

FUNDY SHORES RURAL PLAN BY-LAW



BY-LAW NO. C-2-2024

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Under section 44(2.3) of the Community Planning Act (the "Act"), I certify that its contents meet the requirements of the Act.

Alex Henderson, RPP (NB), MCIP
Planning Director

Author: Alexander Gopen, RPP (NB), MCIP
Southwest New Brunswick Service Commission



**RURAL COMMUNITY OF FUNDY SHORES
BY-LAW NO. C-2-2024
RURAL PLAN BY-LAW**

The Council of the Rural Community of Fundy Shores, under the authority vested in it under the [Community Planning Act](#) makes the following Rural Plan By-law (herein the “By-law”):

0.0 BY-LAW

0.1 TITLE AND SCOPE

- (1) By-law No. C-2-2024, the Rural Community of Fundy Shores Rural Plan By-law, is hereby adopted.
- (2) This By-law may be cited as “Rural Plan for Fundy Shores”.
- (3) This By-law applies to the Rural Community of Fundy Shores local government boundaries as outlined in Subsection 68 of [Regulation 2022-50](#) under the [Local Governance Act](#)
- (4) This Rural Plan By-law:
 - (i) divides the *Rural Community* into zones as shown on a zoning map;
 - (ii) prescribes, subject to powers reserved in the *Regional Service Commission*;
 - (iii) the purpose for that land, buildings and structures in any zone may be used;
 - (iv) standards that land use, and the placement, erection, alteration and use of building and structures must conform to; and
 - (v) prohibits the use, placement, erection or alteration of land, buildings or structures other than in conformity with the purposes and standards mentioned in clauses (i)-(iv).
- (5) For the purposes of this By-law, the *Rural Community* is divided into zones as shown on the Rural Community of Fundy Shores Zoning Map attached as ‘Schedule A.’

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

Mayor, George (Denny) Cogswell

Clerk, Linda Sullivan Brown

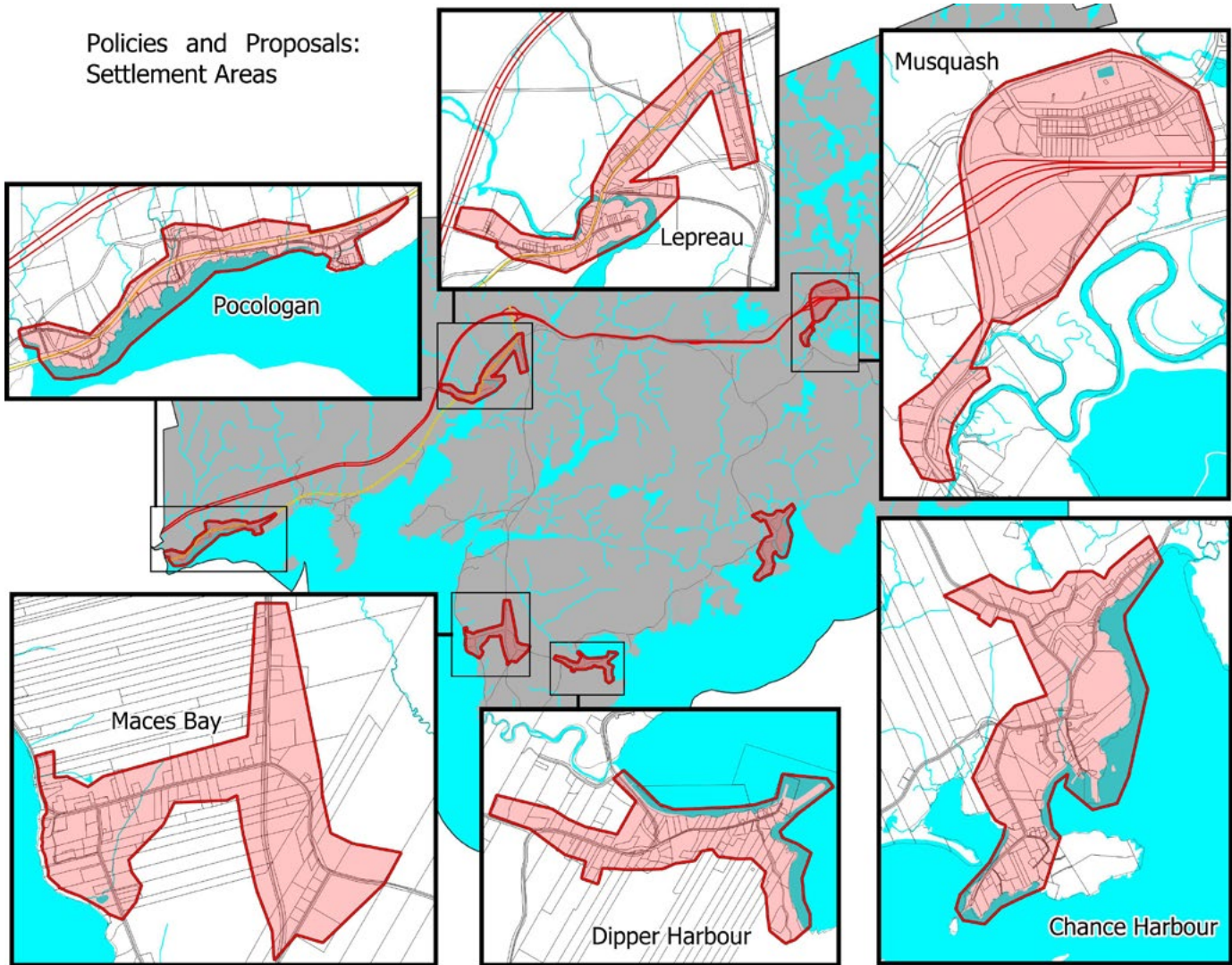
1.0 POLICIES & PROPOSAL

1.1 GENERAL LAND USE

1.2.1 Policies

General land use policy

(1) Settlement Areas – These are community nodes with a higher density of development and mixture of uses, typically located around wharves or key transportation corridors. Council shall map the boundaries of these areas (MAP 1) and use Zoning Provisions to ensure compatibility of development, encourage traditional maritime building design for significant non-residential development, and where feasible, direct larger-scale commercial or institutional developments to these areas to ensure efficient land use patterns.



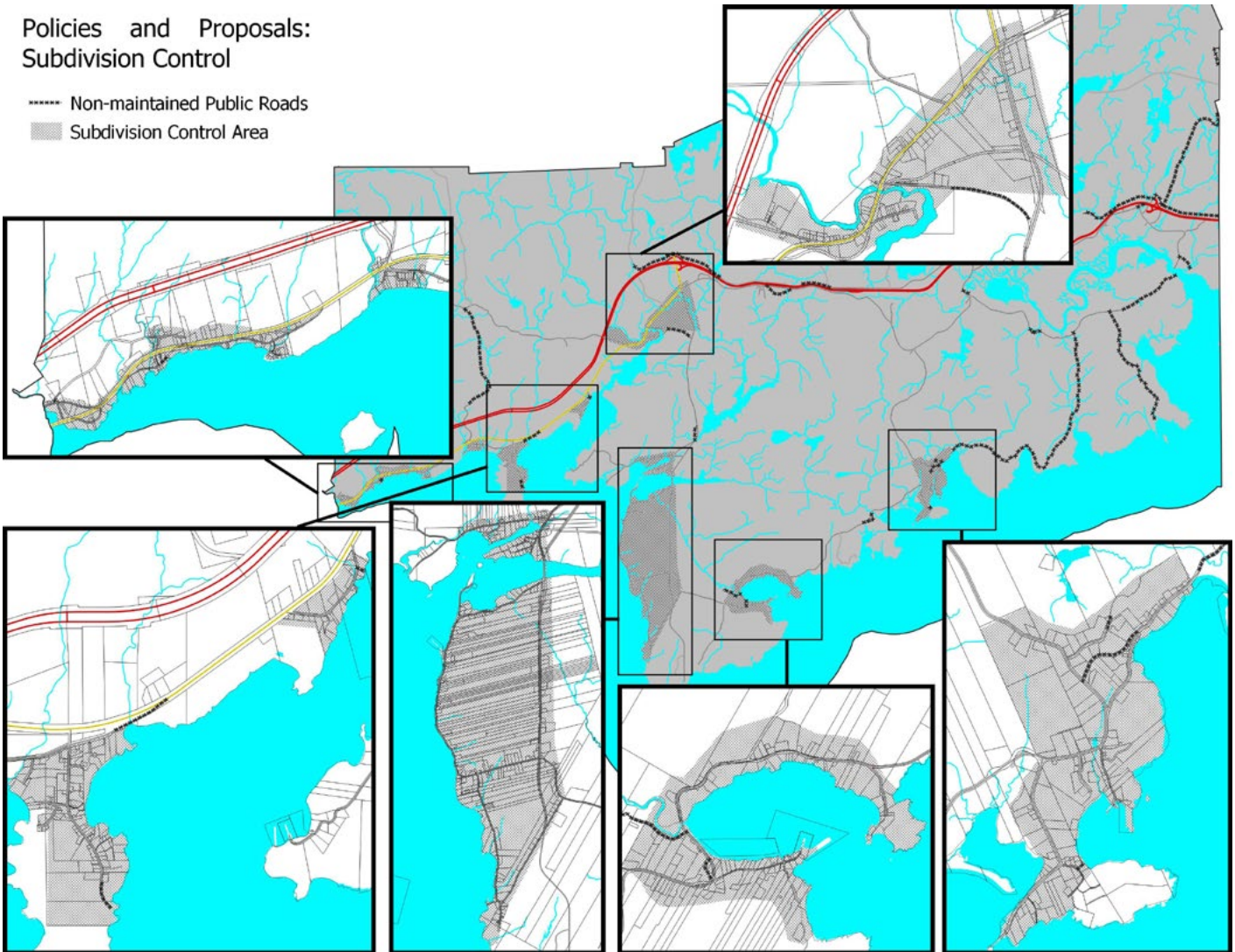
MAP 1

(2) Council shall use Zoning Provisions to limit new settlement areas to within one hundred and forty (140) meters of existing, actively maintained public roads.

(3) Subdivision and Development Control - Council shall map locations (MAP 2) that require special attention to ensure that the density of development does not exceed more than one (1) main dwelling unit per acre, except where public sewer services are utilized, and that Zoning provisions are applied in these locations to ensure that any new development does not compromise drinking water supplies.

Policies and Proposals:
Subdivision Control

- Non-maintained Public Roads
- Subdivision Control Area



MAP 2

(4) Council shall consider proposals to rezone land to another zone or the integrated development (ID) zone, where the applicant demonstrates how their development will meet the intent of the policies and proposals of the rural plan and how it will reasonably limit potentially negative impacts on adjacent land uses. In approving a rezoning application, the Council may enter into a development agreement, or establish reasonable terms and conditions that are binding on the development. A rezoning application shall address, and Council shall have specific regard for, the following matters:

- (a) the design of the proposed buildings, accesses, landscaping, and the site layout;
- (b) the viability of nearby industrial, fishing, mineral resources, or agricultural operations that could be impacted by the proposed new development;
- (c) noise-mitigation, night-sky friendly lighting, pollution controls, visual screening of storage or loading areas, setbacks, and buffering to limit any land use conflicts related to the new development proposal;
- (d) environmental protection, landscaping and drainage plans that incorporate and preserve important natural features, such as wetlands, watercourses, riparian areas, sensitive coastal areas, and old growth forest; and,
- (e) the capacity of local government services or the capacity of the groundwater supplies to accommodate the servicing needs of the proposed development.

Special policy areas

(5) Council shall map locations (MAP 3) that have particular significance to the community, and shall apply specific proposals to those areas, to ensure future development complements, and supports, these significant assets.

1.2.2 Proposals

Zoning provisions

- (1) Council proposes to establish the following zones, through the Zoning Provisions:
 - (a) “C” Conservation Zone, a zone for very low population density with minimal development, passive recreation, and other minimal impact land uses, to protect water sources, riparian areas, and important natural areas.
 - (b) “R” Rural Resource Zone, a zone for low population density with agriculture, forestry, resource development, recreation, utility, and secondary residential land uses.
 - (c) “S” Rural Settlement Zone, a zone for higher, but still rural, population density with residential, commercial, institutional, and small-scale agricultural/water-dependent uses permitted by-right.
 - (d) “I” Industrial Zone, which encompasses generally low population density with industrial, intensive agriculture, utility, forestry, and water-dependent uses.
 - (e) “ID” Integrated Development Zone, a zone that is not pre-zoned on the zoning map (Schedule ‘A’), but may be applied by Council to permit a specific development proposal that meets the overall intent of the rural plan, but does not fit within any of the other abovementioned zones.
- (2) Council may adopt a Secondary Rural Plan By-law or Development Scheme By-law to facilitate the coordinated development in the Settlement Areas or any special policy area.
- (3) Council establishes all areas mapped in Section 1.0 of this Rural Plan, including ‘Settlement Areas,’ ‘Subdivision Control Areas,’ ‘Special Policy Areas,’ ‘Projected Sea Level Rise,’ ‘Conservation Priority Area,’ ‘Expressway/Highway,’ ‘Collector,’ ‘Agriculture Priority Area,’ and ‘Recreation Corridor,’ as overlay zones to accomplish area-specific goals that are consistent with the policies of the Rural Plan.

Special Policy Area - New River Beach

- (4) Council proposes to regulate development that may negatively impact the existing public recreational uses and ocean vistas from within the New River Beach Provincial Park by limiting the height of development around the Bay of Fundy, and in the special policy area, to 9.5 m or less, except according to section 3.4 of this By-law.
- (5) Council proposes to work with relevant Provincial Departments to create a strategic plan to support and develop compatible new tourism and recreation uses at and around New River Beach.
- (6) Council proposes to support compatible commercial development that will support existing recreational uses.

Special Policy Area - Point Lepreau

- (7) Council proposes to work with relevant Federal and Provincial departments, as well as NB Power, to encourage the sustainable planning and development of utility or industrial uses in the special policy area.

