Plan Regulation – Community Planning Act, are hereby re-zoned from Rural – “RU” and Environmental Constraint – “EC” to Rural Residential – “RR”, as shown on attached Schedule “I”, and any development upon the said lands is subject, where applicable, to such Acts as the following:

- (i) the *Community Planning Act*, and any of its regulations, as administered by the Minister of Environment and Local Government,
- (ii) the *Clean Environment Act*, and any of its regulations, in particular, the *Watercourse and Wetland Alteration*, as administered by the Minister of Environment and Local Government,
- (iii) the *Health Services Act*, and any of its regulations, as administered by the Minister of Health, and
- (iv) the *Highway Act*, as administered by the Minister of Transportation and Infrastructure.

**Annexe <<I>> / Schedule "I"**



**Légende/Legend**

Bein -fond rezoné de rurales - <<RU>> et de contraintes environnementales - <<CE>> à résidentielles rurales - <<RR>>



Land re-zoned from Rural - “RU” and Environmental Constraint - “EC” to Rural Residential - “RR”