

PREFACE

This is the Municipal Plan for the town of Rothesay, New Brunswick as enabled by the Community Planning Act R.S.N.B. (1973) Chapter C-12 (the Act) and amendments thereto.

This document may be referenced as the 'Rothesay Municipal Plan'. Upon enactment this document will supersede the previous plan for the Town. The Municipal Plan is the overriding guidance document in the Town and establishes the policy framework for development in Rothesay. The regulation of development and the applicable standards are set out in the Rothesay Zoning By-law and the Subdivision By-law.

In accordance with the Act, a municipal plan shall be reviewed within five years of coming into force. The Rothesay Plan set in 2002 became the subject of a review conducted in 2007. Open houses and questionnaires were used to initiate the review process. Following receipt of completed questionnaires, the results were posted on the Town's website, www.rothesay.ca. These data were analyzed and considered in the overall review of the document. Further public consultation followed the procedure set out in the Act for public presentation and public hearings. A copy of the Plan and all amendments will be maintained on the Rothesay website along with the other documents used to direct development in the community.

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1. INTRODUCTION

This document is a new municipal plan for Rothesay and the second municipal plan since Rothesay was amalgamated in 1998. The first chapter, which follows immediately, is the overall concept for the community and sets out the general development pattern in summary terms. The next eleven chapters deal with particular aspects of development and set out how these characteristics are to be managed. Each policy section is described in terms of background context followed by the goals the section is intended to achieve and completed by a series of policies that set out the statements that will guide the Council, the Planning Advisory Committee and staff in making decisions on applications for development and on allocation of municipal resources.

Context is the narrative and provides the framework and background information in a subject area. Goals are the broad general statements of intent of what will be achieved in the subject area. The section on goals in the Rothesay Municipal Plan equates to the term ‘policies’ as found in the Act. Policies are the statements outlining specific and tangible measures to be undertaken by the municipality to satisfy or implement a goal. The section on policies equates to the term ‘proposal’ as found in the Act.

The last chapter describes how the Municipal Plan will be implemented and administered. The Plan is subject to change and the amendment process is briefly described. Schedules to the Plan add additional information and include the Future Land Use Map that illustrates the desirable development pattern in graphic terms. Other maps illustrate various features such as amenities, infrastructure and aspects of the natural environment that are considered relevant to determinations of land use and development. Where there is a perceived conflict between a map and the text of this document, the text shall be the predominant reference. The maps are provided to illustrate the text.

The implementation chapter also includes a five year capital budget that is to be updated annually by resolution of Council.

2. SUSTAINABLE COMMUNITY DEVELOPMENT CONCEPT

Sustainable development is a term which was first brought forward in 1987 in the Brundtland Report, “Our Common Future”, prepared for the World Commission on Environment and Development. The term has been used in the last 20 years in a myriad of ways with the underlying concept being that the needs of today are met without compromising future generations in meeting their needs. Sustainable development is based on the concept that economics, society and environment are considered equally and none are compromised to the advantage of the others.

The support for incorporating sustainable development principles in community planning has been growing over the last 10 years. While there are several models available, the basic foundation is that the community can thrive over the long term by making decisions on development which will not compromise the future in terms of the economy, the environment, and society.

Rothsay has adopted a number of sustainable community planning principles to maximize the benefits of regional economic development while minimizing the environmental and social impacts of potentially rapid expansion. As a long term objective, this type of planning will ensure that the community has a solid foundation on which to build and grow.

The principles for sustainable community planning which have been adopted for this municipal plan are:

- Promote pedestrian movement opportunities
- Foster efficient land development
- Promote water conservation
- Promote waste reduction
- Promote energy efficiency
- Minimize environmental impact
- Foster public engagement

Throughout the Plan, these principles are reflected in various initiatives. In addition to these, the Town will consider high development standards for all new development and proposed upgrades to existing properties in the commercial areas. These guidelines will address both sustainable community principles and aesthetic appeal of any development. As well, where feasible, the guidelines will be applied to new large scale residential developments.

Specifically all commercial development proposals will be evaluated for their potential to reduce energy consumption, reduce potable water consumption, minimize direct discharges to the storm water sewer system, and to contribute to green spaces. Similarly, for new residential developments, developers will be encouraged to consider energy efficient designs and opportunities for reducing potable water consumption.

In keeping with the sustainable community principles, higher density residential development will be considered in association with commercial developments. This will take two forms: along Hampton Road higher density residential housing in association with commercial activities will be considered; and in the area along Millennium Drive there will be the opportunity also to develop higher density housing as part of an integrated development area. Similarly, future development potential in the Hill Side Development Area will be considered for higher density residential opportunities.

Further, while the historic and recognized civic gathering place for Rothesay has been the Rothesay Common, the Town Centre is the commercial area along Hampton Road. The Town will work with landowners in this area of town to enhance the aesthetic appeal of the streetscape. The objective is to create a Town Centre which is harmonious with the Rothesay Common.

Commercial development in Rothesay will continue to focus on the commercial area shared with Quispamsis at the east end of Hampton Road and on Marr Road. Development at the top of Marr Road near Campbell Drive will be a mix of commercial and light industrial uses serving the Valley. Some industrial uses are also directed to the eastern end of the French Village Road and along the eastern boundary.

The Rothesay Common will be maintained as the civic focal point of Rothesay with improvements to the recreational amenities and public open space throughout the Town. There will be an emphasis on linear parks and pedestrian walkway systems and public access to river frontage.

The Sustainable Community Development Concept also provides for protecting areas with special character such as the Rothesay Common and the Renforth Cove; and for reinforcing the architectural and landscaping character that contribute to the appeal of Rothesay's residential neighbourhoods.

A major physical feature that will play a growing role in Rothesay is the Watershed of Carpenter Pond. As the source for the municipal water system, the area will be subject to stringent development controls and environmental protection with uses limited to passive recreation and those established prior to amalgamation. The effect of this large woodland in the middle of Rothesay will be to retain the sense of a rural place. Pedestrian connections to the north side of the Mackay Highway will reinforce this impression among residents.

The land south of the Mackay Highway from Dolan Road to the City boundary is not expected to be developed during the timeframe of this Plan. This area is considered to continue as undeveloped rural land. Before this area is developed a detailed plan for the entire area and adjacent lands in the City of Saint John will be required.

In summary, Rothesay will remain a residential community interspersed with substantial natural areas and with a concentration of commerce at the eastern end of Town.

The preceding is the concept for the future land use pattern of Rothesay. Council will implement this vision through its capital spending and regulatory authorities and by advocating for adherence to its values and goals. Council will also monitor the effectiveness of the Plan and will take such steps as are necessary to reinforce a consistent direction in the development of the Town.

3. ENVIRONMENT

3.1. GENERAL

CONTEXT

Rothesay has a strong connection to its natural environment adjacent to the Kennebecasis River. The community is heavily treed with a variety of relief creating an attractive setting for residential land uses. Rothesay residents perceive the environment as important to the community and worth enhancing and protecting. In future those undertaking development should seek to enhance the natural environment and should be sensitive to natural systems. This Plan will present context, goals and policy on specific environmental concerns in the community including, flood plains, watershed protection, ground water protection, construction on steep slopes, street trees and tree planting, water courses and environmentally significant areas.

GENERAL GOALS

- To sustain, or where possible to enhance, the quality of the environment within Rothesay related to development and human activity.
- To protect areas of significant scenic, environmental and wildlife habitat as they are identified.

3.2. CLEARING AND CHANGING THE SURFACE OF LAND

3.2.1 CONTEXT

Although building structures or using land for various purposes influences the environment of the community, one of the most dramatic and sudden changes can be the removal of vegetation and altering the surface of the land itself. Levelling, grading, filling, cutting or making other changes to the surface of land may affect adjacent property by creating or redirecting run-off, eliminating privacy, modifying views, changing water tables and altering natural systems. Such actions affect neighbouring public and private land in many other ways, some of which are not apparent until after the action has taken place. Similarly cutting down trees may reduce shade, alter the microclimate, lead to erosion and reduce wildlife habitat.

In many instances these changes are, for all practical purposes, irreversible and may lead to considerable disruption, expense and protracted discussion while mitigating measures are evaluated. Such activities create uncertainty amongst neighbouring property owners and may augur poor quality or costly development practices, often leading to public infrastructure that is costly to operate and maintain. Accordingly there are policies set out in this Plan and the Zoning and Subdivision By-laws to regulate the clearing and grading of lands in various zones.

3.2.2 GOALS

- To ensure that clearing and grading of lands are consistent with the intentions of this Plan.
- To direct land development be in a manner that is sensitive to the natural topography, soil quality and existing vegetation.
- To minimize environmental impact and encourage environmentally sensitive design.

3.2.3 POLICY

- (a) Clearing or changes to the contours of land will require a grading permit under the Zoning By-law.
- (b) Council shall encourage the preservation and protection of trees and vegetation in approval of development.
- (c) Drainage plans will be required for all subdivisions as part of the Development Agreement.
- (d) All developments involving a change to the surface of the land will require a Development Permit prior to the issuance of a building permit.

3.3. CARPENTER POND WATERSHED

3.3.1 CONTEXT

The Carpenter Pond Watershed is the location of the source of water for the main Rothesay water system. This Watershed is a designated watershed under the provincial Clean Water Act. This strictly limits activities in the Watershed at a distance of 75 metres from watercourses and places land use controls on the entire Watershed. The present land use in the Carpenter Pond Watershed includes recreation, residential, transportation, utility and commercial uses. In the past the municipality has acquired undeveloped land in the Watershed in an effort to control development activity. It is anticipated that Rothesay will continue to obtain land in the Watershed when available and that this land will be managed in a manner that is beneficial to the protection of the Watershed. Council has taken measures to limit the flow of surface water from the north side of the Mackay Highway into the Watershed such that development in that area does not pose a potential risk to the Watershed. For each new development proposed on the north side of the Mackay Highway and within the original boundaries of the watershed, the developers are required to present their proposal to the Department of Environment for review and approval through an exemption to the Designation Order.

3.3.2 GOALS

- To protect the Carpenter Pond Watershed as the source of potable water for the Rothesay water utility.
- To restrict development activity in the Carpenter Pond Watershed including the portion of the Watershed located within the City of Saint John.
- To ensure the Carpenter Pond Watershed boundary is accurately located.

3.3.3 POLICY

- (a) Council shall use any relevant Provincial acts, regulations or programs to enhance the protection of the Carpenter Pond Watershed.
- (b) Council shall request the City of Saint John to limit development approvals to uses that do not pose undue risks in that portion of the Carpenter Pond Watershed located in the City.
- (c) Council may undertake programs to encourage existing landowners in the Watershed to limit land uses to those that are consistent with the principles of watershed protection and to apply safe land management techniques.
- (d) Council shall, when appropriate, acquire strategic lands within the Watershed.
- (e) Council shall control land use in the Watershed by designating the Watershed in this Plan and limiting land uses to those that are compatible with protection of the water source and through appropriate measures in the Zoning By-law.
- (f) Council will cooperate with relevant Provincial Government departments to enforce regulations and to use other applicable protective measures to protect and manage the Watershed.

3.4. GROUNDWATER PROTECTION

3.4.1 CONTEXT

Groundwater is used by individual property owners throughout Rothesay as a source of potable water. As the Valley is subject to increased development pressure, there is a perception that the quantity of water available in the community may decrease even as the demand increases. Also at issue is the quality of the groundwater and the potential for groundwater contamination. In the past the community has dealt with a number of contamination issues. In the future efforts will be made to prevent contamination through limiting land uses that carry high risk, extending the municipal water supply into areas where new development is anticipated and by encouraging safe water and land management practices. This Plan outlines policy to deal with monitoring the quality and quantity of ground water and will attempt to identify issues that relate to the protection of existing ground water resources.

3.4.2 GOALS

- To protect ground water resources in Rothesay
- To monitor ground water quality and quantity in Rothesay

3.4.3 POLICY

- (a) Council shall continue to participate in a regional ground water monitoring program and may add monitoring wells to this program.
- (b) Council will discourage high risk land uses, which may have a negative impact on the ground water resources of Rothesay unless proper mitigation measures are included in the development.
- (c) Council will continue to work with the public through education to encourage proper use of ground water resources.
- (d) Council shall require new development to be connected to the municipal water system where available to protect groundwater resources.

3.5. FLOOD RISK

3.5.1 CONTEXT

The land that is adjacent to the shore of the Kennebecasis River can be subject to some periodic flooding relating to spring freshet or rainfall and storm water runoff. The last major flood was in 2008 when river elevations were measured to be 5.27 metres in Saint John. Local surveying tracked the flood along the Rothesay Road near the Golf Course at a range of 5.49 to 5.79 metres (18-19 feet) above sea level. Historically Rothesay has used geodetic twenty (20 feet above sea level) as a reasonable minimum elevation to avoid flood risk. The majority of land that is within the range of geodetic twenty and the waterline of the Kennebecasis River has already been developed. Development in the area susceptible to flooding and anticipated in the time frame of this Plan is the in-fill of a few pieces of vacant land along the waterfront. Flood protection measures should be required for the construction or renovation of any buildings within flood risk areas to protect against damage. The municipality may seek indemnification agreements from anyone building at or near the floodplain to reduce municipal liability for flood damage.

3.5.2 GOALS

- To identify on Schedule F those portions of Rothesay prone to flooding.
- To avoid damage to public or private property due to flooding.
- To require any new development or redevelopment in a flood prone area to be designed and constructed to meet flood mitigation standards, which take into account the relative risk of flooding.
- To obtain, where considered desirable by Council, lands that are prone to flooding so as to prevent development in the flood risk area.

3.5.3 POLICY

- (a) Council shall designate land located below geodetic 6.5 metres as being prone to flooding on Schedule F as a general guide. Developers will be required to have a survey prepared by a qualified professional to determine the specific implications to individual parcels proposed for development. In its development approval process Council shall ensure that any new development, redevelopment or renovation in a flood risk area is properly flood-proofed through building design or siting.
- (b) Council shall require that any new construction in the flood risk area be constructed with habitable space above geodetic 6.5 metres.
- (c) Council shall cooperate with senior levels of government concerning regulation and control of development in flood prone areas.
- (d) Council will strive to contain and control storm water as it passes through the flood risk zone and to manage storm drainage so as not to increase risk.

3.6. WATERCOURSES

3.6.1 CONTEXT

Rothesay has a significant number of brooks, streams, ponds and marshes that cross the community eventually emptying into the Hammond River, Marsh Creek and the Kennebecasis River. This system of watercourses provides a number of benefits to the community including recreation opportunities, green buffers and habitat for fish and wildlife. Development near watercourses is currently subject to the Clean Water Act administered by the Department of the Environment. This Act requires a permit for any development activity within 30 metres of a watercourse.

In addition to providing an environmental amenity to the community, the watercourse system is also the recipient of a significant amount of storm drainage. This poses a potential problem of erosion and silt in this system. Future development will place additional storm water loads on the water course system. This Plan will define policy in this section and in the Utilities Chapter to deal with storm water management.

3.6.2 GOALS

- To protect the watercourse system from negative effects of development pressure.
- To use the provisions of the watercourse alteration permitting process.
- To avoid damaging the watercourse system due to storm drainage infrastructure.