Special Policy Area - Residential Growth

- (8) Council proposes to work with the Musquash Sewerage Commission and NB Department of Environment and Local Government to create an asset-management plan for the public sewer system and explore a local improvement by-law.
- (9) Council proposes to work with the Musquash Sewerage Commission and NB Department of Justice and Public Safety to ensure that any new development in the Growth Area producing sewage is connected to public sewer services, where available.
- (10) Council proposes to use Zoning Provisions to promote development in areas of land where

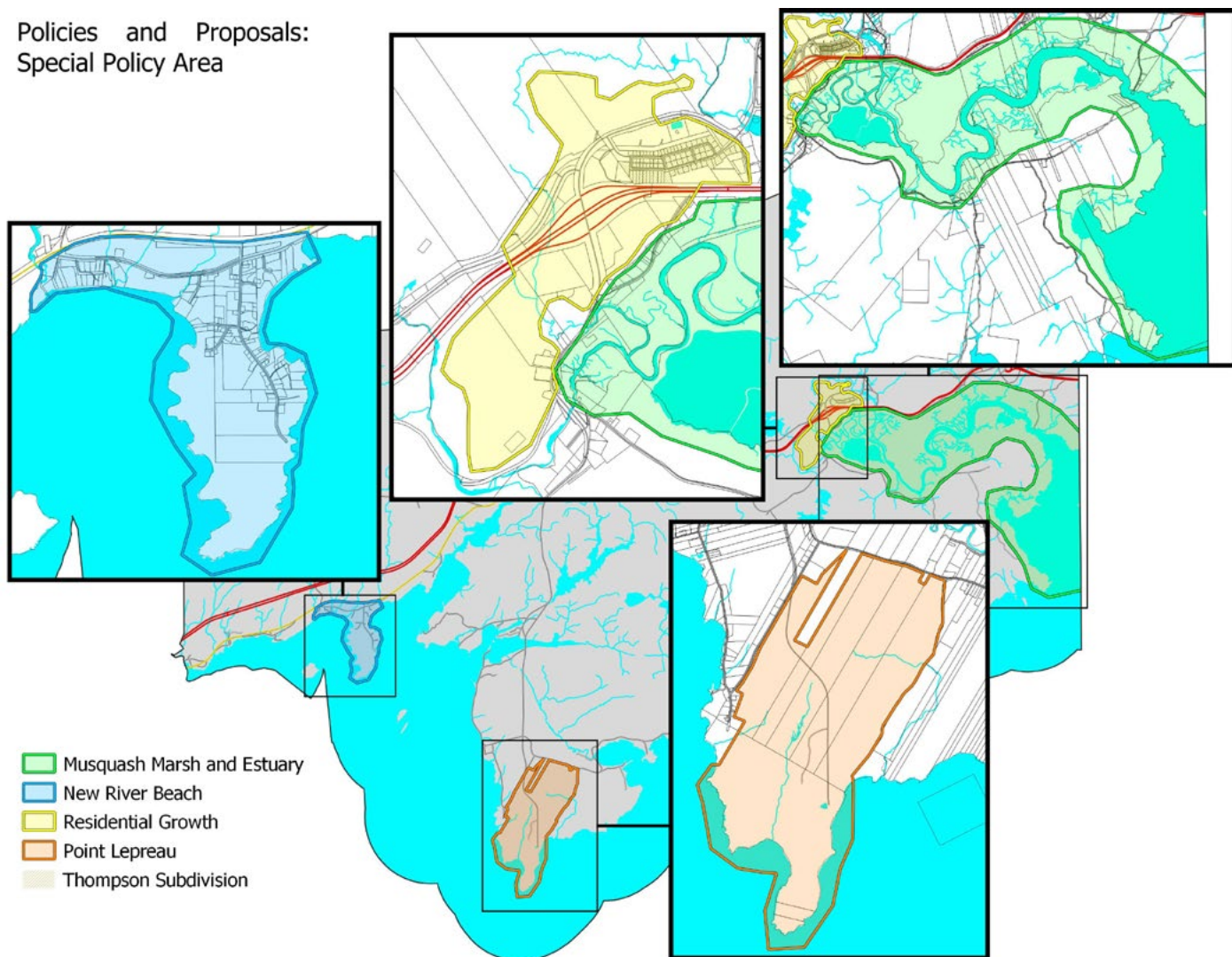
public sewer capacity exists.

Special Policy Area - Musquash Estuary

(11) Council proposes to support the Musquash Marine Protected Area by using Zoning Provisions to prohibit uses that could lead to pollution or impact the natural aesthetics of the area by applying conservation zoning.

(12) Council proposes to limit recreational uses in the Estuary to those that comply with the Musquash Estuary Marine Protected Area Regulations adopted by the Federal government.

Policies and Proposals: Special Policy Area



MAP 3

1.3 ENVIRONMENT AND CLIMATE CHANGE

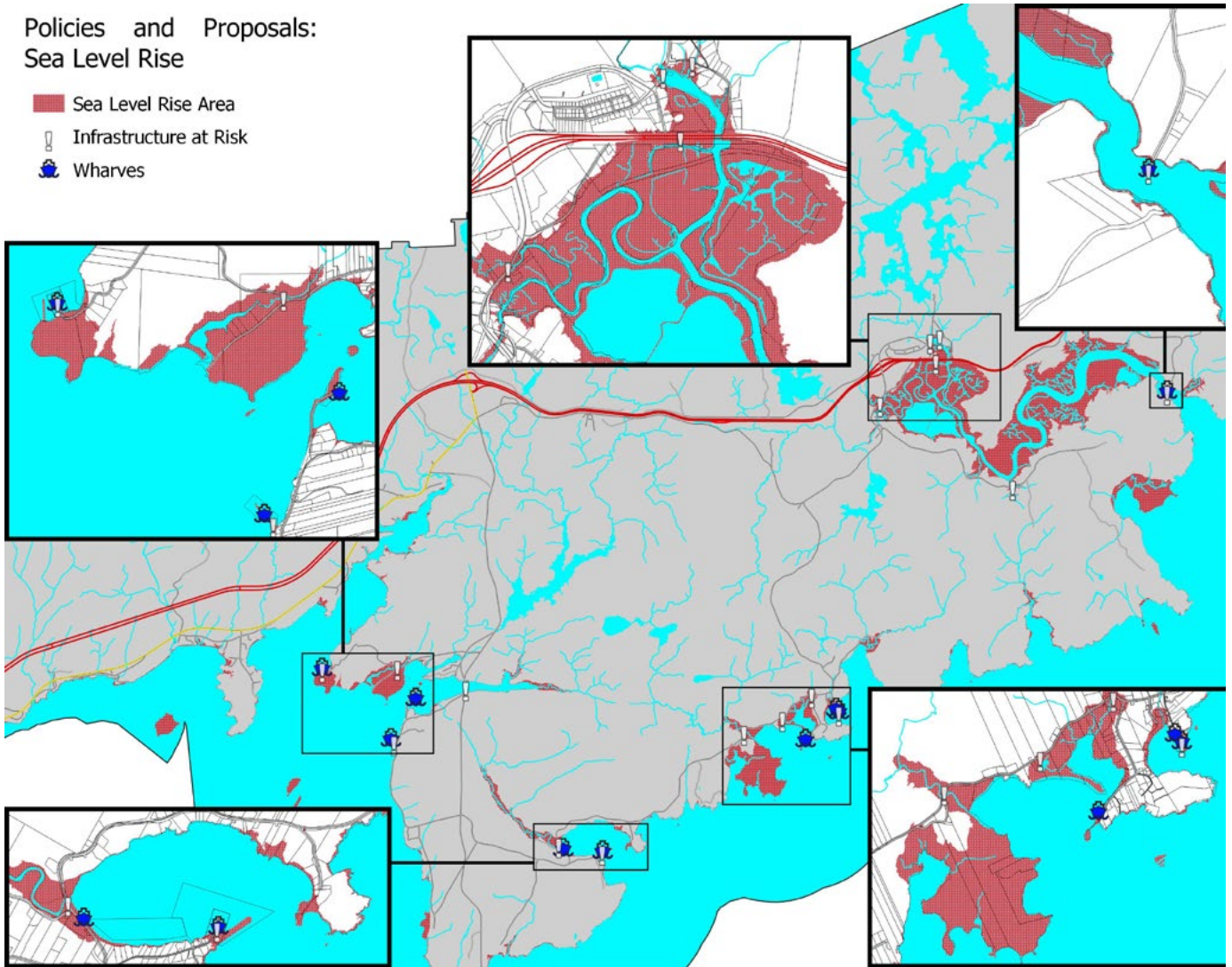
1.3.1 Policies

Climate change

(1) Council shall implement regulations to protect development from extreme weather events and reduce pollution by promoting sustainable community design and promoting energy conscious, low-impact developments;

(2) Council shall use zoning regulations to ensure lots developed in Projected Sea Level Rise Areas (MAP 4) are adapted to future risks and shall encourage the use of climate-resilient, green shore protection methods to naturally limit coastal erosion caused by development.

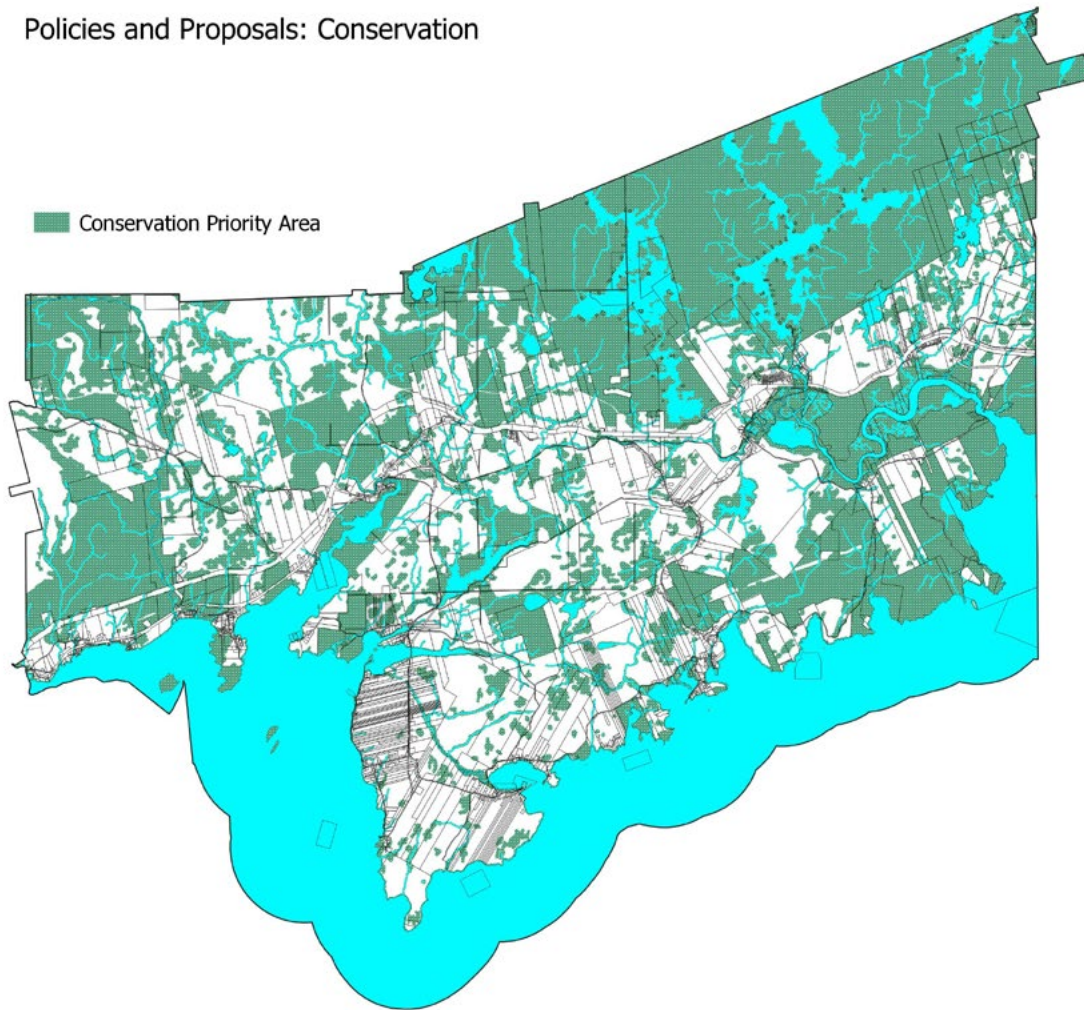
Policies and Proposals: Sea Level Rise



MAP 4

Conservation

(3) Conservation Priority Areas - Council shall map priority areas for conservation (MAP 5) that are based on Provincial and Federal conservation lands, land owned by conservancy groups, coastlines, sensitive wetlands and watersheds, and other environmentally significant features on the land. Zoning Provisions in the Conservation Priority Areas shall ensure that the development rights of private properties are maintained subject to reasonable limitations, and that water-dependent fishing or resource uses can continue to develop marine access structures, such as piers or wharves, on the coastline inside designated Settlement Areas.



MAP 5

1.3.2 Proposals

Climate change

- (1) Council proposes to educate residents and encourage building retrofit and renovation projects that increase energy efficiency by working with external agencies, such as NB Power, and by applying a development incentive policy, where necessary.
- (2) Council proposes to work with the relevant Provincial and Federal ministries and departments to implement adaptation solutions for Infrastructure at Risk (MAP 4).

1.4 HOUSING AND RESIDENTIAL DEVELOPMENT

1.4.1 Policies

- (1) Council shall encourage sustainable population growth by permitting small scale, multi-unit housing and accessory dwelling units in the Rural Settlement zone subject to Zoning Provisions and plumbing permits issued by the Department of Justice and Public Safety
- (2) It is a policy to concentrate residential subdivisions along existing, actively maintained public roads while maintaining sufficient frontage for access to lands with potential for agricultural or resource development that are further setback from the public road.
- (3) Council shall work together with other governmental and non-governmental partners to support the provision of safe, affordable, and dignified housing to meet the needs of all residents.
- (4) It is a policy to provide access points to watercourses and shorelines, and connect recreational trails for motorized or active transportation, in any subdivision requiring land for public purposes.

1.4.2 Proposals

- (1) It is proposed that Council identify, acquire, and make available appropriately located lands for affordable and workforce housing development.
- (2) It is proposed that larger residential subdivisions or developments, consisting of four or more lots or dwellings, that do not have frontage along an existing actively maintained public road, follow the principles of “Residential Cluster Development” as defined in this Rural Plan. Permanent open spaces or conservation areas may be placed under a conservation easement.