3.6.3 POLICY

- (a) Council shall identify a 30 meter buffer surrounding all watercourses on Schedule F. Development of any kind in these buffer areas shall require a watercourse alteration permit issued by the Province.
- (b) Council shall limit development activity in the watercourse buffer through provisions in the Zoning By-law. Where a watercourse has been identified as integral to the overall municipal storm water management system Council will limit development activity to minimize potential upstream and downstream effects of land development pressures.
- (c) Council shall use any relevant provincial regulations, programs or acts to enhance the protection of watercourses in Rothesay.
- (d) Council shall ensure that when a natural watercourse is used for storm water management that detrimental impacts are properly mitigated and that development will be restricted so as to minimize the effects of potential flooding.

3.7. ENVIRONMENTALLY SIGNIFICANT AREAS

3.7.1 CONTEXT

Environmentally significant areas might be significant in a community or to the environment for a variety of reasons. It could be a location that supports a rare plant or endangered animal or it could be a location with scenic or cultural values. Given this broad description of environmental significance, it would be possible to consider many areas in Rothesay as meeting these criteria. The Nature Trust of New Brunswick undertook an inventory exercise of Environmentally Significant Areas in the mid-1990s. This inventory identified one location within the limits of Rothesay. This location is the Renforth Bog that is identified as a site that provides a habitat for uncommon calciphilous moss. Other areas with environmental significance to the community may be identified as Rothesay develops and could be subject to the policy of this Section.

3.7.2 GOALS

- To identify and inventory environmentally significant areas.
- To protect environmentally significant areas.

3.7.3 POLICY

- (a) Council shall identify documented environmentally significant areas on Schedule F.
- (b) Council may consider information from qualified professionals to identify other environmentally significant areas in the Town.
- (c) Council shall protect identified sites from development activities through appropriate zoning mechanisms or through mitigation measures that may be proposed by relevant qualified professionals.

3.8. STEEP SLOPES

3.8.1 CONTEXT

Rothesay has a varying topography throughout the land base of the Town. There are a number of areas in the community where there are rapid changes in elevation and it is through the presence of these hills that many of the neighbourhoods in Rothesay are afforded a view of the Kennebecasis River. While the slopes attract residential development because of views, there are potential environmental and developmental impacts for adjacent property owners and the Town. While it is reasonable to develop certain land uses on slopes, this does pose some problems of access, servicing and erosion control. The views offered by these slopes are also features that may be enjoyed by the public.

3.8.2 GOAL

- To promote the orderly development of land on steep slopes.
- To protect adjacent landowners from the negative activities of steep slope development.
- To require more stringent development standards for the development of steep slopes.
- To provide public access to areas with extraordinary views and look-offs.

3.8.3 POLICY

- (a) Council shall require, through provisions in the Zoning By-law that specific engineering and landscaping details are provided for the development of land with slopes of greater than 10 percent but less than 30 percent.
- (b) Council may identify areas in the Town that have steep slopes greater than 30 percent and place limits on their development.

3.9. STREET TREES & BEAUTIFICATION

3.9.1 CONTEXT

One of the characteristics that sets Rothesay apart is its well treed lots, road rights of way and public spaces. Rothesay residents are justifiably proud of the mature trees that line its main roads and canopy its lanes. Policy in this Plan is intended to protect and enhance the street trees in the community and to ensure that newly developed areas and the commercial districts also are provided with trees at an early stage in their development. Of course there are areas where additional trees are not desirable since they would obscure views of the River or other significant features. In these cases low growing plant material will be selected. The cooperation of the utility companies in maintaining trees in the public rights-of-way is essential and should be sought on an ongoing basis.

Overall beautification of the community includes the addition and maintenance of floral displays and turf areas. These areas need to be limited in number and scale to ensure their upkeep is affordable. Other opportunities for adding landscaping to the visual amenity of the community includes cooperative arrangements with special interest groups, businesses and particularly residential property owners.

In addition to landscaping, topography and architecture, the appearance of the community is influenced by the manner in which public and private property is cared for. Elimination of litter, promotion of beautification efforts and enforcement of minimum property standards are among the means available to the municipality to maintain a high quality community appearance.

3.9.2 GOALS

- To maintain and enhance Rothesay's reputation as a heavily treed community.
- To protect the existing street trees from damage and disease.
- To protect ecological diversity through the planting of different native tree species which are street hardy.
- To augment existing street trees through the addition of trees and other vegetation.
- To ensure that street trees are an integral component of newly developed areas.
- To significantly increase the number of street trees in the Hampton Road commercial district.
- To encourage beautification of the Hampton Road.

3.9.3 POLICY

- (a) Council will set standards in the Subdivision By-law that require the planting of trees of appropriate quality and diversity of species in the public street right-of-way when property is developed for any use.
- (b) Council will direct the preparation of an inventory of existing street trees and ensure a proper urban forestry plan for their protection and replanting.
- (c) Council will seek funding in the form of grants and participation in special programs to supplement funds from the operating budget for planting trees.
- (d) Construction of roads and municipal utilities will be designed to avoid loss or damage to street trees.
- (e) Council will undertake to expand and enhance public open space.
- (f) Litter containers will be placed along the most heavily travelled pedestrian routes to encourage casual collection of litter and provide a convenience for walkers.
- (g) Rothesay will cooperate with not-for-profit groups and businesses to promote beautification of the community.

4. RURAL AREA

4.1.1 CONTEXT

The areas southeast of the Mackay Highway and southwest of Carpenter Pond are expected to see limited development in the next five years. These areas each have challenging topography, one or more watercourses and other natural features that make the land difficult to develop. Since each of these abuts a boundary with another jurisdiction, Council may choose to consult with the City of Saint John or the Province as these lands come under development pressure. When it becomes appropriate to examine other uses for these lands, it will be desirable to cooperate with these other jurisdictions to prepare overall plans for their development in conjunction with the lands beyond the municipal boundary.

There are a number of developed properties located within the boundary of the Carpenter Pond Watershed, the source of the potable water supply for the Rothesay Main water system. It is important to appreciate that there may be certain activities on those properties that pose a threat to the municipal water system. In an effort to protect the Watershed as the source of the water supply, there are limits and conditions placed on activity on those properties. This area is subject to the Provincial Watershed Protected Area Designation Order Regulation and the Wellfield Protected Area Designation Order Regulation that limits the use of the land and limit new residential development.

For the foreseeable future these areas will be limited to managed forestry, farming, informal recreation and limited single-family housing on large parcels of land. Any large scale developments will be evaluated on an individual basis.

4.1.2 GOALS

- To protect the rural land area from premature development.
- To ensure development of the rural area is properly planned in cooperation with neighbouring jurisdictions.

4.1.3 POLICY

- (a) Land use in the areas designated Rural on Schedule A, Future Land Use will be limited to managed forestry, farming, informal recreation and limited single-family housing on large parcels of land as outlined in the Zoning By-law.
- (b) Intensive or large scale development in the Rural area will be considered in association with a secondary plan describing future road networks, servicing, land use patterns, protection of the natural environment, cost sharing of public infrastructure and such other matters as Council may determine necessary.
- (c) Council will invite the participation of the City of Saint John in preparing the plans described above with respect to the area adjoining the City boundary and will request commensurate cooperation from the City should development be proposed for lands in the City abutting the Rothesay boundary.
- (d) Council will work with landowners in the rural area discourage dumping and other negative uses.

5. RESIDENTIAL DEVELOPMENT

5.1. GENERAL RESIDENTIAL DEVELOPMENT CONTEXT

Rothesay is primarily a residential community with the majority of its residents working in the City of Saint John. This Plan and this section on residential development are designed to protect this residential character. Protection of existing neighbourhoods is a key tenet of this Plan. New development will be expected to complement existing housing and to be generally consistent with the existing styles and density in areas contiguous with land proposed for development.

Current residential development in Rothesay is generally low density with a few areas of moderate density residential uses, which include smaller apartments, garden homes and townhouses. This Plan acknowledges the existing moderate density development and makes provision within the Plan and the Zoning By-law for future moderate density housing in specific areas in the Town. As well, consideration will be given to higher density development in areas where it is appropriate and compatible with the overall development concept. Single-family, detached housing, while still making up most of the demand, will be accompanied by an increasing demand for other types of housing. This is due to changes in family characteristics, income levels, an ageing of the population and rising land and development costs.

It is also recognized that current development patterns are inefficient in the use of land and contribute to a pattern of urban sprawl in the Greater Saint John Region. A more sustainable development pattern will be achieved if new development uses land more efficiently by reducing lot sizes and clustering housing units where such housing can be developed without impinging excessively on existing neighbourhoods. This form of development is becoming increasingly popular in areas where citizens no longer desire the burden of large property and large house maintenance.

Council considers residential development other than single-family, detached housing as part of the natural growth and evolution of the Town. Alternative types, styles and tenure of housing where such housing can be developed in a manner complementary to existing development, be of superior quality and be consistent with the objectives of this Plan will be welcomed to meet the sustainable community principles. This will allow Rothesay to remain a preferred residential community offering a variety of high quality housing options that suit the needs of the existing population as well as offering attractive choices for future residents.

Property boundaries often do not follow natural features such as slopes and watercourses and individual parcels are not always the best unit on which to plan development. The assembly of larger land parcels and consolidation of existing parcels should be encouraged where it will result in a more rational development pattern and protection of natural features.

5.2. LOW DENSITY RESIDENTIAL

5.2.1 CONTEXT

Most existing residential areas within Rothesay are comprised of single-family, detached homes. These areas are generally characterized by pride of home ownership and neighbourhood stability and have resulted in a variety of attractive neighbourhoods. Single-family detached housing will continue to be the predominant land use in the community and will be supplemented by such additional development as parks and recreation areas, schools and churches and local commercial uses such as convenience stores. Development of these uses will be provided for in the area designated low density residential through rezoning to an appropriate zone as described in the institutional or commercial policies. General provisions in the zoning and subdivision by-laws and elsewhere in this plan (chapters 10 and 12) set out policy for the development of public and private infrastructure throughout the town including residential areas.

The exception to the prohibition of commercial activities in residential zones is home offices and home occupations. These uses and the manner through which they may be permitted are described in more detail in the Commercial Chapter (8) of this Plan.

Some neighbourhoods in Rothesay have large, older homes. The primary areas where these homes are located are adjacent to or around the Rothesay Common. To protect the character of neighbourhoods, some control on architectural design of the buildings may be instituted through the Heritage Preservation By-law or through measures available for inclusion in the Zoning By-law. Rothesay has adopted a Heritage Preservation By-law that applies to the properties fronting on the Rothesay Common.

Many of the residential areas of Rothesay are developed on the slopes of the Kennebecasis Valley to obtain a view of the River. New development should be designed so as not to obscure the views of existing properties.

A large portion of Rothesay has been developed on individual wells and on-site septic systems. A large concentration of this type of development is in the southern area of the Town. It is anticipated that this area will eventually be serviced by municipal water and sewer, however, the provision of these services is not expected to be within the time frame of this Plan.

Council believes it is reasonable to allow the choice of on-site services for residential housing to be available to present and future residents of Rothesay where environmental conditions allow and municipal services are unavailable. This should only be permitted with some consideration of development standards, which allow for the future re-subdivision of each individual lot at a time when municipal services are provided in the area.

There is specific policy that relates to the Carpenter Pond Watershed in the Environment Chapter (3) of this Plan. The policies in this section relate only to existing developed residential properties in the Watershed.

Residential needs change for individuals and families as their members age. The circumstances in some families are such that they may need to add a dwelling unit for an older or younger member of the family who wishes to share the residence. Such accommodation may require that a single-family dwelling be modified to become a multiple dwelling as an apartment is added to meet the needs of this family member. Such development is considered by Council to meet a legitimate social need through affordable housing for seniors and will be allowed through special provisions in the Zoning By-law including considering the additional dwelling unit as 'temporary' and requiring it to revert to its prior use as a single detached dwelling when the family member has left the residence.

There is a growing awareness for the need for affordable housing in most communities today. In recognition the Council may consider instituting a policy for ensuring there is a provision for affordable housing available in the community. This policy will be considered over the period of this Plan.

5.2.2 GOALS

- To protect and enhance existing residential neighbourhoods.
- To ensure that future residential development complements existing neighbourhoods.
- To direct development to areas where additional infrastructure capacity exists.
- To encourage a variety of housing types to meet the residential needs of the existing and future population of Rothesay in a high quality living environment.
- To ensure that future residential development occurs in locations where appropriate municipal services and road infrastructure is available or can be provided including areas with in-fill potential.
- To ensure that an appropriate area of land is designated for anticipated future, low density residential growth.
- To ensure that use and activity on existing residential properties within the Carpenter Pond Watershed does not compromise the quality of the water source while recognizing the right of existing residents to use and enjoy their property.
- To consider the potential for affordable housing in association with large scale new development.

5.2.3 POLICY

- (a) The areas shown on the Future Land Use Map as low density residential shall be limited to uses that include single-family, detached housing, and in some zones, two unit dwellings with limitations on the relative numbers of each type and uses accessory or supplementary to these.
- (b) In larger undeveloped areas as shown on Schedule G, secondary planning will be required moderate density residential uses will be permitted through the secondary planning process. Such plans may require a Zoning By-law amendment.
- (c) The Zoning By-law shall include a series of low density residential zones that acknowledge the existing development pattern of the neighbourhoods that comprise Rothesay.
- (d) Within these low density zones, the type of housing, the size and frontage of lots and the location and size of buildings on each lot will be regulated in the Zoning By-law to reflect existing conditions in residential areas.
- (e) Where the architectural character of an existing neighbourhood is deemed by Council to be of special value, Council will provide for control of the architectural design in a neighbourhood or part thereof.
- (f) Council will consider including protection of view planes in the Zoning By-law.
- (g) Council will consider rezoning to a residential zone with different requirements where the area to be developed is separated from the adjoining neighbourhood by natural or manmade features including a landscaped buffer zone. This will typically be done through the secondary planning process.
- (h) In any residential designation in this Plan, Council, through a specific agreement under section 39 of the Community Planning Act, will consider approving innovative development that does not meet the standards set out in the Zoning By-law where such development can be shown to meet the general intent of this Plan and the following special criteria as evaluated by Council:

- i. provides a housing option(s) not otherwise available in the community
 - ii. augments the quality of adjacent neighbourhoods
 - iii. provides high quality housing compatible with housing in adjacent areas
 - iv. is fully serviced with municipal sewer and water
 - v. does not create excessive traffic in adjacent neighbourhoods
 - vi. offset increased densities through extraordinary landscaping and/or innovative design techniques.
- (i) To ensure the enjoyment of the community by all residents, land use in Low Density Residential designations shall be regulated through the Zoning By-law with respect to such matters as use, size, height of main buildings, yards, storage of recreation vehicles and boats, landscaping, appearance and placement of fencing, location and security of swimming pools and placement, style and size of accessory buildings.
 - (j) Development standards for such infrastructure and amenities as roads, storm drainage, sidewalks, utilities, street lighting and public open space shall be included in the Subdivision By-law.
 - (k) Subdivision of land shall incorporate the natural features of the site and the uses and character of the adjacent parcels. Consolidation of parcels and comprehensive subdivision design will be provided for in the Subdivision By-law.
 - (l) Council shall assess the infrastructure and amenities in existing neighbourhoods against the development standards and prepare strategies to correct deficiencies.
 - (m) Subdivision of land for low density residential use will be permitted only in areas where municipal services are available except in the low density residential area south of the Mackay Highway. In this area, subdivision without municipal services will be permitted with on-site services in accordance with Provincial standards. Large side yard set backs will be recommended so as to allow for re-subdivision when water and sewer services do become available.
 - (n) To protect the municipal water source, Council shall control and limit the use of residential properties within the Carpenter Pond Watershed through provisions in the Zoning By-law and assisting in the enforcement of the watershed protection regulations of the Clean Water Act.
 - (o) New single family residential development shall be considered on only very large lots within the Carpenters Pond Watershed.
 - (p) Council shall seek to continually improve the appearance of the community by improving public areas.
 - (q) In the Zoning By-law Council will provide for an additional dwelling unit in a single detached dwelling where the unit is for the sole purpose of accommodating a family member and where the building will revert to a single-family dwelling when no longer required to house a family member.
 - (r) Multiple unit residential buildings existing in the areas designated Low Density as of the date of enactment of this By-law are nonconforming uses unless designated otherwise in Schedule A to this Plan.