1.5 ECONOMY AND COMMERCIAL DEVELOPMENT

1.5.1 Policies

- (1) Council shall implement development incentive programs that have both a return on investment through increased assessment values, and also achieve the policies and objectives of the Rural Plan.
- (2) Council shall encourage the development of diverse, year-round commercial, food, and tourism services in the Settlement Areas, as either main or secondary uses of land, in a size and scale that is compatible with its context, or as home-based businesses in the form of accessory commercial units.

1.6 LOCAL GOVERNMENT SERVICES AND INSTITUTIONAL DEVELOPMENT

1.6.1 Policies

Emergency services

- (1) Council shall regularly review the needs of the Fire Department with respect to services, equipment and training, and develop a schedule for acquiring or upgrading equipment, and training personnel where necessary.
- (2) Council shall support programs to educate residents on Emergency Measures Organization planning, especially as it relates to Point Lepreau.

Healthcare facilities

- (3) Council shall advocate with other government and non-governmental partners to ensure that appropriate medical services and facilities are available and located in Settlement Areas.

Education and childcare facilities

- (4) Council shall advocate with other government partners to ensure that appropriate educational, childcare and daycare facilities or services are available and located in Settlement Areas.

Cemeteries

- (5) Council shall support the provision of safe and dignified after-life services, such as cemeteries, by permitting it as an institutional use of land.

Correctional facilities

- (5) Council may permit the development of correctional facilities in an Integrated Development Zone, subject to a specific rezoning proposal adopted by Council pursuant to Section 58 and 59 of the [*Community Planning Act*](#).

1.7 INDUSTRIAL DEVELOPMENT

1.7.1 Policies

General

- (1) Council shall encourage and provide development standards for industrial uses that mitigate potential impacts on adjacent land uses, natural features, and the community.
- (2) Council shall advocate for sustainable and climate-resilient industrial operations, and

collaborate with industrial partners to act on opportunities to reduce Greenhouse Gas (GHG) emissions from the industrial sector using industry-approved, sustainable operation standards, such as the ISO standards.

Water-dependent uses

(3) Council shall use Zoning Provisions to ensure that compatible water-dependent industrial uses may be developed within Settlement Areas by applying standards for buffering, with fences and vegetation from other uses to reduce the impacts of outdoor machinery/equipment and loading areas, and by applying standards for traditional design for water-dependent industrial uses by requiring traditional building materials on the exterior cladding and sloped roofs.

Future industrial lands

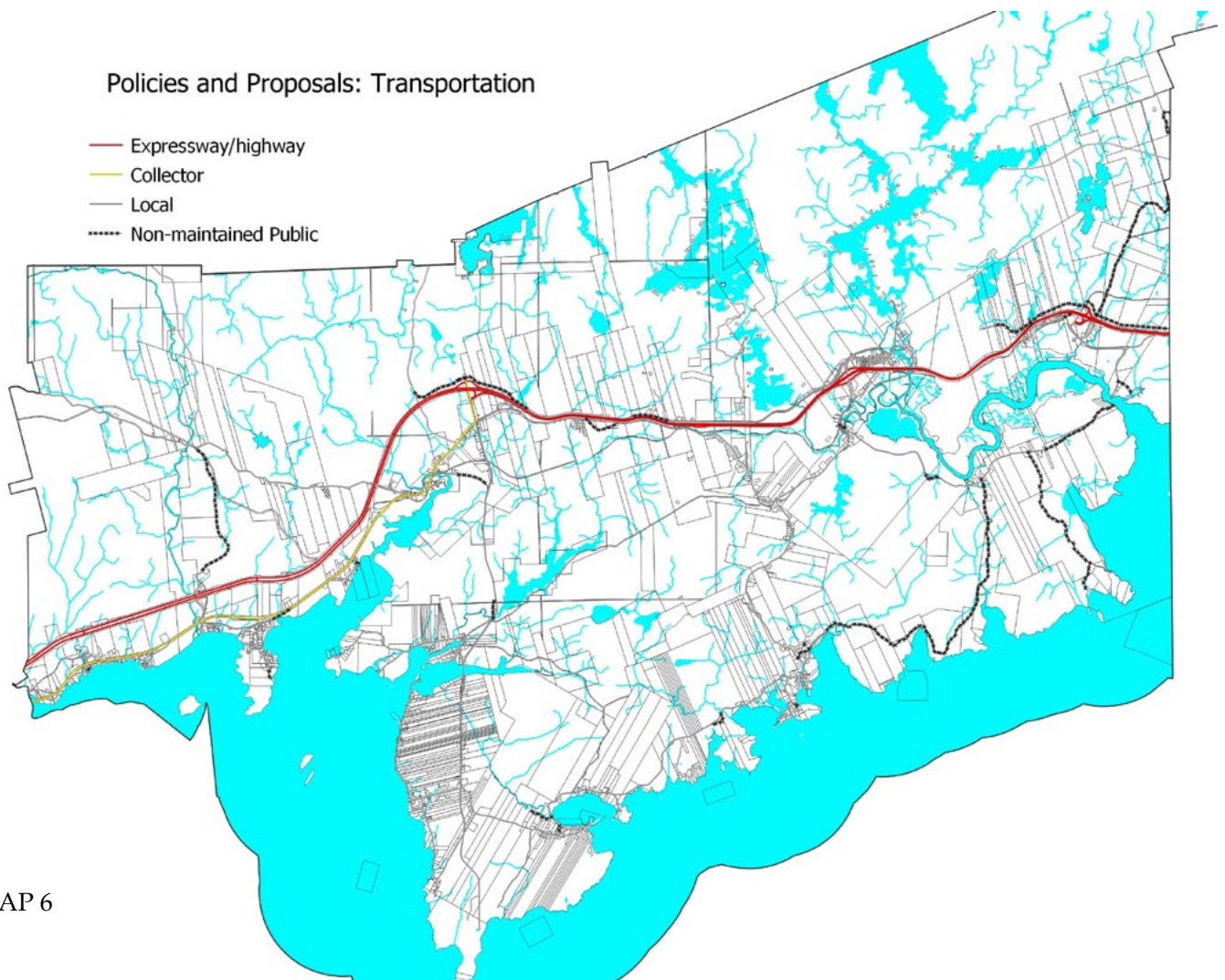
(5) Council may consider the development of industrial parks north of the interchanges on Route 1 in Prince of Wales and Lepreau, subject to a secondary rural plan and improvements to the infrastructure.

1.8 TRANSPORTATION & INFRASTRUCTURE

1.8.1 Policies

(1) Council shall encourage the Department of Transportation and Infrastructure to apply the principle of complete streets when approving the construction or reconstruction of all local roads and collectors in the Rural Community so that pedestrians, especially children and seniors, may more safely walk along the right of way, and that grade-separated multi-use pathways, or paved widened shoulders, are included along the mapped Recreation Corridor (MAP 8).

(2) Except in the cases of agriculture or resource developments, Council shall discourage the creation of long cul-de-sacs and dead-ends, but may consider new public roads with the aim of achieving an interconnecting grid-like network to improve travel circulation and emergency egress.



MAP 6

1.8.2 Proposals

(1) Notwithstanding anything contained in the Zoning Provisions, Council proposes to adopt the setback requirements of the *Provincial Setback Regulation - Community Planning Act*, within 15 meters of the boundary of any 'Expressway/Highways' and 'Collectors,' as defined by the Department of Transportation and Infrastructure, and as shown on MAP 6.

1.9 AGRICULTURE & RESOURCE USES

1.9.1 Policies

(1) Council shall prioritize building up local food security and access to fresh food by encouraging production of local food and innovative, sustainable, and environmentally conscious agricultural practices.

(2) Council shall provide development standards in the Zoning Provisions for agricultural and resource uses to help mitigate potential impacts on adjacent land uses and the environment.

(3) Council shall protect the future viability of agricultural production in the Agricultural Priority Area by applying zoning provisions that limit the subdivisions of land in prime soil areas and where cleared fields exist (MAP 7) and supporting agricultural uses in these areas.

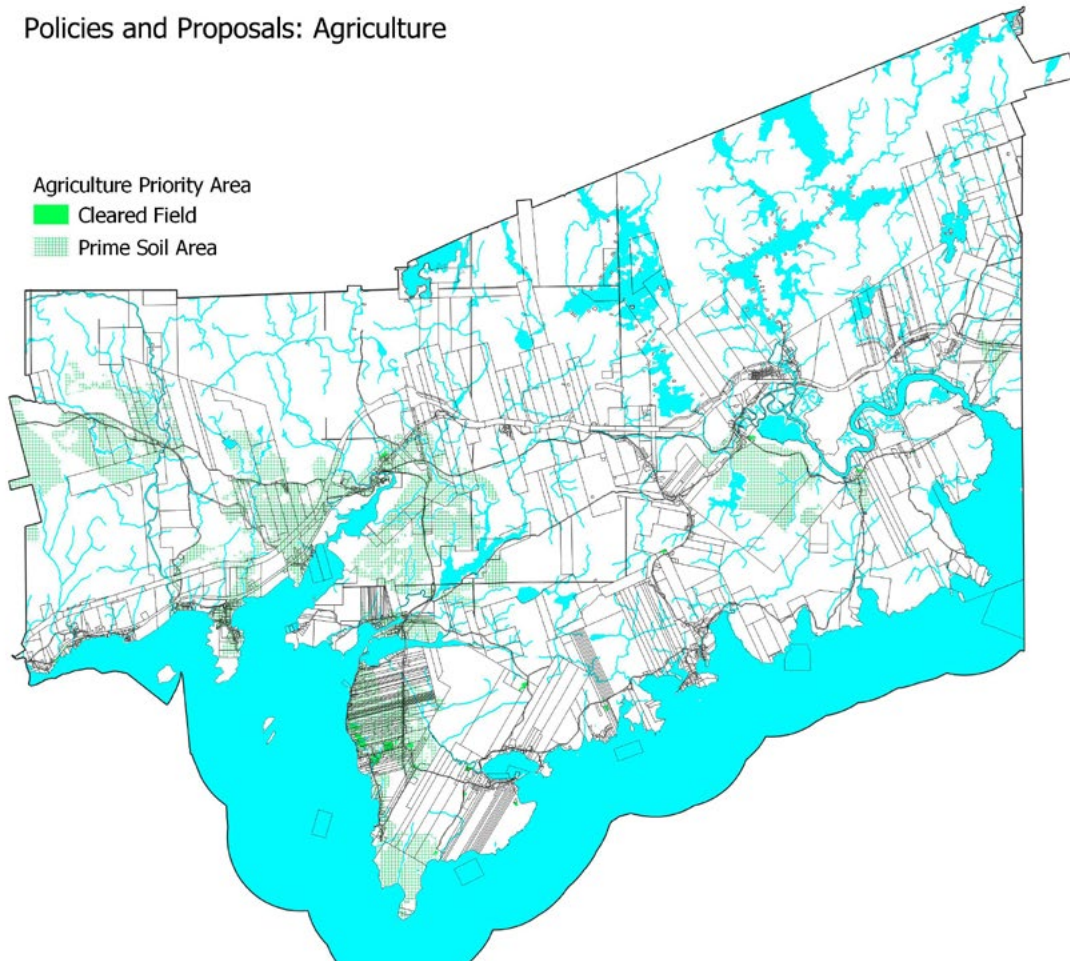
(4) Council shall use the Zoning map to identify and protect viable natural resource areas and apply Zoning provisions to limit potential land use conflicts between resource-based uses and other non-compatible land uses.

1.9.2 Proposals

(1) Council proposes to require the rehabilitation of lands after aggregate resources have been depleted, to a state that is environmentally safe, stable, and compatible with the adjacent areas.

(2) Council proposes to require reciprocal setbacks, and not permit small-lot subdivisions in the Resource Zone, so as to prevent the intrusion of incompatible residential developments on prime agriculture, forestry, or mineral rich lands, where resource development is permitted.

Policies and Proposals: Agriculture



MAP 7

1.10 RECREATION, CULTURE, AND ENTERTAINMENT

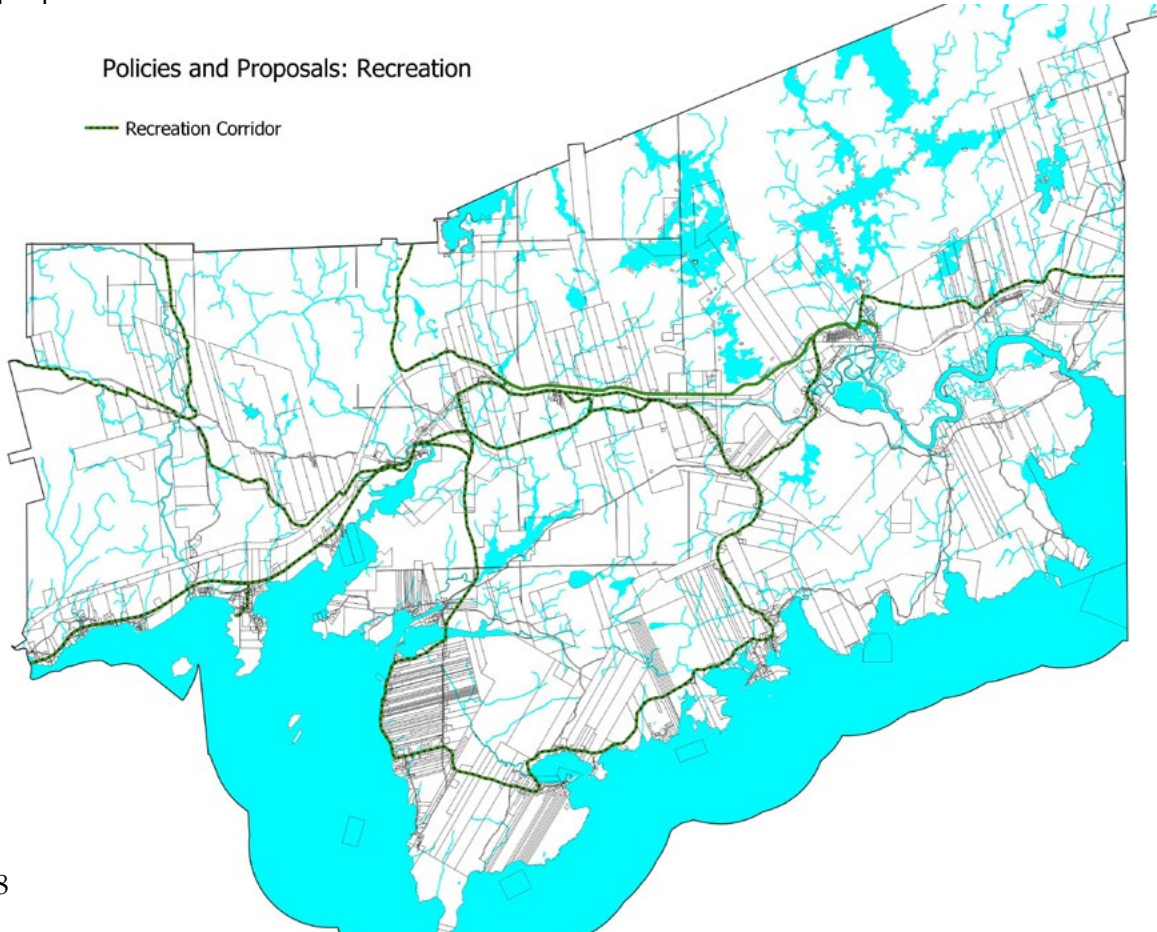
1.10.1 Policies

Recreation

- (1) Council shall support the development of recreational facilities and programs that are needed and beneficial for residents' physical, mental, and social well-being, and are accessible by active transportation within a Settlement Area.
- (2) Council shall support the provision of year-round indoor and outdoor recreation facilities, events, and programs that are available and accessible to residents and visitors of all ages, with a special emphasis on supporting winter activities, when fewer recreation opportunities exist.
- (3) Council shall encourage:
 - (a) The conservation of heritage resources in a manner that respects their value to the community, ensures their integrity, and enables their functional viability;
 - (b) The sensitive rehabilitation and reuse of valuable heritage structures and sites, burial grounds, archaeological areas and items of cultural importance; and,
 - (c) The ongoing cultural expression of local First Nations.