5.3. MODERATE DENSITY RESIDENTIAL

5.3.1 CONTEXT

Moderate density housing is a common response to demands for alternative housing types to meet the needs of smaller families and an ageing population or to accommodate the growing demand for young professionals who do not wish to have or maintain houses on large lots. This type of housing can be designed and developed so as to complement existing neighbourhoods and offer a variety of housing to current and prospective residents. Often these alternative housing forms permit long-time residents to remain in a community as their housing needs change through their lives and enables younger members of society to establish a base in a community. Moderate density residential development can take the form of such housing types as individually owned apartment units, townhouses or garden homes.

Seniors care homes and congregate housing can provide an alternative type of moderate density housing that can address the needs of a specific and growing group of residents. If designed at a small scale and with a limited number of residents, these types of facilities are in keeping with a residential neighbourhood. Larger scale developments to accommodate seniors will be addressed in the Institutional portion of this Plan.

In this Plan several areas are identified where moderate density housing currently exists or that may be suitable for such development. New multiple unit housing will be approved through a rezoning process as outlined in the Zoning By-law with an agreement to set out the details of the development. Moderate density development for the purposes of this Plan is considered to be 10 units per acre.

5.3.2 GOALS

- To allow for the continued operation of existing moderate density residential uses in Rothesay such as townhouses, garden homes and apartment buildings.
- To limit type, scale and density of future moderate density development.
- To locate and site moderate density housing in a manner that complements the community.
- To exclude such moderate density residential uses as trailer parks, mini home parks or mobile home parks.
- To ensure that moderate density residential development achieves high quality standards of design and appearance.

5.3.3 POLICY

- (a) Moderate density housing shall be directed to the areas designated on the Future Land Use Map as Moderate Density or Mixed Residential;
- (b) Uses in areas shown on Schedule A as Moderate Density Residential shall be limited to single-family, detached and two-family dwellings, townhouses and garden homes and uses accessory or supplementary to these uses.
- (c) Existing moderate density development will generally be zoned accordingly where it is contiguous with other non-residential or multiple unit residential uses.
- (d) Within these moderate density residential zones, the size and frontage of lots and the location and size of buildings on each lot will be regulated in the Zoning By-law so as to ensure the open character of the community is retained and densities do not generally exceed ten (10) dwelling units per acre.
- (e) To ensure enjoyment of the community by all residents, land use in the Moderate Density Residential designation shall be regulated through the Zoning By-law respecting matters like use, size, height of main buildings, yards, parking, storage of recreation vehicles and boats, landscaping and buffering, placement and size of garbage containers, building height, appearance and placement of fencing, location and security of swimming pools and placement, style and size of accessory buildings and structures, including exterior lighting, satellite dishes and antennae.
- (f) Development standards for such infrastructure and amenities as roads, storm drainage, sidewalks and pedestrian walkways, public and private utilities, street lighting, public and private open space and public landscaping shall be included in the Subdivision By-law.
- (g) Council will consider redesignating to Moderate Density Residential where the area to be developed is buffered from adjoining low density neighbourhoods by natural or manmade features such as a landscaped buffer zone, the site is easily accessible to an arterial or collector road, municipal water and sewer services are available and the site is suitable for the use proposed.

- (h) Council shall not permit the development of mini home, mobile home or trailer parks. Mobile homes existing as of the adoption of this Plan shall be considered as a nonconforming use. Mobile homes may be located in Mobile Home subdivisions where such subdivisions are developed to standards set out in the Zoning By-law and approved through a development agreement. No area is designated in the Plan for this use.
- (i) The size, scale and number of units per property, protection of mature trees and architectural design to complement the neighbourhood shall be established through provisions in the Zoning By-law and agreements with developers at the time of rezoning.
- (j) Council shall allow Seniors' housing as moderate density use and shall establish the number of units or residents through the Zoning By-law.
- (k) Council shall require new moderate density housing to be connected to municipal water and sewer services.

5.4. MIXED RESIDENTIAL

5.4.1 CONTEXT

The residential areas accessed off Hampton Road and shown on the Future Land Use Map (Schedule A) as Mixed Residential presently are composed of a variety of housing types varying from single-family detached housing, to homes with basement apartments, to garden home development to apartments. Generally this area extends from Hampton Road towards the rail line to the northwest and Chapel Road to the southeast. This area of Rothesay also extends back towards Marr Road and Scott Avenue. This mixed-residential development is bisected by the commercial activity on Hampton Road and Marr Road. This area might be regarded as 'in transition' and will require careful management to allow for higher density types of residential development while protecting existing enclaves of single-family homes.

This residential area offers the community a number of advantages. Its location adjacent to the main commercial area in Rothesay offers residents convenience, ease of obtaining services within walking distances and for some, an opportunity to work close to home. This area of mixed-residential development is also a transition from the commercial areas to the lower density residential uses prevalent in the Town. The higher densities allow for the more efficient use of the existing municipal infrastructure that is in place. This is consistent with the overall sustainable community principles in which residential opportunities coexist with commercial activities thereby encouraging a higher degree of pedestrian traffic and infill development. While higher density residential opportunities will be considered in the commercial context, it offers existing and prospective residents of the Town a variety of housing choices.

This area of Rothesay also presents some challenges. It is an area under transition in housing stock and pressure from adjacent expanding commercial areas. This section outlines the general direction for residential development in the mixed-residential area and the conditions under which properties may be used for other than single-family residential purposes.

The area designated for Mixed Residential will allow uses very similar to those allowed in the Moderate Density Residential designation. Similar measures will apply and the major differences will be the manner in which development is carried out, the density, and the heterogeneous development pattern.

5.4.2 GOALS

- To ensure that higher density housing types are developed in such a way as not to detract from established groups of single-family residences.
- To allow for the continuation of housing variety within the area.
- To manage the continuing development pressures in this area of Rothesay and to stabilize its residential character.
- To allow greater flexibility on a site-specific basis in coordinating higher densities near single-family areas.

5.4.3 POLICY

- (a) Council shall locate Mixed Residential designations on Schedule A, Future Land Use Map.
- (b) Higher density housing and housing types such as apartments and attached housing on smaller lots will be permitted through rezoning under the Zoning By-law.
- (c) Council shall, when considering a rezoning in this area from single-family, have regard to the following conditions:
 - i. compatibility with surrounding land uses
 - ii. setback
 - iii. roof type and pitch
 - iv. building height
 - v. location and access to off-street parking
 - vi. design of parking lot layout
 - vii. relationship to adjoining residential buildings
 - viii. capacity of water, sewer and storm sewer systems
- (d) To ensure enjoyment of the community by all residents, land use in the Mixed Residential designation shall be regulated through the Zoning By-law respecting matters like use, size, height of main buildings, yards, parking, storage of recreation vehicles and boats, landscaping and buffering, placement and size of garbage containers, building height, appearance and placement of fencing, location and security of swimming pools and placement, style and size of accessory buildings and structures, including exterior lighting, satellite dishes and antennae.
- (e) Council will generally limit the density for proposal for new housing to twenty (20) dwelling units per acre.
- (f) New single-family detached housing will be permitted in areas designated Mixed-Residential where property in the immediate vicinity is used for single-family housing.
- (g) Council shall require any new residential development in this designation to be connected to municipal water and sewer services.
- (h) Area designated Mixed-Residential will be high priority areas for the extension of municipal water service.
- (i) Screening of adjacent single-family residences will be required when higher density housing is permitted.

6. SPECIAL AREAS

6.1.1 ROTHESAY COMMON

While in the residential parts of Town there are several significant non-residential land uses, including the campus of Rothesay Netherwood School, the Villa Madonna and the Bishop's residence, the institutional precinct around Rothesay High School and Town Hall, the residential/recreational area at the Renforth Wharf and Bill McGuire Centre, the Rothesay Common is seen as a focal point for civic pride in the community. It is at this location where ceremonial functions are performed, important personages honoured, municipal insignia displayed and memorials dedicated. It is the place where the community gathers to celebrate special occasions and to enjoy some of the amenities Rothesay provides. It is also where residents and visitors can come to enjoy music on a summer evening or skate on a winter afternoon and where school children can be seen playing or families spending time together playing games. It is a special place - it is the heart of Rothesay.

Improvements have been made to the Common proper to provide for better drainage from the site, to enhance the landscaping and to upgrade the street scape. These activities will continue over the duration of this Plan in consultation with the Heritage Preservation Review Board and residents. This special place is focused on the Common but also includes Station Road and the linkage to the River at the Rothesay Yacht Club.

The properties bordering on Gondola Point Road, Hampton Road and Church Avenue surrounding the Common will continue to be subject to architectural controls to ensure compatibility to reinforce the character and sense of place of the Common as a force of civic pride. The Rothesay Heritage Preservation By-law protects the architectural appearance of buildings surrounding the Common. The By-law requires that renovations or new development reflect the architectural quality and character exhibited by the existing buildings.

The land uses permitted around the Common will differ from those in typical residential areas. A limited variety of small-scale commercial uses will be allowed along with institutional uses and higher density residential development. The residential development will take the form of moderate density housing and reflect the style of the existing architecture, in particular large single-family homes set back from the street. Professional offices, personal service establishments, institutional uses such as churches and the school, banks, small-scale medical facilities and specialty retail establishments that are consistent with the concept for a town centre will also be permitted. This will promote the continuum of the concept of the Town Centre along Hampton Road to the Rothesay Common.

Several development opportunities exist where land is under-utilised or existing buildings are inconsistent with the overall character of the area. It is expected that over time these buildings may be renovated or demolished and replaced with more appropriate structures. These changes will be done in accordance with the applicable by-laws. Accordingly development control in this zone will be implemented through guidance to developers regarding municipal objectives and negotiation as to the details of proposals. The Heritage Preservation Review Board, along with Town staff, will play an ongoing role in this regard.

6.1.2 RENFORTH COVE

The James Renforth Drive area is also a distinct place in the community. Although its role as a commercial node is limited to Colwell's store, it is a significant focus for recreation activity during all seasons of the year. Framed by the railway, the Renforth Cove offers the best public access to the River in Rothesay and the Bill McGuire Community Centre is an important location for public events. This special place reflects the history of the early development of the Valley.

In winter the ice-fishing village is a landmark to those from far beyond the Rothesay boundary as well as a reminder of traditions for residents in the southwest end of Town. In summer the sight of competitive rowers and kayakers practising their sport highlights the many water-based activities so fascinating to shore-bound observers. The wharf and boat launch are important ingredients in the mix of recreational facilities available and the beach attracts people of all ages. In addition to the water-based activities, the ball field and the tennis courts offer further recreational options.

Forming a backdrop to the wide variety of recreational activities are the residences that follow the narrow, winding James Renforth Drive. Set closer together than in most of Rothesay, these neighbours share an intimate environment with a character that sometimes seems overwhelmed by the many vehicles that explore or vie for parking in the vicinity. Unlikely to meet any of today's standards for lots not served by municipal water, these homes are a reminder of the history of seasonal cottages in years past.

Unless the Villa Madonna lands are released for other uses by the Diocese, there is little additional land for development. Redevelopment will need flexible controls to ensure the desirable atmosphere is maintained. The introduction of municipal water should be considered as should the continued development of existing recreation facilities. Housing in this area could allow for some higher density forms when new lots are identified or existing properties redeveloped.

Although there are other places in Rothesay that have a special character, these two have special significance and are deemed to deserve special consideration in this Plan.

6.1.3 GOALS

- To ensure that the unique places that make Rothesay distinct are recognized and protected in this Plan
- To strengthen civic pride by further developing important community amenities

6.1.4 POLICY

- (a) A Special Areas Zone will be included in the Zoning By-law that will set out special provisions for medium density residential development, mixes of uses, personal services, professional offices, small scale retail establishments and institutional uses and for development objectives for parking, landscaping, setbacks, signage and architectural appearance. Development in this zone will be through approval of the PAC and may be subject to the Heritage Preservation By-law
- (b) The upgrading plan for improvements to the Common will be considered over the next five years. A second stage may include further improvements to the public lands bordering the old train station and the linear park along the entrance to the Yacht Club.
- (c) The Rothesay Heritage Preservation By-law will continue to be applied and the administrative processes reviewed to promote the objectives of this Plan.
- (d) A second Special Area Zone (Renforth Cove) will provide for housing on smaller lots, a continued mix of residential and recreational/cultural facilities and the continued use of public open space.
- (e) Council will consider improvements to municipal infrastructure in the Renforth Cove area to ensure its continued viability.

7. INSTITUTIONAL

7.1.1 CONTEXT

As in all residential communities, in Rothesay there are uses that contribute to the quality of the residential environment but are not essentially residential in nature. These uses include utility services, recreational amenities and institutions. The latter are the subject of this section.

Institutional uses include churches, schools and certain government buildings and related groupings of such buildings. They may also include some uses that are operated as not for profit entities depending on the type of activity carried out. Individual institutional buildings are dispersed in the residential and commercial areas of Rothesay and are generally compatible with residential development. Individual Institutional uses will be permitted in the area designated Residential or Mixed-Residential in the Plan on sites of a limited size. New institutional uses should be located only after consultation with the neighbourhood through the rezoning process.

Given its location and community amenities, Rothesay attracts many professionals who are seeking a safe and attractive residential environment. For many families, both adults work. This has resulted in an increased demand for adequate and appropriate daycare facilities. While daycare facilities are located throughout the community, typically in private homes, there is a need for larger daycares which are provincially licenced. To date, the Town has considered larger daycares in commercial areas as an appropriate use. While this is still relevant, demand is rising to have these facilities located adjacent to schools and in residential areas.

For this reason, and to satisfy the rising demand for high quality childcare in neighbourhoods, Council considers daycares of 6 to 9 children as meeting the requirements of an “institution”. These daycare facilities provide not only childcare but also educational services as they are typically staffed by trained early childhood educators. These facilities will be sited in accordance with the requirements of the Zoning By-law and will be subject to public comment through the legislated processes.

It is recognized that institutional uses are necessary in a healthy community. Council must take into account the interests of the entire Town when considering a proposed institutional development. Council recognizes the need to provide for those in the community with special needs including persons whose age or health limits their ability to live independently.

Development of individual institutional uses will be required to meet standards set out in the Zoning By-law and may also be subject to specific controls implemented through a development agreement under the Community Planning Act so as to ensure compatibility with neighbouring properties.

In the recent past, there has been a growing demand for French language schools. While Samuel de Champlain in Millidgeville has provided this need to date, the school has reached capacity. The District 1 education council is actively looking for suitable sites for another school and it has become apparent that the Valley is a desired location.

7.1.2 GOALS

- To insure new institutional land uses are situated in locations convenient for pedestrians and motorists and capable of being served by existing municipal infrastructure.
- To seek continued improvement in the quality of educational facilities in Rothesay.
- To maintain and further develop a mutually supportive relationship with individual schools and the District 6 administration.
- To work with the District 1 administration to assist in locating a French Language School in the area.

- To ensure the development and expansion of institutional uses do not detract unnecessarily from the enjoyment of private property.
- To work cooperatively with Rothesay-Netherwood School and the Diocese of Saint John to ensure their properties are further developed in a manner compatible with the direction of this Plan.
- To ensure that all civic buildings are designed and maintained to a high standard so as to foster community pride.
- To work cooperatively with the Town of Quispamsis for the relocation/expansion of the Kennebecasis Public Library.

7.1.3 POLICY

- (a) Uses in these areas shall be limited to schools, churches and residential, daycare facilities and other support functions.
- (b) Institutional uses on lots of less than one hectare or with a building area of less than one thousand square metres may be permitted in Commercial, Residential, Special Area or Mixed-Residential designations through rezoning to an Institutional zone in the Zoning By-law and with conditions negotiated with those developing the project.
- (c) Standards shall be set up in the Zoning By-law for such aspects as minimum and maximum lot size, building size and height, municipal services, road access, on-site parking, set backs from property lines and distance and screening from nearby homes.
- (d) New institutional uses requiring sites larger than a hectare shall be directed to areas with existing municipal infrastructure and direct access to an arterial or collector road. Compatibility with surrounding land uses shall be a criterion in rezoning of lands for Institutional use.
- (e) Council shall consider applications to use land for those with special health or ageing needs in the Special Area, Moderate Density, Mixed-Residential and Institutional designations through a rezoning to Institutional subject to detailed development agreements.
- (f) A pedestrian access plan will be required for any new or expanded institutions. Guidelines will be prepared about content of such plans.
- (g) Council shall work with District 6 to maximize the benefits of school buildings and grounds to the student body and the community at large.
- (h) Council shall work with District 6 to identify opportunities for expansion of the schools in the area.
- (i) Public or private human health facilities will be considered in the Special Areas, Mixed Use designations, Institutional designations and Commercial designations with rezoning to Institutional and conditions as set out in a development agreement required.
- (j) Council may identify locations in Town capable of supporting larger institutional uses such as cemeteries, nursing homes, schools, seniors' facilities, churches, government offices and health care facilities.
- (k) The redesignation of land to Institutional may only be considered upon the presentation of the following information:
 - i. detailed site plan of the property
 - ii. key plan identifying land use and structures within 100 metres of the proposed site
 - iii. descriptions of activity
 - iv. proposed buffering
 - v. details concerning proximity to water and sewer service
 - vi. any other information deemed necessary to evaluate the proposal
 - vii. pedestrian access plan

8. COMMERCIAL DEVELOPMENT

8.1. COMMERCIAL DEVELOPMENT CONTEXT

Commercial development in Rothesay is intended to be supportive of the primary land use - residential. Although residential uses take precedence, services are required for those who make their homes here. While the proximity to Saint John reduces the need to provide for all services within the Town boundary, the location of Rothesay in the Greater Saint John Region provides specific opportunities for commercial development that should be captured.

This Plan designates three areas that will be primarily commercial in nature and provides for two types of commercial development in residential neighbourhoods and for limited commercial development in the Rothesay Common Special Area. The Plan also provides for the Dolan Road Irving gasoline station and truck-stop as a Highway Commercial enterprise.

The three areas designated in the Plan primarily for commercial use include Hampton Road from the Town Hall to the Quispamsis boundary, the area along the Marr Road and northwest of the intersection of Marr Road and Campbell Drive and the area along Millennium Drive. Each of these areas has somewhat different characteristics and is dealt with individually in this Plan.

While acknowledging the paramount role that residential development has in Rothesay, the Plan seeks to ensure that the quality found in the Town's residential development is also achieved in its commercial areas. Therefore the Plan sets out a series of actions to be taken to improve the attractiveness of the commercial areas and to ensure that they are compatible with the residential neighbourhoods.

8.2. CENTRAL COMMERCIAL

8.2.1 CONTEXT

The Hampton Road from Scott Avenue east to the mall at Landing Court in Quispamsis forms the commercial centre of the Valley. It could be described as its 'main street'. This Plan sets out that the portion of the Hampton Road that is in Rothesay will remain as the traditional commercial area serving the Town. To that end it provides for the conversion of the remaining residential buildings to commercial purposes and for expansion along Marr Road.

One of the key tenets of sustainable community planning which the Council has adopted is that there should be reasonable pedestrian access to shops and services so as to encourage non-vehicular forms of traffic movement. While the Hampton Road is linear and the policy is to maintain the commercial activities central to Hampton Road, the opportunity exists to allow for higher density residential development in association with commercial activities. This concept is becoming very popular in larger urban centres to encourage a resettlement of the downtown core. The Council has expressed an interest in considering residential settlement patterns in association with commercial uses for the future, particularly in light of the anticipated high rate of development associated with the rapidly expanding energy sector in Saint John.

With the continued growth in commercial development along Hampton Road, Council recognizes the need to improve the pedestrian environment and the appearance of the commercial area. The Plan includes policies to make the street more pedestrian-friendly by considering traffic calming devices in the public road right of way, adding amenities such as more greenery and litter containers and controlling the proliferation of signage often found in areas of strip commercial development. The Plan also includes a provision for standards to be applied to this area to ensure that all future development of the area is compatible with the overall vision set by the Council. It is intended to offer pedestrians a safe and convenient network of sidewalks as well as to offer residents, shoppers and visitors places where they can enjoy good weather, wait for friends, and relax during the course of their activity all set against storefronts and buildings which have architectural interest and appeal.

Commercial land uses in this area should be limited to those that serve the residents of the Valley and the scale of the development and the architectural forms approved will reflect this role. To the extent that Quispamsis shares the same goals, Rothesay will undertake to design common approaches to the development of Hampton Road.

In the past 5 years Marr Road has increasingly become a recognized commercial area in Rothesay. The expansion of the commercial designation along Marr Road will allow it and those commercial properties on Hampton Road to connect with the existing general commercial designation located in the area where Marr Road intersects with Campbell Drive.

8.2.2 GOALS

- To ensure that the recurring commercial needs of residents are met.
- To protect abutting single family residential areas from negative impacts of commercial development along Hampton Road and at the Marr/Clark Roads intersection.
- To ensure that redevelopment of Hampton Road results in improvements to its appearance and maintains its function as a major arterial.
- To provide a smooth transition from existing to commercial uses for properties in the Central Commercial designation.
- To work with Quispamsis toward a coordinated approach to commercial development along Hampton Road.

8.2.3 POLICY

- (a) In the Zoning By-law Council will zone all property fronting on Hampton Road east of the Rothesay Arena, with the exception of the cemetery, to commercial.
- (b) The area along the Marr Road will be considered for an expansion to the Central Commercial zone through rezoning with a development agreement.
- (c) Council will provide for a broad range of commercial uses and higher density residential development associated with the commercial uses in the Central Commercial Zone.
- (d) Council will cause a number of alternatives to the traffic patterns on the Hampton Road to be developed to allow for an evaluation of how the objectives for the area can be met by managing the current traffic issues.
- (e) The Zoning By-law shall include provisions to limit sizes and heights of buildings, require setbacks from front and rear property lines, provide parking spaces in adequate numbers, set out locations and widths of driveways, prohibit outside storage, screen boundaries with the abutting residential property including that designated residential but not yet developed, limit the nature of uses to those required to serve the needs of Valley residents, provide landscaped open space and pedestrian areas and other such measures as may be necessary to achieve the objectives of this Plan.
- (f) Council will consider the development of standards detailing sustainable community principles and aesthetics for any new construction and redevelopment of the properties in this zone.
- (g) Council may have a plan prepared to improve the appearance of the Hampton Road right-of-way and buildings in the area of the commercial frontage and invite the participation of Quispamsis in the development of standards for the area.
- (h) Signage in the area will continue to be regulated through the Rothesay Sign By-law.

8.3. MILLENNIUM PARK

8.3.1 CONTEXT

This area, bordered by Campbell Drive, Millennium Drive and Donlyn Drive and the residential neighbourhood to the north, is highly desirable for commercial enterprises for its excellent location with exposure to passing traffic on the Mackay Highway and convenient access to the Saint John Airport and the Provincial highway system. The location of this area, together with the accessibility to the major highway corridor in New Brunswick, is considered to be prime real estate for commercial development. In keeping with sustainable community principles commercial development can be augmented by residential and institutional uses and support adequate green space for public use. It is this integrated approach which will guide the development of this area.

In the previous plan, this area was designated as Business Park. The concept was that the area would attract technology related businesses, professional offices, general and government offices and small scale retail uses drawing low volumes of traffic generally associated with professional services or technical expertise.

In 2005, a development proposal was considered by Council for this area which involved a large retail store. While the area has obvious attractions, it abuts an established residential neighbourhood. This application generated a lot of interest from the community and highlighted the importance of planning for a compatible development. The competing interests for the area have spurred a need to re-evaluate the goals and objectives.

The intent of permitting commercial activities in this area is not to duplicate or substitute for the types of enterprises found in the other two commercial districts but to allow for a variety of services which will support the community. In keeping with this approach, it is evident that there will be opportunities for low rise professional services buildings, retail stores, hotels and restaurants. An emphasis should be placed encouraging interesting architecture and exemplary landscaping to allow for a visually appealing area which is functional. It is also feasible that these types of developments can complement and support higher density up-scale residential developments.

All proposals will be evaluated for their contribution to the overall storm water management plan developed by the Town. As well, a portion of the trail system presented in the Recreation Master Plan (2009) will be developed in the Millennium Park area. All developers in this area will be required to contribute to the trail and green space either monetarily or by providing the necessary land.

Development proposals which meet the intent of this plan will be considered by Council. Additional aesthetic design standards may be considered by the Council to ensure developments meet the overall vision of the community.

Each development proposal for this area will be subject to a Development Agreement. As part of the process for bringing the agreement into place, each applicant will be required to present their proposal in a public forum. This will allow the community to become familiar with the proposal, provide comment and ensure that the agreements address sustainable community principles and are complementary to the existing neighbourhoods.

8.3.2 GOALS

- To facilitate development of a range of uses that will support the integrated development concept.
- To take advantage of the many positive attributes of the area while enabling development, which are sustainable and meet the needs of the community.
- To ensure there are minimal negative effects on the adjacent residential properties.
- To coordinate development on Millennium Drive with that in Quispamsis to ensure that land uses across the two towns are complementary aesthetically and in their functionality.
- To ensure that the area is developed to a high standard of architectural design, sustainable design and landscape design.

8.3.3 POLICY

- (a) Council will consider the development of standards which should address the following;
- Energy efficiency
 - Water conservation
 - Waste water reduction
 - Storm water control
 - Light pollution minimization
 - Parking lot design
 - Landscaping
 - Architectural design of buildings and structures
- (b) Council will require that all developments for this designation be governed by Development Agreements. Further, Council will require that prior to approving such an agreement, the public has the opportunity to review the proposal.
- (c) Council will establish high standards for any development in this area to ensure that the area reflects the image of a gateway into the community.
- (d) Council will require that development is designed and constructed to a high standard with landscaped space designed by a qualified professional;
- (e) Council will, through the Zoning By-law, provide for limitations on outside storage in commercial areas, provide for green space in all areas, limit the height of all buildings and minimize light pollution.
- (f) Council will require pedestrian pathways to be included in any design proposal such that there are adequate and appropriate connections between developments and residential properties.
- (g) Council will require that the trail system identified in the Recreation Master Plan (2009) be developed in this area. As well, Council will require that adequate green space be provided in association with the overall development of the lands.
- (h) Council may consider the appearance of buildings, the setbacks, parking lot design, lighting, landscaping, control of outside storage and display, provision of appropriate buffers for abutting residential properties and provide for an adequate and appropriate pedestrian circulation network.
- (i) All surface drainage shall be managed in such a way as to minimize downstream impacts. Where feasible, surface drainage shall be permitted to recharge the aquifer.

8.4. GENERAL COMMERCIAL

8.4.1 CONTEXT

Development of commercial enterprises in Rothesay has primarily served the residents of the Valley. The strategic location of the community in the greater Saint John Region may well lead to proposals to locate regional scale commercial development within the Town. The opening of Millennium Drive and the development of the area at the top of the Marr Road has attracted some commercial development. This area is highly visible to travellers on the provincial highway network and its appearance is one of the most visible images of Rothesay. Attention to architectural quality and urban design is required and will continue to be primary considerations in any future developments.

The area of land northwest of Marr Road where it meets Campbell Drive is expected to develop for regional commercial purposes due to its high visibility from the Mackay Highway, its central location in the Kennebecasis Valley and its accessibility to the provincial highway system and the Saint John Airport.

This area is expected to serve highway traffic as well as Valley residents and will accommodate tourists with enterprises such as a variety of restaurants, overnight accommodation, entertainment facilities, as well as retail and some office use. Light industrial activities that are largely contained within structures, have outside storage screened so as not to be visible from adjoining properties and public streets and that are limited to light assembly and warehousing may be acceptable. Developers in this area will be expected to conform to an overall development scheme and high quality will be required in architectural design and public amenities. Development in this designation will require landscaping and full municipal services. As well, developers will be required to contribute to land for public purposes to ensure that there is adequate green space included in the overall scheme.

Modifications have been made to the direction of the flow of stormwater such that there is no connection between the north side of the Mackay Highway and the Carpenter Pond Watershed, the water source for the Town. Any stormwater runoff from the north side of the highway is directed to the Kennebecasis River. In keeping with sustainable development principles, development in this area will be evaluated for stormwater control and where feasible, the recharge of the aquifer. Where an engineered solution is required to address stormwater management, Council will ensure that there is sufficient land made available to accommodate the infrastructure.

8.4.2 GOALS

- To ensure that development in this designation does not compromise the environmental quality of the groundwater aquifer.
- To have development in this area result in a high quality image of Rothesay.
- To ensure that development takes place in a coordinated manner and achieves overall benefits for the community.