1.10.2 Proposals

- (1) Council proposes to use Zoning Provisions to ensure development within and adjacent to the mapped Recreation Corridor (MAP 8) supports and does not detract from present and future outdoor recreational uses.
- (2) Where new subdivisions are proposed on property containing or adjacent to a Recreation Corridor (MAP 8), trail connections for the public shall be established by acquiring lands for public purposes or easements.



MAP 8

2.0 DEFINITIONS

Accessory Building - means a detached *building* that:

- a) is not *habitable*, except in the case of an *accessory dwelling unit*;
- b) contains a use that is incidental and subordinate to the *main use, main building* or structure;
- c) is located on the same lot as the main use, main building or structure; and,
- d) includes a detached private garage or detached deck and above or below ground storage tanks.

Accessory Commercial Unit – synonymous with a ‘home-based business,’ means any kind of *commercial use, artisanal manufacturing use, or institutional use* that is an *accessory use* carried on inside of the *main building* and comprising of less than ten percent (10%) of the *gross floor area* or carried on inside of accessory building(s) or structure(s) with the *developed footprint* not exceeding five percent (5%) of the *lot coverage*. With the exception of transport vehicles, an *accessory commercial unit* does not include any exterior storage of equipment or goods that are visible from a public *street* or adjacent *lots* nor does it not involve the operation of mechanical equipment, except where used inside of a *building* with an effective sound-damping enclosure to limit noises from impacting surrounding *lots*.

Accessory Dwelling Unit - means a *dwelling unit* with no more than two bedrooms which is incidental to the principal *dwelling unit*, and when contained within the *main building*, it is synonymous with a secondary suite, and when contained within an *accessory structure* it is synonymous with a garden suite. For the purposes of this by-law, an *accessory dwelling unit* is not a *multi-unit residential use*.

Accessory Structure - means a detached *structure* that:

- a) is not *habitable*, except in the case of an *accessory dwelling unit*;
- b) contains a *use* that is incidental and subordinate to the *main use, main building* or structure;
- c) is located on the same lot as the *main use, main building* or structure;
- d) may include: renewable energy devices less than 15 m in *height*, an individual vehicle charging station, a recreational pier, a detached private *garage* or detached *carport* and above or below ground storage tanks; and,
- e) does not include: fences under 2 m in *height*, swimming pools with less than 1 m depth of water, *play structures*, or decks attached to a *dwelling*.

Accessory Use - means a *use* of land or a *building* or structure that:

- a) is naturally or customarily incidental and subordinate to the *main use* or *secondary use* of the land, *building* or structure;
- b) is not *habitable* except in the case where an *accessory dwelling unit* is listed as a permitted use;
- c) is located on the same lot as the *main use*; and,
- d) in relation to lot with a *dwelling*, includes inci-

dential uses such as a *accessory commercial unit*, market gardens, outdoor storage of fishing equipment, or the keeping of up to twenty (20) turkeys, chickens, ducks, geese, or equivalent smaller fowl, including any offspring until maturation.

Advisory Committee - means the Planning Review and Adjustment Committee of the *Regional Service Commission* (RSC).

Agricultural Use - means the *main* or *secondary use* of any land, building, or structure according to the definition of a ‘agricultural operation’ under the [Agricultural Operations Practices Act](#) and includes such uses as greenhouses, nurseries, fish hatcheries, outdoor *cannabis production*, retail, farmer’s market outlets for the sale of agricultural goods, animal shelters, veterinary services, but does not include an abattoir.

Alter (alteration) - means, as applied to a building or structure or part thereof:

- a) a change or rearrangement in the structural parts or means of egress;
- b) an enlargement, whether by extending the side, front or rear of a building or structure;
- c) increasing the *height*; or,
- d) moving from one location or position to another.

Animal Unit - means the equivalent number of livestock or poultry that equals one (1) animal unit as follows:

- a) 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, fox, or mink, including offspring until weaning;
- b) 3 pigs, camelids, or deer, including offspring until weaning;
- c) 6 sheep or goats, including offspring until weaning;
- d) 10 ostriches, emu, or equivalent larger fowl;
- e) 10 non-predatory fur-bearing animals, excluding fox or mink, including any offspring until maturation; and
- f) 20 turkeys, chickens, ducks, geese, or equivalent smaller fowl, including any offspring until maturation.

Artisan Manufacturing - means the production of goods by the use of hand tools or small-scale, light mechanical equipment, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; microbrewery; printmaking; household appliances; leather products; jewelry and clothing/apparel; artistic metal and wood work; furniture; glass or ceramic production. This use does not include any *heavy industrial uses, salvage uses, or forestry uses* such as sawmills.

Bare-land Condominium - means a condominium property as defined under the [Condominium Property Act](#), and is generally one *lot* consisting of separate

units of land on which buildings may be located or constructed after purchase.

Building - means any roofed and walled *structure*, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.

Building Inspector - means the person responsible to issue permits and inspect construction under the [Building Code Administration Act](#).

Buffer - means landscaped areas, natural treed areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or *lot* from another in order to mitigate the impacts of noise, light, or other nuisance.

Camp - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by a maximum of one (1) of the following: a trailer, camper, truck camper, tent, dome, yurt, or similar accommodation. For the purposes of this by-law, more than one (1) *camp* on a *lot* shall be considered a *campground*.

Campground - means a lot, parcel, or piece of land intended for periodic recreational use and occupied on a temporary basis by multiple trailers, campers, truck campers, tents, domes, yurts, or similar accommodation, and includes campgrounds operated for tourism or commercial, or non-commercial purposes.

Cannabis Production - means the cultivating, processing, extracting, warehousing, research and testing of cannabis, production of goods containing cannabis, and other uses that require a license under the [Cannabis Control Act](#) and its regulations for medical or non-medical purposes, but also including incidental uses, such as retail sales, where such incidental uses do not comprise more than 25% of the *gross floor area*.

Commercial Use, - means the use of a *building, structure, or lot* for commercial uses such as, but not limited to, general retail, personal service shops and salons, offices, restaurants and bars, entertainment, tourist accommodations or hotels with on-site staff for guest services, supply of business services, gas station or multiple vehicle charging stations, *artisan manufacturing*, vehicle repair, vehicle sales or leasing, contractor yards, but does not include a *forestry use, campground, short-term rental, heavy industrial use, light industrial use, forestry use, resource excavation uses, utility use, warehousing, or adult entertainment*.

Conservation Use - means a use of land that serves to protect, maintain, or improve an environmental resource or feature, but does not include buildings or structures;

Developed Footprint - means the developed area for a specific *use* of a *lot* above grade including all *main, secondary, and accessory buildings or structures, loading*

areas, and outdoor storage areas.

Development - means a *development* as defined by the [Community Planning Act](#)

Development Officer - means a *Development Officer* as defined by the [Community Planning Act](#).

Development Permit - is synonymous with the approval issued by the *development officer* for a *development* under this By-law or regulation of the Province.

Driveway Access - means that portion of a *lot* used to provide vehicular access from a *street* to a *lot*.

Dwelling - means a *building* or portion thereof designed or used for residential occupancy and includes a *mini-home, a dwelling unit, or a multi-unit dwelling*, but does not include a *residential care facility, camp, hotel or short-term rental*.

Dwelling Unit - means a room or suite of two or more rooms for *use*, or intended for *use*, by one or more individuals in which culinary and sanitary conveniences are provided for the exclusive *use* of such individual(s), and with a private entrance from outside the *building* or from a common hallway or stairway inside.

Exterior Lighting - means outdoor lighting, or lighting inside of a building directed outdoors, not including illuminated signs, for the purposes of illuminating any building, loading area, parking lot or yard. Does not include lighting that generates less than 315 lumens per light source.

Extractive Industrial Use - means the use of land for mining as defined under the [Mining Act](#), or the refinement and/or processing of minerals, ores, sand, gravel, stone or other aggregate resources, and includes tailing ponds, rock crushing plants, asphalt plants or concrete plants;

Façade - means the exterior wall of a building or structure that is exposed to public view, or that wall viewed by persons not within the building.

Flankage Yard - means the side yard of a corner lot, which abuts a street, and *required flankage yard* or *minimum flankage yard*, means the minimum side yard required by this By-law where the yard abuts a street.

Forestry Use - means any uses associated with commercial silviculture, such as a sawmill use that includes the sale or distribution of forestry products, and any related vehicle and equipment storage and maintenance buildings, structures and storage yards, but does not include a *heavy industrial use*.

Front Lot Line - means the line dividing the lot from a *street* or other means of access, and:

(a) in the case of a corner lot, the shorter lot line abutting the *street*, or an other access in the case of no *street*, shall be deemed the front lot line;

(b) or in the case of a corner lot that has the same dimensions along the two *streets* (or other accesses) it abuts, the lot line abutting the *street* (or other accesses) where the building or structure has its principal entrance shall be the *front lot line*.

Front Yard - means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot. The *required front yard* or *minimum front yard* means the minimum distance required by this By-law between the front lot line and the nearest main wall of any building or structure on the lot.

Frontage - means in the case of:

- a) an interior lot, the measurement of the *front lot line* between the side lot lines;
- b) a corner lot, the measurement of the *front lot line* between the side lot line and flankage lot line; or,
- c) a through lot, the measurement of the lot line separating the front yard from the wider right of way. Where both right of ways are of equal width, then the *front yard* shall be the *frontage* where an existing *driveway access* is located or, if no access exists, the *front yard* shall be the same as any abutting lot.

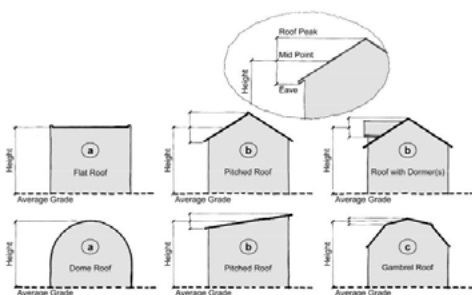
Grade, Average - means, with reference to a *building* or *structure*, the average elevation of the finished surface of the ground where it meets or will meet the exterior of such *building* or *structure*, excluding localized depressions such as *vehicle* or pedestrian entrances.

Grade, Existing - means the elevation of the ground surface in its natural state, before *development*.

Gross Floor Area - means the aggregate of the floor areas of a building above and below *grade*, measured between the exterior faces of the exterior walls of the *building* at each floor level. *Gross floor area* does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators and car parking areas.

Habitable - means suitable for overnight residential occupancy to carry on normal living functions, including sleeping, living, cooking, and maintaining personal hygiene.

Height - means, in relation to a *building* or *structure*, the vertical distance as measured from the *average grade*, unless otherwise specified, to the highest point of such *building* or *structure*, as follows:



- a) for buildings with flat or dome roofs, the highest

- point is the highest part of the building;
- b) for buildings with pitched roofs, the highest point is the mid-point between the highest ridge of the building and the highest eave;
- c) for buildings with gambrel roofs, the highest point is deemed to be the mid-point between the mid-point between the ridge and the point immediately below the ridge where the pitch changes.

Industrial Use, Heavy - means the use of land, buildings, or structures for the manufacturing, processing, fabricating, assembly, of raw materials, such as *extractive industrial uses*, slaughter and rendering of *livestock* or aquatic species, and the servicing, treating, and recycling of articles or end products, a *salvage use*, and related *accessory* uses (such as office use), that potentially involves hazardous and commonly recognized offensive conditions, but does not include *forestry uses*, or the storage and disposal of untreated chemical, biological, explosive, and radioactive wastes as a *main use*.

Industrial Use, Light - means the use of land, buildings, or structures for *warehousing*, research and development, biological production, licensed *cannabis production* facilities, manufacturing, processing, fabricating, assembly, servicing, treatment, or packaging of previously prepared or refined materials (or from raw materials that do not need refining), but does not include any *heavy industrial uses*.

Institutional Use - means the use of land, buildings, or structures for religious, cemetery, indoor or outdoor recreational facilities, child care, community centre, dormitories, a *residential care facility*, and shall include the following uses:

- a) a school or post-secondary educational institution,
- b) a hospital,
- c) a government office building or service centre, or,
- d) a courthouse.

but does not include *multi-unit residential uses* or a correctional facility.

Livestock - means any non-predatory animal raised and kept for agricultural or aquaculture purposes, but does not include domestic animals that are kept within a *dwelling unit* or small *livestock* as defined in *accessory use*

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

Loading Area - means an off-street area, on the same lot as the *main use*, that is used for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public *street* by an appropriate access.

Lot - means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a *building* or an appurtenance thereto, whether or not such lot is shown on a filed

subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

Lot Coverage - means the percentage of lot area covered by buildings and structures above grade. This does not include uncovered swimming pools, unenclosed porches, patios, sundecks and above ground pool decks.

Lot Line - means a common line between a *lot* and: an abutting *lot*, or a *lot* and a *street* or body of water.

Lot Line, Front - The side of a lot that abuts a public street is the front of the lot. For lots abutting more than one street, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if all lot lines are equal length.

Lot Size - means the total horizontal area within the *lot lines* of a *lot*, excluding the horizontal area of a *lot*:

- a) that within a marsh or any Provincially Significant Wetland as identified by the Department of Environment and Local Government;
- b) covered by Protected Area B under the [Watershed Protected Area Designation - Clean Water Act](#);
- c) beyond the ordinary high-water mark.

Main Building - means the *building* in which the main or principal *use* of a *lot* is conducted.

Main Use - means the primary purpose for which a lot, building(s) and/or structure(s) are used.

Mini-home - means a *dwelling*, other than a *mobile home* or *modular dwelling*, fabricated in an off-site manufacturing facility for installation or assembly at the *building site*, and provided with a Canada Standards Association approved stamp and number and/or meeting the requirements of the [National Building Code of Canada](#), but does not include any mobile home with a trailer hitch.

Multi-Unit Residential Use (Multi-unit Dwelling) - means a *main building* comprising two (2) to four (4) *dwelling units* which may have either shared or individual outside accesses; or *dwellings* attached to a *building* which is principally commercial.

New River Beach - Special Policy Area - as shown on MAP 3.

Overlay Zone - means a mapped area established under the Policies and Proposals of Section 1.0 of this By-law.

Pre-existing Use - means the previously lawful *use* of a *building*, *structure*, or land under the [Community Planning Act](#), was a *use* in existence on the date of approval of this *Rural Plan* and has not ceased being in use for a period of ten (10) consecutive months or longer.

Park and Open Space Use - means an area or portion of land, either landscaped or natural, which is used to meet human recreational or spatial needs, to protect water, air, or plant areas, or a cemetery, with a combined *developed footprint* less than 10% of the *lot size* that, for the purposes of this By-law, may be developed of the following accessory uses: *institutional uses*, *commercial uses* or a *campground*.

Private Utility Use - means any component of a solid waste disposal or recycling use, crane, wharf or pier, electric power, natural gas facility, a telecommunication system or renewable energy structure over fifteen (15) meters in *height*, or, means a *utility use* provided by a private entity that may serve the public.

Rear Yard - means a yard extending across the full width of a lot between the rear lot line and nearest wall of any main building or structure on the lot; and *required rear yard* or *minimum rear yard* means the minimum distance required by this By-law between a rear lot line and the nearest main wall of any building or structure on the lot.

Regional Service Commission - means a regional service commission established under the [Regional Service Delivery Act](#).

Residential Care Facility - means a residential building or part of a building in which accommodation and nursing, supervisory and/or physical personal care is provided, or is made available for more than three (3) persons with social, health, legal, emotional, mental, or physical disabilities or problems, and includes such facilities as are licenced by the [Family Services Act](#), or by other provincial legislation, and that may contain common facilities, but does not include *multi-unit residential uses* or a correctional facility.

Residential Cluster Development - means a *development* on one (1) *lot* where the same number of *dwellings* are permitted as otherwise typically would be permitted under a conventional subdivision of individual fee simple *lots*, but the overall size of the *developed footprint* for the *dwellings* is reduced in order to permanently preserve at least 75% or more of the total original parcel as a natural conservation area.

Residential Land Lease Community - Any area, *lot*, parcel, or tract held in common ownership, and on which individual portions of said area, *lot*, parcel, or tract are leased for the placement of *mini-homes* as a primary residence. Residential land lease communities do not include fee simple subdivisions, *camp*s, or mobile homes with trailer hitches.

Resource Excavation Use - means the use of land for the excavation of sand, gravel, clay, shale, limestone or other mineral deposit for a development or for purposes for the sale or other commercial use of the material excavated, but does not include, processing, or refinement of materials, or an *extractive industrial use*.

Residential Growth - Special Policy Area - as

shown on MAP 3.

Rural Community - means the territory and administration of the Rural Community of Fundy Shores, a local government in the Province of New Brunswick established under the [Local Governance Act](#).

Salvage Use - means the use of land, buildings, or structures, where there are stored or deposited three (3) or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded, or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Such uses shall also include any land, buildings, or structures for the storage or deposit of motor vehicles purchased for the purpose of dis-mantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials that are parts of a motor vehicle or cut up the parts thereof.

Sea Level Rise Area - As shown on MAP 4.

Secondary Use - means a *use* other than a *main* or *accessory use* on a *lot* that is secondary to a *main use* and that occupies less interior *gross floor area*, or less exterior *developed footprint*, than the *main use* of the *lot*.

Setback - means the required distance, in accordance with the provisions of the bylaw, between every building or structure and the lot lines of the lot on which it is proposed to be located.

Settlement Areas - as shown on MAP 1.

Shore Protection Works - means any shore protection structure, including but not limited to, wharves, piers, retaining walls, rip rap, and piles, but does not include groynes or other rigid structures built out perpendicularly from the shore.

Short-term Rental - Means the *use* of a *camp*, *accessory dwelling unit*, or *dwelling unit*, or portion thereof, as temporary accommodations for no more than thirty (30) days at a time. The use does not include tourist accommodations or a hotel with on-site staff for guest services.

Side Yard Setback - means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and 'required side yard' or 'minimum side yard' means the minimum distance required by this By-law between a side lot line and the nearest main wall of any building or structure on the lot.

Sign - means any *structure*, device, light, painting, or other representation or natural object that is used to advertise a business.

Small-scale Secondary Use - means any *agricultural use*, *forestry use*, *commercial use*, *water-dependent use*, or *institutional use* that is a *secondary use* carried on inside of the *main building* and comprising of less than twenty-five percent (25%) of the *gross floor area*, or carried on inside of accessory building(s) or structure(s) with the *developed footprint* not exceeding ten percent (10%) of the *lot coverage*. With the exception of transport vehicles, a *small-scale secondary use* does not include any exterior storage of equipment or goods that are visible from a public *street* or adjacent *lots* nor does it not involve the operation of mechanical equipment, except where used inside of a *building* with an effective sound-damping enclosure to limit noises from impacting surrounding *lots*.

Street - synonymous with *street* right-of-way and means the whole and entire right-of-way of every highway, *road*, or *road allowance* vested in the Government of Canada, Province of New Brunswick, or the *Rural Community*.

Structure - means anything constructed or erected on or below the ground, or attached to something on the ground, and may include all buildings.

Utility Use - means the use of land, *buildings*, or *structures*, to provide public services, renewable and other electricity generation, electricity transmission, telecommunications, marine access, transportation infrastructure, public water or sewerage, solid waste disposal or recycling, or other utilities provided to the general public, as authorized by either the *Rural Community*, the Province of New Brunswick, or the Government of Canada.

Traditional Building Materials - means materials consistent with construction techniques and architecture of settlements in the Canadian Maritimes in the pre-World War Two era and includes brick, masonry, brick or masonry veneer, glass, wood, cedar shingle, or adequate facsimiles (such as steel or vinyl clapboard with an authentic wood-grain and thick gauge/grade).

Warehousing - means a building used primarily for the bulk storage of commodities, liquids, and materials and may include the wholesaling and distribution.

Watercourse - means a 'watercourse' as defined in the [Clean Water Act](#), and includes the Bay of Fundy.

Water-dependent Use - means a *use*, *building* or *structure*, including a fishing shed, crane, wharf or pier, that must be located near or adjacent to a watercourse by definition, or is an industrial use of land, *building*, or *structure* that recirculates water directly from a watercourse for *warehousing* or growing live aquatic species, such as a lobster holding facility or an aquaculture use, but does include any processing involved in a *heavy industrial use*.

Wetland - means a wetland as identified by the Province of New Brunswick under the [Clean Water Act](#).

3.0 ADMINISTRATIVE AND INTERPRETATIVE CLAUSES

3.1 Zoning Classifications

- 1) For the purposes of this By-Law, the *Rural Community* is divided into zones as delineated on the map attached hereto, entitled "Rural Community of Fundy Shores Zoning Map" dated October, 2023, and *overlay zones* as depicted on maps included within Section 1.0 of this By-law.
- 2) The zones mentioned in subsection (1) are classified and referred to as follows:
 - a) Industrial "I" Zone;
 - b) Conservation "C" Zone
 - c) Rural Settlement "S" Zone
 - d) Rural Resource "R" Zone
- 3) The *overlay zones* mentioned in subsection (1) are classified and referred to as follows:
 - a) *Settlement Areas*;
 - b) Subdivision Control Areas;
 - c) Special Policy Areas, including:
 - *New River Beach - Special Policy Area*;
 - Point Lepreau - Special Policy Area;
 - *Residential Growth - Special Policy Area*;
 - Musquash Estuary - Special Policy Area.
 - d) *Projected Sea Level Rise Area*;
 - e) Conservation Priority Area;
 - f) Expressway/Highway;
 - g) Collector;
 - h) Agriculture Priority Area; and,
 - i) Recreation Corridor.

3.2 Interpretation

3.2.1 Zone Boundaries

- 1) A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.
- 2) A zone boundary shown following approximately the top of a bank of a shoreline, creek, stream or channel is deemed to be at the top of the bank and moves with any change in the bank.
- 3) Where zone boundaries are indicated as generally following an existing or a proposed street line, alley line, public utility right-of-way, easement, fence, or building wall, the zone boundary shall be construed as following such lines.
- 4) In the event that a public street, as delineated on the zoning map, is closed, the land formerly within such street shall be included within the zone of the adjoining land on either side of such closed street. Where a closed street is the boundary between two or more different zones, the new boundary shall be the former centerline of the closed street.

- 5) Where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the zoning map.
- 6) Notwithstanding anything contained in this By-law, where a *lot* on a *watercourse*, or portion thereof, is shown to not have a *zone* on the "Rural Community of Fundy Shores Zoning Map," the *zone* shall be determined by applying the nearest *zone* in proximity to the *lot* (or the portion thereof).

3.2.2 Metric Measurements

- 1) All numerical requirements in this by-law are provided in metric units of measurement. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail. Measurements are abbreviated in the following manner:
 - a) meters or m;
 - b) feet or ft;
 - c) square meters or sq. m or m²;
 - d) square feet or ft²;
 - e) inches or in;
 - f) centimeters or cm; and
 - g) millimeters or mm.
- 2) Ranges are abbreviated in the following manner:
 - a) maximum or max.;
 - b) minimum or min.;

3.2.3 Uses Permitted

- 1) Uses permitted within any zone shall be determined as follows:
 - a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone; and,
 - b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.

3.2.4 Diagrams

- 1) Diagrams may be used to help visualize the Zoning Provisions and provide a way to generally interpret the by-law's requirements or depict its dimensional standards. In a case of any discrepancy between a diagram and the definitions or other provisions of the by-law, the written text of the by-law shall prevail.

3.2.5 Definitions

- 1) Definitions are provided in this Zoning Provisions as an authoritative interpretation on the meaning and scope of a variety of different land uses and terminologies being employed in this document.
- 2) Words in bold italics are words with specific definitions and may be found in Section 2.0 of this

By-law;

- 3) Words that are italicized and underlined may denote specific Provincial and/or Federal regulations or legislation.
- 4) Words that are not italicized or bolded may still be subject to a definition under section 2.0 of this Rural Plan.

3.3 Special Powers of Council

- 1) Notwithstanding anything else contained in this By-law, no *building* or *structure* may be erected in the *Rural Community*, where in the opinion of the Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, streets, access, other services, and facilities.
- 2) Notwithstanding anything else contained in this By-law, land owned, administered, or encumbered by the *Rural Community*, may be used by Council for the generation or supply of electricity, telecommunication services, water, sanitary and storm drainage, or any *utility use*.

3.4 Powers of the Advisory Committee

- 1) No building or structure may be placed, erected or altered on any site where it would otherwise be permitted under this By-Law when, in the opinion of the *advisory committee*, the site is marshy, subject to flooding, excessively steep or otherwise unsuitable by virtue of its soil or topography.
- 2) The *advisory committee* may, subject to such terms and conditions as it considers fit:
 - a) authorize, for a temporary period in accordance with the *Community Planning Act*, a development otherwise prohibited by this By-Law; and
 - b) require the termination or removal of a development authorized under clause (a) at the end of the authorized period.
- 3) Where uses are listed as being subject to any terms and conditions that may be imposed by the *advisory committee*, no *development permit* or any *development officer* approval shall be given until the *advisory committee* has reviewed the application and approved it as proposed, or approved it subject to specific terms and conditions, or has refused the approval where compliance with reasonable terms and conditions cannot reasonably be expected.
- 4) The *advisory committee* may permit, subject to such terms and conditions as it considers fit:
 - a) a proposed use of land or a building that is otherwise not permitted under the Zoning Provisions if, in its opinion, the proposed use is sufficiently similar to or compatible with

- a use permitted in the By-law for the zone in which the land or building is situated; or
- b) such reasonable variance from the requirements of the Zoning Provisions as provided by the *Community Planning Act* as, in its opinion, is desirable for the development of a parcel of land, or a *building*, or *structure*, and is in accord with the general intent of the By-law and any plan or statement affecting such development.

- 5) Where requested to permit a proposed use or variance under subsection (4) above, the *advisory committee* may give notice to owners of land in the immediate neighbourhood:
 - a) describing the land;
 - b) describing the use proposed or variance requested; and
 - c) giving the right to make representation to the *advisory committee* in connection therewith within the time limit set out in the notice.
- 6) Where permitted under the *Community Planning Act* or *Regional Service Delivery Act*, powers of *advisory committee* may be delegated to the *Development Officer* or his/her delegate.

3.5 Non-Conforming Uses

Non-conforming uses, unless otherwise provided, shall be subject to Sections 60 and 61 of the *Community Planning Act*.