8.4.3 POLICY

- (a) All surface drainage shall be managed in such a way as to minimize downstream impacts. Where feasible, surface drainage shall be permitted to recharge the aquifer. Development in this area may only proceed when it is demonstrated that it will have no deleterious effects on the municipal water, sewer or storm water systems and developers have agreed to contribute to off-site costs.;
- (b) The Zoning By-law will require that development in this designation is designed and constructed to a high standard with landscaped space designed by a qualified professional;

- (c) Council will provide for a range of commercial uses to serve the travelling public, residents of the Valley and the Greater Saint John Region in a General Commercial Zone;
- (d) Council may consider the appearance of buildings, the setbacks, parking lot design, lighting, landscaping, control of outside storage and display, provision of appropriate buffers for abutting residential properties and provide for an adequate and appropriate pedestrian circulation network.
- (e) Council may allow for limited Light Industrial zoning within the General Commercial designation. This will accommodate the existing light industrial users in the General Commercial designation and allow for future additions. When considering a re-zoning request to Light Industrial in this designation Council shall have regard to the following:
 - i. nature of the use
 - ii. amount of exterior activity and storage
 - iii. prominence and visibility of the site
 - iv. potential negative impacts such as noise, pollution and waste generation on surrounding uses
 - v. buffering and screening from adjacent uses

HIGHWAY COMMERCIAL

8.4.4 CONTEXT

There is an existing highway commercial use accessed directly from the Mackay Highway. At present the Irving Big Stop is the only development of its type in the community. Servicing for tractor-trailers and other large vehicles requires large parcels of land and road access directly to arterial highways. The Plan provides for a separate zone for such uses and others like restaurants designed to serve the travelling public.

8.4.5 GOALS

- To ensure highway commercial uses do not negatively affect residential neighbourhoods.
- To provide services to the travelling public.

8.4.6 POLICY

- (a) When a rezoning such as that described in (a) is approved, Council shall require a development agreement under section 39 of the Act setting out matters such as screening from nearby residences, noise mitigation, connection to municipal services, environmental protection measures, specific combinations of uses and any other such conditions as Council may deem appropriate.
- (b) Rothesay will consult with the Department of Transportation when considering any proposal for Highway Commercial use.
- (c) Council shall set out a Highway Commercial Zone in the Zoning By-law.

8.5. NEIGHBOURHOOD COMMERCIAL

8.5.1 CONTEXT

Two other types of commercial land uses are recognized in the Plan. For the convenience of residents, small, neighbourhood commercial establishments will be permitted. These will be provided for where they are already set up and allowances will be made for new ones in areas of new residential development to promote the concept of sustainable community development

8.5.2 GOALS

- To provide convenient access to daily staples within walking distance of each neighbourhood.
- To ensure that the development is compatible with the existing neighbourhood.

8.5.3 POLICY

- (a) Land may be rezoned for Neighbourhood Commercial purposes within any Residential Designation where the site fronts an arterial road (section 11.2), is screened from adjacent residential development and is at least a kilometer from the nearest existing commercial outlet or a boundary of commercial designation.
- (b) Existing neighbourhood convenience stores including Colwell's, the property at the corner of the Gondola Point Road and Clark Road and the store at the intersection of the French Village Road and Raymond Road are permitted uses in this Plan.
- (c) Development of Neighbourhood Commercial outlets shall be limited to convenience stores of less than 200 square metres in floor area but may be combined with residential uses permitted in an adjacent zone.
- (d) Licensed liquor sales or video lottery terminals will not be permitted in establishments in the Neighbourhood Commercial Zone.
- (e) When rezoning sites for neighbourhood commercial purposes, Council will enter into a development agreement under section 39 of the Act setting out such matters as hours of operation, parking, screening and specific combinations of uses and any other such conditions as may be deemed appropriate.

8.6. HOME OCCUPATIONS

8.6.1 CONTEXT

Other commercial activity not relegated to a specific commercial designation in this Plan is found throughout the community. The nature of work in society is changing with more contract employees, commissioned sales persons and increasing advances in the technology required to work from remote locations including individual homes. Rothesay is not isolated from these trends but rather would expect a higher incidence based on the population, which includes a large proportion of professionals and business owners and operators. Further, Rothesay has no concentrated center of employment given its nature as a primarily residential community.

To provide economic and employment opportunity to the residents of Rothesay, the Plan will permit home occupation activity as a tenet of sustainable community planning. In addition to business offices, there are occasions when activities involve only the homeowner and generate no additional vehicular traffic in the neighbourhood. These types of activities should also be considered as home occupations when they are operated on a small scale. Manufacturing, warehousing, maintenance and repair or similar uses that are of a nature or size requiring separation from residential neighbours are not envisaged in residential designations.

Council is aware that there are different degrees of acceptance of such activities and will direct the Planning Advisory Committee to consider the existing neighbourhood when permitting such uses.

Home occupations are sometimes difficult to identify and can often be carried out without any implications to the neighbours. The Zoning By-law sets out a series of measures to ensure that home occupations are compatible with the neighbours and that the use remains supplementary to the primary residential character of Rothesay's neighbourhoods. To this end signage will be disallowed. Further there will be a floor area specification and a limitation on outside storage.

8.6.2 GOALS

- To provide economic opportunity for residents of Rothesay by permitting limited home occupations.
- To ensure that home occupations are compatible, the use is minor and secondary to the main residential use and compatible with surrounding land uses.
- To ensure that the standards for home occupations reflect the residential neighbourhood where the use is proposed.

8.6.3 POLICY

- (a) Council shall define acceptable home occupations in the Zoning By-law and may vary the acceptable uses and the standards in different residential zones.
- (b) Council shall specify the nature of the activity and appearance of home occupations through provisions of the Zoning By-law.
- (c) Council shall permit home occupations in residential zones subject to prescribing such matters as maximum floor area to be used, proportion of building used for the home based business, limits to signage, employees, parking, outside storage, use of accessory buildings and any other conditions as deemed appropriate.
- (d) Council shall develop a permitting process for the approval of home occupations.

9. INDUSTRIAL

9.1.1 CONTEXT

Rothesay as a primarily residential community has limited industrial activity within its boundaries. The industrial activity which is present falls into two broad types; one is dependent on a site specific resource such as sand and gravel and the other is in support of the residential nature of the community and includes such things as power distribution, auto repair, warehousing, assembly and contractors' yards.

In addition to the limited variety of activity, the existing distribution of industry is not widespread in the community. There are two nodes of activity, one of a light industrial nature in the area of the Marr Road and a second of both a light industrial and rural industrial nature in the area of the French Village and Bradley Lake Roads. There are a few additional industrial operations distributed throughout the Town, mostly limited to contractors' yards, but they do not form a distinct node of activity and will be treated as non-conforming uses within this Plan where the property is not specifically designated for that use.

In the context of this Plan it is not anticipated that Rothesay would be the location for any large-scale industrial development. The Town, due to limitations in its municipal water and sewage treatment capacity will discourage development of any industrial uses that would tax these resources. The presence of a rail line in the community might indicate a suitable location for certain industrial activity. However the existing rail line is surrounded by residential development and there is no large manufacturing facility or resource in the Town that would need to be serviced by rail. This Plan does not designate any industrial land adjacent to the rail line.

This Plan will set out two designations, Light Industrial and Rural Industrial to accommodate existing industrial activity in the Town. A Light Industrial designation will accommodate uses that are smaller in scale, have most activity happening inside buildings and may have some outside storage in secure, screened compounds. This designation would typically be applied to such things as contractors' yards, auto repair, assembly, light manufacturing and warehousing operations.

A Rural Industrial designation will accommodate larger scale industrial activity in particular the operation of greenhouses, composting facilities and pits and quarries. This designation will disallow the operation of asphalt plants or cement plants. It is anticipated that most rural industrial activity will be a pit or quarry but as the resource is exhausted, the land may be suitable for other activity like outdoor recreation, light industrial use, or ultimately may be redeveloped for housing, given the correct circumstances and the provision of municipal water and sewer, where feasible.

9.1.2 GOALS

- To limit industrial development to uses compatible with Rothesay's primary role as a residential community and direct industrial use to appropriate locations.
- To minimize the impact industrial uses have on residential areas and the environment.
- In cooperation with Enterprise Saint John to direct certain industrial activities to industrial parks in the Region.

9.1.3 POLICY

- (a) Council shall set out a Light Industrial Zone and a Rural Industrial Zone in the Zoning By-law.
- (b) Council shall ensure that the areas designated as Industrial are predominately used for industrial purposes.
- (c) Council shall allow business uses or associated office uses, institutional uses, public buildings and utility uses within a light industrial area if they are deemed compatible.
- (d) Council may permit recreation uses or light industrial uses in a Rural Industrial Zone if a pit and quarry resource is exhausted.

- (e) Council shall, through provisions in the Zoning By-law, require buffering and screening of industrial properties from non-industrial uses.
- (f) Any new industrial use shall be required to have direct road frontage.
- (g) The development of asphalt or cement plants shall not be permitted in Rothesay.
- (h) The redesignation of land to Light Industrial may only be considered upon the presentation of the following information:
 - i. detailed site plan of the property
 - ii. key plan identifying land use and structures within 100 metres of the proposed site
 - iii. descriptions of the activity
 - iv. mitigating measures for any negative environmental effects
 - v. proposed buffering
 - vi. any other information deemed necessary to evaluate the proposal
- (i) The redesignation of land to Rural Industrial may only be considered upon the presentation of the following information:
 - i. detailed site plan of the property
 - ii. key plan identifying land use and structures within 250 metres of the proposed site
 - iii. descriptions of the resource; shape; dimensions; and expected life span of the resource
 - iv. proposed buffering, dust and noise control
 - v. topography, including existing contours and post-extraction contours
 - vi. remediation plan
 - vii. mitigating measures for any negative environmental effects
 - viii. any other information deemed necessary to evaluate the proposal
- (j) Designation or rezoning of land to Industrial shall only be approved when it can be demonstrated that there are no negative environmental impacts or effects on adjacent residential areas that cannot be satisfactorily mitigated.

10. RECREATION

10.1.1 CONTEXT

Rothesay as a residential community must support its residents with appropriate and rational recreation opportunities, open space and the provision of leisure services. The quality of residents' lives and the perception of Rothesay as a desirable community are in part linked to the availability of these amenities within the Town.

Rothesay is focussed on parks and recreation in two broad areas of activity. One is the provision of physical resources and the second is the provision of programs and activities. The Municipal Plan is intended to deal with the physical development of the Town and in the context of recreation it will have an emphasis on the development of physical facilities. There is a direct connection between the availability of facilities and the ability to have programs and activities. The following two sections discuss the physical facilities and the provision of programs prior to outlining policy.

In 2009, Rothesay commissioned a Recreation Master Plan for the town. Council has adopted the plan as a guide to leading future recreational development.

FACILITIES

Generally the recreation facilities and parks that are available in the Town serve the needs of the residents. There is an even distribution of different categories of facilities throughout the developed portions of the community with the exception of the area south of the Mackay Highway. When considering facilities, it is often useful to place them into categories that reflect the scale of the facility and the nature of its use. Generally Rothesay has facilities in the following categories as shown on Schedule B.

Neighbourhood-facilities that primarily serve the immediate neighbourhood and are small in activity level and impact on the area; often there is no parking area associated with this type of facility. Examples would include the Donlyn Drive playground or the Kennebecasis Park outdoor rink.

Municipal-facilities that can serve many neighbourhoods and possibly draw users from the whole Town. These facilities tend to be larger, have parking and buildings associated with them. Examples of this would include Bi-Centennial Park and the McGuire Center.

Regional-facilities that serve the entire Town and draw users from other communities and regions, e.g. playfields may attract large tournaments with teams drawn from a wide geographic base, parks may have a special feature that attracts visitors from other parts of the region. These types of facilities tend to require large parking lots and should be buffered from residential uses. Examples of this would include the Wells Park, the Arthur Miller Fields and the Rothesay Arena.

Within these categories there are a number of recreation facilities owned by other organizations. Examples would include the Rothesay Tennis Club, the Rothesay Yacht Club, Riverside Golf and Country Club or the gyms and play fields located at the schools in the community. These facilities operated by other organizations are an important contribution to the recreation opportunities for the residents of the community. The Town should continue its efforts to encourage the use of existing programs and facilities owned and operated by other organizations in the Town and will continue to be open to new proposals from private providers of recreation services and facilities.

The existing distribution of recreation facilities in Rothesay is a mix of neighbourhood, municipal and regional facilities. The exception is in areas of the Town that are already developed without any recreation facilities. These are the Barsa and Wells areas that were developed without any recreation facilities or land for public purposes prior to the area being incorporated. As well there is a shortage of linear walking trails throughout

the community. Walking and jogging are activities that are growing in popularity in Rothesay and Canada generally. To address some of the deficiencies in the recreation system, the Town is pursuing the development of a master trail system which will be a physical connection between all points of the Town and will provide for alternate forms of recreation by way of walking, running and biking. As well, the Council will continue to pursue opportunities to expand existing regional facilities to provide the maximum benefit to its residents. Examples of this are an indoor tennis facility, and an additional ice surface.

In the future as there are more areas developed into new residential neighbourhoods in Rothesay, there will be a need for the Town to take land for public purposes as part of the subdivision process. When obtaining land for public purposes the potential for linkages to other parks and playgrounds, the need to buffer residential areas and the protection of significant view planes or natural areas will be considered. In particular there should be consideration given to neighbourhood scale facilities south of the Mackay Highway and in the vicinity of the Riverside Country Club when there is new development.

It should be noted that the Town is required by Provincial legislation to participate in a regional facilities commission which oversees the funding and operation of the Canada Games Aquatic Center, Imperial Theatre, Saint John Trade and Convention Centre and Harbour Station. The Town will continue to support these facilities. However, where opportunities exist to provide for facilities within the Town which are in keeping with the sustainable community development concept, these opportunities will be investigated and evaluated for their feasibility given other such resources.

PROGRAMS

The Town has two approaches to delivering recreation programs to the residents of Rothesay. The first is to develop and deliver programs directly using Town facilities and staff to provide a recreation service to the community. The second is to facilitate access to existing programs and services in the Town. Increasing community awareness of available programs and performing a facilitation role in matching services with users does this. The Town typically will not undertake to develop a program in cases where one already exists. It is through this blend of provision and utilization of existing programs that the Town provides a cost-effective variety of programs and services to the residents of Rothesay. This Plan has specific policy indicating the manner and level of involvement that the Town will commit to in the provision of recreation programs and services.

10.1.2 GOALS

- To ensure that safe, accessible, high quality recreation programs and facilities and well-maintained open spaces are available throughout the community to serve the needs of residents.
- To enhance recreation facilities in the area of the Town south of the Mackay Highway.
- To develop a linear trail system free from motorized vehicles, with linkages to neighbourhoods within Rothesay and to regional trail systems
- To continue to acquire land for recreation and open space including taking the maximum permitted under the Act when land is being subdivided.
- To ensure that existing facilities are used to their full potential and new facilities added only where a clear need exists.
- To ensure that existing programs are used to their full potential and needs of all segments of the community are addressed.

10.1.3 POLICY

- (a) Council shall ensure that all Town-owned park and recreation facilities are safe and well maintained.
- (b) Council shall permit active recreation land uses in all zones as long as the area of the recreation land parcel does not exceed the minimum lot area for the zone by more than 25 percent.
- (c) Demographic trends and facility and program usage shall be monitored to ensure that changing user needs are addressed through:
 - i. the development or redevelopment of parks and recreation facilities
 - ii. the tailoring and designing of programs that suit the intended users
- (d) Council may consider proposals for lease agreements, lease-to-own, contract service agreements and public/private partnership arrangements when considering the provision of recreation and park facilities or services.
- (e) Council shall pursue the development of linear open space for the development of a trail system free of motorized vehicles.
- (f) Council may, when appropriate, acquire lands through purchase, lease or as land for public purposes during the subdivision approval process.
- (g) Council shall require new neighbourhood parks to be developed in areas of new residential development.
- (h) Council will seek to partner with the School District 6 to encourage full utilization, shared use and proper maintenance of play fields and recreation facilities.
- (i) Council shall consider co-operation with operators of private recreation facilities, clubs and service groups to facilitate the wider use of their existing services and programs.
- (j) Council will aggressively pursue senior government funding to improve the recreation facilities and open space in Rothesay.
- (k) Council shall set out a Recreation Zone in the Zoning By-law.

11. TRANSPORTATION

11.1. GENERAL

11.1.1 CONTEXT

Transportation plays a key role in the lives of all residents and business in Rothesay. The majority of activities undertaken by residents use the existing road network and the use of the automobile will continue to be the primary method of transportation in Rothesay. In keeping with the principles of sustainable community development, any future development will be evaluated for its potential to encourage a higher degree of foot traffic or be accessible by bicycle.

Rothesay's unique location, between the City of Saint John and other communities in the Kennebecasis Valley, has created a role for the Town serving both the transportation needs of the residents and businesses of Rothesay and acting as the distribution hub for traffic flow in the Valley. To accommodate the demands placed on the transportation system Rothesay must take a progressive approach towards transportation planning encompassing the needs of the community and dealing with the demands placed on the road system by the larger region. The recent provision of a transit system connection between the Valley and the City has been well received by residents and this partnership will continue to be fostered.

11.2. ROAD TRANSPORT

11.2.1 CONTEXT

The development and maintenance of the road network in Rothesay raises many challenges, including decreasing funding from senior levels of government, increased traffic flow due to higher levels of automobile ownership, larger numbers of trips by both residents and increased through traffic. Planning of the road network including the interconnection of new roads to existing roads will enhance the traffic movement in the Town. This will provide more choices for travel than in the past and will influence traffic patterns and travel behaviour. This Plan will implement reasonable transportation standards without sacrificing community and environmental quality or the affordability of the system. The Rothesay road network needs to be a planned and classified system of existing and proposed roads. Attention must be paid to issues such as access management to reduce traffic conflicts and congestion; maximizing alternative or existing routes and utilizing traffic management techniques all within the funding parameters available to the Town.

The following definitions of road categories as shown on Schedule C, Rothesay Road Network, attached to this Plan identifies road classifications of existing roads and proposed linkages.

Local Road: a road whose major function is to provide direct access to individual properties. Local roads are typically designed to carry low traffic volumes for short distances and normally connect to other local roads and collectors. Minimum rights-of-way for a local road should be 20 metres (approx. 66 feet) except in certain cases where a narrower right-of-way of 15 metres (approx. 50 feet) is acceptable if developed with full sewer and storm sewer services. Truck traffic on local roads in residential areas will generally be limited to local deliveries.

Collector Road: a road whose function is to provide land access and traffic movement with equal importance. Collector roads typically carry traffic between local and arterial roads. To reduce traffic conflicts there should be consideration given to access control and priority signalling as well as including sidewalks as part of any collector road. Minimum right-of-way should be 25. metres (approx. 82 feet).

Arterial Road: a road whose function is the movement of large volumes of all types of vehicular traffic at speeds above local street speeds. Arterials typically connect with collectors, other arterials and highways, though in the Rothesay there will be cases when local roads will connect directly to an arterial. The primary role of arterial roads is the movement of traffic with a secondary role of providing access to adjacent land. In providing this access there may be situations where the access will be limited, controlled or eliminated. To allow for the safe movement of pedestrian traffic some arterial roads will need to be developed with a sidewalk. Minimum right-of-way width for an arterial should be 30 metres (approx. 100 feet).

Highway: a road whose function is to accommodate high volumes of all types of vehicular traffic at high speeds and under free flowing conditions. Access to adjacent land is eliminated on highways. Access to and from highways is to be grade separated interchanges.

Private Lane: a road whose only function is to provide direct land access to individual properties. Private lanes must service two or more properties. Private lanes are typically not developed to a standard that is acceptable to the Town for road bed and surface and right-of-way widths and therefore would require upgrading prior to ownership being transferred to the Town.

The expense associated with the development of new roads and the maintenance of existing roads is a large financial cost to Rothesay. When development is approved, it is expected that the developer would upgrade an existing road to Town Standards. If a new local road is to be built, it is the obligation of the developer to pay all the construction costs.

There will be cases where it will be in the interest of the Town to have a street improved or a road built at a standard above a local road standard. In these cases there will be a responsibility of Council to determine appropriate cost sharing. The municipal contribution could be to improve a road to collector or arterial standards in cases where the entire community would benefit. It is not expected that Rothesay would be constructing or maintaining highways and that responsibility would be left to senior levels of government.

Often the first portion of a road was developed at a lower standard than would be acceptable today. In an effort to remedy these situations the Town will consider off-site impact fees charged against new development for the construction of arterial and collector roads. For existing local roads, a local improvement levy may be used for upgrading drainage, provision of sidewalks and, in some cases, the upgrading of the road. This is not to say that local roads will not be maintained but that they have a lower priority than collector and arterial road, which benefit the larger community.

Due to funding limitations, increasing traffic demands, safety considerations and the need to provide high quality road standards for the roads carrying the majority of the traffic, there are certain projects that would have priority.

The following options and priorities are considered key in improving the transportation network over the time frame of this Plan:

- Upgrade of the interchange at the Mackay Highway and Route 111/Campbell Drive by the New Brunswick Department of Transportation to eliminate congestion at this interchange.
- Upgrade French Village Road including installation of curb and gutter, sidewalk and storm drainage and the installation, if feasible, of trunk municipal services prior to final resurfacing.
- Obtaining rights-of-way and performing engineering design for the connection of Bradley Lake Road and French Village Road and the connection of Grove Avenue and Fox Farm Road.

Parking and Loading

To prevent congestion and traffic conflict it is important that a reasonable number of parking spaces are provided for any new development and that, when possible, existing parking deficiencies are remedied. Requirements for parking for the mobility impaired should be set out so as to encourage convenient access to public facilities. In addition to providing an appropriate number of parking spaces, it is important in commercial and institutional areas to provide adequate space for loading and unloading and queuing for such activities as busses or drive-through service. Provisions in the Zoning By-law should ensure that there is adequate parking for all land uses.

Parking should be located in the rear and side yard of buildings in most zones to reserve a larger portion of the front yard for landscaped treatments. Screening of parking lots benefits neighbouring properties and the development. Where feasible, parking lots should be designed so as to permit recharge of the groundwater as opposed to discharging storm water to the storm water sewer system and ultimately to the River. This is in keeping with the concept of sustainable development principles.

11.2.2 GOALS

- To maintain a system of public streets that provide for the efficient flow of traffic and safe and convenient access to existing and developing areas of the municipality.
- To set out a street hierarchy and classification system.
- To ensure the costs of roads are fairly distributed.
- To provide transportation services on the basis of the collective interests of all citizens of Rothesay, while being conscious of the interests of individuals.
- To ensure the existing road network is maintained and improved.
- To provide for a low level of maintenance service for existing private lanes.
- To ensure adequate parking, loading and queuing space for all land uses.
- To acknowledge and support other modes and methods of transportation.

11.2.3 POLICY

- (a) Council shall define a transportation network as shown on Schedule C with a hierarchy of street types, which will meet the transportation needs of the Town.
- (b) Council will seek funding from senior levels of government for arterial and collector roads. Existing local roads will be improved through local improvement levies and developers will pay for new local roads.
- (c) Council will consider cost sharing of arterial or collector roads to a maximum of 50 percent when the proposed road will serve the needs of the larger community. Municipal cost sharing will include consideration of the incremental cost of the road above a local road standard.
- (d) Council shall require in the design of subdivisions that existing local streets are interconnected to the new development and that provision is made for future interconnections.
- (e) Council shall protect selected road corridors and rights-of-way for the future development of the road network as generally indicated on the attached Schedule C as 'proposed' roads.
- (f) Council shall ensure that adequate standards are incorporated in the Zoning and Subdivision by-laws to regulate road design and construction, pedestrian circulation, handicapped accessibility, parking, loading and queuing for all land uses.
- (g) Council shall require that prior to accepting ownership of a private lane that it be constructed to a standard acceptable to Council at the expense of the owners of the lane.

- (h) Council shall not encourage the development of private lanes but may in extraordinary circumstances allow the creation of a new private lane to a standard set by Council.
- (i) Council shall consider providing a low level of maintenance, primarily winter snow removal, where feasible to a private lane to ensure access by service providers and emergency vehicles to residential properties.
- (j) Council shall maintain an inventory of the locations and ownership of private lanes in Rothesay.

11.3. MASS TRANSIT, RAIL, AIR AND PORT SERVICES

11.3.1 CONTEXT

Rothesay presently has a Canadian National rail line which crosses the Town adjacent to the Kennebecasis River. It is envisaged that this rail line will continue for the foreseeable future as a freight line only. As noted previously, a public transit system has been implemented for the Valley and has received higher than expected public support. It is not anticipated that airport or port facilities would develop in Rothesay. Air service for residents of Rothesay is typically obtained from the Saint John Airport via Route 111, the Airport Expressway.

The Port of Saint John and the existing rail network would provide any port or rail facilities that may be needed in Rothesay. These facilities contribute to the overall level of economic activity in the Greater Saint John Region.

11.3.2 GOAL

- To ensure that a variety of transportation services are available in the Greater Saint John region.

11.3.3 POLICY

- (a) Council will, in recognition of the importance of air service, port service and rail service to the residents and businesses of Rothesay, encourage the continued operation of the Saint John Airport, the Port of Saint John and of the existing rail line as financially independent organizations.

12. UTILITIES

12.1. MUNICIPAL UTILITIES

12.1.1 GENERAL CONTEXT

Although referenced in other parts of the Plan, the issues of water supply, wastewater treatment, storm water management, un-serviced development and third party utility services are addressed in more detail in the following sections.

When considering municipal utilities, the key responsibilities of the Town is to provide a reliable source of potable water, water and wastewater treatment, major transmission infrastructure such as trunk sewers, trunk water lines, trunk storm sewers and water storage. Rothesay is also responsible for ensuring local water distribution and sewage collection lines and appropriate drainage are in place and operated to an appropriate standard. However, there may be occasion when the installation of these lines may rest with others.

All of these elements require planning and coordination to be as effective and economical as possible. This will ensure that the Town provides a satisfactory level of service, anticipates and facilitates future development and ensures environmental and health standards are maintained in accordance with sustainable community principles.

The funding and financing of municipal services is expensive both for initial construction and for upkeep and maintenance. A creative mix of senior government funding, appropriate debt financing, local improvement levies and development impact fees will ensure that the municipal services of Rothesay will be maintained and expanded without undue increases in the general tax rate or utility rates. When there is development in the community, it is expected that the developer would bring any existing utility service up to a standard acceptable to the Town. If an extension of a utility service is to be constructed, it is the responsibility of the developer to pay the costs associated with the construction of the new utility services to the Rothesay standard.

Work to be performed on the municipal utilities forms part of the capital budget that is attached to this Plan as Schedule H. Council sets priorities on an annual basis for capital spending based on demands on the systems, senior government funding opportunities and maintenance needs.

While the policies in this section are intended to deal specifically with municipal utilities, additional policy related to the protection of the environment are found in the Environmental Chapter of this Plan.

12.1.2 GENERAL GOALS

- To provide water, sewer and storm sewer services necessary to meet the ongoing needs of the municipality.
- To ensure that costs for improvements to the water, sewer and storm sewer systems are shared fairly by those who receive the benefits.

12.1.3 GENERAL POLICY

- (a) Standards for the construction of municipal utilities shall be set out in the Subdivision By-law.
- (b) Council shall require that cost of installation of all local water, sewer, and storm sewer services be the sole responsibility of the developer.
- (c) In specific situations Council may require a developer to contribute partial or total cost of off-site infrastructure upgrading required to serve the new development.
- (d) Council shall operate its utility services in accordance with the Certificates of Approval to Operate issued by the Department of Environment.

- (e) Council shall seek financial assistance from senior levels of government or other agencies to assist in upgrading or improving the source, treatment and transmission components of the Rothesay water, sewer and storm sewer systems.
- (f) As resources allow, Council shall continue to improve and upgrade components of the Rothesay water, sewer and storm sewer systems to established standards.
- (g) Council shall carry out appropriate studies to plan, prioritize and deliver water, sewer and storm sewer services to residents of Rothesay.

12.2. WATER SERVICE

12.2.1 CONTEXT

The Rothesay water supply comes from three water sources; the Carpenter Pond Watershed, Loch Lomond for the water service in Kennebecasis Park and from individual ground water wells for the remainder of the community. Council will require that most future development be connected to one of the municipal water systems presently in operation in the Town. This will increase the number of users on the self-funded utility and will offer some protection of the ground water of those properties already serviced by individual wells. Further, the extension of the water system into areas without water service would strategically locate connection points that could be used to provide alternatives in case of ground water contamination of individual wells.

Kennebecasis Park is presently serviced from a lateral connected to the City of Saint John and in the recent past there have been concerns with the quality of the supply. To this end, Council has obtained the necessary funding to provide the infrastructure to connect the Park area to the Rothesay system. As part of this undertaking the Rothesay trunk line in the Rothesay Road from the intersection of Dunedin Road on Rothesay Road to Kennebecasis Park and Hastings Cove will be developed. In addition, the water storage will be further enhanced with the development of another water tower.

The distribution of water throughout the Town, as shown on Schedule D, is only one of the issues concerning the water system. The others are the further development of the water source, the treatment and filtering of enough water to serve community needs and providing enough storage capacity throughout the water system. The existing filter plant has been upgraded to facilitate incremental expansion to treat more water. While these provisions have been made, the Town recognizes the benefit of encouraging water users to reduce consumption in accordance with sustainable community principles.

Areas of high elevation serve the purposes of water storage effectively as they provide adequate water pressure for the users of the system and the pressure and storage capacity assist in providing proper fire flows. The costs of this infrastructure shall be fairly distributed between new developments and upgrades to existing developed areas. Cost recovery for improvements to distribution systems on local streets may use the provisions of a local improvement levy.

12.2.2 GOALS

- To provide a water system that meets the existing and future potable water and fire protection needs of Rothesay.
- To ensure that a coordinated approach is undertaken in the planning, upgrading and extension of the water system
- To foster water conservation practices in accordance with sustainable community principles.

12.2.3 POLICY

- (a) Council shall continue a ground water monitoring program and examine the possibility of expanding monitoring sites to other areas of Rothesay.
- (b) Council shall ensure that its municipal water distribution system and water treatment facilities process and deliver water in accordance with Department of Environment and Department of Health Standards.
- (c) Council shall require that all new development be connected to the water system with the exception of the existing in-fill lots in areas of Town not serviced by the municipal system. In the Rural and Single Family Unserviced Zones on-site services will be permitted until such time as Council deems municipal services are available.
- (d) Council shall not permit the installation of private drilled wells in areas that water service is available.
- (e) Council shall ensure that appropriate restrictions are imposed in connection with land use and activities in the Carpenter's Pond Watershed having the potential for contamination.
- (f) Council shall protect the aquifer of the Rothesay Production Wells and the recharge areas identified in the Rothesay Wellfield Protection Study.
- (g) Council shall explore the feasibility of serving a larger area from the Rothesay Water System.
- (h) Council will work the Provincial Government departments to implement testing standards to ensure potable water standards in accordance with the Department of Environment and Department of Health guidelines are being met.
- (i) Council shall protect the water supply for Rothesay and discourage land uses in the Watershed that might have a detrimental impact on present and reserved water supplies
- (j) Council may require developers to contribute to the upgrading of existing or proposed water infrastructure to provide the necessary fire flow for an existing or proposed development.
- (k) Council will poll residents in the areas presently without municipal water service to assist in determining priorities for system expansion.
- (l) Council shall consider the preparation of an engineering design to bring into production the reserve wells.