3.6 Amendments

- 1) A person who seeks to have this By-Law amended:
 - a) shall address a written and signed application to Council;
 - b) shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith the signatures of at least one owner of each parcel of land to be rezoned; and
 - c) shall pay an application fee of \$1,500, payable to the *Regional Service Commission* in care of the *Rural Community*.
- 2) An application under this section shall include such information as may be required by the Council or the *Development Officer* for the purpose of adequately assessing the desirability of the proposal.
- 3) Where an application for rezoning of a *lot* has been refused within the previous twelve (12) months, Council will not entertain an application to rezone the same *lot* unless the proposed use is substantially different from the previous application.

3.7 Development Approval

- 1) Except as otherwise provided in this section, no

person shall undertake a *development* unless the *development officer* having jurisdiction approves the *development* as conforming with, if it applies to the land on which the *development* is located:

- a) the [Community Planning Act](#);
 - b) the rural plan by-law;
 - c) a secondary rural plan by-law, if applicable;
 - d) a deferred widening or controlled access by-law, if applicable.
- 2) While it does not exempt a person from complying with all other provisions of this By-law or any other by-laws or regulations, a *development* approval is not required prior to carrying out the *development* of any of the following:
- a) the *development* of an *accessory use* of land;
 - b) the *development* of an *accessory commercial unit* in a *main building* that was approved pursuant to section 3.7(1);
 - c) the cutting or removing of trees, except subject to section 6.3.2;
 - d) the installation or erection of any *signs* or *exterior lighting*, or fences under 2 m in *height*;
 - e) the *development* of an *accessory use* in an *accessory building* or *structure* less than 20 m² (over 215 ft²) in *gross floor area* and less than 4.5 m (14.7 ft) in *height*, and not attached to a *building* or *structure* greater than 20 m² (over 215 ft²) in *gross floor area*, and where it is exempt from the National Building Code under the [Building Code Administration Act](#);
 - f) establishment of parking areas; and,
 - g) installation of *shore protection works* that do not change the *existing grade* by greater than 1 m (3.3 ft).

4.0 GENERAL PROVISIONS

4.1 Required Services

- 1) No *building* may be erected on any *lot*, where in the opinion of Council, satisfactory arrangements have not been made for the supply of electrical power, water, sewerage, and other services or facilities to the *lot*.

4.2 Exterior Lighting

- 1) The requirements of this By-law with respect to the *development* of *exterior lighting* are as follows:
 - a) No *exterior lighting* shall be used in a manner that emits a bright flashing light usually associated with danger or those used by emergency vehicles;
 - b) Any *exterior lighting* shall be located and arranged so that rays of light are not directly aimed at any adjoining *lots* or the public *street*; and,
 - c) All *exterior lighting* shall be shielded and directed downward so as to limit light pollution and protect the view of the night sky.

4.3 Shore Protection Works

- 1) The *development* of *shore protection works* shall be permitted as an *accessory use* of land in every *zone*.
- 2) Notwithstanding section 4.3(1), *development* of *shore protection works* that involve a change in the *existing grade* greater than 1 m (3.28 ft), shall be subject to such terms and conditions as the *advisory committee* considers necessary to protect the health, safety and welfare of the general public, and they may be prohibited by the *advisory committee* if compliance with the terms and conditions imposed cannot reasonably be expected.

4.4 Enclosures for Swimming Pools

- 1) No land may be used for purposes of a *swimming pool* capable of containing a depth more than 1 meter (3.3 ft) of water unless the *swimming 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 1.5 m (5 ft) in *height* and meeting the requirements of this section.
- 2) Where a portion of a wall of a *building* forms part of an enclosure mentioned in 4.3(1),
 - a) no main or service entrance to the *building* may be located therein; and
 - b) any door therein, other than a door to a *dwelling* or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 m (5 ft) above the bottom of the door.
- 3) An enclosure mentioned in 4.3(1) shall not have

rails, bracing or other attachments on the outside thereof that would facilitate climbing.

- 4) A fence mentioned in 4.3(1) shall not be electrified or incorporate barbed wire or other dangerous material; and shall be located:
 - a) at least 1 m (3.3 ft) from the edge of the *swimming pool*;
 - b) at least 1 m (3.3 ft) from any condition that would facilitate its being climbed from the outside; and so that the bottom of the fence be elevated by no more than 5.5 cm (2 in) above *grade*/ground level.
- 5) The design and construction of a fence under this section shall provide
 - a) in the case of chain link construction:
 - i) no greater than 38 mm (1.5 in) diamond mesh,
 - ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating forming a total thickness equivalent to No.12 gauge wire, and
 - iii) at least 38 mm (1.5 in) diameter steel posts, set below frost, and spaced not more than 2.5 m (8 ft) apart, with a top horizontal rail of at least 32 mm (1.26 in) diameter steel.
 - b) in the case of wood construction:
 - i) vertical boarding, not less than 19 mm x 89 mm (0.75 in x 3.5 in) actual dimensions spaced not more than 4 cm (1.5 in) apart, attached to supporting members and arranged in such a manner as not to facilitate climbing on the outside; and
 - ii) supporting wood posts at least 10 cm (4 in) square or round, set below frost and spaced not more than 2.5 m (8.2 ft) apart, with the portion below *grade* treated with a wood preservative, and with a top horizontal rail at least 38 mm x 140 mm (1.5 in x 5.5 in) actual dimensions; and
 - iii) in the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
- 6) Gates forming part of an enclosure mentioned in 4.3(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 1.3 m (4.2 ft) above the bottom of the gate.
- 7) The vertical walls of a permanent above-ground pool can be used as part of a pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.5 m (5 ft) in *height* above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the aboveground pool, must

be enclosed by a *swimming pool* enclosure as defined within this section.

- 8) No water shall be placed in the *swimming pool* until a closure has been completed and inspected by the *Development Officer*, or a qualified delegate of the *Development Officer*, including a *Building Inspector* appointed by the *Council*.
- 9) The installation of a *swimming pool* and/or enclosure is not to *alter* the existing *grade* or drainage pattern otherwise approved by the *Development Officer*.
- 10) No person is to *alter* or replace a *swimming pool* enclosure without a *development permit*.
- 11) No person shall allow sections of the *swimming pool* enclosure to be removed or become dilapidated so that it no longer conforms to this By-law; and
- 12) No person is to allow materials to be placed, piled, attached, hung or leaned against or near the *swimming pool* enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

4.5 Existing Buildings & Lots

- 1) Notwithstanding anything contained in this By-law, where a building or structure has been in existence before the effective date of this By-law having less than the minimum lot size, lot frontage, lot depth, *front yard*, *flankage yard*, *side yard* or *rear yard* than is required by this By-law, or exceeding the maximum *lot coverage* or building *height*, such *building* or *structure* may be enlarged, reconstructed, repaired, or renovated provided that:
 - a) the enlargement, reconstruction, repair or renovation of an existing *building* or *structure* does not further reduce the required minimum *front yard*, *flankage yard*, *side yard*, or *rear yard*, and does further exceed the required maximum *lot coverage* or building *height*, that does not conform to this By-law; and,
 - b) all other applicable provisions of this By-law are satisfied.
- 2) Notwithstanding anything contained in this By-law, where a lot has been in existence before the effective date of this By-law having less than the minimum lot dimensions than is required by this By-law, a building or structure may be developed provided that:
 - a) the erection of a new building or structure can meet all other dimensional requirements of the zone in which it is located; and,
 - b) all other applicable provisions of this By-law are satisfied; and,
 - c) a septic system is approved by the Department of Public Safety.

4.6 Height Limits

- 1) Notwithstanding section 4.6(2), a *building* or *structure* developed or *altered* within 100 m of the Bay of Fundy, as measured from the distance to the surface of that *watercourse*, or the in the *New River Beach - Special Policy Area*, shall not exceed 9.5 m in *height*, except if located in the *Point Lepreau - Special Policy Area*.
- 2) Any *building* or *structure* or *utility use* exceeding 15 m in *height* shall be a *use* subject to terms and conditions.

4.7 Building Design in Settlement Areas

- 1) In the mapped *settlement areas*, where a *main use* of a *main building* is a *commercial use*, *heavy industrial use*, *light industrial use*, a *water-dependent use*, or *institutional use*, that *use* is subject to the following terms and conditions:
 - a) Cladding on *facades* of the *main building* shall consist of *traditional building materials*; and,
 - b) Roofs of the *main building* shall have a pitch of at least 2/12.

4.8 Access to Lots

- 1) No person shall use a *lot* or erect or use a *building* or *structure* on a *lot*, unless the lot abuts or fronts on a public *street* or otherwise has a *drive-way access* or another form access to a *street* that is satisfactory to the *advisory committee*.

4.9 Accessory Uses, Buildings or Structures

- 1) An *accessory building* or structure may not be placed or erected on a *lot* prior to the placement or erection of the *main building* or structure.
- 2) Accessory uses, buildings and structures will be permitted in all Zones but they shall not:
 - a) be used for human habitation, except as an *accessory dwelling unit* pursuant to the requirements of sub-section 4.9 (3);
 - b) have a total combined gross floor area exceeding 10% of the total *lot size*; and,
 - e) be placed, erected or *altered* so that is located closer to a required *setback* for buildings and structures from a *lot line*.
- 3) *Accessory dwelling units* are permitted in the S, I, and R Zones, pursuant to section 4.21, but they shall conform with the following standards:
 - a) when contained within a *main building*, not occupy more than 75 m² (807.3 ft²) total combined gross floor area, or not occupy more than 75% of the gross floor area of one floor of the *main building*;
 - b) when contained within a detached *accessory building*, be subject to the same dimensional standards as other accessory uses and structures;

- c) Except in the I Zone, no more than one *accessory dwelling unit* may be placed or erected on a *lot* and no *building* or *structure* may be altered to become or contain a second *accessory dwelling unit* on a *lot*.

4.10 Parking Lots & Loading Spaces

- 1) Where developed, a parking area shall:
 - (a) be located no closer than 7.5 meters from a street *lot line* shared with an arterial or collector highway; and,
 - (b) conform with the [Barrier-Free Design Building Code Regulation – Building Code Administration Act](#).
- 2) Off-street *loading spaces* not less than 9.14 m (30 ft) long, 3.66 m (12 ft) wide and 4.26 m (14 ft) high, with *driveway access* thereto, must be provided for loading for every *building* or *structure* used for any purpose involving the *use of vehicles* for the receipt or distribution of materials.

4.11 Water-Dependent Uses

- 1) Where *water-dependent uses* are permitted, they are uses subject to the following terms and conditions:
 - a) that the *lot* on which the *water-dependent use* is located is not to be used as a *salvage use*, or a storage place for rubbish and derelict fishing equipment; and,
 - b) that any associated bait, catch, or dead animals are only stored in sealed containers, live holding tanks, or refrigerators, as appropriate.

4.12 Agriculture Uses

- 1) Where *agricultural uses* are the *main* or *secondary uses* of a *lot*, they are subject to the following conditions:
 - a) *Agricultural uses* may be conducted on a *lot* over 10,000 m² (1 hectare) in size may contain:
 - i) Up to one (1) *animal unit* per 4,000 m²; or,
 - ii) A number of livestock as may be approved in a license under the [Livestock Operations Act](#).
 - b) Any *livestock facility* must be located at least 60 meters (196.9 ft) from any potable water source, waterbody, or an existing *dwelling unit* on an adjacent *lot*.
 - c) Where developed adjacent to a *lot* in the S Zone, a naturally vegetated or treed buffer of 5 m (16.4 ft) width is required at or near the entire shared *lot line* or as mutually agreed-to by the relevant property owners, in writing, at the time of the *development permit* application.
 - d) *Livestock* must be kept in an enclosure or fenced area at all times, and shall be at least 60 m (196.9 ft) from any *dwelling unit* on an adjacent *lot* or any water body and potable water source;
 - e) No offensive odour shall be produced, detectable at any adjacent *lot line*, through the accumulation of animal waste, except where

it is produced in conformity with acceptable farm practices as defined under the [Agricultural Operations Practices Act](#); and,

- e) *Livestock* must not be kept in, upon, or under any structure used for human habitation.

4.13 Resource Excavation - General

- 1) A *resource excavation use* must meet the following minimum standards:
 - a) No excavation shall be undertaken:
 - i) within 30 m of any wetland, coastal and inland waterbody, or other watercourse;
 - ii) within 30 m of a Provincial highway;
 - iii) below the groundwater table;
 - b) The excavation site shall be of a minimum distance of 30 m from all lot lines, 7.5 m from power lines, and 150 m from any dwelling on any *lot*;
 - c) A treed buffer of at least 15 m in width shall be maintained between the final perimeter of any excavation site and any public street or adjacent *property*;
 - d) A *driveway access* to the site shall have a barrier to control entry to the site;
 - e) All excavation sites shall have adequate signs warning people of any dangerous situation associated with the operation, such as, but not limited to, blasting, steep slopes or open holes; such signs shall be posted around the perimeter and visible from any *driveway access*;
 - f) All surface water shall either be contained within the site limits, or the resource excavation development shall require the necessary approval from the Department of Environment and Local Government;
 - g) The excavation site shall not serve as a storage place or a dump for toxic materials, scrap iron, domestic wastes, construction residue or any other material likely to be harmful to the environment;
 - h) Any *driveway access* within 100 m of an existing residential use shall not be used for transporting excavated materials; and,
 - i) Prior to the commencing of an excavation upon any lands, a copy of an Archaeological Impact Assessment (AIA), as approved by the Department of Tourism, Heritage, and Culture, shall be submitted to the Development Officer, where that Department determines a need for an AIA.

4.14 Resource Excavation - Standards for Gravel Pits

- 1) Notwithstanding anything else contained in this by-law, a *resource excavation use* in the form of a gravel pit is subject to this section and the following minimum standards:
 - a) The land shall not be used for temporary or permanent asphalt production;
 - b) No excavations involving any blasting of aggregate or mining shall be permitted; and

- c) The land shall not be used for aggregate crushing.