12.3. SEWER SERVICE

12.3.1 CONTEXT

The municipal sanitary sewer serves the majority of the developed properties in Rothesay. The main exception to this is development to the south of the Mackay Highway. To allow for more efficient use of its land resources and to ensure that environmental risks associated with on-site services are mitigated the town should provide sewer service to all areas of the municipality.

This would initially take the form of trunk sewer lines that would allow local developments the ability to connect to the trunk system. Due to the increasing demands placed on the sewer system and the potential for future development, there is a need to upgrade the wastewater treatment plant. Treatment capacity is nearing its limit, operating at approximately 85 percent. This leaves little reserve for future development or the connection of existing areas presently un-serviced. It is anticipated that in the future, senior levels of government may increase the treatment standards for sewage effluent.

A new treatment plant at Henderson Cove could be done in cooperation with Quispamsis or as a Rothesay facility. To identify the best approach, Rothesay should compare options to determine the overall cost benefit of each. Further, the costs and benefits of decommissioning the lagoons at Renforth should be evaluated.

In keeping with sustainable development principles, where feasible untreated sources of water can be used in commercial applications for discharging wastewater.

12.3.2 GOALS

- To provide a sewer system to meet present and future needs of Rothesay.
- To ensure that planning, upgrading and extension of the sewer system relates to emerging development patterns in the region.

12.3.3 POLICY

- (a) Council shall disallow surface drainage to be discharged in the sanitary sewer system in new developments.
- (b) Council shall seek the assistance of senior levels of government to fund a new wastewater treatment facility and trunk sewer upgrades.
- (c) Council shall ensure that there is reserve capacity at the wastewater treatment facilities adequate to accommodate projected development for the duration of this plan.
- (d) Council shall ensure that improvements and expansions are undertaken to transmission facilities where and when required to accommodate growth and development in the Town and the eventual connection of un-serviced areas to the sewer system, as identified in Schedule E.
- (e) Council may require developers to contribute to the cost of upgrading wastewater transmission facilities and wastewater treatment facilities to accommodate proposed development.
- (f) Council shall consider the following options and priorities as Capital Improvement budgets are prepared for improvements to the sewer system:
 - installation of trunk sewer lines to service the vacant land in Wells and between the Mackay Highway and Rothesay Road.
 - decommissioning and site remediation of the Renforth Lagoon.

12.4. STORM SEWER SERVICE

12.4.1 CONTEXT

The provision of proper storm sewer service is important to the residents and businesses located in Rothesay. This service protects public and private property from excessive water run-off and ensures the safety of the general public. As Rothesay continues to develop, there will be increased runoff to the storm sewer system and natural drainage courses.

New development in Rothesay should only be considered using a piped drainage system to collect stormwater in the public road right of way. This system could be a street developed with a curb and gutter and catch basin system or a swale and catch basin system. The provision of this type of service during initial construction will result in better aesthetics in the community, reduced requests to the Town to fill or landscape open ditches and reduced maintenance costs related to driveway culvert heaving.

Historically, storm sewer service in Rothesay has been developed with a number of different standards, from situations where there is no developed system to open ditches to full closed systems. Council will examine the possibility that storm sewer runoff will require treatment prior to release into the natural environment. Council will also encourage property drainage plans such that site development will reduce the loading of the storm sewer system. This will be done in keeping with sustainable community principles, where feasible.

The location of Rothesay between Saint John and Quispamsis makes the community subject to the effects of storm water runoff from these adjacent municipalities. Rothesay will seek to work with the adjacent municipalities to manage and fund appropriate joint drainage projects.

12.4.2 GOALS

- To provide a storm sewer system that meets the existing and future needs of Rothesay
- To ensure that a coordinated approach is undertaken in the planning, upgrading and extension of the storm sewer system as it relates to new and existing development.

12.4.3 POLICY

- (a) Council shall require that all new development be served with piped storm sewer other than in the Rural Zone.
- (b) The Subdivision By-law shall include a requirement for a drainage plan for any subdivision of greater than five lots and may for lesser numbers of lots at the discretion of the Planning Advisory Committee.
- (c) For any lot on which is proposed construction of a new building or a substantial addition, the Zoning By-law shall require that a grading plan be submitted and approved by the Development Officer prior to the issuance of a building permit.
- (d) Council shall ensure that the downstream effect on the storm sewer system is considered and reviewed in respect to any new development and may require storm water treatment in the Subdivision By-law.
- (e) Council may require developers to assume the cost of any necessary improvements or mitigation that is required in conjunction with a development.
- (f) Council may use storm water ponds to minimize erosion and control flooding along natural drainage courses.
- (g) Council will consider improvements to the existing system to:
 - i. address site specific drainage problems
 - ii. improve the storm sewer system in conjunction with other infrastructure improvements
- (h) Council will seek the cooperation of adjacent jurisdictions to ensure that storm water run off impacts are minimized in Rothesay.

12.5. THIRD PARTY UTILITIES

12.5.1 CONTEXT

Other organizations are responsible for the provision of utility services such as telecommunications, cable, and electricity. In Rothesay these services tend to be located outside the street rights-of-way and other easements, either underground or on a series of utility poles. The installation of these services causes, on occasion, damage to the Town infrastructure or detracts from the aesthetic appearance of the Town.

12.5.2 GOAL

- To seek the cooperation of third party utility providers to ensure that highest quality services are provided to the residences and businesses in Rothesay while minimizing negative effects.

12.5.3 POLICIES

- (a) Council shall encourage third party utility services to be located in a manner that minimizes aesthetic and environmental impacts. This includes such options as:
 - i. requiring use of existing easements and rights-of-way
 - ii. encouraging underground placement of third party utilities
 - iii. encouraging rear lot servicing for above ground utilities
 - iv. encouraging sharing of existing infrastructure among utility providers
 - v. encouraging consistent standards and upgrades to new and existing infrastructure.
- (b) Council may seek impact fees and/or site restoration costs from third party utility providers when these utilities are placed in Town rights-of-way or easements.
- (c) Council shall request the assistance of the utility companies serving Rothesay to achieve the goals of the Plan and shall seek to coordinate infrastructure work with third party utility operators so as to avoid unnecessary costs and inconvenience to the public.

13. TOWN SERVICES & ADMINISTRATION

13.1. GENERAL

13.1.1 CONTEXT

The delivery of services is one of the main responsibilities of municipal government. This section sets out how some of these services are delivered and general policy for how the finances of the municipality will be managed.

The protective services including emergency planning, fire prevention and suppression, police protection, animal control and by-law enforcement are key components of the services provided by Rothesay. Policy on these services and others found elsewhere in the Plan will be used to manage the resources of the Town to achieve the most effective results. The policy set out will also contribute to coordinating decisions on various aspects of municipal activity, particularly the implications of new development to the delivery of services.

13.1.2 GOALS

- To ensure the highest level of service possible within the resources of Rothesay.
- To encourage coordinated application of the various resources of the Town.

13.1.3 POLICY

- (a) Council shall seek to minimize emergency response time and ensure alternative entry points exist to residential neighbourhoods through appropriate road design and development.

13.2. FIRE

13.2.1 CONTEXT

Fire protection is provided through the Kennebecasis Valley Fire Department, a regional fire service shared with Quispamsis. The Department operates from the main station in Rothesay and station number two in Quispamsis.

The service is presently staffed with a combination of professional and volunteer fire fighters. This allows the Department to provide appropriate response times. The other factors related to response time are type and condition of equipment and the ability to access the location where the emergency is happening. In an effort to provide appropriate response times and adequate fire protection, this Plan shall outline policy for the physical development of the Town as it relates to the fire service.

13.2.2 GOALS

- To provide appropriate fire protection and first responder services for the Town.
- To ensure appropriate resources are available to provide proper fire protection.

13.2.3 POLICY

- (a) Council shall seek to minimize emergency response time and ensure alternative entry points exist to residential neighbourhoods through appropriate road design and development.
- (b) Council shall expand the network of fire hydrants as the water system is expanded throughout the Town.
- (c) Council should provide fire flows and reserve water capacity to all areas of Town served by hydrants.

- (d) Council shall encourage the Fire Board to prepare and maintain a five-year plan and to present this to Council and the public on an annual basis.
- (e) Council shall encourage the Rothesay Regional Joint Board of Fire Commissioners to respond to service-related issues raised by Rothesay taxpayers.
- (f) Council shall ensure that an adequate level of funding is provided to the Fire Department.

13.3. POLICE

13.3.1 CONTEXT

Rothesay provides police protection through the Rothesay Regional Police Force, a regional department shared with Quispamsis. This service operates from the main police station in Quispamsis and a number of community policing offices located in each town. As Rothesay grows and adds various types of non-residential development, there will be increased demand for police services and protection. This will result in the Police Department requiring more resources, equipment and manpower.

The Police Force also provides some enforcement for municipal by-laws, particularly with respect to traffic, parking and noise.

13.3.2 GOALS

- To provide appropriate police protection for Rothesay.
- To ensure appropriate resources are available to provide proper police protection.
- To maintain an effective working relationship with the Board of the Rothesay Joint Board of Police Commissioners.

13.3.3 POLICY

- (a) Council shall seek to minimize emergency response times and ensure alternative entry points exist to residential neighbourhoods through appropriate road design and development.
- (b) Council shall ensure that an adequate level of funding is provided to the Rothesay Regional Police Force.
- (c) Council shall encourage the Rothesay Regional Joint Board of Police Commissioners to respond to service related issues raised by Rothesay taxpayers.
- (d) Council shall encourage the Police Board to prepare and maintain a five-year plan and to present this to Council and the public on an annual basis.
- (e) Council shall support increased service levels by the Police Force where such changes can be demonstrated to be cost effective and commensurate with the needs of Rothesay.

13.4. EMERGENCY MEASURES

13.4.1 CONTEXT

Rothesay has a climate that may subject the community to a number of natural emergencies. As well the community is located in a region that has a number of industrial activities, is in the flight path of the Saint John Airport and is bisected by major highways and a rail line. This may subject the Town to natural or man-made emergencies. Rothesay presently cooperates with Quispamsis to maintain an emergency measures plan, which outlines procedures and resources that may be used when an emergency is declared. It will continue to be important for Rothesay to plan for emergencies that might be experienced. It is necessary to ensure that the resources are available and the framework for cooperation with neighbouring communities and senior levels of government is in place for the protection of life and property in an emergency.

13.4.2 GOALS

- To ensure that the Town is prepared for emergencies.
- To cooperate with adjacent communities in emergency measures planning.

13.4.3 POLICY

- (a) Council shall continue to maintain an emergency measures plan.
- (b) Council shall ensure that the emergency measures plan is reviewed on a regular basis.
- (c) Council shall ensure that it is prepared to implement an emergency measures plan.
- (d) Council shall work with neighbouring communities and senior levels of government in preparing and maintaining an emergency measures plan.

13.5. ANIMAL CONTROL

13.5.1 CONTEXT

Many residents enjoy the companionship of pets. These pets are generally housed on the property of the owner although horses may be boarded at other locations. The management of most pets requires little or no intervention by the municipality. However when public property is used for exercising pets or where pets are not restricted to the owners' property, there are nuisance and safety considerations that the municipality must address through animal control by-laws. Protecting areas for wild animal habitat is also of concern as the presence of wild animals in limited numbers is seen by many residents as adding to the attractiveness of Rothesay as a residential area. Wild animal and bird populations do present some issues including potential health hazards such as rabies and nuisance such as scattering refuse.

13.5.2 GOALS

- To ensure that pet owners take responsibility for managing their pets on and off their property.
- To protect Rothesay residents and pets from negative impacts of wild animals.

13.5.3 POLICY

- (a) Council shall set rules for the management of pets on public property, for limiting animals running at large and for other matters respecting the keeping of animals and birds through the Animal Control By-law.
- (b) Council shall maintain an animal control service to remove dead animals from public property and enforce the Animal Control By-law.
- (c) Rothesay shall cooperate with relevant provincial and federal departments to manage wild life populations within municipal boundaries and to protect residents from hazards associated with wild animal and bird populations.

13.6. SANITATION SERVICES

13.6.1 CONTEXT

Rothesay provides regular garbage and compost collection services to residential properties throughout the Town through a contract with a private waste hauler. The solid waste and compost collected is delivered to the Fundy Region Solid Waste Commission facility at Crane Mountain. The Town is obligated to use this facility for its solid waste disposal and financial support to this operation is through the tipping fees that the municipality pays to the Solid Waste Commission.

The Fundy Region Solid Waste Commission is established by the Provincial Government through the Clean Environment Act and is responsible for solid waste management across the Greater Saint John region. Rothesay is represented on the Board of the Solid Waste Commission along with other stakeholders.

The Solid Waste Commission also operates a system of recycling depots for the deposit of paper, plastics metal and cardboard. There are a number of these depots located in the Valley and their use by residents reduces the amount that the Town pays for disposal. In addition to the regular solid waste collection services, the Town provides a spring and fall pick up to residential properties in an effort to reduce the amount of garbage present on a property. Backyard composting is another way in which residents can reduce the costs of solid waste management and at the same time benefit from the use of the material produced.

13.6.2 GOALS

- To encourage residents to reduce, reuse and recycle appropriate components of the solid waste stream.
- To ensure high quality of solid waste management services are available throughout Rothesay.
- To minimize the cost of solid waste management to taxpayers.

13.6.3 POLICY

- (a) Council shall encourage residents to reduce, reuse and recycle to assist in the cost-effective management of the solid waste generated in Rothesay.
- (b) Council shall provide refuse and composting collection to all single and two family residential properties in Rothesay.
- (c) Council shall fund solid waste collection from general tax revenue.
- (d) Council shall ensure that the interests of Rothesay are effectively represented on the Fundy Region Solid Waste Commission.
- (e) Council may consider alternative methods to handle solid waste.

13.7. FINANCIAL SERVICES

13.7.1 CONTEXT

Under the Municipalities Act, Rothesay, as a part of this Plan, is required to prepare a five year capital budget to outline expenditures that will assist in the physical development of the Town. These budgets will be reviewed annually with an objective to address ever changing priorities that occur in the Town and in the fiscal resources of the community. These budgets are required to be submitted to the Minister of Local Government for review.

Good fiscal management at the local government level requires that the expenditures of the municipality are carefully balanced with the revenues to be generated; including user fees and taxes, grants from senior governments and miscellaneous sources. Expenditures should reflect the services provided and these services in turn the priorities of taxpayers.

Capital expenditures must be prioritized to ensure the most effective expenditure of funds in the context of the needs of the community as understood by the Council.

13.7.2 GOALS

- To ensure that capital budgets are prepared and reviewed on a regular basis.
- To ensure that capital budgets are within the fiscal capacity of the Town.
- To pay for capital improvements as costs are incurred and to charge capital costs to the benefiting parties where feasible.

13.7.3 POLICY

- (a) Council shall ensure that capital plans are prepared to facilitate the physical development of the Town.
- (b) Council shall ensure that the five-year capital budgets are updated and reviewed on an annual basis.
- (c) Priorities for capital expenditure will include:
 - i. maintenance of existing infrastructure
 - ii. extension of sewer and water systems supported by user fees
 - iii. projects co-funded by senior levels of government
 - iv. upgrades of existing roads in accordance with the Transportation policies of this Plan
 - v. additions to the open space, trails and park land systems
- (d) Council shall seek alternate sources of funding in addition to property taxes whenever applicable.
- (e) Capital spending will be directed to projects with broad benefits to the community.
- (f) Local improvements will be funded through local improvement charges.
- (g) Council will undertake to fund smaller capital projects from operating revenue and to borrow only for large capital projects.
- (h) Council shall ensure that the proposed capital budgets are within the fiscal resources of the Town.
- (i) Where a direct relationship exists between the service provided and those receiving benefit, a user fee to recover all or a portion of the cost may be considered.
- (j) Council shall adopt fee structures for development control services that reflect a cost recovery approach.

14. IMPLEMENTATION

GENERAL CONTEXT

The Municipal Plan contains goals and policy and a Future Land Use Map (Schedule A) along with schedules concerning water and sewer systems, road network, recreation, environmental features and secondary planning areas. These policies, goals and the schedules will be used to guide the future physical growth and development of the Town. The Plan will provide a framework for the adoption of related by-laws and for the ongoing process of development approval in Rothesay including Zoning By-law amendments, subdivision of land and approvals under related by-laws. As in many endeavours, the adoption of the Municipal Plan will only begin the steps to achieving the goals of the community. The processes used to pursue these goals are of greater or equal importance.

One of the key features of the implementation of this Plan is the involvement of the interested public in planning and in key development control decisions. This will be done in conventional ways such as by having community volunteers participate in review bodies such as the Planning Advisory Committee and the Heritage Preservation Review Board and also by making information on planning and development issues readily available to citizens. This latter will be done through the adoption of development control procedures for notification and through the use of technology such as the Rothesay web site and email lists to provide and convey information.

This section of the Municipal Plan outlines a number of areas that require the municipality to be proactive. Each section will contain a number of policy statements to achieve the goals of this Municipal Plan. These areas include detailed planning, additional by-laws, permits and development control, amendments processing, and special considerations.

14.1. ADDITIONAL BY-LAWS

14.1.1 CONTEXT

There are several by-laws that are directly required under the Community Planning Act to implement the Municipal Plan. These include the Zoning By-law and the Subdivision By-law. As well there are others that the municipality may adopt to assist its efforts to achieve its goals. The preparation of these supplementary by-laws in the context of the Municipal Plan will provide for a consistent and comprehensive approach to issues related to the management of Rothesay's development.

14.1.2 GOALS

- To coordinate all relevant by-laws toward the achievement of the goals of this Plan.
- To integrate the approval processes where possible to ensure an efficient review approval procedure.

14.1.3 POLICY

- (a) The Zoning By-law is the principal instrument to implement the Rothesay Municipal Plan and shall contain regulations and zoning maps that are in compliance with this Plan.
- (b) Council will adopt a Subdivision By-law that sets out the approval procedure for the subdivision of land in the Town, sets standards for the development of municipal infrastructure and complies with the Community Planning Act.
- (c) Council will enforce its Sign By-law to encourage adequate and appropriate signage throughout the Town.
- (d) Council will conduct ongoing evaluations of the effectiveness of the Heritage Preservation By-law.

- (e) Council, in conjunction with the Heritage Preservation Review Board, will examine opportunities to expand the boundaries of the Heritage By-law.
- (f) Council will enforce its Unsightly Premise By-law based on complaints and occasional inspections.
- (g) Council will set up a system to receive and track complaints concerning unsightly premises in the Town.
- (h) Council will ensure that Building By-law is revised to use the most recent version of the National Building Code.
- (i) Council will review its building permit fee structure within the concept of cost recovery.
- (j) Council will ensure that in its review of building permits for new construction and major renovation of buildings accessed by the public that efforts are made to improve handicapped accessibility, as a minimum, in compliance with the National Building Code.

14.2. DETAILED PLANNING

14.2.1 CONTEXT

There are several areas of Rothesay that could be developed in the time frame of this Plan. When these areas are held by a single owner and/or are remote from residential development, individual developers negotiate with municipal staff and present proposals to the Planning Advisory Committee and Council. When there are several property owners involved and/or when there are nearby residents, it is appropriate to use additional planning tools. Preparation of a secondary plan will allow for coordination of roads, utilities, open space and recreation amenities and for input from residents in the vicinity. Several areas in Rothesay should only be developed once a secondary plan is in place. These include the undeveloped area between the Riverside Country Club and Rothesay-Netherwood School, the area southwest of the Club and northeast of Maplecrest Drive, on the northeastern boundary of the municipality and the area southeast of the Mackay Highway which is considered a longer term area for development.

Detailed planning is also important in functional areas to ensure resources are properly allocated and opportunities not missed. Therefore Rothesay will undertake planning for its various systems including transportation, utilities, drainage systems, public spaces and recreation facilities. In accordance with the Act, and to coordinate its capital expenditures across the various functions, a five-year capital plan will be reviewed and updated annually.

14.2.2 GOALS

- To coordinate the provision of all municipal services including development control through careful and timely planning of all facets of municipal operations.
- To provide opportunities for public participation in the municipal planning process.
- To efficiently and effectively implement the goals of this Plan.

14.2.3 POLICY

- (a) Council will undertake secondary planning in the areas of the community as designated on Schedule G.
- (b) Council will recover some of the costs of detailed planning from benefiting property owners.
- (c) Council will ensure that secondary planning addresses zoning, road networks, municipal water, sewer and storm sewer systems, third party utilities, pedestrian networks, buffering and recreation needs.
- (d) Council will undertake to perform detailed design of the proposed road presently indicated on Schedule C as generally connecting Grove Avenue to Fox Farm Road. It is anticipated that this road will develop in phases and the detailed design must minimize impact on existing neighbourhoods through interconnection with an indirect local street network while still maintaining efficient traffic flow and convenient access for all road users through out the area.

- (e) Council shall prepare a five-year transportation plan to assist in achieving the transportation policy outlined in the Municipal Plan.
- (f) Council shall identify senior government funding opportunities to assist in achieving the objectives of the transportation plan.
- (g) Council shall update its five-year transportation plan on an annual basis in conjunction with the annual Town budget process.
- (h) Council shall involve the community in the design of major public spaces.
- (i) Council will require that any major subdivision or other major development prepare detailed drainage plans.
- (j) Council shall undertake to prepare a detailed recreation master plan to direct the future development of parks and recreation facilities in the community.
- (k) Council will involve the public in the development of a recreation master plan.
- (l) Council shall prepare five year capital plans to implement the policies contained in this Municipal Plan.
- (m) Council shall update its five-year capital plan on an annual basis in conjunction with the annual Town budget process.

14.3. DEVELOPMENT CONTROL PROCESS

14.3.1 CONTEXT

The day to day activities involved in the implementing the Municipal Plan include several processes and procedures. It is important that these be carried out in a fair and efficient manner by staff and appointed bodies. Applicants should be provided with relevant information and should expect to supply complete information accurately prepared to get timely results. Applicants must recognize the legal nature of the process and must appreciate that the community has a legitimate interest in how their lands are to be developed.

At times those making development proposals will require advice from professionals with expertise in particular matters. It is not the responsibility of the municipality to provide engineering or other services to private property owners. The cost of such services is a legitimate expense when carrying out the business of development. Although required by the municipality, on many occasions the value of professional design services will be an intrinsic benefit to the overall quality of the proposed project.

The cost of development control procedures can be substantial. The fee structure is intended to have those wishing to develop land pay for a substantial portion of development control costs.

14.3.2 GOALS

- To make the review and approval process for development proposals efficient and fair to all parties involved.
- To assist those who wish to develop by providing guidance and information that is relevant and accurate.
- To ensure the development control processes allow for public participation at appropriate intervals in the process.
- To ensure that processing of development applications is conducted in a manner consistent with the enabling legislation so as to avoid unnecessary legal costs and protracted disputes.

14.3.3 POLICY

- (a) Subdivision approval will require the services of a qualified land surveyor in accordance with the Community Planning Act.
- (b) Applications for approval of tentative subdivision plans will be provided with guidelines respecting the approval process and should provide the required information with their submission.
- (c) Council will develop a set of engineering standards for the construction and repair of municipal infrastructure.
- (d) Council will establish a system of development permits to control the use of land in the Town.
- (e) Council, prior to the issuance of a development permit, shall require a grading plan that addresses storm water drainage for each individual property.
- (f) Council shall set out in the Zoning By-law a framework for the Planning Advisory Committee to use when deeming a use as similar and compatible to a use permitted by the By-law.
- (g) Council will enter into development agreements when necessary in approving rezonings, in subdivision development and in relation to developments associated with Millennium Park.
- (h) Council will use development agreements to ensure that the interests of the Town are represented in new development.
- (i) Council will maintain a system of building permits based on the National Building Code to control construction and renovation within the Town.
- (j) Council will ensure that inspections are performed in conjunction with the issuing of a building permit.
- (k) Council will set out a system for receiving, tracking and replying to development complaints.
- (l) Council will maintain a database of development applications, building permit applications and development complaints in an effort to identify patterns and to be used for future planning and management.
- (m) Council will cooperate with other governments and agencies in the following manner:
 - i. joint review of development proposals.
 - ii. advise on proposals with overlapping jurisdiction.
 - iii. work with other relevant government departments to facilitate necessary approvals.
- (n) Council will set out a fee schedule that will attempt to recover the true cost of the development control service provided.
- (o) Council will require the applicant for a development approval bear the costs of legal advice, advertising, engineering design and other matters as determined appropriate.

14.4. AMENDMENTS

14.4.1 CONTEXT

The community has invested considerable effort in the preparation of this Plan. It is recognized, however, that there may be considerations that are inadequately dealt with or that arise over time. Accordingly a review of the Plan must be conducted regularly and changes made as deemed necessary. Further, it is recognized that individuals may wish to carry out development that is not provided for in this Plan and should be provided with a procedure to have their concepts considered. When such changes are being considered it is of paramount importance that affected property owners be given an opportunity to express any concerns regarding the proposed change. In addition to the procedure required by the Community Planning Act, this Plan and the related by-laws provide for notices to adjacent property owners and other steps to enable public participation.

This Plan and the Zoning By-law do not permit some existing uses. Where an owner desires to expand such a use or change the use to another similar use, the Council must make a discretionary decision. Such decisions must be in conformance with the Community Planning Act and guided by a set of consistent principles tempered by the specific conditions involved.

14.4.2 GOALS

- To ensure this Municipal Plan is current and effective in dealing with development issues in Rothesay.
- To ensure the public has a reasonable opportunity to be informed and heard respecting planning and development issues.

14.4.3 POLICY

- (a) Council will conduct a formal review of this Plan in 2012.
- (b) Council will hold Public Presentations and Public Hearings in conformity with the Community Planning Act prior to amending the Zoning By-law or Municipal Plan.
- (c) Council acknowledges that the Act grants the authority to the Planning Advisory Committee to grant reasonable variances from the Zoning By-law. Such variances should be consistent and compatible with existing development in the vicinity.
- (d) Council will require the Planning Advisory Committee to establish a Polling Policy to ensure that neighbours are advised of requests for variances and similar applications.
- (e) Council shall ensure those public notices, public presentations, open houses and agendas for various meetings are posted on the Town web site for public information.
- (f) Council will set out criteria in the Zoning By-law for reconsideration of a rezoning application less than one year after it has been turned down.
- (g) Council will use the process established in Sections 40 and 41 of the Community Planning Act to deal with nonconforming uses and may set guidelines for determining related issues.
- (h) Council shall make available through public display and posting to the Town website information concerning major development proposals in the community.
- (i) Council shall ensure that its Municipal Plan and associated by-laws are available for use and review by members of the general public including publishing these documents on a web site and placing copies in the Kennebecasis Public Library.
- (j) Council shall seek other means to inform and advise the general public on the content of its Municipal Plan and associated by-laws.
- (k) Council shall advise and inform the general public on process and procedures required to obtain development approvals.

15. SCHEDULES

The following schedules form part of the Rothesay Plan and may be changed only through the amendment procedure set out in the Community Planning Act.

- 15.1. SCHEDULE A – FUTURE LAND USE
- 15.2. SCHEDULE B – RECREATION & PARKS
- 15.3. SCHEDULE C – ROAD NETWORK
- 15.4. SCHEDULE D – WATER DISTRIBUTION SYSTEM
- 15.5. SCHEDULE E – TRUNK SEWER LINES
- 15.6. SCHEDULE F – ENVIRONMENTAL FEATURES
- 15.7. SCHEDULE G – SECONDARY PLANNING AREAS

These schedules are reductions of the official graphic materials that form part of the Rothesay Plan. They are as accurate as reasonably possible but for absolute legal precision the reader is directed to refer to the official copies of the maps at the Town Clerk's office.

15.8 SCHEDULE H. – FIVE YEAR CAPITAL PLAN

The Five Year Capital Plan is a list of the major capital expenditures expected to be carried out by Council in the foreseeable future. The Capital Plan will be reviewed by Council each year and may be changed through a resolution of Council (An amendment to this Plan is not required.). This work includes projects expected to be funded in cooperation with the Province of New Brunswick funding program for designated highways and other grant funding. Some projects may require costs sharing by developers or local improvement charges.

16. REPEAL & ENACTMENT

16.1. REPEAL OF EXISTING BY-LAWS

By-law 1-02 and amendments thereto are hereby repealed.

16.2. ENACTMENT OF BY-LAW 1-10

Rothesay By-law 1-10 , the Rothesay Municipal Plan, is enacted as follows:

FIRST READING BY TITLE:	14 December 2009
SECOND READING BY TITLE:	14 December 2009
(Advertised as to content on Rothesay website in accordance with <u>Municipalities Act</u> , R.S.N.B. (1973) Chapter M-22)	23 December 2009
READ BY SECTION NUMBER	11 January 2010
THIRD READING BY TITLE/ENACTMENT	11 January 2010

Seal

William J. Bishop
Mayor

Mary Jane E. Banks
Clerk

17. AMENDMENTS

17.1. PROCEDURE

The Council may initiate amendments to the Rothesay Plan at any time and will conduct a comprehensive review (see section 14.4.3 (a)). If an individual or group wishes to have Council consider an amendment to the Plan, an application may be made by submitting the following form along with the fee and supporting documentation to:

The Town Clerk
70 Hampton Road,
Rothesay, NB
E2E 5L5

17.2. FORM

The attached [Form A](#) is approved by Council for applying for an amendment to this Plan. Form A is not a part of this Plan and may be revised by resolution of Council.

17.3. LIST OF AMENDMENTS