4.15 Resource Excavation - Standards for Quarries & Extractive Industrial Uses

- 1) Notwithstanding anything else contained in this by-law, a *resource excavation use* in the form of a quarry, or an *extractive industrial use*, is subject to this section and the following minimum standards:
- a) Prior to the commencing of an excavation upon the lands, a copy of a rehabilitation plan, as approved by the Department of Environment and Local Government, shall be submitted to the *Development Officer*, where applicable;
 - b) If the use involves a slope steeper than one and one-quarter (1¼) meters horizontal, the excavation site shall be surrounded by a fence or barrier, a 10-meter buffer of cleared of vegetation from the edge of all slopes, and brightly coloured 1 m² warning signs placed at 20-meter intervals along the top length of that slope;
 - c) Prior to the commencing of an excavation upon the lands, all development and activities shall comply with all applicable acts, permits and approvals as required, including but not limited to: the [Mining Act](#), the [Air Quality Regulation – Clean Air Act](#), the [Environmental Impact Assessment Regulation](#), the [Water Quality Regulation – Clean Environment Act](#), the Approval to Operate, the Approval to Construct, the [Watercourse and Wetland Alteration Regulation](#), the [Water Well Regulation – Clean Water Act](#), and the [Species at Risk Act](#);
 - d) Any *extractive industrial use* or a *resource excavation use* involving the blasting, crushing, or processing of rocks or minerals, shall not take place within 600 m of a *dwelling* on any *lot*.

4.16 Sea Level Rise

- 1) Subject to section 4.3 where applicable, a *development* of any *main use*, *main building*, or *dwelling unit*, within the *Sea Level Rise Area* involving the placement or construction of a new *building* or *structure*, or an addition that increases the *gross floor area* of *habitable* space, but not including repair or other alterations, is a use subject to the following terms and conditions:
- a) a plan demonstrating the elevation of the *habitable* parts of the building being located above 6.2 m Canadian Geodetic Vertical Datum of 2013; and
 - b) a plan demonstrating the flood proofing of all electrical, mechanical and plumbing by design or by elevation within the *habitable* part of the building.

4.17 Conservation Subdivisions

- 1) Notwithstanding section 6.3, any *lot*, block, or

other parcel of land, or portion thereof, that falls within the boundary of the C Zone, according to section 3.2.1, shall not be subdivided, except according to one of the following circumstances:

- a) where a *lot*, block, or other parcel of land was in existence prior to this By-law coming into effect, it may be subdivided up to a maximum of three (3) lots subject to section 6.3.2; or,
- b) in the case of a parcel of land that is being created for the purpose of being added to and forming part of an adjoining parcel; or,
- c) where a lot, block, or other parcel of land was in existence prior to this By-law coming into effect, up to twenty-five percent (25%) of the total area of land may be subdivided into separate *lots* that meet the requirements under section 6.3.2, subject to the following conditions:
 - i) that the remnant *lot* equating to seventy-five percent (75%) of the original *lot*, block, or parcel, is wholly encumbered under a conservation easement, under the [Conservation Easements Act](#), and the use of such remnant of land is limited to developments for *conservation use*; and,
 - ii) that prior to approval of plans for subdivision, evidence is presented to the *development officer* that a conservation easement pursuant to subsection 4.17(1)(c)(i.) has been registered in accordance with the [Conservation Easements Act](#) in the Provincial Land Registration Office.

4.18 Residential Cluster Developments

- 1) Subject to sections 6.1. and 6.3, a *lot*, block, or other parcel of land, or portion thereof, that falls within the boundary of the S or C Zone, according to section 3.2.1, may be developed as a *bare-land condominium* or *residential land lease community* for the purposes of a *residential cluster development* that consists of four (4) or more *dwellings* as *main uses*, subject to the following conditions:
- a) if developed as a *bare-land condominium*, that it complies with all Provincial regulations and registration requirements under the [Condominium Property Act](#);
 - b) if developed as a *residential land lease community*, that it complies with all Provincial regulations and *mini-home* registration requirements under the [Assessment Act](#);
 - c) that it has a shared, private *driveway access* with no dead-end portion of the access, such as a cul-de-sac, exceeding 365 m in length from an interception with a public *street* and that *driveway access* meets the Access Route Design requirements of Part 3 of the [National Building Code of Canada 2015](#);
 - d) that a water supply assessment prepared by a professional Geoscientist is provided to the *Regional Service Commission*, that

demonstrates adequate water supplies for the *development*;

- e) that the wastewater services are approved by the appropriate Provincial agencies or by *Rural Community*, as required;
- f) that at least seventy-five percent (75%) of the total of the parcel of land is permanently protected under a conservation easement, under the [Conservation Easements Act](#), and in accordance with the principles of *residential cluster development*;
- g) that the minimum *lot size* for whole *residential cluster development*, including the lands under conservation easement, is not less than 4,000 m² of land multiplied by the number of *dwelling units* to be permitted; and,
- h) prior to approval of the *development*, evidence has been supplied to the *development officer* that a conservation easement pursuant to subsection 4.18(1)(f) has been registered in accordance with the [Conservation Easements Act](#) in the Provincial Land Registration Office.

4.19 Signs

- 1) Any permitted illuminated *sign* shall be subject to the following standards to reduce light pollution:
 - a) all internally illuminated signs, including signs that are lit internally with all light shining through a translucent or coloured material and signs using Light Emitting Diode (LED), shall not emit a blue-rich light with a colour temperature exceeding 3000 Kelvins during any nighttime hours, evening to morning;
 - b) both externally and internally illuminated signs shall be tilted downward and/or incorporate sufficient shielding, to prevent light from being emitted upwards into the sky.
- 2) No *sign* shall be *erected*, operated, used or maintained which,
 - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the *Development Officer*.
 - b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - c) obstructs the use of a fire escape, door, window or other required exit;
 - d) projects over or rests upon any part of a public *street*;
 - e) exceeds a maximum *height* of 5 m (16 ft);
 - f) is attached to a tree; and,
 - g) is an off-site *sign*, such as a billboard *sign*, but exempting any traffic control device, any off-site directional *sign* for the public that is approved by the *Rural Community*, or any advertisements approved by the Department of Transportation and Infrastructure under the

[Highway Act](#).

- 3) The provisions of this By-law with respect to existing *signs* that do not conform to the By-law at the time of its effective date shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming *sign* that is relocated, *altered*, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of any *sign*.

4.20 Development on Crown Lands

Notwithstanding anything else contained in this by-law, development on Crown Lands is subject to all relevant Acts and the approval of the Minister of the Department of Natural Resources and Energy Development (or the Minister responsible for the administration of Crown Lands).

4.21 Number of Dwelling Units Per Lot

- 1) Notwithstanding anything else contained in this by-law, no *lot* may be used for more than one (1) *dwelling unit* except where:
 - a) In the case of an *accessory dwelling unit*, the *lot* meets the minimum size and dimensional requirements of the *zone* which it is located in and the *accessory dwelling unit* meets the requirements of section 4.9(3);
 - b) In the case of a *multi-unit residential use*, the *lot* has an area of at least 8,050 m² and a *frontage* of at least 68 m;
 - c) where such dwellings are so located that they would be in conformity with the provisions of all applicable by-laws regarding size, *frontage*, setback, and configuration of *lots* if the *lot* was divided into separate *lots*, each abutting a publicly-owned *street* and containing one *dwelling*;
 - d) it is developed as a *residential cluster development*, where permitted, subject to section 4.18.

4.22 Reciprocal Setbacks in R Zone

- 1) In the R Zone, except for altering a *dwelling* that was in existence prior to the time that of this By-law was adopted, no *dwelling* may be built, placed, or relocated, unless it is setback from any of following uses on another *lot*:
 - a) 600 m in the case of a *resource excavation use*, in the form of a quarry or an *extractive industrial use*; and,
 - b) 150 m in the case of a *livestock facility* that is licensed under the [Livestock Operations Act](#) or *resource excavation use* in the form of gravel pit.
- 2) Notwithstanding sub-section 4.22(1), a reciprocal setback shall not be required from any use that is not permitted in its respective zone.

4.23 Camps and Short-term Rentals

- 1) Notwithstanding sections 6.1.1, 6.3.1, and 6.4.1, where a *lot* is used for more than one (1) *camp* or *short-term rentals* it shall be considered a *campground* or *commercial use* and the *development* is subject to the following terms and conditions:
 - a) that the *lot* maintains a 20 m wide *buffer* along all *lot lines* shared with any adjacent *lot* containing a *dwelling*;
 - b) that the *lot* contains a *main building* with a *dwelling*; and,
 - c) if nine (9) or more *camps* or *short-term rentals* are developed, that a water supply assessment prepared by a professional Geoscientist is provided to the *Regional Service Commission* demonstrating adequate water supplies exist for the *development*.

4.24 General Buffers

- 1) Pursuant to sub-section 6.1.2 in the S Zone, where any *lot* or *building* is developed for a *camp*, *short-term rental*, *commercial use*, or *institutional use*, but not including a *campground* or *accessory commercial unit*, that *use* is subject to the following terms and conditions:
 - a) a 5 m *buffer* shall be maintained long any *lot* line that abuts another *lot* where a *main use* of that adjacent *lot* is a *dwelling*.
- 2) Pursuant to sub-sections 6.1.2 and 6.2.2 in the S and I Zone, where any *lot* or *building* is developed for a *forestry use*, *water-dependent use*, *heavy industrial use*, *light industrial use*, that *use* is subject to the following terms and conditions:
 - a) a 15 m *buffer* shall be maintained long any *lot* line that abuts another *lot* where a *main use* of that adjacent *lot* is a *dwelling*.
 - b) a solid *structure* with an enclosure or concrete wall with self-closing gates of at least 2.5 m in *height* shall be erected to surround any exterior mechanical equipment, outdoor storage areas, or *loading areas*, if such facilities are located within 90 m of a *dwelling* on another *lot*.

ZONES

ID

5.0 ID ZONE

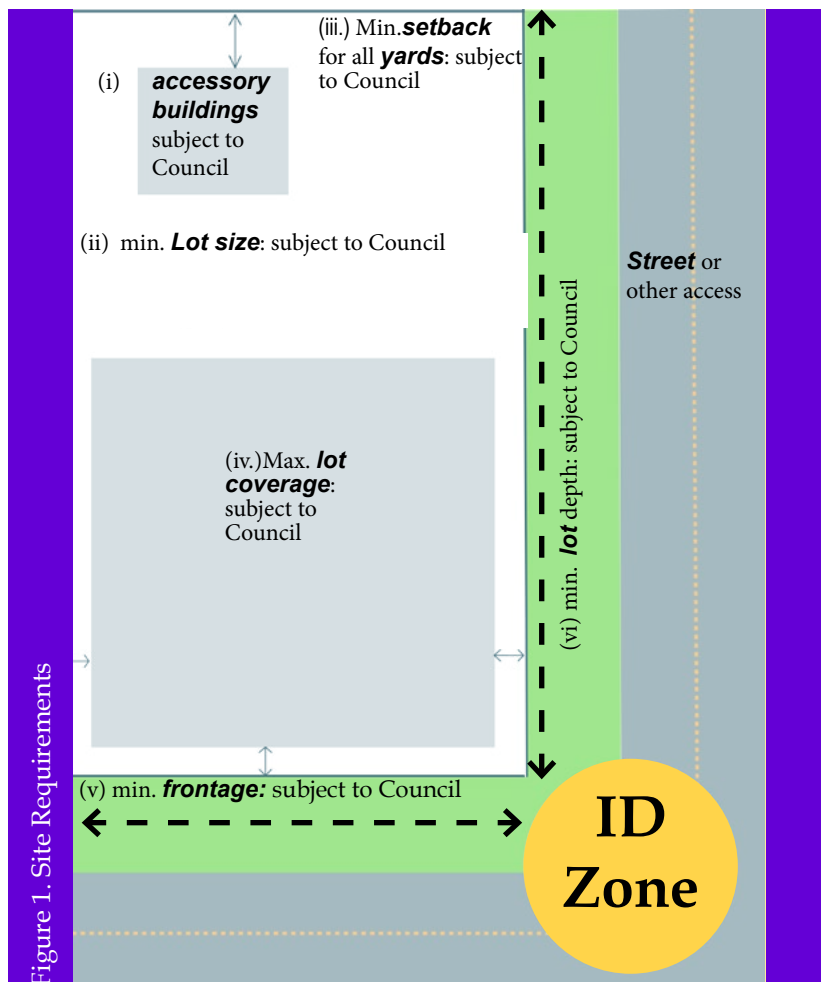
5.1 Integrated Development (ID) Zone

5.1.1 ID Permitted Uses

No *development* shall be permitted nor shall any land, building or structure be used on a *lot* within the ID Zone except in conformity with a specific proposal adopted by Council pursuant to Section 58 and 59 of the [Community Planning Act](#).

5.1.2 ID Zone Standards

Notwithstanding any provision in this By-law, any land, building or structure may be developed within the ID Zone in conformity with a specific proposal adopted by Council.



S

6.0 ZONES

6.1 Rural Settlement (S) Zone

6.1.1 S Permitted Uses

Subject to general provisions under section 4, any land, building or structure in the S Zone may be used for the purposes of:

- a) One or more of the following *main uses*:
 - (i) *camp*;
 - (ii) *dwelling*;
 - (iv) *institutional use*;
 - (v) *parks & open space use*; and,
 - (vi) *residential cluster development*.
- b) In addition to *main uses* permitted under section 6.1.1.(a), one or more of the following *main uses* with a combined *gross floor area* of less than 200 m²:
 - (i) *agricultural use*;
 - (ii) *commercial use*; and,
 - (iii) *water-dependent use*.
- c) One of the following *secondary uses*:
 - (i) *small-scale secondary use*; and,
 - (ii) *short-term rental*.
- d) One or more *accessory uses*, buildings, and structures, including:
 - (i) *accessory dwelling unit*; and,
 - (ii) *accessory commercial unit*.

6.1.2 S Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the S Zone unless the following standards are met:

- a) Zoning standards as numbered on the diagram 'Figure 2. Site Requirements.'

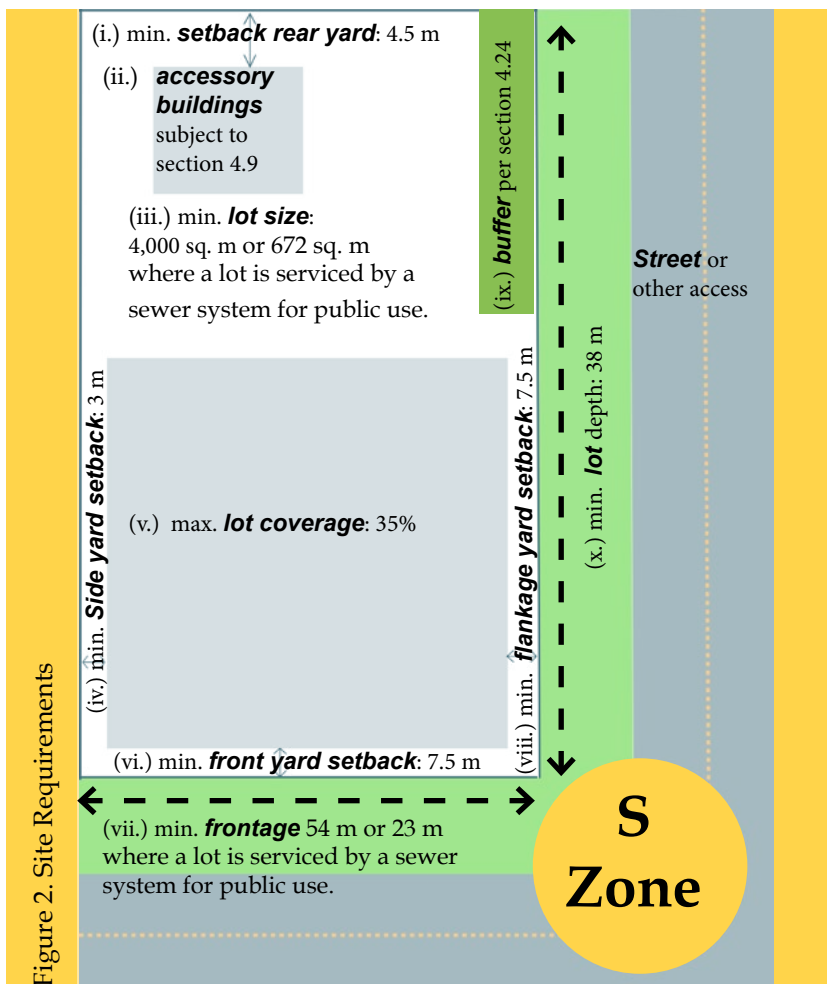


Figure 2. Site Requirements

6.0 ZONES

6.2 Industrial (I) Zone

6.2.1 | Permitted Uses

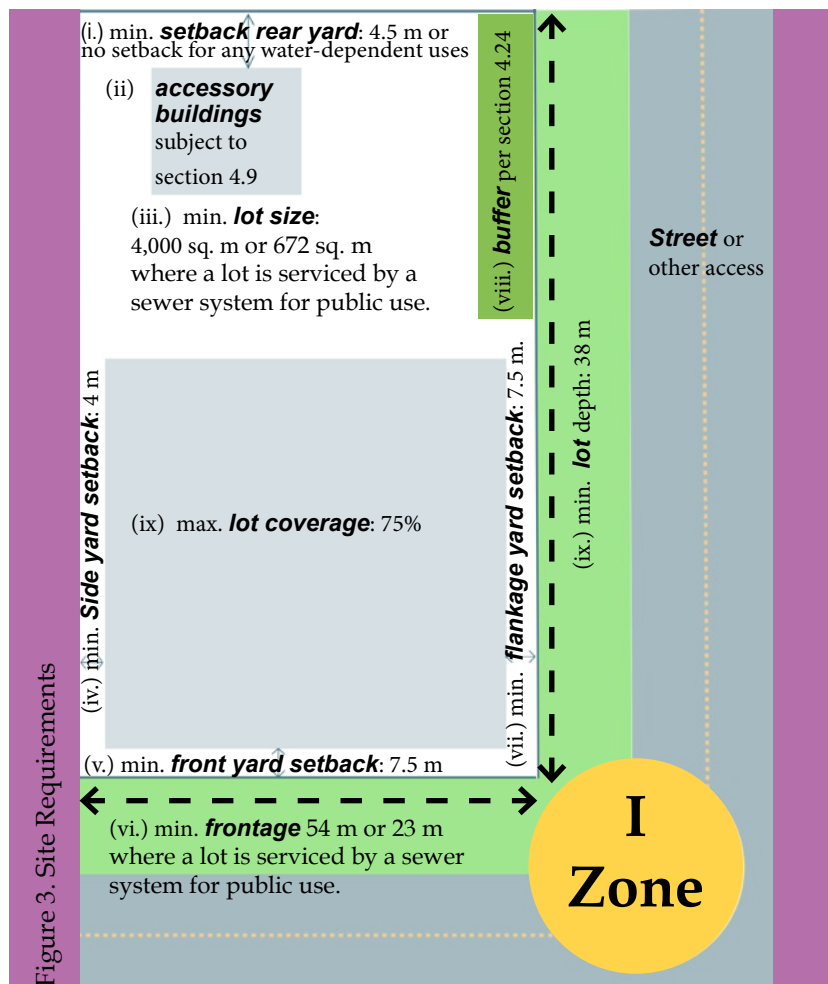
Subject to general provisions under section 4, any land, *building* or *structure* in the I Zone may be used for the purposes of:

- a) One or more of the following *main uses*:
 - (i) *commercial use*;
 - (ii) *forestry use*;
 - (iii) *light industrial use*;
 - (iv) *private utility use*;
 - (v) *resource excavation use*;
 - (vi) *water-dependent use*; and,
 - (vii) *agriculture use*.
- b) In addition to *main uses* permitted under section 6.2.1.(a), one or more of the following *main uses* as subject to terms and conditions as may be applied by the *advisory committee*:
 - (i) *heavy industrial use*.
- c) One of the following *secondary uses*:
 - (i) *small-scale secondary use*.
- d) One or more *accessory uses*, buildings, and structures, including:
 - (i) *accessory dwelling unit*; and,
 - (ii) *accessory commercial unit*.

6.2.2 | Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the I Zone unless the following standards are met:

- a) Zoning standards as numbered on the diagram 'Figure 3. Site Requirements.'



C

6.0 ZONES

6.3 Conservation (C) Zone

6.3.1 C Permitted Uses

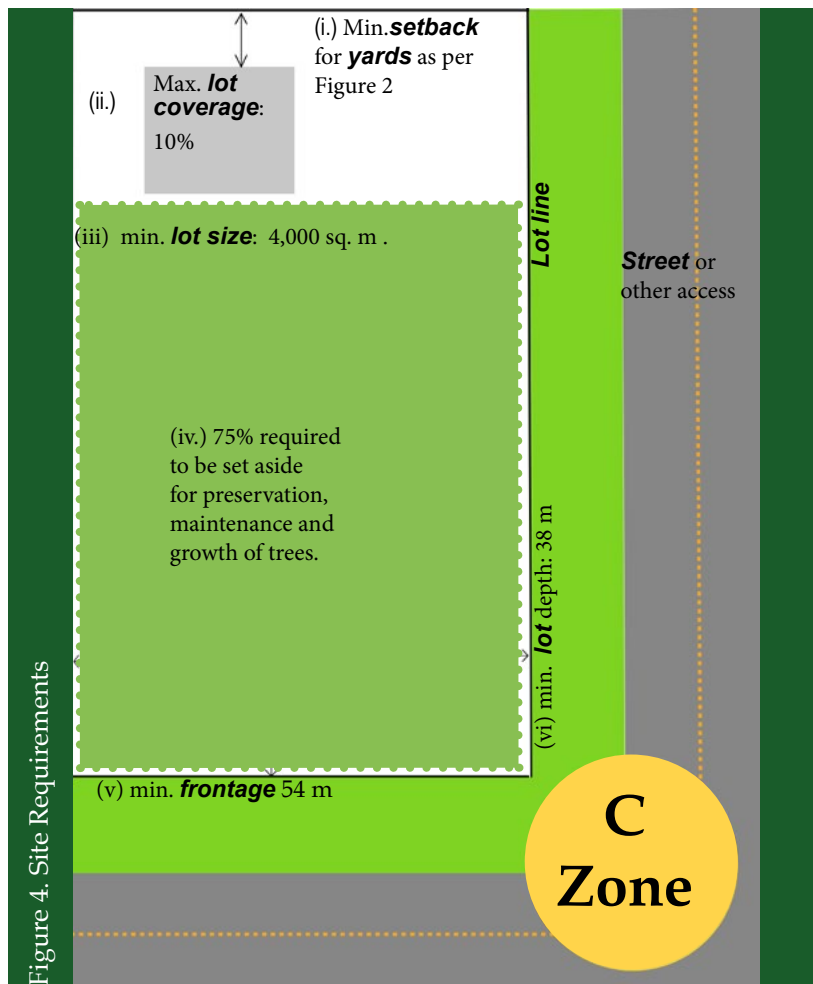
Subject to general provisions under section 4, any land, building or structure in the C Zone may be used for the purposes of:

- a) One or more of the following *main uses*:
 - (i) *conservation use*;
 - (ii) *pre-existing use*;
 - (iii) *shore protection works*.
- b) One or more of the following *main uses*, if located in designated *settlement areas, New River Beach or Residential Growth - Special Policy Areas*:
 - (i) *parks & open space use*;
 - (ii) *utility use*;
- c) One of the following *secondary uses*, where the use is setback a minimum of 30 m from the surface of any *wetland or watercourse*, including the Bay of Fundy:
 - (i) *dwelling*;
 - (ii) *residential cluster development*;
 - (iii) *camp*;
 - (iv) *small-scale secondary use*; and,
 - (v) *short-term rental*.
- c) One or more accessory uses, buildings, and structures.

6.3.2 C Zone Standards

No *development* shall be undertaken nor shall any land, building or structure be used within the C Zone unless the following standards are met:

- a) Zoning standards as numbered on the diagram 'Figure 4. Site Requirements';
- b) that prior to the approval of any *development* in this zone, a detailed site-plan shall be submitted to the *Development Officer* by the owner which clearly delineates a minimum of 75% of the land area zoned C as set-aside for the preservation, growth and maintenance of trees; and,
- c) that the removal of trees in this *zone* shall be prohibited except in compliance with an approved site plan on file with the *Development Officer* as per section 6.3.2 (b), or the removal of individual trees which pose a reasonable risk to the safety of life or property.



R

6.0 ZONES

6.4 Rural Resource (R) Zone

6.4.1 R Permitted Uses

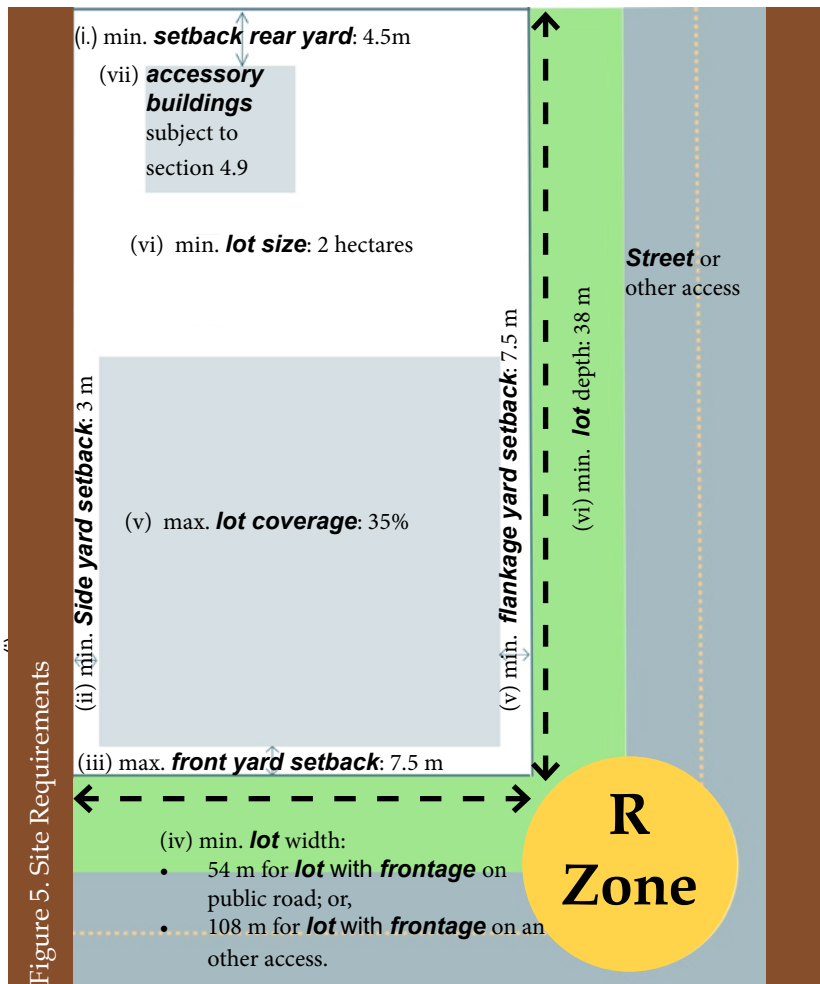
Subject to general provisions under section 4, any land, building or structure in the R Zone may be used for the purposes of:

- a) One or more of the following *main uses*:
 - (i) *agricultural use*;
 - (ii) *parks & open space use*;
 - (iii) *forestry use*;
 - (iv) *private utility use*;
 - (v) *resource excavation use*; and,
 - (vi) *water-dependent use*.
- b) In addition to *main uses* permitted under section 6.4.1.(a), one or more of the following *main uses* as subject to terms and conditions as may be applied by the *advisory committee*:
 - (i) *extractive industrial use*.
- b) One or more of the following *secondary uses*:
 - (i) *camp*;
 - (ii) *dwelling*;
 - (iii) *small-scale secondary use*; and,
 - (iv) *short-term rental*.
- c) One or more accessory uses, buildings, and structures.

6.4.2 R Zone Standards



No *development* shall be undertaken nor shall any land, building or structure be used within the R Zone unless the following standards are met:

- (a) Zoning standards as numbered on the diagram 'Figure 5. Site Requirements;'



SCHEDULE A

SCHEDULE A: ZONING MAP

-  Rural Settlement (S) Zone
-  Industrial (I) Zone
-  Rural Resource (R) Zone
-  Conservation (C) Zone

